Name of Claimant OTSUKI, Nehei Case 1013

Custodian File 8617

REAL PROPERTY

Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices: % of Total	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
					5433						9555.00 127.80

PERSONAL PROPERTY

Motor Vehicles		Boats and Boat Gear						
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Not Found & Recorded Now Missing	45% of amount in next preceding column	

NETS

Total award for Nets plus Sale Price	Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing	Percentage Total Award to Total Claim	Claim for Nets Sold Declared Not Found, & Recorded Now Missing	Apply % ratio to Claim	Deduct Custodian Sale Price	

MISCELLANEOUS CHATTELS

Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price	
2182.	929.65	278.89	42.6%	3139.55	1337.44	5146.50	617.58	2233.91

TOTAL RECOMMENDATION 11,916.71

Case No.1013

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

THE JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

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

Vancouver, B.C.
November 7th, 1949.

IN THE MATTER OF THE CLAIM OF
OSUKI (Yukei)

PROCEEDINGS AT HEARING

APPEARANCES:

D.T.B.BRAIDWOOD, Esq., and J. C. CAMPBELL, Esq., appearing for the Dominion Government.

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

MISS WHITE, Secretary

MRS. E. BLYGH, Official Reporter.

THE COMMISSIONER: Now what is the next claim?

MR. McMASTER: My lord, before we proceed with the list, just before I came away from the office the claimant sent over a letter with regard to this Osuki property

which I wish to file, and I propose to file that in Case No. 1013.

THE COMMISSIONER: We will give it an exhibit number. The last exhibit number in the Usuki file, I do not know what it is.

MR. BRAIDWOOD: Your lordship appreciates the Crown's position. We have just received this letter now, and we reserve the right at the last hearing, if after perusing the letter we wish to cross-examine Dean Clement, we would advise him of that, and I will advise him of that.

THE COMMISSIONER: All right, it will be received on that understanding.

Now which one of these do you wish to start with?

MR.BRAIDWOOD: Well, Mr. McMaster and I have been discussing the matter of these corporation claims, and what they call quaisi claims, and I think with some success, with an idea of making some attempt at settlement, rather than going to formal hearings and calling evidence. I think Mr. McMaster has some seven or eight in this category, and on some we are very close, and on two, we propose to suggest a settlement to you today, and on three others we are awaiting for certain information from Mr. Shears and on one other the Ibisuki claim--that is a new claim.

THE COMMISSIONER: Yes.

MR.BRAIDWOOD: That is a new claim which will come before your lordship, but it will take a little time to get some of the documents and material that my friend has requested, and there is another one of Tobo Cleaners in

Victoria, and my friend has run into a little sort of snag there, because the gentleman who was to make the appraisal has left the country, but I believe another appraiser will be contacted and that should be very soon. Is that right, Mr. McMaster?

MR. McMASTER: Yes, I think so.

MR. BRAIDWOOD: That is through no fault of my friend, but through some slip-up in the office.

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I hereby certify the foregoing to be a true and accurate report of the said proceedings.

E Blyth
Deputy Official Stenographer

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The Commissioner

CASE NO. 1013

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

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E
(THE HONOURABLE MR. JUSTICE H. I. BIRD, COMMISSIONER.)

Vancouver, B.C.,
September 26th, 1949, 2.00 P.M.

IN THE MATTER OF THE CLAIM OF
NIHEI OTSUKI

PROCEEDINGS AT HEARING

CASE NO: 1013

IN THE MATTER OF THE "INQUIRIES ACT".

PART 1, REVISED STATUTES OF CANADA, 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

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

Vancouver, B.C.,

September 26th, 1949, 2:00 P.M.

IN THE MATTER OF THE CLAIM OF

NIHEI OTSUKI

APPEARANCES:

D. T. B. BRAIDWOOD, Esq.,	appearing for the Dominion Government.
R. J. McMASTER, Esq., A.G. VIRTUE, Esq.,	appearing for the Claimant.

A. WATSON, Esq.,	Secretary.
MRS. E. BLYGH,	Official Reporter.

MR. BRAIDWOOD: My lord, as I indicated to your lordship about a week ago, the Crown intends to call some further evidence in the Otsuki matter, Case 1013. I have informed my learned friend of this and have the witnesses that I propose to call today here. In the first instance, my lord, as I indicated at this morning's session, Dean Clement was good enough to give your lordship some information regarding the sale from a man I believe named Parker to a man named Bentley in 1948. As I indicated to your lordship, the Dean has said he is prepared to give us some further detail on this property as to the location -- or the legal description, and I might say I have had the property searched from a name search point of view and I have not been able to find any name.

I would ask Dean Clement before the session is over to give us such further information as he may have to allow us to make a further search, and I have taken an abstract off of the property from 1939 to the present day.

THE COMMISSIONER: Can that be done shortly?

MR. McMASTER: Yes, I might mention that the address is 1083 Victoria Road in the Municipality of Delta.

THE COMMISSIONER: Well, with that help I think you can get the legal description.

MR. BRAIDWOOD: And I think in order to save this matter coming up again, if I could file that abstract -- it need not come up again, but that can be discussed between us.

THE COMMISSIONER: Yes, that could be arranged.

MR. BRAIDWOOD: I will call Mr. Andrews

WILLIAM JAMES ANDREW, a witness called on behalf of the Crown, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BRAIDWOOD:

Q Your name, Mr. Andrew.

A William James Andrew.

Q Mr. Andrew, what is your occupation?

A Civil servant-- assistant Timber Controller for British Columbia.

Q And as such have you knowledge of the office and workings of the Timber Controller?

A Yes.

Q Now, I understand that you have made certain investigations from your records in order to provide yourself with information for his lordship today asto the matter of the Timber Controller's functions and various prices which have been established over the period we are concerned with.

A Yes, That is the selling prices?

Q Yes. And you have a document showing your price list?

THE COMMISSIONER: For what year?

MR. BRAIDWOOD: I will have him read in the heading of the document, my lord.

A Do you want all those figures?

Q Well, I am interested in finding out the relative changes in the timber ceilings from, say, the time of imposition until up, say, late in 1943 when we

were timber ceilings first put on?

A The first one I have a record of -- there may have been some prior to that-- was June, 1940.

THE COMMISSIONER: Wellnow, just wait a moment.We are concerned with June, 1945, are we not?

MR. BRAIDWOOD: '43.

THE COMMISSIONER: I thought the Otsuki timber was sold in June, 1945.

MR. McMASTER: There is no timber involved in this claim.

THE COMMISSIONER: Which is the Otsuki claim? I was confusing it with the Nagai property.

MR. BRAIDWOOD: And the price of the buildings is of considerable importance.

Q Now, you say the first order was in 1940.

A June 4, 1940, and the next one July 15, 1941 and then August 16th, 1943.

THE COMMISSIONER: May I have those dates again?

A June 4th is for 1940, July 15, 1941 and August 16th, 1943.

MR. BRAIDWOOD: Now,my lord, for the purpose of simplicity and so that we may not have to go into every possible type of lumber or timber here, I am going to suggest to your lordship and to my learned friend that I might confine my questions to the type of lumber probably used, according to the evidence, in these buildings, and that would be, for instance, shiplap and 2 x 4's.

MR. McMASTER: And common lumber.

MR. BRAIDWOOD: Yes, and common lumber.

Q What would you say from investigating your orders and

price ceilings, Mr. Andrew, as to the variation in price: First of all, the fixation of price of common lumber at the time that order or your orders came into effect?

A On those particular items you mentioned, I have made a brief summary here.

Q Well, will you just tell us what you have there.

A No. 1 common shiplap and board -- 1 x 6 and 1 x 8 -- on June 4th, 1940, the price was $19.00 a thousand.

THE COMMISSIONER: You are proposing to put this memorandum in, are you?

MR. BRAIDWOOD: Yes.

THE COMMISSIONER: It would be helpful to have it before me now.

MR. BRAIDWOOD: There are copies struck off, my lord. I would like to have that marked as an exhibit now.

THE COMMISSIONER: Yes, very well. Have you any recollection of what the last exhibit number was? Wait a minute and I will give it to you. I think the last one was 19, wasn't it?

MR. BRAIDWOOD: I think that is probably about right. This will be 20 then.

(DOCUMENT MARKED EXHIBIT NO. 1013 - 20.)

Q Now, Mr. Andrew, you were starting to tell his lordship your finding as exhibited by this memorandum. Will you carry on?

A The price on June 4th, 1940, was $19.00, and in 1941, $20.00 -- and increase of $1.00 -- and on August 16th, 1943, $24.00.

THE COMMISSIONER: I do not think these need to be all

read into the record. Just have the witness verify these figures as shown on Exhibit 20, showing the prices of the various dimensions of lumber on the dates shown on the memorandum.

MR. BRAIDWOOD: Is that correct?

A That is correct.

Q This memorandum sets these prices out?

A Yes.

THE COMMISSIONER: These are the maximum prices, are they?

A I might point out there is a dollar increase for local wholesale. Those are all made up on f.o.b. mill, and then there was the sales tax at that time.

MR. BRAIDWOOD: Well, that would be across the board in all cases? A: Yes.

Q Now, what I am interested in is seeing the changes and the f.o.b. price that you refer to, would that apply to each column?

A Yes.

Q So it does not set out the proportion at all?

A No.

Q Now, am I correct in saying from July 15th, 1941 to the 16th August, 1943, a period of two years, there was no change in the price?

A That is right.

MR. McMASTER: What dates?

MR. BRAIDWOOD: From July 15th, 1941 to August 16th, 1943.

MR. McMASTER: Well, the document speaks for itself.

THE WITNESS: That is up to August 16th, 1943.

MR. BRAIDWOOD: Q: And on August 16th, 1943, the price was increased $4.00? A: Yes.

Q So there was no change during that period?

A No.

Q Have you any personal knowledge of the wages in the construction industry at that time?

A No.

Q And, of course, since August 16th, 1943, there have been substantial increases in the values and prices of lumber, is that not correct?

A Very substantially.

Q When did these large increases come into force?

THE COMMMESSIONER: What do you mean by these large increases?

MR. BRAIDWOOD: The increases I have referred to-- there have been increases since that time.

THE COMMISSIONER: That is since August 16th, 1943.

MR. BRAIDWOOD: Yes. The witness has said there have been substantial increases up to thepresent date, and I am now asking himwhen the major substantial increase came into force.

A Well,there have been a number of increases. The first major increase would be in May, 1947.

Q That would be the first major increase?

A Yes.

Q Now, if I am correct, that type of lumber is now selling around $52.00 a thousand,isn't it?

A Approximately.

Q Now, witness, I think you have seen a copy of Exhibit 18 in this matter, which is a report made and filed by a gentleman by the name of Peterson, who worked, I believe, for the Dominion Construction Company, and Mr. Peterson made certain calculations.

Now, as a matter of interest, have you seen Exhibit 18?

A Yes.

Q And have you examined that or worked on it in any way that would be helpful to his lordship?

A Well, only in connection with the second item on there-- just as a matter of information, with Mr. Campbell, I worked out the approximate quantity of lumber that would be required to construct the hen house, which I have worked out to 9,000 feet.

Q Is that the second item on Exhibit 18?

A That is the hen house-- 20 x 70 feet.

Q And how much lumber would be required for that?

A Approximately 9,000 feet.

Q And when that is placed against the figures which you have given to his lordship in Exhibt 20, what would that valuation be for lumber?

A Well, allowing-- I am assuming that the purchase was made on a wholesale basis, including delivery, which is generally three or four dollars a thousand, plus the $1.00 increase, which would be $25.00 a thousand.

Q And how much would the total lumber in that building be worth? A: $175.00.

THE COMMISSIONER: Well now, Mr. Braidwood, are you attempting to negative the evidence as given by the Soldiers' Settlement appraiser?

MR. BRAIDWOOD: No, my lord, I am merely putting in this evidence to help your lordship in respect of the estimates filed by my friend.

THE COMMISSIONER: Did you observe that the witness called by your friend accepted the estimates as given by

the other Settlement Board appraisers?

MR. BRAIDWOOD: Yes, but this was simply picked out to show the value.

THE COMMISSIONER: Well then, you are seeking to show the Settlement Board's appraiser's estimate as well as Mr. Peterson's were wrong?

MR. BRAIDWOOD: Well, that might very well be according to this witness, my lord. All right, your witness.

CROSS-EXAMINATION BY MR. McMASTER:

Q Witness, in your position as Assistant Timber Controller, you would be aware of Dominion Construction, being a large construction company in the City of Vancouver?

A: Yes.

Q And I imagine you probably know Mr. Bentall, the President of that company?

A I know him by name.

Q And you know the reputation of that company as being one of the most reliable construction companies?

A Yes.

Q Now, I produce to you Exhibit 104 which has been filed in this matter.

THE COMMISSIONER: That must be a general exhibit.

MR. McMASTER: Yes, a general exhibit, in which Mr. Bentall has set out statements of cost of construction of a similar nature -- such as common lumber and shiplap, and that kind of thing, based on his records of August. Now, I would ask you to be good enough to examine those in those respective years, and express your opinion as to whether those costs

for lumber represent the going prices at the time.

A Well, there have been so many changes it is impossible to recall them all from memory, but in 1940, based on the prices here, he says $22.00 is the average price of lumber.

Q Now, just wait a minute: He says the average price of lumber going on that job, which was of a cheap construction nature, was $22.00. Can you refute that statement, witness?

A No, I would say that is all right.

MR. BRAIDWOOD: My lord, if my friend is going to take this position-- he cannot say just going into that job -- my learned friend should ask him what type of lumber it was and ask him the selling price in 1941 and 1942. That would be quite proper, but my learned friend cannot refer to generalities like that, I submit.

THE COMMISSIONER: You might go on, Mr. McMaster.

MR. McMASTER: I am referring to the general evidence and I would like to ask Mr. Andrew this question. Now, Mr. Bentall in giving evidence said he was referring to cheap construction which would involve common lumber-- not dressed lumber -- 2 x 4 shiplap, and the type of lumber that would go into cheap construction. And he expressed the opinion, witness, that between the end of 1941 and the spring of 1942 -- no, I am sorry -- the spring of 1943 -- the cost of lumber in cheap construction had increased 50% and he arrived at that conclusion based on the figures appearing in the exhibit I have just shown you. Now, can you take any exception to the evidence Mr. Bentall has

given that the increase in cost was 50%?

A Well, the ceiling price did not increase during that period.

Q Have you any knowledge of what were the conditions in the market, as to what the company would have to pay for that kind of lumber?

A No.

Q That is all.

THE COMMISSIONER: Just let me understand your answer, witness. Once the ceilings had been imposed, was it legally possible for a higher price than the ceiling price to be charged?

A No, it wasn't. It was an infraction against the regulations.

Q So is the effect ofyour evidence now that there could not have been a legal increase of 50% in the period which Mr. Bentall referred to?

A Not in the wholesale prices.

Q Can you suggest any explanation for the statement?

A Well, what was common practice would be: In order to get a lower grade lumber, a contractor might have to take certain items which he did not require, or were of a higher grade, which would bring his average cost up.

THE COMMISSIONER: Now, do counsel desire to question the witness further on that subject.

MR. BRAIDWOOD: Yes, I would like to ask the witness a question on that.

RE-DIRECT EXAMINATION BY MR. BRAIDWOOD:

Q That procedure which you say was some form of practice at the time would not in any way change the price for common lumber which was used in this construction, would it?

A No, there was no change in the price of individual items.

THE CHAIRMAN: Anything further, Mr. McMaster?

MR. McMASTER: No, my lord.

MR. BRAIDWOOD: I might ask one further question, if I may, arising out of my learned friend's cross-examination. Mr. Andrew, will you just come back.

Q My friend asked Mr. Andrew if he was familiar with the Dominion Construction Company and their methods: Did you have anything to offer the Commisioner as to the methods used by the Dominion Construction Company with respect to valuing their jobs-- their construction jobs?

A Well, I don't know very much about the Dominion Construction Company and their operations, other than that they are normally operating in the usual way-- either a firm contract or on a cost plus basis. I have no knowledge of the individual company.

Q Very well, that is all.

(Witness aside)

MR. BRAIDWOOD: I will now call Mr. Day, my lord.

THE COMMISSIONER: Very well.

HARRY DAY, a witness called on behalf of the Crown, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BRAIDWOOD:

Q Mr. Day, what is your occupation?

A Retired poultry farmer.

Q Yes, and how long have you been engaged in the poultry business? A: From about 1923 until 1946.

Q Yes, and where were you engaged in the poultry business?

A At Abbotsford in the Fraser Valley.

Q And have you any knowledge of the poultry business generally in the Fraser Valley?

A Yes, I think so.

Q And were you familiar with the Otsuki property, which is the subject matter of this particular claim?

A I wasn't familiar with the property, but I have seen it.

Q Were you on it? A: I was on it in 1947.

Q And did you know anything about the property prior to 1943? A: Not personally.

Q Now, you say your property was Abbotsford, is that right? A: Yes.

Q Have you that property now?

A No, I sold it in 1946.

Q For how much? A: $15,000.00 -- or a part of the poultry part of the farm.

Q For $15,000.00? A: Yes.

THE COMMISSIONER: You had better elaborate on that evidence. Is he talking about the plant or stock or

what?

MR. BRAIDWOOD: I am coming to that, my lord.

Q Do you happen to have a picture of your property?

A Yes.

Q I wonder if I might produce that to his lordship. Just give it to Mr.Watson first.

A That is a part of the property-- not the whole property-- part of the building.

Q I am asking to put that in as Exhibit 21, my lord.

(PHOTOGRAPH MARKED EXHIBIT NO. 1013-21.)

Now, how much of your property was sold for $15,000.00?

A Slightly over ten acres, including all the buildings and equipment and about 2,000 birds.

Q About 2,000 birds. Now, was it sold as a unit?

A Yes.

Q What type of buildings were on your property?

A Well, I had a fully modern home, and a fully modern chicken house, and then I had -- oh, about 400 feet of the type of construction of the Otsuki property -- that is 20 foot deep long buildings-- practically 400 feet of those.

Q Now, what would be your opinion as to your buildings generally as compared with the Otsuki's buildings?

A The later type of buildings don't show there.

MR. MCMASTER: Is my friend speaking of 1943,or when?

THE COMMISSIONER: Put the question again.

MR. BRAIDWOOD: Q: I will put the question this way, my lord: What would be your opinion as to the type of construction in your buildings as compared with the type of construction in the Otsuki's buildings

at the first time you saw them?

A Well, I would consider mine were considerably superior.

Q In what way? A:Better construction, and the newer buildings were properly equipped with cement flooring- heavy construction, and I had tracks for litter carriers and so on, and it was very much easier to do the work because of that.

Q And would you say that most of these features you are now describing were not present in the Otsuki property? A: I didn't see any of them.

Q And what about the construction of the buildings generally, what type of lumer was in the buildings?

THE COMMISSIONER: Which buildings.

MR. BRAIDWOOD: The two buildings.

THE WITNESS: In the poultry building or the home?

MR. BRAIDWOOD: Q: Well, take the poultry building,

A They were very poor construction,--

Q In yours or in Otsuki's?

A In Otsuki's and my own buildings.

Q And what about the home of Otsuki?

A Ihaven't been inside the Otsuki home.

Q Now, do you know anything about the purchase of lumber for the construction of these buildings on your property? A:Yes.

MR. McMASTER: At what date?

THE COMMISSIONER: If you wish to make an objection, Mr. McMaster, I would like you to rise and make it aloud.

MR. McMASTER: At what date is my learned friend speaking

of?

MR. BRAIDWOOD: Q: Mr. Day, I take it you built your buildings over a period of time, is that correct?

A Yes.

Q Would you give his lordship some general information as to the period of time covered and the approximate amounts paid by you for the lumber at the various times concerned to build the buildings on your property? A: I don't know whether you are familiar with the way farmers and poultry men operate. We do not go into the market and buy the highest kind of lumber for poultry buildings. In the '20's and '30's we bought the cheapest kind of lumber we could get. For example, I have bought a whole load of lumber for $25.00 -- 5,000 feet of it, and I also built one chicken house, 20 x 90, with a complete set of lumber called Set-a-Match for $25.00.

Q When would that be? A: In 1935 and in the fall of '40 or the spring of '41 -- I wouldn't be quite certain-- and I bought shiplap for $13.00 a thousand throughout. There was over 20,000 feet in that.

Q Could you point that building out on the exhibit now before his lordship?

A Yes.

Q Perhaps the witness might point that out to your lordship. A: That long one there-- that is 160 feet long, two storeys.

Q And the cost of that was $13.00 per thousand?

A Of the shiplap.

Q That is in '40 or early '41?

A Yes.

Q Can yougive his lordship any information as to what your investment per bird was in 1943?

A In 1943? All those buildings were in operation then, and the investment in buildings per bird, taking an absolutely safe estimate, would not exceed more than $1.30 overall. In that large building it would be slightly less than $1.50 a bird, and that included the track and water fixtures complete.

Q And would you say that large building was as good or better or worse than any building that you saw on the Otsuki place?

A Well, I would say that was far better than any building on the Otsuki place.

Q And I think it was pointed out by Dean Clement that he made an estimate of $2.25 per bird on the Otsuki property. A: I have heard that.

MR. McMASTER: It was a question of the base from which Dean Clement worked, and you will recall that he adduced that from that base.

THE COMMISSIONER: That is correct.

MR. BRAIDWOOD: Q: Well, in any event you have given these figures on your per bird calculations?

A Yes.

Q Now, I would like to have some estimate or calculations as to the cost of that house on your property. When was it built? A: That house was

built in September, 1936, and was completed by December, 1936.

Q It shows in that picture, does it not?

A Yes, it shows in that picture.

Q In Exhibit 21? How much did that house cost you?

A To complete the sidewalks outside -- absolutely complete it, furnace and everything else, $2320.00.

Q And would you say that was as good or better or worse than the house on the Otsuki property?

A I haven't seen the house on the Otsuki property inside, so I would not like to say.

Q Was this a completely modern home of yours?

A Oh yes, with full plumbing, concrete basement and about 1,000 square feet-- fully equipped in every way, and we even had two walls of plaster to protect it from the northeast winds on the prairie.

Q Now, I point out to you on Exhibit 18, Mr. Peterson's exhibit, it indicates the dwelling on the Otsuki property-- the replacement cost at $3500.00. What do you say to that?

THE COMMISSIONER: Well, the witness has said he did not examine the interior of the house, so how can you expect him to put any value on it?

MR. BRAIDWOOD: Well, the depreciation values place this as being built in 1936, the same as this here.

THE COMMISSIONER: Your house was a bungalow?

A Yes.

Q And the Otsuki house was a 2-storey house.

A It is a taller building than mine.

MR. BRAIDWOOD: I think the Otsuki house is described as

a storey and a half house from the evidence my learned friend put in. A: Well,my house-- the plans were drawn up by a Mr. Cullen, an architect, and it was built by a contractor. The contractor was Mr. Oland of Mt. Lehman.

Q Now, I would like to get some information from you as to the egg prices that egg growers were getting in the spring of '43-- in the early spring or late summer. That is what we are concerned with here.

A Well,this is from memory and I would not like to be absolutely certain. I feel sure in my own mind in 1943 we were receiving in the early part of this spring 15 cents a dozen, andthen we petitioned the Government for better prices and we received a subsidy of 3 cents a dozen on 30,000 cases for export. I think I am right in saying that was in '43, but I would not like to be positive.

Q That would make it 18 cents a dozen.

A Yes, that was the price we received until the late fall of '43.

Q And what have you to say as to whether conditions were good or bad from a producer's point of view?

A Well, the prices were so bad in the spring of '43 we petitioned the Government to grant us a subsidy.

Q I will put it this way: From your knowledge of the chicken ranching business, would you say that chicken ranches are readily saleable or not readily saleable? A: Today?

Q No, say in June, 1943.

A In June of 1943, no, I would think they were not

readily saleable because of the uncertainty as to whether we would get a market and whether the subsidy would continue, and that was only on a 30,000 case shipment that the 3 cent subsidy provided for.

Q Did you have any trouble selling your ranch when it came up for sale?

A No, I didn't. Of course, that was in '46.

Q Have you any estimate of the value, in your opinion, as to the Otsuki property in June of 1943?

A No, I haven't. I didn't know it then.

MR. BRAIDWOOD: Your witness.

CROSS-EXAMINATION BY MR. McMASTER:

Q Witness, I take it that any comparison you have made between your property and the Otsuki property is based upon your observation of the Otsuki property in 1947?

A: Absolutely.

Q And the property was in a very run down condition at that time, is that not correct?

A Well, there was a new tenant on it then-- a Mr. Nicholson, who was operating it then. He was a war veteran and he was engaged in getting it in shape. It was not in good shape.

Q It wasn't in good shape?

A No, it wasn't.

Q And did I understand you to say that the Otsuki place did not have concrete floors in any of their chicken houses?

A: I didn't see them, but I didn't go through every chicken house, I will admit that.

Q How many chicken houses did you go through?

A There was a brooder house and two laying pens.

Q Is it your impression that Otsuki had three chicken houses on that place?

A No, there were three that I went through, but there were others, I know.

Q Did you go through any of the double-decker chicken houses that he had? A: No.

Q So you didn't observe there was any concrete floors there? A: No.

Q Nor the litter carriers there?

A No.

Q I show you here an appraisal made by the Soldiers' Settlement Board. I wonder if I might have the exhibit from the file, Mr.Watson.

A I am sorry I cannot see it. My eyesight is pretty bad.

Q How long has your eyesight been troubling you, Mr. Day? A: Well,I had to retire pretty well on account of it.

Q That was in '46? A:Yes, but last year it finally went bad completely.

Q Is your difficulty in seeing only in reading, or does it affect your general vision?

A Well, last year I could see,only except for reading, but then I was up in the Shaugnessy Hospital.

Q Now, can you tell me the size of the chicken houses on the Otsuki place?

A They were 20 feet deep, I know that.

Q You cannot say how long they were?

A No.

Q They were all single deckers?

A Yes, allthat I went through they were all single deckers.

Q How old would they appear to be?

A Well, I would think at least ten years by their appearance, but then it is difficult to judge an unpainted building by its appearance.

Q Did you go into the incubator house?

A No.

Q So you wouldn't observe any concrete floor there?

A No.

Q And out of all the chicken houses, according to this appraisal-- there are six chicken houses, two incubator houses, four colony houses -- four more colony houses and a double-decker brooder -- and one brooder-- how many did you go into -- just three, and one brooder? A: I think about three.

Q And whether they were poor or better than the ones you have, you are not aware of it?

A No, they were the ones in operation by Mr.Nicholson.

Q But the ones you went in did nothave a concrete floor?

A Well, I didn't notice it.

Q And you did not take any measurements of these buildings? A: No.

Q Your property is situated out at Abbotsford?

A Yes.

Q And you sold that in 1946?

A Yes.

Q For $15,000.00? A: Yes.

Q What did that include? A: That included a little over ten acres-- all the buildings, the incubators, brooders, about 2,000 chickens and the colony--

Q And how many chicken houses sdid you have?

A There would be the large one of 160 feet, two storeys.

Q 160 feet by what? A: By 24. There were three 20 x 90's and there was one 100 x 24.

Q And how old was this first one you mentioned, 160 x 24 , the double-decker?

A That was built in 1940 or '41 -- either in the fall of '40 or the spring of '41.

Q And the three 20 x 90's, how old were they?

A They were build in the late '30's -- maybe '33.on.

Q From '33 on? A:Yes, until 1936.

Q Between '33 and '36? A: Yes.

Q And how old is the 100 x 24 building?

A It was built in 1930, but that was concrete and on good construction.

Q Now,have you any of the bills with respect to the construction of your lagge chicken house in 1941?

A No, I haven't, but I think they could be obtained from the contractor who built it.

Q You gave a contract, did you?

A Yes.

Q And can you recall what the amount of that contract was? A: No, I can't.

Q I thought you said you recalled buying shiplap for $13.00 a thousand for building that.

A I did.

Q Did the contractor not supply the lumber?

A He bought it himself and I paid for it.

Q And it wasn't a contract price then?

A It was just one particular load to finish the inside, but it was the same lumber that he used inside in the original construction.

Q What was the total capacity of the number of birds on this ranch of yours?

A On the whole farm?

Q Yes, this ranch that you sold.

A Approximately 4,000 capacity for laying birds and I also had range shelters and colony houses and that sort of thing that are not included in that.

Q Have you any idea of the capacity of the Otsuki place, or do you know if it was in full production?

A No, I haven't any definite knowledge of that.

Q You cannot make any estimate of it from your observation of it in 1947?

A I think he could possibly accommodate a few more birds than I could.

Q How many do you mean by a few, a thousand?

A Maybe a thousand.

Q You think that is all?

THECOMMISSIONER: Your figure was 2400 bird capacity -- on your place?

A No, 4,000 all together, and that is allowing 4 square feet per bird, and Mr. Otsuki's would be probably 3 square feet per bird, because he had a different type of bird and his were leghorns, and that would take less space to hatch. Mine were barred Rocks.

MR. McMASTER: Q: Wel now, Dean Clement has given evidence of 7500 birds on the basis of 4 square feet --on his basis. Would you differ with his estimate?

A No, I would not differ from that because I didn't go through all the buildings.

Q In other words, you didn't get a very good picture of the Otsuki place?

A No, I didn't make any detailed investigation from the general appearance.

Q That is all, thank you.

THE COMMISSIONER: Mr. Day, included in the price that you realized on the sale of your farm, there were 2,000 birds, were there not?

A Yes.

Q What value was represented in the birds that you sold?

A Well, that is a very difficult question. Some were pedigreed birds and some were meat birds. I would say the average would be $1.75 -- that would be a low estimate. $2.00 would be nearer.

Q Making $3500.00 to $4,000.00?

A Yes, I think that would be fair.

Q So that you were selling your plant, including the land, for approximately $11,000.00, is that right?

A Yes, that would be it. The plant would include brooders and incubators and other equipment.

Q And your sale was made in 1946?

A Yes.

Q Were prices higher in 1946 than they had been in 1943? A: Yes, considerably.

I might point out that there was another matter --

the land on my property is rather valuable land. Part of thatfarm sold for $300.00 an acre, just for the land alone without any buildings on it.

Q There is a value of $50100 an acre placed on the Otsuki property. A: Was theland there placed at $250.00.

Q No, $50.00. A: Oh, that is different.

Q Have you seen Dean Clement's report?

A No, Ihaven't.

Q Well, you cannot read it, I take it, so perhaps I will read part of it to you and in doing so I want youto understand the type of poultry business that was carried on on these premises by Otsuki.

A Yes, I understand that.

Q Now, I would like you to tell me this: Did you carry on the same type of business as he did?

A Very similar.

Q Now, I will read this to you:

"This is not a farm in the sense that it is an area ofland used for theproduction of crops. The buildings and general layout indicate that it was a well organized poultry production business with incubator, brooder, colony andlaying houses all conveniently arranged, Insofar as we could observe, no part of the holding was used for the production of feed for poultry.

The automatic water systems, thelitter carriers and the electric lights, together with the planning of the feed rooms and the stairways

"to upper storeys are all indications of practical efficiency." . . . . .

"It will be seen(Table 1X) that an average investment of $2.05 per bird is required for the housing of poultry. In appraising this holding we have adjusted this 'investment' figure in line with apparent conditions. Whereas, generally speaking, the houses of Japanese owners are of slightly inferior construction, the best group of houses on this property is about average. We have adjusted the older houses in relation to average to arrive at proper values."

Now, perhaps, Dean Clement, you could help me. What was the nature of the business carried on by Otsuki, I think you described it as a breeder.

DEAN CLEMENT: He had brooders and a baby chick business based on the pedigreed stock that he had and in addition to that he had laying hens, and it rounded out to a business --

THE COMMISSIONER: Similar to his own business?

DEAN CLEMENT: Yes.

THE COMMISSIONER: Now, with the assistance of Dean Clement, you now know what the nature of Otsuki's business was? A: Yes.

Q What would you say it was in comparison with the business you carried on?

A The business that Mr. Otsuki carried on with regard to baby chicks and breeding was exactly the same as mine, but we were not competitors in any way. His were Leghorns and mine were Barred Rocks, but we were

not competitors in any way.

THE COMMISSIONER: Any questions, Mr. Braidwood?

MR. BRAIDWOOD: Q: His lordship asked you a question as to the conditions in 1946 at the time you sold your business. I would like to know whether you can offer any further information. I believe you told his lordship conditions were very much better. That was your phrase, as I take it. Can you give his lordship any indication as to the price of eggs at the time you sold, for example?

A I would not like to do that from memory. We were getting then a much higher price, and feed was under control too. The situation in the poultry business was very much better.

Q So I gather from that the outlook for an investor in the business would be better, is that correct?

A Yes.

Q Now, you mentioned in response to one of his lordship's questions some of your land sold at $300.00 an acre and his lordship mentioned the fact that Otsuki's landwent at $50.00. What have you to say about that? A: Well, it was suitable for poultry and nothing else. I hardly think you could grow any crops on it.

Q Was it possible to grow crops on your land?

A Oh, yes, absolutely, because before I got into the poultry business I was originally doing berrying on that land and sold 15 acres of it, as a berry farm, for which I received $150.00 per acre in 1947.

RE-CROSS EXAMINATION BY MR McMASTER:

Q Have you any knowledge of the sale of any poultry farms similar to yours that took place in 1943?

A No.

Q Or any knowledge of any poultry farrms similar to the Otsuki place that took place in '43?

A No.

Q Have you any knowledge of the prices obtained in the sale of any other farm other than yours?

A In 1943?

Q Between 1943 and '46 when you sold?

A No, I cannot say that I have.

Q So when you expressed an opinion that the value of your farm had increased considerably between1942 and 1946, when you sold, it was simply a surmise on your part?

A No, it isn't a surmise. Farm values, as you know, went up all over the Fraser Valley due to war conditions and a better condition in the market.

Q And that is the basis of your statement?

A Yes.

Q Now, is it not true that as the sale price of poultry products rose the price of feed rose also?

A No, it isn't true, because feed was strictly under control.

Q And wasn't the sale of poultry products also under control? A: Not the type of business that Mr. Otsuki and I were in, hatching chicks and baby chicks -- they were not under control. I do not know whether commercial eggs were or not, but commercial eggs were a very small business of Mr.

Otsuki's or mine.

Q Now, I understand you disposed of your place because of your health condition?

A Yes, partly that and the labour question, difficulty in getting labour. Those were the two compelling factors.

THE COMMISSIONER: Thank you, Mr.Day. Have you anything further, Mr. Braidwood?

MR. BRAIDWOOD: No, my lord.

(Witness aside)

THE COMMISSIONER: Other than this abstract of title.

MR. McMASTER: I presume on the abstract being filed you will hear further argument.

THE COMMISSIONER: Oh, yes.

MR. BRAIDWOOD: There is one other matter I want to bring up.

THE COMMISSIONER: In connection with this claim?

MR. BRAIDWOOD: Yes. I am sorry, I had forgotten it. My friend and I both had some argument on this matter before your lordship and this comesin by way of new evidence.

I have extracted from the office of the Custodian the records of another chicken property, my lord,-- fruit and chicken, and I would like to file this for the Court's information. I cannot say it is completely similar property, but it is the nearest I have been able to find along that line. These documents can be verified by Mr. Shears, but he has no knowledge beyond the documents. They are purely official documents.

THE COMMISSIONER: Have you shown them to your friend?

MR. BRAIDWOOD: No, I just got them this morning, my lord.

THE COMMISSIONER: You had better let Mr. McMaster examine them first. He might like to have them in.

MR. BRAIDWOOD: Well, we can adjourn, perhaps, for five minutes.

THE COMMISSIONER: Yes. Is five minutes sufficient for you to study them, Mr. McMaster?

MR. McMASTER: You had better make it ten.

THE COMMISSIONER: Very well, we will adjourn now.

(PROCEEDINGS RESUMED AFTER SHORT ADJOURNMENT)

THE COMMISSIONER: Have you any objection to them, Mr. McMaster?

MR. McMASTER: I am not going to object to the documents going in for what they are worth, but I would like to say this property is a very different property. The property my learned friend is now referring to is what one would say was eggs only-- a small unit that would only grow a very small amount of things.

THE COMMISSIONER: Well, I will receive it for what it is worth.

MR. BRAIDWOOD: Thank you, my lord, but as you know, the Crown has been searching to get all possible information on this.

THE COMMISSIONER: Yes, and I am very glad to get all the information I can.

MR. BRAIDWOOD: I will file the Farm Appraisal as Exhibit 22, and I will point out this is Mr. Ramsay's appraisal-- the usual S.P. report.

THE COMMISSIONER: What is the name of the property-- the owner?

MR. BRAIDWOOD: The owner of this property was Kanai.

THE SECRETARY: Fugito.

MR. BRAIDWOOD: There is not any claim in this matter, my friend Mr. Campbell tells me.

THE COMMISSIONER: It is just the appraisal report you wish to put in?

MR. BRAIDWOOD: No, it is a series of documents.

THE COMMISSIONER: Well, put them all in as one exhibit.

MR. BRAIDWOOD: The next one is an appraisal by Mr. Joseph Gibson of Langley Prairie of April, 1945, and one of our old friend, Harold Menzies, dated May 23rd, 5th 1945, and I am also filing a copy of a letter from Mr. Shears to Mr.Barnett, dated the 25th May, 1945, and those can go in as one exhibit, and there has been already the standing Committee on Public Accounts, Vol. 6, page 115, and property described therein as 438.

THE COMMISSIONER: Volume 6?

MR. BRAIDWOOD: Of standing committee on Public Accounts at page 115, and on that your lordship will find a series of properties listed, and theone we are concerned with here is No. 438.

THE COMMISSIONER: That is to say, the Kanai property is 438?

MR. BRAIDWOOD: Yes. And I might tell your lordship what those documents mean. This is one of Mr. Ramsay's cases, and it consists of six acres along Scott Road, and is in the same general area as the Otsuki property. There are poultry farm buildings, and this is one of the properties that the title was withdrawn

from the V.H.A. sale. It was advertised for sale on the 14th July, 1945, and two offers were received, one of $2500.00 and one of $1400.00, and they were both rejected, and at that time Mr. Gibson's valuation went in. A letter was written to the Veterans' Land Act asking if they would pay that price, and on July 14th a negative reply was received.

Mr. Menzies was instructed to make another appraisal, and he made an appraisal of $4200.00, and this was submitted to the V.L.A. and they made a counter-offer of $4,000.00. This may be argumentative, but the submission of the Crown is as this was not subject to any agent's commission, the Advisory Committee accepted the offer of $4,000.00.

Now, my lord, I am only putting in this to show two things; namely, to show the difficulty of moving these properties on the market, and this was typical of the conditions.

THE COMMISSIONER: Well, that is recognized by all sides. Dean Clement told us about that earlier on.

MR. BRAIDWOOD: And the second is in regard to the appraisal by Ramsay.

THE COMMISSIONER: Have you anything to add, Mr. McMaster?

MR. McMASTER: Yes. I think my friend should have drawn to your lordship's attention Mr. Ramsay's appraisal. He puts it at $4500.00 and he puts it in relation to a fram of $3200.00, whereas in the Otsuki case it is five thousand. Now, I understand my friend is going to provide me with copies of these documents.

MR. BRAIDWOOD: Yes, but I will have to withdraw that from the secretary. I take it my friend does not want a copy of the Public Accounts' report?

THE COMMISSIONER: Well, are these documentsnow marked Exhibit 22 or 23?

THE SECRETARY: Exhibit 22.

(DOCUMENTS MARKED EXHIBIT NO. 1013-22.)

THE COMMISSIONER: Now, what next have you?

MR. BRAIDWOOD: That is all I have in this case, my lord. I do not know whether my friend is calling any further evidence.

MR.McMASTER: No, I am not.

THE COMMISSIONER: Then I will wait until I receive the Abstract of Title, and I will then make my recommendation.

MR. BRAIDWOOD: Will your lordship require further argument?

THE COMMISSIONER: What are counsels' wishes?

MR. McMASTER: I would be inclined to submit further argument.

THE COMMISSIONER: All right, I will hear further argument, and you might let me have those exhibits as soon as you conveniently can.

MR. BRAIDWOOD: I will produce them tomorrow.

(PROCEEDINGS ADJOURNED FOR FURTHER ARGUMENT.)

I hereby certify the foregoing to be a true and accurate report of the said proceedings.

E. Blyth

Deputy Official Stenographer

A. Watson Esq. (The Original)

Otsuki

CASE NO: 1013

IN THE MATTER OF THE "INQUIRIES ACT",

PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

BEFORE

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

Vancouver, B.C.,

June 22nd, 1949, 10:00 a.m.

IN THE MATTER OF THE CLAIM OF

NIHEI OTSUKI

APPEARANCES:

D. T. B. BRAIDWOOD, Esq.,	appearing for the Dominion Government.
R. J. McMASTER, Esq.,	appearing for the Claimant.

A. WATSON, Esq ,	Secretary.
D. F. CHRISTIAN, Esq.,	Official Reporter.

MR.McMASTER: This case, my lord, involves two aspects. One relates to a poultry business and the other relates tochattels. At this time my friend and I have agreed that we will deal only with the poultry business. I call Mr. Bruce McCurach.

JOHN BRUCH McCURACH, a witness called on behalf of the Claimant, being first duly sworn, test - ified as follows:

DIRECT EXAMINATION BY MR. McMASTER:

Q Mr. McCurach, what is your present occupation?

A Assistant Manager of Brackman-Ker Milling Company, Limited.

Q Thatis at New Westminster?

A Yes.

Q And I understand youare a registered agronomist, is that correct?

A Yes.

Q How long have you been with Brackman-Ker in New Westminster?

A Since October, 1929.

Q Are you familiar with the property of Mr.Utsuki, 505 Scott Road in Delta?

A Yes.

Q Did you have occasion to visit that property in connection with your duties with Brackman-Ker prior to 1942?

A Yes.

Q On how many occasions, would you say?

A At the time Mr. Utsuki was n the farm, I visited

it qite regularly, possibly once a month, some times oftener.

Q How close to his evacuation would be the occasion of your last visit?

A I was there, I believe, a day or two before he was evacuated.

Q In the course of your visits to the farm, did you have occasion to go into or observe the chicken houses and other supplementary buildings on the farm? A: Yes.

Q And at the time of his evacuation, what would you say as to those buildings as to their general state of repair and condition?

A The buildings were in a good state of repair in comparison with the average poultry farm in the country. It was an operating proposition.

Q Did you observe as to whether the flock kept there were free of disease or otherwise?

A I would say as much as anybody, without actually going into great detail, I was free to go anywhere on te farm, and I wouldn't say I visited all parts of the farm every time I went there. That wasn't the case. Incidentally, there were a few old buildings on the place that I don't think were even in use. He was gradually tearing down old buiddings and replacing them with new.

Q What would you say as to the size and nature of Utsuki's operation on that farm in relation to other poultry farms?

A Well, he had what in the poultry industry they

normally call a breeder-hatchery operation. He maintained a flock of breeding hens and cockerels. He was in the Dominion Record of Performance work, and he produced his own eggs for hatching and he had quite a sizeable sale of chicks in that area. I believe the year he was evacuated he had actually started to ship chicks to the prairies. He was expanding a little all the time.

Q Have you any recollection as to he number of birds on the place?

A I have a fairly clear recollection. He maintained a breeder flock of 4400 or 4500 birds. He had birds one year old or older. Besides that, of course, he would have his pullet flock.

MR. BRAIDWOOD: If my learned friend is going to pursue this line of questioning, I would like to know if he is making a claim for chickens.

MR. MCMASTER: No, I am making no claim for the flock.

THE COMMISSIONER: What is he purpose of this line of examination?

MR. McMASTER: I wish to show the type of operation he would have, showing the size of the operation.

THE COMMISSIONER: All right.

MR. BRAIDWOOD: There is no claim for the sale of the business as a going concern.

THE COMMISSIONER: I will allow the question.

MR. McMASTER: There has been some criticism of the

Q water supply of this property. From your knowledge of the property, do you know anything about

the difficulties or otherwise which Mr.Utsuki had in relation to the water supply on that property?

A He always had to watch his water supply. I believe that area is typically short of water. I never knew of him to actually buy water, as many people in that district had to do. He had several deep wells and pumps scattered around. He always managed to get by. The water was not a limiting factor of his operation.

Q Are there many poultry farms of this size in the Fraser Valley? A: At that time, no. It was one of the largest.

Q Have you seen the property since the evacuation recently? A:Only casually, just passing by.

Q Are you able to make any comment as to the extent of the depreciation which has occurred? Has it been normal or otherwise?

A Well, it has gone from a place well kept -- the last time I saw it on a casual examination, it was in a pretty poor state of repair. I haven't seen it in the last six months, possibly.

Q Did you Utsuki purchase feed from your company?

A Yes, he did.

Q Could you give his lordship some idea as to the extent of his purchases in relation to other customers? A: I took three of our ledger sheets covering that period to within a month or so of his evacuation, and the last month I have here was $1,088.00 for

January, 1942. December, 1941, was $1,382.54. In November -- that would be the low spot of the year, getting ready for a new season-- $767.75; October, $816.20; September, $667.50; August, $858.00. Of course, he didn't buy all his feed from us, but he bought a considerable portion of his feed from us.

CROSS-EXAMINATION BY MR. BRAIDWOOD:

Q I take it you are a salesman of feed, is that correct? A: Not at the present time.

Q But you were at the time you were visiting the Utsuki property?

A From the period 1929 until 1938, I was.

Q Have you been engaged in the business of rearing chicks? Have you raised chickens yourself commercially? A: No, not commercially.

Q You are not a commercial poultry man?

A No.

Q Am I correct in assuming that your knowledge of the poultry business is confined to the sale of feed? A: And what experience I have gleaned from calling on many hundreds of poultry men over a period of years still in operation, and I have also some training at University, of course.

Q And you never had a chicken farm or ranch?

A Farm.

Q Youhave never had experience in a large scale operation personally?

A Not actually running one. I have been in an advisory capacity for those particular people for quite awhile.

Q Do you knowsomething about the type of buildings used on chicken farms?

A Yes.

Q By the way, you are not a construction expert, are you?

A No,definitely not.

Q So you wouldn't have much knowledge, a side from merely being able to get an impression as to depreciation of buidlings?

A Well, I knew how old the buildings were, of course.

Q When youtold my learned friend that the buildings have been depreciated, yousay now that is just an impression you get.

A- No.

Q Youdon't know anything about the change in value between 1942 and now?

A No.

Q I don't suppose you know anything about how well the buildings were built at the time of the sale, then, in 1942, since you are not a construction expert. A:No. I simply know from a practical standpoint, as far as poultry is concerned.

Q Is it good practice to have a large chicken house within about 10 feet of residential property, in

your experience? A: I don't think any of the Utsuki's houses were 10 feet away from the residence; but I would say to that question no, it wouldn't be good practice, as far as the living quarters is concerned.

Q I show you a ipicture. I will identify this later, my lord. Do you recognize that property?

A Yes, I know the place very well.

Q What is that? A:At the back.

Q What is that picture a picture of?

A ¼ Of Mr. Utsuki's new house he had built in 1938, I think; and this (indicating) is one of the first chicken houses he had on the place, and it was used not all the time. That was one of the houses he was tearing down, but it is more than 10 feet away.

Q It is pretty close, though.

A I would say possibly 100 feet away., just from memory-- between 50 and 100 feet. I wouldn't want to be too sure, but it is not right up against the house.

MR. BRAIDWOOD: I will put this picture in. It will be identified later.

THE COMMISSIONER: That is Utsuki's house, is it?

MR. BRAIDWOOD: Yes.

MR. McMASTER: When was the picture taken?

MR. BRAIDWOOD: In 1948. It will be identified by Mr. Ramsay.

(PHOTOGRAPH MARKED EXHIBIT NO. 1013-15.)

MR. BRAIDWOOD: Q This was a new house?

A Well, yes, in the late '30's.

Q You tell me in that picture that the chicken house is 50 to 100 feet away from the main house.

A I would say it is at least 50 feet away.

Q It doesn't appear that way from the picture.

A I think that picture -- I am just going by my own memory.

Q As you remember the chicken house, it was 50 feet away from the building.

THE COMMISSIONER: The witness said a minimum of 50 feet.

A I would say so.

MR. BRAIDWOOD: Q: Would you be kind enough to show to his lordship that chicken house which you say in the right hand is a minimum of 50 feet away from the main home. I suggest you don't remember this farm very well, in view of that picture, Mr.McCurach.

A That was one of his first houses. I remember I called on him for possibly ten years during the the time. The old chicken house was there after the new house was build two or three years previous to his going away.

Q I think you told my learned friend that the buildings were in good condition when you saw them in 1942.

A Yes, it was an operating farm.

Q You really remember this property? You can put your mind back and say what you saw then?

A Yes, I was quite familiar with the place. I don't say all the buildings were in good condition. Some of the old buildings he was replacing with new buildings. For instance, the building being used as a hatchery up until about 1940 was in disuse and would have no practical value. It was an old building, but it had been replaced with a fine building with a cement floor and foundation and rolling doors and air conditioned, and for all practical purposes I think the plant was definitely not on the downswing. He was continually building it up.

Q It was a mixture of buildings then, is that correct?

THE COMMISSIONER: Isn't it quite clear that the witness said he had some old buildings there which he was dismantling and he also had new buildings.

MR. BRAIDWOOD: I am trying to test the witness's memory, because I don't agree with his estimate of distance. That's all.

THE COMMISSIONER: Q: Mr. McCurach, you spoke of Utsuki running 4500 birds in addition topullets.

A He had a breeder flock of about 4400 or 4500. When we speak of a breeder flock, those are birds which would be blood tested under the Dominion Record of Performance.

Q Would that number represent the maximum figure of blood tested birds?

A No. Of course, if he came under a hatchery approval he would have to blood test everything on the place.

Q How many blood tested birds would you say there were on the place in 1941, when you last visited him? A: I couldn(t say from memory. My memory of Utsyki's place was he had down to about a minimum of possibly 5500 or 6,000 birds, with a maximum, when he was carrying young stock, of something over 10,000. That fluctuates through the year, because in the fall of the year he will be down to mostly the birds he is going to save for breeding purposes; whereas in the spring he will have chicks from a day old chicks up to quite well grown pullets, and his breeding flock as well, and then when the hatching season is done he would dispose of the older breeders and culls and he would be carrying a flock of well grown pullets that would be coming in to lay in the fall.

Q In any case you say his flock would run from 5,000 to 10,000 blood tested birds, depending on the time of the year?

A That would be a very rough figure.

THE COMMISSIONER: Thank you. Do counsel wish to pursue this subject?

MR. BRAIDWOOD: No.

MR. McMASTER: No.

THE COMMISSIONER: The basis of the claim you are dealing with, I take it, relates to a valuation of the farm as such, is that the case?

MR. McMASTER: That is correct, my lord.

MR. BRAIDWOOD: I would ask my learned friend to clarify

that last answer. My learned friend informed me he was going todeal with the property. He is making a claim on the farm as a going concern, and I am in asurprised position.

MR. McMASTER: Well--

THE COMMISSIONER: I understand he is not making a claim as a going concern. Is that correct, Mr. McMaster?

MR. McMASTER: That is correct, my lord.

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FRED M. CLEMENTS, a witness called on behalf of the Claimant, being first duly sworn, testified as follows:

THE COMMISSIONER: You do not suggest there is any need to proceed witht he matter of qualification. That is before you alraady.

MR. BRAIDWOOD: Yes, I am perfectly satisfied, my lord.

DIRECT EXAMINATION BY MR.McMASTER:

20 Q Dean Clements, you gave general evidence before the Commissioner previously.

A Yes.

Q And your report in that instance was filed as Exhibit 96. In that report you referred to and attached the copy of a survey of poultry farms which had been made under your direction.

A That is correct.

MR. McMASTER: I refer, my lord, to what is called Exhibit 3 in Exhibit 96.

30 Q You made use of that material with respect to the

maluation which you have made with regard to the Utsuki property?

A Yes.

Q Would you just indicate to his lordship the use which you made of that material?

A The exhibit which has been filed shows on one of the pages -- I forget just which -- the average investment after taking into consideration all factors in the poultry plants on the basis of the investment per bird, and I think it is approximately $2.05, as shown in that reference.

Q And what application did you use of that?

A That information in the bulletin and the figure which is given there was used as the base line, and then the buildings on this particular property were valued in relation to the average, either up or down, based on my own experience and judgment, from the base line.

THE COMMISSIONER: I take it you are referring to the "Investment Per Bird" column on page 15 of Exhibit 3 of Exhibit 96, is that correct?

A That is correct.

Q Would you explain to me what that means? I notice "buildings" under the heading "Average of all Records Summarized" shows $2.05; high income flocks, $1.46; low income flocks, $2.55. What is the explanation of the difference?

A Some poultry farmers have heavy investment in buildings; others have relatively low investments in buildings. And you seldom get the same investment

per bird or per square foot. Some are poorly constructed; some are well constructed. Consequently you get this quite marked variation, but the average per bird is $2.05.

Q I see. A: And I am dealing with $205 as the base, but using my judgment and experience I valued from $2.05 up or down.

MR. McMASTER: Q I produce to you what purports to be an appraisal with regard to this farm. Was that appraisal made by you, or Clement Consulting Service, of which you are an officer?

A It was made by Clement Consulting Services. All of the general prpearation of detail was prepared by my son. I personally made the appraisal.

Q And were you on the property and inspected it recently?

A I have been on the property three times.

MR. MCMASTER: I would ask to file this, my lord, as the next exhibit in this case.

THE COMMISSIONER: Yes.

(APPRAISAL MARKED EXHIBIT NO. 1013- 16.)

MR. McMASTER: Q: I wonder if you would be good enough to read your appraisal and make any comment, as you proceed.

A (Reads appraisal.)

THE COMMISSIONER: Is that the value of that particular building?

A Yes. We didn't question it. That was the building that was questioned just now as being a certain distance from the residence, and it may have been a different length at some time or other. (Completes

Do you wish me to go over the figures in detail?

THE COMMISSIONER: I think not, Dean. If counsel wishes to question it, it is open to him to cross-examine you on it.

MR. McMASTER: Q: Dean Clement, you had in front of you at the time of examining the property and making your report the appraisal by the Soldiers' Settlement Board.

A I used the appraisal form as the work sheet when making the appraisal.

Q And how does this property, according to the information which you have in that respect, compare with other poultry farms, both Occidental and Japanese, in the Fraser Valley in 1942-1943?

A This property, speaking entirely now from the point of view of construction and lay-out, is a somewhat better property than the average Japanese property. It compares very favourably in construction to the Occidental farmers, two of whom I visited, one on either side of that property.

THE COMMISSIONER: Just a moment. Dean Clement shows a figure for present day value in Exhibit 16 as $10,757.00. I do not find that figure in the Farm Appraisal Report.

MR. McMASTER: He has added to it the value of the land which the Soldier's Settlement Board gave, $508.00, and the value of the fruit trees. I think you will find that is the difference.

THE COMMISSIONER: I see. In the net result, the Soldiers' Settlement Board appraisal is only

$3500.00.

MR.McMASTER: Yes, my lord. They reduced the present day value of the buildings, or disregarded it and considered the fair market value of the buildings added to the land, $5,000.00

THE COMMISSIONER: I see.

MR.McMASTER: Q: Were there many poultry operations of this size in 1943?

A I don't recall another single operation of ths size. As far as I know, this is the largest in the Valley. It is a very large operation.

Q In your report you say you endeavoured to find sales of properties of a similar nature in 1942-1943, and were unable to locate any. Have you been able to locate any sales or properties in that area of somewhat similar nature which took place since that time?

A There was one. I am stating now what was stated to me by the man who owns the property. There was no means of checking his statement. Just as you go up the Scott Road hill on the right, the Parker property was purchased by a Mr.George Bentley, a very capable and efficient operator. The capacity of that farm is, according to his statement, $3,500.00. There are 12 acres.

Q Dollars or birds?

A The capacity of the farm is 3500 birds. The area is somewhat larger, about 2½ acres larger, and his statement to me was he paid $18,000 for the property in November, 1948. The sale was made last year.

Q And how would the buildings on that property compare

with the buildings on the Utsuki property?

A The large double deck house, according to Mr. Bentley's statement, was built in 1940 and would be a fraction better, because it is painted on the front, than the property of Mr. Utsuki. I would have valuedd it at possibly 10 cents or 15 cents a bird higher than Utsuki's. The other buildings varied from quite good buildings down again to the type of building you get on poultry farms.

Q And what about the house on that property?

A The house we didn't go through, but according to Mr. Bentley, it was built in 1921 and has had additions made to it, and I would value the house fairly close to the $3500.00 which was put on the Utsuki house. It might be a few hundred either way.

THE COMMISSIONER: Q You speak of the capacity of this Scott Road property as 3500 birds.

A Yes.

Q What was the capacity of the Utsuki property?

A Our estimate of the Utsuki property capacity to operate efficiently is 7500 birds. It may have been overcrowded and more birds on it.

Q If you don't mind pursuing that. How would the identical capacity of Utsuki's property affect value?

A: It means there are double the number of buildings in order to house birds. This Bentley property has one well constructed double decked house. The Utsuki property has two. Them, of coure, there ar the brooder houses, colony houses and small laying

houses in addition to the ones I have mentioned.

Q Does it follow that ~~it~~ because it has double the capacity and double the number of buildings that the value is twice that of the Scott Road property?

A Not necessarily, because the only part that is double is the laying aapacity; not necessarily any other part of the building.

Q You spoke of the two properties being comparable. To what degree is the Scott Road property comparable to Utsuki's property as at the time he left? A: As of December 11, 1948, the Bentley property would be much superior property, becase at that time the Utsuki property had fallen into very marked disrepair.

Q I would like a comparison, if you can give it, between Utsuki's property when he was evacuated and the Bentley property, presumably at the same time, on the assumption it was in that condition at the same time, if you follow me.

A In appearance the Bentley property is the more attractive. In actual value, the Bentley prpperty may have a slight advantage, but not very much. There is another point -- I don't know whether it is relevant hereornott-- the Bentley property is rather valuable real estate property, that is at least six acres of it, but I valued in both instances as poultry farm property, not real estate property.

MR. McMASTER: Q: But,Dean Clement, in your opinion would property of the size and nature of Utsuki's be easy to sell in 1943? Was there a market for that sort of property?

A It wouldn't be an easy property to sell.

Q Why would that be?

A Well, there are a number of reasons why the Utsuki property would be difficult to sell. In the first place, he would require, in addition to the purchase price of the property, or part of it, in the neighbourhood of $12,000 worth of capital. In addition to that, a man would have to have experience and he would have to be of marked ability, because an operation of that size requires a fairly large amount of capital and with a management that is superior. Consequently, since there are very few men who have both the ability and the capital, it would be difficult to sell.

Q Are you able to give any estimate of the gross turnover of a place of the size of Utsuki's operated by an Occidental?

A I would have to calculate it.

THE COMMISSIONER: Before Dean Clement goes into that subject, have we any evidence of the gross turn over from Utsuki?

MR.McMASTER: No, my lord, we haven't.

THE COMMISSIONER: Then, of what value is it the estimate you are asking the Dean to make?

MR. McMASTER: My lord, I would submit it may have value in terms of the price which an Occidental

purchaser would be willing to pay. It is a matter of weight, I would submit.

THE COMMISSIONER: Well I will hear the evidence.

MR. BRAIDWOOD: I would submit that the question is a highly hypothetical question, and not only that, but my learned friend is asking the witness to give evidence, comparing the Utsuki property turnover to something else when, in the first place, we don't know what the turnover was.

THE COMMISSIONER: He has not asked for a comparison of the turnover of the Utsuki property. That is why I asked the question. I understand you are not seeking to get from Dean Clement his opinion of what the turnover of the Utsuki property should have been.

MR. McMASTER: Yes, my lord, I am.

THE COMMISSIONE : I have sufficient of a guessing competition myself without asking Dean Clement to come in on the guessing too.

MR. McMASTER: Very well, my lord.

Q Dean Clement, in your opinion the Utsuki property, as it was in 1943 as at the time of sale, operated by a competent Occidental operator, would it provide sufficient income to support the buildings?

A By all means, if the man were a competent operator.

Q Some reference has been made to the water situation on this property. Can you make any comment with regard to that?

A There were three wells on the property, and as I

believe it was stated this morning, the area is notorious for its shortage of water. Because of that I regard the land value of $50.00 an acre, -- I would have given the higher value of $100.00 had there been a free flowing well on the property. I left it at the value the Soldiers' Settlement Board placed on it.

Q Do you have any information with respect to this property relating to the suggestion that there may have been disease on the property in 1942 when Utsuki left?

A I direct the financial and general administration end of all our blood testing work in this province. Dr. Stanley Wood is the expert in charge, but I am the resposible party; and our records show that to all intents and purposes for this particular disease, that the Utsuki property was free from disease. That is, the disease which can be determined by blood testing, dealing with the one disease only, and to all intents and purposes it was a free flock -- seven reactors out of 7,715 birds.

Q Is the blood testing a prerequisite of the sale of chicks in any respect?

A It is required under what we call Record of Performance. That is, pedigreed breed. It is required under hatchery approval and similar approval by the Dominion and Provincial Governments. It is a disease that affects the hatchability of eggs and the layability of chicks. It has to do primarily with inter-provincial trade. This man couldn't

sell inter-provincially without first having his blood laying flock, that is, the breeder flock, tested.

Q There has been some criticism of these houses with regard to ventilation. Did you make any observation with regard to that matter?

A I am not an expert on ventilaition, and I have talked to poultry men about it. You get as many opinions as there are poultry men about ventilation, but I did discount the value I put on the double decked house by approximately 10 cents per bird because of no paint and the ventilation combined. I didn't like the ventilation. There was a very definite draft in the upper floors.

Q There has also been a suggestion in the evidence given in this case that the buiddings on this property were too good for the neighbourhood. Do you care to give any comment with respect to that?

A: I can't recall what was there in 1942, because I had no occasion to study the area, although I drove through it many times, but there are other houses on that road which may have been built since that compare quite favourably with the Utsuki house. I think I would take the opposite view, that this house is very suitable for the particular locality and location. It is fast becoming a small holding residential area.

MR. BRAIDWOOD: I don't think we are interested in what is happening now. We are interested in 1942.

THE COMMISSIONER: I understood the Dean's answer. He

was very frank. He is not sure. He has given as much as he can by way of being helpful.

MR.McMASTER: Q: This property is on the Scott Road.

A Yes.

Q And is tha one of the main thoroughfares in the Delta-Surrey area?

A It is not a highway, but it is a main thoroughfare between municipalities of Surrey and Delta.

Q Are you able to advise the Commissioner as to your observations with regard tothe question of the distance of the house from the nearest chicken house on this property?

A That is one of the things we didn't measure. In this case we didn't measure that distance from what was described as a 175 foot house, which doesn't exist. How far it is away, I can't tell you. It may be between 25 feet and 50 feet. I walked between that building and the house, but it is not clear to me how close it is.

Q From your observations of the buildings, did you find their situation objectionable from the standpoint of residence in the house in relation to the poultry operation?

A No, I don't think so. It is an old house, possibly the oldest one on the property.

Q That is the house--

A That is the house that adjoins the residence. It possibly should have been torn down some time within the last seven years. I valued it at $1.00 per bird.

CROSS EXAMINATION BY MR. BRAIDWOOD:

Q You say you don't have much memory of this house and property in 1942.

A The Utsuki property?

Q Yes. A: I don't recall it at all in 1942.

Q And the information you have given us today is based up on your observations in 1948?

A In 1948 and 1949, that is correct.

MR. McMASTER: Subject to his having the Soldiers' Settlement Board report.

MR. BRAIDWOOD: But any personal knowledge you have of the property is based either upon your observations in 1948 or 1949, or upon what someone told you about the property as of 1942.

A No. What we do is, we are asked to appraise a property and we have before us these farm appraisal reports, and you value the property on buildings and use the best judgment and experience you can possibly do to arrive at your conclusions.

Q Then what I am saying is somebody told you something about wha the property was like in 1942. You don't know about it ourself.

A I know what the farm appraisal reports say.

Q But that is what somebody told you. You don't know whether that was true or not. You take the word of the farm appraisal report.

A Yes.

Q And all your knowledge of the property as of 1942 is based on your observations in 1948 and 1949,

plus what people have told you or reports you have read, which is the same thing.

A If you leave that as reports I have read, not what people told me, it would be correct.

Q You also inquired from the tenant.

A What?

Q Didn't you inquire from the tenant when on the property as to what knowledge he had of the property in 1942? A No. He wasn't on the property in 1942.

Q You are not a construction expert, I take it, Dean Clement. A: No.

Q You have never been engaged in the building trade?

A No.

Q Your knowledge of building values, lumber values and one thing and another is the knowledge you have gained in the course of your own experience.

A No. I explained at the outset how this was valued.

Q And from the report which you have referred to -- Exhibit 11, I think -- you wouldn't be prepared to say what the replacement value of the house was in 1942?

THE COMMISSIONER: I have had no evidence from Dean Clement on replacement.

MR. BRAIDWOOD: Q: And your whole estimated value is based upon the study which you have presented to his lordship?

A The study, plus my long years of experience and my knowledge of economics in farm management.

Q But you told me it doesn't extend to building values.

A Building construction.

Q I wonder if you would explain to me in general terms how this figure of $2.05 per bird is arrived at.

A: You have it before you on page 15. I would like to make this clear, that in my actual work of administration I began at $2.05. That figure is obtained by sending what we call field enumerators into the country and they ask the farmer mahy other questions besides the question of investment, and after they have his answers and answers from other people, based on their experience of values and the knowledge they gained talking to many, they estimate the value of the investment per bird on these properties. I began at $2.05.

Q I notice this study, Exhibit 3 of Exhibit 96 in your general evidence, is a study made on forty-six poultry farms in Coastal British Columbia, 1944-1945.

A That's right.

Q Then in using the figure $2.05, how do you relate that figure back to 1942?

A There might be a slight difference. It is made before 1945 and there will be just a slight variation, but not very much.

Q You have told us you are not a construction expert.

A Yes.

Q Can you tell me what general rise there was in con-

struction costs between 1942 and 1944?

A No.

Q Then how can you relate back a figure which you use for 1944-45 to 1942?

A This is investment per bird ad I have admitted there might be some small variation between the $2.05 and the actual figure in 1941 or 1942. I can't answer that.

Q But nevertheless you have used the figure of $2.05 as the base to achieve a final valuation.

A Yes.

Q Therefore, you must have modified it in some way, so can you tell his lordship how?

A By writihg some down below the $2.05.

Q To what degree? A: Some to $1.90, some to $1.70 and one well below $1.00.

Q How did you decide to write one building down to $1.90 and another down to $1.00

Q First by looking at the building and then examining it, checking it with the original appraisal sheet, and then using my judgment.

Q But you have told us you are not a construction man. A: It has nothing to do with construction. It has to do with condition.

Q Then we have to take this figure of $2.05 in 1944-45 and by some indefinite mathematical calculation you have varied it in some buildings and reduced it by some certain amount, is that correct?

A Yes, I began with a base line.

Q But there was no fixed method followed of either reducing or going up from the base line?

A No,aad I know of no method which could be used.

Q You didn't find ~~khax~~ construction in 1942 and compare it with construction costs in 1945?

A No.

Q You didn't use that as an index to reach your base line? A: No.

Q Therefore, would I be correct in assuming that when youhave usdd the figure $2.05 you have reduced it on the basis of your own opinion?

A An opinion which over the years becomes a fairly sound judgment. I can express an opinion

Q But it is an opinion, isn't it? Isn't that correct?

A It is a judgment. I can express an opinion without a judgment, but here I have not.

Q But you told us you had no knowledge of building values. Now, Dean Clement, have you any knolwddge of the condition of the soil on this property thfuughout the year?

A My belief would be from examination in the spring and now that it is gravelly, except here and there the water would stand to some degree, but not seriously.

Q What about the condition of this property in the winter time? Do you know anyting about that?

A I wasn't on the property in the winter time. I could go back to the first date I was on it, but I assume it would be the same as other property in that region.

Q You told my learned friend, I think, that this pro-

perty was better than the average Japanese property is that correct?

A Yes.

Q What is your opinion of the average Japanese poultry farm, from your experience in the Valley?

THE COMMISSIONER: I am not interested in that at the moment.

MR. BRAIDWOOD: You discussed the Bentley house?

A Yes.

Q And you gave us a valuation of $15,000.00.

THE COMMISSIONER:: $18,000.00.

A My answer was, I think, the statement made by Bentley was he had purchased it for $18,000.00.

MR. BRAIDWOOD: Q: In 1948? A: Yes.

Q Did you apply any of your studies to that property to decide as to what its value might have been in 1942? A: No. I knew the owner of the property quite well. I knew him to be a good poultry farmer, but I made no special study of that property.

Q Had the valuation of that property been substantially lower in 1942?

MR. McMASTER: I wish my learned friend would refer to 1943.

MR. BRAIDWOOD: 1943.

A I think I stated I couldn't get any information with regard to sale of property in that area in 1943.

Q That is not my question. My question is this.

THE COMMISSIONER: Perhaps I can clear it up for you.

I think the Dean will concede that there was a marked rise in property value throughout the Fraser Valley between 1943 and 1948.

A In 1943 there was a marked buoyancy in the poultry industry and a demand for property. That has since fallen off. That doesn't exist today.

MR. BRAIDWOOD: Q: My question was really directed to this: Can you give us any estimate as to how much lower the Bentley property would have been in value in 1943 than it was in 1948? You have told us there was a marked variation, but can you give us any estimate as to what it was.

A No, I wouldn't care to do that.

Q It was very large, was it?

A I wouldn't want to guess at that. My belief would be there would be some rise in the value of what is now the Bentley property between 1943 and 1948, but the rise would have been greater by 1946, with a dropping off in 1946 to 1948. I am speaking now from general knowledge.

Q But I think you told my learned friend or the Commissoner that in your opinion the Bentley property would have had a slight advantage over the Utsuki property in value?

A Yes.

Q Therefore, if the Bentley property sold at $18,000.00 in 1948 and there was a marked rise, that might bear some relation to your valuation of the Utsuki property in 1942?

A That might be true.

Q And that is why I am asking you if you canttell me how much rise there was, because we might then be able to apply that as a yardstick to the Utsuki property in 1942. But you can't help us on that?

A No.

Q On the matter of water, you told my learned friend that water isn't easily available.

A That is generally true of that area.

Q I am instructed that the present occupant has to pay about $250.00 a year for water. Would that appear to you to be reasonable?

A I would say very definitely that if the present occupant is buying water, it is his own fault; he hasn't taken care of the property.

Q You say it wouldn't be necessary to buy water?

A It may be. I don't know. But having wells on the property and the area being dry, the land was valued down considerably.

Q You told my learned friend that you weren't satisfied with the ventilation in some parts of the property. A: I didn't say that.

Q You said there was a draft in the upper storey.

A There was some indication of draft in the upper part, which may or may not have been a detrimental factor. I did, however, mention there was a draft, and because the buildings were not painted I asked my son to write down an additional 10 cents.

Q I suggest to you that the physical location of the buildings on the property was such as to create a

potential fire hazard.

A Something like our huts at the University.

Q Theyare very closely packed together at various angles. A: They are closely packed together for efficiency of operation.

Q I am showing you three more pictures taken in 1948 by Mr. Ramsey and which will be identified later. Do those seem toyou to represent some buildings on what was the Ubsuki property?

A From the agle this is taken, that might represent a building on the property adjoining. There are two double deckers here and here are the windows, (indicating), and the siding is the same as ~~kkkkk~~ it is on the buildings. All those double deckers, expecially the one on the adjoining property, looks very similar to this. I am not saying this is any other property, but I wouldn't identify that picture.

Q These pictures will be proved later, but I suggest in any event the buildings shown in those pictures -- would you believe there would be some fire hazard present in buildings so located?

A The brooder house was off tothe left, as you came in, and not very close to these houses. That is the only place that there would be any heat, so far as I am aware, but I am not an expert on fire hazard.

Q You are an expert on agriculture and poultry, and if you were constructing an operation of this nature,

would you build buildings so located?

A My first consideration would be to make them efficient for operation and then insure them.

Q Perhaps that is as good an answer as any.

MR. BRAIDWOOD: May I put these pictures in now, my lord?

THE COMMISSIONER: Yes, subject to identification.

(PHOTOGRAPHS MARKED EXHIBIT NO. 1013-171)

MR. BRAIDWOOD: Q: Now, I think you told my learned friend that there wasn't much market for operations of this nature.

A I think I stated it would be more difficult.

THE COMMISSIONER: Q: In 1943?

A To sell a large operation where a relatively large amount of capital was required and where success could be made only if the man were an efficient manager, of experience.

MR. BRAIDWOOD: Q: Was this a one-product type of farm; that is, they only dealt in chickens and hens?

A They dealt in what I would call a complete cycle of production. They had breeders and they produced eggs for hatching and they sold baby chicks. They had the poultry houses, they had the colony houses, and had what would be called a 12 months operation, or a diversified hatchery approval record of performance; a very high type of poultry production. If I understood your question correctly, so far as I am aware there were no cattle.

Q Is it usual in this type of operation to have some subsidiary livestock?

A Outside of British Columbia, yes. In British Columbia, I do all I can todiscourage it.

THE COMMISSIONER: Q: Had this property any other potential use? Nex

A No. It was a highly specialized poultry business.

MR. BRAIDWOOD: Q By the way, in your calculation on the number of birds, that is the value of the property based on your $2.05 figure in 1944 and 1945, how did you come to know the number of birds on the property?

A I took the number of square feet and divided it by four.

MR. BRAIDWOOD: That's all.

THE COMMISSIONER: Any re-examination, Mr. McMaster?

MRX

RE/EXAMINATION BY MR. McMASTER:

Q What was the outlook with regard to the poultry industry in 1943 compared with the outlook of the poultry industry in 1948?

MR. BRAIDWOD: This is hardly re-examination, my lord.

THE COMMISSIONER: I cannot appreciate, Mr.McMaster, at the moment, what value the answer is likely to be as far as this inquiry is concerned.

MR. McMASTER: It is with regard to the Bentley sale.

THE COMMISSIONER: All right. I will allow the question.

A The price of eggs had steadily advanced between 1941 and 1943, due to British contracts, due to the 13,000,000 dozen exported in 1941 and 38,000,000 exported in 1942, and the fact 56,000,000 were exported in 1943. There was avery marked up-trend

what you might call a definite buoyancy in the poultry industry, which doesn't exist today and was not there after 1946 and 1947.

Q What happened to the British contracts?

A They were not renewed after the close of the war.

(Witness aside).

THE COMMISSIONER: Have you any other witness, Mr. McMaster?

MR. MCMASTER Yes, I would like to call Mr. Peterson.

THE COMMISSIONER: Is he likely to be a long witness?

MR.McMASTER: He will be quite short, my lord.

THE COMMISSIONER: All right.

AAGE PETERSON, a witness called on behalf of the Claimant, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. McMASTER:

Q You are the General Superintendent of the Dominion Construction Company, is that correct?

A Yes.

Q In the city of Vancouver,

A Yes.

Q And how long have you been employed by the Dominion Construction Company?

A 23 years.

Q Are you engaged at all by them on their estimating on jobs? A: Yes.

Q Have you or has the Dominion Construction Company, to your knowledge, ever engaged in valuing chicken houses? A:No, but

we have built similar buildings, like the Sea Island air port barracks.

Q And in arriving at the figures on te replacement cost and depreciation of the buildings on the Utsuki property, did you refresh your memory by referring to your records on the cost of the Sea Island project? A: Yes. I took it on the basis of square footage, the price of lumber and the wages we paid at that time.

Q You have seen this property of Utsuki recently?

A I saw it last Saturday.

Q And you had an opportunity to examine the Soldiers' Settlement Board Report of 1942?

A Yes.

Q What would you say as to the extent of the depreciation which has taken place, assuming that the Soldiers' Settlement Board is reasonably accurate?

THE COMMISSIONER: Just a moment. Willyou clarify your question, please. The extent of depreciation which had taken place since when?

MR. MCMASTER: Since the Soldiers' Settlement Board report in 1942.

THE COMMISSIONER: But wehave had no evidence as to what the condition is now. How are we concerned with it? You are relying on this witness's evidence, is that it?

MR.McMASTER:Yes, my lord.

THE COMMISSIONER: That can only be a guess.

MR. McMASTER: Q: Well, judging from the Soldiers'

Settlement Board report as tothe condition in 1942, does the state of the property now show normal depreciation?

A No, it has gone down tremendously in the last few years, owing to lack of upkeep.

Q You have drawn up a statement of the replacement cost in 1943. A. Yes.

Q And is this the statement you drew?

A Yes.

Q And is it correct that the estimates made therein are based on the information contained in the Soldiers' Settlement Board report?

A Yes.

(STATEMENT MARKED EXHIBIT NO. 1013-18.)

CROSS-EXAMINATION BY MR. BRAIDWOOD:

Q How long did you ell us you had been in the construction business?

THE COMMISSIONER: 23 years.

MR. BRAIDWOOD: Q: You based your estimate of the Utsuki property on the work you had done at Sea Island, is that correct?

A Yes, those are similar kinds of buildings.

Q Is it cheaper or more expensive to do work at Sea Island than at the location of the Utsuki property? A : It would be about the same price. You have to pay for the transportation of men at both places.

Q Did you take that into account?

A Yes.

Q How did you arrive at the extra transportation for men? A: We were supposed to allow for the transportation of men 10 cents per day outside city limits.

Q Would you have to maintain a crew up therefor your buildings?

A Yes.

Q That would be an extra cost?

A No. We would take care of transportation, probably hire a truck to bring the men out in the morning and back at night, the same as we did at Sea Island.

Q You told my learned friend there had been considerabledepreciation in the last few years in this property, is that correct?

A That's right.

Q How did you arrive at the figure of depreciation between June 1943 and June 1949?

MR.McMASTER: My lord, if my learned friend is referring to the last exhibit, the depreciated cost is in 1943.

MR. BRAIDWOOD:I am aware of that, my lord. I can read, too.

THE COMMISSIONER: Will you repeat your question?

MR. BRAIDWOOD: Q: You say there has been considerable depreciation in the last few years.

A That is owing tothe construction of the building. When they were building, some of them were not put on concrete foundations, just wood, which naturally rotted away.

Q How did you arrive at the depreciation factor?

A Between now and then?

Q Yes. A: Well, we work it out on a square basis for a building of that kind and take the value today as the building is. We work out the cost of a building of that kind by square footage, including lumber and materials, etc.

(Witness aside)

THE COMMISSIONER: That is your case, is it, Mr. McMaster?

MR.MCMASTER: Yes, mylord.

THE COMMISSIONER: You have some witnesses to call, Mr. Braidwood.

MR. BRAIDWOOD: I have Mr. Ramsay and possibly one other witness, my lord.

THE COMMISSIONER: We will recess for a few minutes before we go on.

(PROCEEDINGS RESUMED AFTER SHORT RECESS.)

MR. BRAIDWOOD: I a calling Mr.Ramsay, who was the V.L.A. appraiser on this matter.

THE COMMISSIONER: Yes.

ROBERT LAMBERT RAMSAY, a witness called on behalf of the Government, being first duly sworn, testified as follows:

DIRECT EXAMINATI N BY MR. BRAIDWOOD:

MR. BRAIDWOOD: I would like to ask my learned friend if he will admit Mr.Ramsay's qualifications.

THE COMMISSIONER: I think you need not pursue that. It has already been dealt with.

MR. BRAIDWOOD: The photographs put in as exhibits, we might get those cleared away to start with.

Q I show you Exhibit 15. Can you tell me whether you took that photograph and what it is?

A I took it. It is a photograph of the Utsuki house taken in 1948; and the end of this house, to the right of it, is the end of the 70 foot chicken house which was reported as 170 feet in my appraisal, and it is about its own width to the residence.

Q I show you Exhibit 17. Can you tell me what those are photographs of?

A This is of the Utsuki farm. The building on the left is the stable. The large building on the right is that 20 x 70 foot house previously mentioned.

MR. BRAIDWOOD: If the witness is going to value in each case, perhaps these should be marked A, B, and C.

THE COMMISSIONER: Yes, that would be desirable.

(PHOTOGRAPHS ALREADY MARKED EXHIBIT NO. 1013-17 NOW MARKED EXHIBITS No. 1013 - 17 A,B and C.)

MR. BRAIDWOOD: The witness is speaking of 17-A.

A The building in the immediate foreground is just a shed, that's all. It has no floor and it is built of culled lumber; and in the centre background is a brooder house.

Q 17-B is what? A:This is a photograph of the Otsuki double decked houses, I think more recently built, one of which has a concrete floor. It is a continuous house of 180 feet. Half has a concrete floor and the other half has no concrete floor.

Q 17-C is what? A: This is a picture of the Otsuki farm, of a shack in the foreground, or brooder house, the incubator house behind it partly showing, an old garage with no floor, and the corner of a good garage, very closely situated together.

Q The last three photographs, were they taken by you in 1948 of the Otsuki farm?

A Yes.

Q I show you a set of photographs. Were those also taken on the Otsuki property by you in 1948?

A Yes.

MR. BRAIDWOOD: I will put these in as one exhibit, my lord.

(SEVEN PHOTOGRAPHS MARKED EXHIBIT NO. 1013-19.)

MR. BRAIDWOOD: What is the farm appraisal report?

THE COMMISSIONER: Exhibit 2.

MR. BRAIDWOOD: Q: You were the appraiser for the Soldiers' Settlement Board, who made the farm appraisal report, Exhibit 2, is that correct?

A The Soldiers' Settlement of Canada, yes.

Q You made the appraisal in Exhibit 2?

A Yes.

Q I would like you to describe generally to his lordship what your appraisal shows and with the comments you have to make on the important parts of your apppaisal.

A You wish me to go over this in detail?

Q Just the important parts of your appraisal.. Deal

first with this location. Where is the property located?

THE COMMISSIONER: Have we not got all that?

MR. BRAIDWOOD: We have, my lord.

A This property is situated on the main Scott Road on the Delta side. This is not in a generally good agricultural district, due to hard pan and sandy soil. I show here fencing, details of building, acreage of cleared and uncleared land, most suitable type of agriculture, taxes, with some remarks, and a notation on fruit trees together with a sketch of the property.

Q And your valuation of that property and the buildings in 1942 when your appraisal was made was what?

A: $5,533.00.

Q And your examination of the buildings on the property, will you tell his lordship in general what conditions the buildings were in.

A The house was in quite good condition. It wasn't completely finished. There were some clothes closests upstairs notfinished. The electric wiring wasn't the best. There were wooden front steps. The basement floor didn't have a finish coat on it. It was a stucco house, a very nice house. The bathroom did have a bath in this case. It was an extra short, roll top bath. I suppose it was a three-quarter length, but it was a very short bath.

Q What have you to say as to the construction?

THE COMMISSIONER: Now, Mr. Braidwood, there is quite

a full description in the photostat attached to the appraisal. Is there any need to go over all this?

MR. BRAIDWOOD: No, except I would like to have from the witness his general impression of the bulding, his specific xdexcription of them.

THE COMM SSIONER: That is not what he is giving you at the moment. There is no need for Mr. Ramsay to go into detail in view of the fact we have dealt with it in considerable x detail in Exhibit 2.

MR. BRAIDWOOD: Q: What was your general impression of the buildings, Mr. Ramsay?

A My general impression of the buildings at the time of the appraisal was that the house was good, a double decked chicken house, and some of the others were good, the other hen houses on the north side of the property were not good and would, if Occidental operated, have been removed.

Q What have you to say as to the location of the various buildings on the property?

A The main hen houses, I think, were x quite well located from an efficiency of operation angle, but there were a great clutter of buildings around the back door, so to speak, including the incubator house, which was also close to one of the good large chicken houses. A couple of little garages and sheds and the main garage. There was the road between them and the house and x not a great deal more. It appealed to me as quite a fire hazard there. I noticed particularly there was a peculiar

double decked brooder house at the rear. I believe in the Japanese evidence it is spoken of as a look-out.

This property is long and narrow, which means that chickens xxx at the rear are subject to theft; and this has since been borne out by the present occupant, who lost a great many chickens by theft; and I think in the case of the Japanese, someone slept in that little look-out house to keep an eye on his brooding chickens after they got out of the brooder into the colony houses, which were at the rear.

Q Have you any knowledge of the replacement values of he buildings in 1942 when you made your apprais - xx al? A: Well, our replacement value is given on the appraisal.

Q Do you have any knowledge as to the saleability of this type of property in 1942 or 1943?

A I am sorry if I have to go at a little length to answer that. But specialist poultry men generally just grow and they are hard to move. And in buying another property, which is occasionally done, the purchaser in this case had to have a large amount of capital and he had to purchase alot of buiodings, some of which would have to be removed at some cost and, of course, would be out of operation; but generally I tried to look at this from the angle of a purchaser, what it would bring on the market, and I was forced to conclude that

with the labour situation as it was at this time, with the water situation on this farm, that a man would only buy if, you might say, he could get it as a sort of a family operation where he wouldn't have to employ any labour and where his poultry wouldn't reach past the available seepage water supply which was there.

Q You mention two factors I would like you to discuss, and one was the matter of labour. Do you know anything about the labour situation in 1942?

A The labour situation in 1942 was very bad. The shipyards and other war industries absorbed all the able bodied men. What was left to the poultry operator were the old fellows, the misfits, and possibly those too young for military service, but most of these even too young for military service could get into war industry and would go to a town or a place where social conditions were more to their liking, rather than work on a poultry farm. I think that is reported with regard to the dairy industry in 1942, agricultural statistics report. I have a copy.

Q I think we will leave that point. I think you have given us enough on that. You mentioned the question of water on the property. What was your knowledge of the water available on the property?

A This district is notorious for its poor water supply. It is a hard pan, fairly close to the surface, and it does go down very deep. I believe there was a 194 foot well on this place and I think

it wasn't through the hard pan. At any rate, the veteran on there now, in 1947 had 4500 birds and he purchased a great deal of the water. He said the wells went dry during May and there wasn't sufficient water in them again until October, and he purchased -- he gave me the figures I don't have on hand--but at any rate it was over $150.00. The water is purchased in tank lots and delivered. They make a business of it.

Q Since this Commission started investigating these matters, have you reviewed your records and looked at the property again and come to any opinion as to your original valuation?

A Yes. I would alter my valuation somewhat. I probably would have raised my replacement value on the buildings around $800.00. That is for those which I felt I had not given enough and for those which were going to be removed and for which I felt I had given too much, but the final figure was about $800.00 in favour of a higher price.

CROSS-EXAMINATION BY MR. McMASTER:

Q Do you have any notes that you made at the time of this valuation?

A Yes. I haven't them here, though.

Q You didn't bring them with you?

A No.

Q Have you looked at those recently at all?

A Yes, last year.

Q Do you recall what the total replacement value

before taking off depreciation was of these buildings? A: I can only take that from my appraisal here, which was $10,224.00.

Q But in that you allowed for depreciation, is that correct? A: Yes.

Q All of these figures were taken in 1948?

A Yes.

Q And would you agree that the property has considerably depreciated since 1942, when you last saw it?

A It has suffered normal depreciation from foundation rot, roofs going down and so on.

Q You would agree with the evidence of the other witnesses that the depreciation has been abnormal?

A The posts haven't been replaced and the roofs haven't been replaced.

Q If a competent operator had been on there, he would have prevented a good deal of the depreciation which has taken place?

A At a cost.

Q I am producing to you Exhibit 3 in this case, a picture of the house on that property filed by the Claimant. Does that fairly represent the house as at the date of your appraisal?

A I think so.

Q When did you decide, Mr. Ramsay, that the buildings on this property constituted a fire hazard?

A Well, that would be taken into consideration at the time of my appraisal.

Q If that were a factor in your appraisal, why wasn't

it mentioned in your apprai sal report?

A I think it is mentioned on the sketch. If you turn to the sketch, you will see the proximity of those buildings one to another.

Q You didn't consider it was necessary to draw attention to that as a fire hazard?

A No, not with this clutter of buildings shown on the front of the house in the sketch.

Q At the time you made this appraisal, had you ever been in the contracting business?

A No.

Q And have you ever built any chicken houses?

A Yes.

Q How long before? A: Since. But I have been supervisor in the Fraser Valley, also on Vancouver Island, where chicken houses were built with Soldiers' Settlement money and which I had had to o.k. the purchase of material and labour for.

Q It would be some time prior to 1942?

A Yes, it would be prior.

Q Youwould agree with Deahm Clement's evidence that due to the increase in the marketability of the product,there was a demand ?

A I supervised a good many poultry farmers who run poultry ina small way at times, and I could see no excessive- nothing out of the ordinary desire to put up new chicken houses at that time.

Q You would agree, I suppose, that a property of this size will require special skill to operate,

that there isn't a market for it in the normal sense we refer to a market for property?

A The market is extremely narrow.

Q That is, the sales are very few and far between?

A The sales are very few and far between.

Q Before, when you gave general evidence, you were cross-examined with respect to this case. Do you recall the evidence you gave on that occasion?

THE COMMISSIONER: Give me the page, Mr. McMaster.

MR. McMASTER: Page 478 and following.

THE COMMISSIONER: What date?

MR. McMASTER: December 2nd, 1948, I believe, my lord.

Q The evidence which you gave on that occasion was with regard to your method of appraising this property? A: I don't recall exactly what it was. It was at the end of a rather gruelling day.

Q I think this was some time before the end, Mr. Ramsay. I refer you to page 478, where you were giving evidence with regard to the cost of chicken houses and the method which you employed. I will just read to you a series of questions and answers. (Quoting from evidence on pages 478, 479 and 480¾)

You recall giving that evidence, Mr. Ramsay?

A Yes.

Q And that is accurate, is it?

A Yes.

Q The Chambers' property is about half mile down the Scott Road from this property, isn't it?

A I don't know the Chambers' property.

Q You are not aware of a large chicken house operation half a mile down the Scott Road from this property?

A Only by seeing the name on the post box and observing it in passing, and I wouldn't remember the name if you hadn't mentioned it.

Q And that was there in 1943, wasn't it?

A I don't remember it.

Q What experience had the present veteran on this land in the operation of chicken houses before the property was sold to him, do you know?

A Only in a very general way. He qualified as qualified as q alified to handle this proposition. I know from the file that he had considerable experinece on the prairies, and that he took some training in British Columbia before he took over this prppssition and had a family to help him on this particular place.

Q And the training, I suppose--

THE COMMISSIONER: How is this going to be helpful to me?

MR. McMASTER: My lord, the witness has referred to certain practices of this present occupant. Personally I think they aren't relevant.

THE COMMISSIONER: I do not see how it is going to be helpful. Any re-examination?

MR. BRAIDWOOD: No, my lord.

(Witness aside).

MR. BRAIDWOOD: That is the Crown's evidence, my lord.

THE COMMISSIONER: Any reply, Mr. McMaster?

MR. McMASTER: No, my lord.

THE COMMISSIONER: What is counsels' wish?

MR. BRADDWOOD: Does your lordship wish to hear argument on this case?

THE COMMISSIONER: If you wish to advance it? Do you wish to present argument?

MR. MCMASTER: I think we can, very briefly.

THE COMMISSIONER: All right.

MR. McMASTER: Your lordship has heard the evidence put in and I would just like to refer to it.

First of all, the evidence put in on behalf of the claimant, his own evidence, which sets out the initial cost to him, I believe, with regard to this property and its operation; Mr. McCurach's evidence indicating the condition of the property in 1942 from his knowledge of it, and also of Dean Clement and Peterson that the property has deterioriated considerably since that time, which you will appreciate makes it difficult to question now, to make an appraisal other than to rely on the description of the property which was given by Soldiers' Settlement Board as of that date.

THE COMMISSIONER: Yes.

MR. McMASTER: Your lordship is familiar with Dean Clement's qualifications and I would draw your attention particularly to his evidence that this property was efficiently set out. Primarily, it was a business and not an ordinary farm operation, a business of some size. The opinion he has expressed is that the income from it should be able to adequately carry the buildings on there in 1942, and the estimate of value which he has made

based in part on the study that is referred to in Exhibit 3 of Exhibit 96 and to a large measure is indicated in his evidence on his general experience and knowledge over considerable years, whereby using that as a base line he has placed a value on these buildings.

I would draw your lordship's attention to the evidence which was given by Mr. Ramsay at the time of the general evidence and to which I referred this morning at page 479, which I would submit indicates that his conception of the cost of replacement in 1942 was based upon 1940 and 1941 prices, and where he expressed the opinion he didn't consider there had been any increase in the cost of lumber and labour between the fall of 1941 and the spring of 1942, when he made his appraisal.

I draw your lordship's attention to the evidence of Mr. Bentall, which was given in general evidence on February 7, 1949. It appears on pages 1715 to 1717 in the general evidence. At page 1715 Mr. Bentall indicates that he is dealing with construction with common lumber, not dressed, such as 2 x 4's and shiplap and that type of thing. He then, as you will recall, proceeded to give prices of material and labour for varying times of the year from 1939 onwards, and that these prices were taken from an actual examination of his records.

Then at page 1717 he points out that between 1939 and 1943 lumber of the grade which we were discussing had advanced 100%, and then in the

eleventh line:

"Q: Then your next comparison compares late 1941 and early 1942 with the same period in 1943. Lumber had advanced over 1941 50%?

"A: Yes, there was rapid advances during that period.

"Q: Carpenters wages had advanced 15% and labourers 40%? A: That's right."

Now, my lord, on the basis of Mr. Bentall's figures, it would appear that between 1941 and 1943, the date of the sale of this property, there was a 50% increase in the building cost of buildings constructed of the type of lumber which might go into property such as this; and the interesting thing is if you take Mr. Ramsay's present day value of these buildings and add 50% to them, you come very close to the value which was placed by Mr. Peterson as the replacement cost depreciated. That is, it would take you up over $15,000.00.

And my submission is that the Crown has led no specialized evidence of the replacement cost; that Mr. Peterson is competent; that while he hasn't built chicken houses, he has built army huts on Sea Island, which would be very similar in construction; and that his evidence should be accepted by your lordship.

I would also advance the argument which Mr. Bull advanced the other day, which I don't think I need repeat, in the Nagai case, that here we have

a property which one of the witnesses admitted there is no ready market for, if there is a market at all. There is no evidence of comparable sales. The only thing that is anywhere near a comparable sale ~~x~~ is a sale in 1948 by Mr. Bentley of property which might be a little better than the Claimant's property, according to Dean Clement's evidence, and which sold for $18,000.00 at that time.

And I draw your lordship's attention in that regard to the fact that in the fall of 1948 the outlook in the poultry industry was not nearly as good as it was in 1943. While no prices may have been given, that factor should also be considered on the price of the property in question.

In his general evidence Mr. Ramsay had given evidence that this property was situated on the wrong side of the tracks and being questioned by Mr. Bull as to his meaning, he was apparently saying that the buildings were too good ~~ex~~ for the property, or rather, that they couldn't be supported by the property, or alternatively, too good for the neighbourhood.

THE COMMISSIONER: He has not said that today. Did he say so at some other stage?

MR. McMASTER: Yes, my lord.

THE COMMISSIONER: Relating to this particular property?

MR. McMASTER: Yes, my lord, in cross-examination. It is at page 478 and following. I would submit that the evidence Dean Clement has given should be

set off against that; in addition to the fact that the property was situated on the Scott Road, which is an important road in thatmunicipality; and I would draw your attention to the fact that upon that occasion Mr. Ramsay was speaking from memory and didn't have his notes, and again today he doesn't have his notes with him. He neglected to make any mention of that with regard to this property in his formal appraisal, and it couldn't have been a very important element.

It appears to me that this issue of fire hazard likewise comes in the same category, my lord.

THE COMMISSIONER: Yes. The reference to wrong side of the tracks is found at page 483.

MR.McMASTER: Also you will find some suggestion that there was disease in these houses. There is no evidence led further than Mr. Ramsay's recollection, given without his notes; nothing was xxks stated in his formal report.

Mr.McCurach's evidence is he didn't observe any on the property; and Dean Clement's evidence was thathe had his birds tested and apprently he had a very high standing.

MR. BRAIDWOOD: I respectfully submit there is a very wide variation here between the material given us by Dean Clement and the appraisal made by Mr. Ramsay. I would point out that in cross-examination of the Dean reliance was placed on a figure of $2.05 in 1944 and 1945, and while the Dean's evidence has been most helpful, I think where it comes to a

question of depending on construction cost, your lordship canhardly depend upon the evidence given by the Dean, because he failed to be able to distinguish how he varied the $205 figure placed upon the 1944 and 1945 report.

THE COMMISSIONER: I understood Dean Clement to say that in writing in the $2.05 figure he had taken into account the difference in prices between those years.

MR. BRAIDWOOD: Merely in his opinion, my lord. I think he said he hadn't investigated the matter of construction because he wasn't an expert in that field.

THE COMMISSIONER: That is true, but I think he did say he had taken that into account in arriving at his $2.05 figure.

MR. McMASTER: He started off with the $2.05 figure, which was the basis in the report, and then he took the factors relating to this particular property and the difference in the situation in replacing his actual value for the buildings.

MR. BRAIDWOOD: I think your lordship will recall that on my cross-examination in that regard that Dean Clement admitted it was an opinion or a judgment based on his experience that varied the $2.05 figure, and no evidence was led from the Dean either in examination in chief or obtained in crosse examination as to construction cost, material cost and the like, which would affect the $2.05 figure, if, indeed, the $205 figure has any use whatever,

which is debatable, I submit.

THE COMMISSIONER: All these figures are factors which can be taken as a guide in attempting to arrive at the fair maket value of the property at a certain date.

MR. BRAIDWOOD: Quite right, and I submit that your lordship is entitled to look at all factors which would have a bearing on the value at that time.

With respect to the evidence of Peterson, I submit that his appraisal was a purely factual one based upon information supplied to him, and it is merely anoter factor which should be considered by your lordship and not necessarily a determining factor.

I would point out that there is a discrepancy in actual value between Peterson's appraisal and the Dean's appraisal, and your lordship is well aware that there is a variation between two properties produced by my learned friend.

On the other hand I submit that Mr. Ramsay, who was approaching it from still another point of of view, that is the fair point of view of fair appraisal values and what they would be worth and would sell for on the open market, I submit Mr. Ramsay has gone over his notes and made an estimate and on the basis of his information, he would raise his own figure by about $800.00. I also submit it has been shown in the evidence given by Mr. Ramsay that he is a very careful workman in this type of thing, and a man who knows the building business

in the Valley from long experience and personal knowledge. He has been a supervisor for the Soldiers' Settlement Board and for the Government for a considerable time, and has had to do with a lot of expenditure in connection with buildings of this nature, and he is a man who seems to have a hobby of finding out what construction costs are. I think he gave that in cross-examination to my learned friend a few minutes ago. I submit his estimate was a fair one from the point of view he has appraised; and your lordship has had argument prior to this time on the matter of the point of view of Soldiers' Settlement Board appraisers and your lordship has seen fit to make certain suggestions in that matter.

I submit that your lordship's suggestions would well apply here and that would be adequate, indeed, to compensate for any discrepancy that might be involved in the original appraisal due to the point of view which was taken by these appraisers.

I submit, my lord, that the property must be looked at as a whole rather than broken down into parcels. I produced a number of photographs and it hasn't been disproved that the property has not greatly changed in actual physical appearance.

THE COMMISSIONER: In view of the fact this is a property which it was very difficult to find a purchaser for, do you contend that matters relating to replacement cost cannot be considered as a factor?

MR BRAIDWOOD: No. Your lordship should consider them,

but also you should consider the actual physical nature of the property.

THE COMMISS ONER: I misunderstood you.

MR. BRAIDWOOD: Your lordship can easily see from the pictures that the buildings were likely to detract from the value of the main residence, which was a fair looking residence outside.

THE COMMISSIONER: I don't suppose the chickens would object.

MR. BRAIDWOOD: No, but the chickens weren't buying.

I also submit that the question of fire hazard and water should be considered; and my whole submission is that your lordship's suggestions with relation to the possible depreciation on this matter of Soldiers' Settlement Board appraisals would well and adequately compensate the Claimant in this matter.

THE COMMISSIONER: Have you anything further to add, Mr. McMaster?

MR. McMASTER: I would like to coment with regard to the photographs which were filed. I didn't take an objection to them, but they were taken in 1948, some five years after. I don't think they fairly represent, according to Mr. Ramsay's description, the buildings.

THE COMMISSIONER: No, the property has depreciated and deterioriated in the interval.

MR. BRAIDWOOD: I introduced the pictures not to show the construction but the location of the building.

THE COMMISSIONER: That is what I understood. I will take this claim under further consideration.

(Concluded)

I hereby certify the foregoing to be a true and accurate report of the said proceedings.

Deputy Official Stenographer

CASE NO: 1013.

JAPANESE PROPERTY CLAIMS COMMISSION

Toronto, Ontario,
May 6th, 1948.

IN THE MATTER OF THE CLAIM OF
NIHEI OTSUKI.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 1013.

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

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

Toronto, Ontario,

May 6th, 1948.

IN THE MATTER OF THE CLAIM OF

NIHEI OTSUKI.

PROCEEDINGS AT HEARING.

APPEARANCES:

J.W.G. HUNTER, Esq.,	appearing for the Dominion Government.
F.A. BREWIN, Esq.,	appearing for the Claimant.

A. WATSON, Esq.,	Secretary.
D.J. HANDFORD, Esq.,	Official Interpreter.
T.P. HORROBIN, Esq.,	Official Reporter.

NIHEI OTSUKI, the claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BREWIN:

Q Mr. Otsuki, you were the owner of quite a substantial chicken farm on Strawberry Hill?

A Yes.

Q I am showing you three sheets, which I think have been prepared on your instructions, setting out some information about the farm and buildings that were on it. Was that prepared in accordance with your instructions? Is that right?

A Yes.

Q And is the information set out there correct?

A Yes.

Q Will you sign it, perhaps on the third sheet willbe all right.

THE COMMISSIONER: It would facilitate matters, Mr. Brewin, if the claimants could examine these documents in advance and sign them then rather than wait for each one to look them over and spend five or ten minutes on each occasion.

MR. BREWIN: Yes, my lord. My friend suggests we file the farm appraisal at the same time.

MR. HUNTER: I tender the S.S.B. appraisal as Exhibit 2.

(STATEMENT MARKED EXHIBIT NO. 1).

(S.S.B. APPRAISAL MARKED EXHIBIT NO. 2).

MR. BREWIN: There is no contest, I presume, as to the title, is there? I have a title certificate here.

MR. HUNTER: No. We have one, too.

MR. BREWIN: Q: I notice just in confirmation of the figure you have put in as to what you paid for the

property, I have here a deed from Kelly, Douglas & Company, dated the 12th of February, 1930, for $2,669.00. You purchased the property before that, did you? A: 1920.

Q You finally received a deed in 1930, is that right?

A Yes.

Q Is this a picture of the house that you built on the property? A: Yes.

Q That is the residence? A: Yes, this is the side view.

Q And also you furnished me with some smaller snapshots of the property showing some of the chicken houses and one that shows part of the residence?

A Yes.

MR. BREWIN: I will put these in together, my lord.

THE COMMISSIONER: Yes, I think you might. Will you put all the photos in as Exhibit 3.

(PHOTOGRAPHS MARKED EXHIBIT NO. 3).

MR. HUNTER: I wonder, my lord, if we could get the date when they were taken.

MR. BREWIN: Q: Do you know when they were taken, Mr. Otsuki? A: It was May, 1942.

Q That is the picture and the small snapshot of a house and the little one? A: This is an older one. It doesn't show this (indicating). This is torn down.

Q The one that shows a number of the chicken houses and poultry houses, you say it is an old picture?

A Yes.

Q You say after that that some of these houses were

torn down and rebuilt? A: Yes.

Q I don't think it will be terribly helpful. Mr. Otsuki, I don't want to spend any time going into the detail of it, but all the items you set out there for what you paid for labour, and so on, they are correct, are they? A: Yes.

Q You must have had a very substantial farm there. How many chickens did you have on the farm?

A 1941, I bloodtested for the Dominion Government 9,020 -- blood tested.

Q 9,020 blood-tested what -- chickens?

A Chickens, yes.

Q And that was 1941? A: 1941.

Q You bred chickens, did you? A: I was one of an original group to blood-test every chicken on the premises. Under the Dominion Government we tested the chickens for breeding purposes.

Q Yes. I think I may say this to you so perhaps it will save us going into too much detail, Professor Lloyd of the University was familiar with your farm, was he, and visited it? A: Yes.

Q Perhaps if we call him as a witness he can tell us something. A: And G.G. Wilson, the Dominion poultry man.

Q He was the Dominion Government poultry man?

A Yes.

Q He also was familiar with it? A: Yes, he is one of the head inspectors in British Columbia.

Q We will try and have his evidence available for the Commission in Vancouver. A: Yes.

Q Now, we will proceed to the chattels. I believe you are only claiming for chattels which were actually listed with the Custodian and sold by him, is that correct? A: Yes, that is so.

Q And I see that you have had prepared here a list of those chattels for which you are claiming, with the value set against them?

A Yes.

Q This is the list, is it (producing)?

A Yes.

(LIST MARKED EXHIBIT NO. 4).

Q And I notice that the total value of what you have listed there is somewhat higher than what you are actually claiming. Your actual claim is $16,000.00, and this list altogether comes to a little over $20,000.00. You have reduced your claim somewhat from the amount shon on this list, is that correct?

A Yes.

Q I am not going to go over all these in detail. You were pretty familiar with the prices of the things you bought when you needed them for your farm, were you? A: From my memory.

Q You were in this business, as it were, from 1920 to 1942? A: Yes.

Q And you became familiar with prices and values?

A There are so many things, so I don't remember everything but I think my estimation is pretty well correct.

(INVENTORY MARKED EXHIBIT NO. 4).

MR. HUNTER: I tender the analysis of personal property

= claim, my lord, as Exhibit 5.

(ANALYSIS MARKED EXHIBIT NO. 5).

MR. BREWIN:

Q Mr. Otsuki, I was only going to call attention myself to one or two items here on page 4 of Exhibit 4, the Smith incubator and I think there were two incubators, were there not? A: Yes.

Q Two Smith incubators, and I see you have put down a value of $6,000.00 for them?

A Yes.

Q And I believe they were sold by the Custodian for $3800.00; am I right about that? I think the analysis shows that, and there is some correspondence about it. What didyou pay for those incubators?

A Well I don't remember quite well but all the price with exchange and tax and the freight upon that the price comes away above that six thousand dollars.

Q How much above, do you know? A: I figure about $7500.00.

Q $7500.00. That, you say, was the overall cost, that is including freight charges, and so on?

A Yes, freight charges and tax and exchange.

Q Have you any documents about that at all?

A No, I left everything in the house because when we left --

THE COMMISSIONER: When did you buy these incubators, excuse me? A: That is the 39,000 one, used four or five seasons, and the 30,000 size I used it two seasons.

Q One would have been five years old at the date of evacuation and the other two years old?

A Yes.

MR. BREWIN: Q: There is one other item I want to ask you about. My friend may perhaps ask about a number of them. There is a Jamesway brooder referred to on page 5 for which you are claiming $200.00.

A Yes.

Q But I believe some of the correspondence indicates that you consented to a sale of that for $125.00.

A I just can't help, you know, so I let it go. I don't like to sell anything at all because I thought I would go back and resume my business again.

THE COMMISSIONER: Q: Well, did you consent to the sale of that article for the price referred to by Mr. Brewin -- what was it -- $150.00, was it not, Mr. Brewin?

MR. BREWIN: $125.00.

A Yes, I consented.

THE COMMISSIONER: Q: $125.00. You did consent to its sale at $125.00, did you?

A Yes.

MR. BREWIN: Q: Did you regard that as the fair market value? A: No, I don't think so..No, I don't think that is the fair market value at all.

THE COMMISSIONER: What was that article?

MR. BREWIN: That was on page 5, my lord, about the fourth item down, one Jamesway electric battery brooder.

Q There is one thing that I don't quite understand, I see valued on page 4, 47 small hatching egg cages, $25.00. Now, as I read the correspondence

the Custodian sold those for $250.00. Would those 47 egg cages be worth only $25.00?

A Egg cages?

Q Yes. There were 47. You call them small hatching egg cages? A: Oh, that is a basket, I think.

Q Can you explain that?? You have them valuedhere at $25.00, and as I read the correspondence they were sold for $250.00? A: I think it is some mix-up.

Q If you can't help us, then I guess we will have to leave it at that. Do you understand that at all?

THE COMMISSIONER: Mr. Interpreter, perhaps it might help if you would point out to the witness this item to which counsel is referring and ask him if the $25.00 price put on there was a correct price in terms of its value at the time that the document was prepared.

THE INTERPRETER: This price is about correct. The estimate is a little low, but it is about right.

Q That is the estimate of $25.00 is about right?

A Yes.

Q You think then that the articles which the Custodian sold for $250.00 must be something other than that.

THE WITNESS: It is $700.00, individual laying battery. I bought for $720.00.

THE COMMISSIONER: That is the best explanation we can get, I fancy, Mr. Brewin.

MR. BREWIN: Q: Mr. Otsuki, the chattels for which you are claiming are, I think, all included in this

list sent to you by Mr. Green from the Custodian's office? A: Yes.

Q The only difference is that you have added your valuation, is that correct?

A Yes.

Q So that this letter which is dated August 29th, 1942, addressed to you from the Custodian's office, whibh says, "Re chattels, we attach hereto a duplicate list of your chattels left in this area. Will you please sign and return one copy to us?"
You did sign it and return it, did you?

A Yes.

Q And that list is the list of things for which you are claiming? A: Yes.

Q And when you left your property there, did you leave anybody in charge of it? A: Mr. Page from Brackman-Ker Milling Company, New Westminster.

Q What did you instruct him to do?

A Well he look after the residence.

Q Yes. Was somebody left to operate the chicken farm?

A No, no, not those kind of things, no.

Q Was it rented? A: Yes, rent house and look after things.

Q Rent the house and look after the things?

A Yes. Mr. Page, he said he look after everything, so I left my list with him.

Q And did he put a tenant in, or what?

A Yes.

Q But you didn't look after that yourself?

A Oh no.

MR. BREWIN: I think that is all, thank you.

MR. HUNTER: It is submitted, my lord, that the real property was sold for its fair market value. It is submitted that the personal propeerty sold was sold for its fair market value. It is submitted that the claims made for any personal property not sold by the Custodian are exorbitant.

CROSS-EXAMINATION BY MR. HUNTER:

Q Is this your signature, Mr. Otsuki, on this J.P. form? A: Yes.

Q And this was drawn according to your instructions?

A Yes.

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

THE COMMISSIONER: What particular significance do you attach to the J.P. form, Mr. Hunter?

MR. HUNTER: I am putting it in merely, my lord, so if anybody wants to inspect it, as they may well do, in a case this large, it will be available.

The next is a letter dated August 1st, 1942, from E.J. Sanders to the Custodians, Re: File 8617, No. Otsuki.

"As suggested by you during our conversation on July 29th, I am submitting herewith two offers for the two Smith incubators with a capacity of 30,000 and 39,000 eggs respectively, owned by Mr. N. Otsuki. One for the leasing of the machines and the other for the purchase of them.

"For the duration of the war, or until such time as Mr. Otsuki is able to return to the Coast and

conduct his business again I will pay $400.00 as rental for one year for the use of both incubators and agree to carry fire insurance on them up to the amount of $4,000.00. One half the rent to be paid immediately upon acceptance and the balance May 1st 1943. After the first year the rent to be paid in two instalments, one half January 1st and the balance May 1st of each year. Cancellation of the lease to be made by either party beforeAugust 1st of each year. While in my possession it is understood that the incubators are to be kept in good condition and all repairs necessary are to be made by me, and at the expiration of the lease they are to be returned in as good order as when taken over, subject to ordinary wear and tear. This offer, of course, being contingent on my being called for military training.

"Should the owner wish to sell I will agree to pay $1500.00 for each machine - each to be sold separately and not as one unit - and will pay $500.00 on acceptance of the offer; $500.00 May 1st 1943; $500.00 July 1st 1943, and the balance over a period of two years at 6% interest.

"At the present time I have not been able to see these incubators but these offers are made subject to them being in good order, and that any repairs or replacements necessary will not be at my expense.

"I have had eleven years experience in a senior capacity with the two largest hatcheries in British

Columbia and understand the operation of Smith incubators, and while in my possession the machines would be well taken care of.

"If either of these offers is satisfactory to Mr. Otsuki I would appreciate an early reply as there is very little time left before it will be necessary to make preparations for the next hatching season."

The next letter is from Rump & Sendall, Langley Prairie, B.C., dated the 2nd of August, 1944, addressed to the Custodian.

"Dear Sir: In confirmation of our conversation over the telephone this morning, I contacted Mr. Jos.Gibson of Gibson's Auctioneers and Appraisers, Langley Prairie, and we inspected the two incubators owned by Otsuki, formerly of Strawberry Hill, and enclosed herewith is Mr. Gibson's appraisal with full particulars.

"Trusting that you will find everything in order".

And attached thereto is "To appraisal Smith Electric Incubators located at Sanders Hatchery, Cloverdale, B.C., at $3,017.50, Fee 10% of valuation, $301.75", and the $301.75 is scratched out with the notation that it was "settled for $65.00". So apparently someone in the Custodian's office resented the 10%. That was dated 2nd of August, 1944.

THE COMMISSIONER: What was the valuation again?

MR. HUNTER: $3,017.50, my lord. The next is a bill of

sale, my lord, dated the 31st of October, 1944, to the person who made this offer, but apparently by this time the offer has been increased or they have managed to obtain a larger amount because the bill of sale is for $3800.00.

THE COMMISSIONER: You are proposing to put in all these documents as one exhibit?

MR. HUNTER: I was proposing to put in this series as one exhibit. It shows the two Smith incubators as the things being sold, my lord. It is a conditional bill of sale, my lord. I would file those as Exhibit 7.

(DOCUMENT MARKED EXHIBIT NO. 7).

MR. HUNTER: The next is an appraisal by the Brackman-Ker Milling Company, Limited, dated September 20th, 1943, addressed to the Custodian, saying:

"Dear Sir:

I have made a survey of the batteries at the farm of N. Otsuki, Scott Road. The valuation I would put on them is 35 to 40 cents each, as they are. Yours truly, W. Page."

I tender that as Exhibit 8, my lord.

(LETTER MARKED EXHIBIT NO. 8).

MR. HUNTER: The next is a letter from the Coach & Horses Inn, or on their stationery, dated -- I can't see a date on it, although it was received by the Custodian on September 25th, 1943, from J.W.P. Myers, It looks like, to the Custodian, saying:

"Gentlemen:

Further to our conversation in Vancouver and

also our contact by telephone this morning you will find enclosed my cheque $250.00 as full payment on this equipment situated at 505 Scott Road, viz. a number of laying cages.

"I want to take this opportunity to thank you for your very prompt action in this matter, and might add that I think it is very good business for all concerned, as you have disposed of the property at a very fair price, and we on our part will get it in production at a time when it is very essential that it should be producing.

"We will proceed to remove this equipment just as soon as we can make the necessary transportation arrangements."

THE COMMISSIONER: Well now, referring to the appraisal by Brackman & Ker of 35 to 40 cents each, there is nothing in Exhibit 4 to indicate how many of these battery cages there were.

MR. HUNTER: No. I tried to find that out, my lord, but I think we will have to delve into it a little deeper.

THE COMMISSIONER: Q: Do you know how many battery cages there were? I notice you valued them at $125.00, total 720. A: Yes, 720.

Q How many battery cages would that indicate?

A I think there were over 500. 22 x40, 3 tier.

Q 500 would bring it fairly close to the appraisal, putting it at 40 cents. 500 by 40 would give $200.00. The price paid was $250.00, was it not? The appraisal would show $200 against the selling

price of $250.00.

MR. HUNTER: If the appraisal is sound, my lord, it must be a fair sale.

The next is a wire from the claimant stating "Accepted your offer will sell Sween laying cages for $250.00".

Q I presume that wire was sent by you?

A Yes, I remember that.

MR. HUNTER: I would put those in as one exhibit, my lord. It refers to the laying cages at $250.00.

THE WITNESS: I think that was a far better price.

(DOCUMENTS MARKED EXHIBIT NO. 9).

MR. HUNTER: The next is a letter from the Brackman-Ker Milling Company Limited dated March 8th, 1944, to the Custodian, saying, "I am enclosing herewith cheque for $112.50 covering the sale of 1 only Jamesway electric battery brooder for $125.00 less appraisal fee of 10%, $12.50.

"This brooder was the property of N. Otsuki and I have a letter on file authorizing the sale at this price."

Q Was that letter from you, Mr. Otsuki?

A Yes.

Q You authorized the sale of the electric brooder?

A Yes, but that price was away lower than the market price but I was kind of forced, beingaway from home.

Q Anyway you told them they could sell for $125.00?

A Yes.

(LETTER MARKED EXHIBIT NO. 10).

MR. HUNTER:. The next is a memorandum dated May 20th, 1944, signed by Iverson, re the claimant, saying, "The following chattels were abandoned after being examined by our representative, R.M. Anderson. They were found to be of no commercial value: Farm implements: a few farm tools such as shovels, forks and hoes which were too worn for removal to our auction sales.

Garage: 4 wooden barrels. Quantity small fruit crates, covers, etc. Odds and ends for making chicken crates.

Hired Men's House: One table, 1 old, rusty, burnt out stove. 1 single bed (old) and mattress.

Store Room: Box of ood jars. Roll of wall paper. Odds and ends of lumber.

In House Upstairs: One table."

I wasn't going to put that in because they are not claiming for it, but I raised the point because I didn't know whether they were wishing to have it.

THE COMMISSIONER: There is no necessity to put it in.

MR. HUNTER: No. I just wanted to make sure my learned friend didn't want to raise the question on it.

This is a letter dated October 25th, 1945, my lord, from the Custodian to the Trapp Motors Limited, requesting their appraisal of certain things for sale to the Department of Agriculture from the University of British Columbia.

The next is an appraisal by the Trapp Motors Limited, dated March 8th, 1946, appraising these things, and saying, "On your instructions, we have

appraised the following goods and machinery located at 503 Scott Road., Delta Municipality.

A. Feed mixer, consisting of mixing drum, 1 H.P. Electric Motor, shafts, belting, gears and e elevator 350.00

B. Woods Electric Feed grinder complete with hopper and 3 H.P. electric motor and switch 180.00

C. 2 Granview brooders @18.00 36.00

1 Jamesway brooder, complete 18.00

5 Jamesway brooders, less motors @10.00 30.00

2 Petersimes brooders, less motors @ 5.00 10.00

1 Snyder brooder, complete 16.00

D. Jeanette Manufacturing Co. oil burner installed in Robin Hood cast iron boiler, motor, coils and quantity of 1" and 3" pipes and fittings 475.00

1,115.00

"We believe the above to be a fair appraisal for the goods in their condition as viewed."

MR. HUNTER: The Iverson memorandum was not filed, that is right. Actually you don't need the letter of instructions to the Trapp Motors. It was put in to complete the picture. The actual appraisal is sufficient.

(LETTER MARKED EXHIBIT NO. 11).

MR. HUNTER: The next is a letter from the Brackman-Ker Milling Company, Limited, dated September 19th, 1945, to the Custodian, saying:

"I wish to advise you that I have disposed of two

brooders which belonged to N. Otsuki for the sum of $60.00 and am remitting same less 10% commission.

"I consider this a fair valuation for these brooders."

Q Did you have any correspondence with the Brackman-Ker Milling Company about the brooders?

A No.

Q You didn't authorize them to sell these at that priee? A: No.

(LETTER MARKED EXHIBIT NO. 12).

MR. HUNTER: Next, my lord, is headed "Appraisal Sheet", dated January 22nd, 1946, re the claimant. "Under instructions from the Custodian's office we have appraised and sold to the tenant, Mr. C. Klammer, the following goods:

1 kitchen stove; draperies on windows; dresser (upstairs); galvanized iron tank lying outside; three brooders, total $101.50, less commission, $10.15, $91.35."

And it is signed Trapp Motors, Limited, and says, "Submitted to Rural Advisory Committee and approved the 22nd of March, 1946".

(APPRAISAL SHEET MARKED EXHIBIT NO. 13).

MR. HUNTER: I wonder, there was the original appraisal by Trapp Motors, Exhibit 11, my lord. That was originally appraised for the purpose of selling to the University. There is a lot more in connection with that that I think should probably be added to that as one exhibit, if I might. Wasn't

that the one in which they appraised them in parcels, or was that another claim? Parcel "A" and "B", and so on.

THE OMMISSIONER: On Exhibit 11 "A" is a feed mixer, consisting of mixing drum, one horsepower electric motor, shafts, etc., $350.00.

MR. HUNTER: Yes, that is the one, because they were advertised for sale by public tender.

THE COMMISSIONER: I think it would be desirable to file them altogether.

MR. HUNTER: I would suggest this correspondence go in in connection with Exhibit 11, and as part of Exhibit 11.

MR. BREWIN: That is the feed mixer?

MR. HUNTER: This is a copy of the advertisements advertising for tenders in the "Vancouver Sun" and the British Columbian on March 2nd, 1946, in which they advertised the various items appraised by the Trapp Motors in Exhibit 11, and also advertised at least one additional item. I see there is a Charters incubator. The first offer in response to the advertisement or tender is dated March 12th, 1946, in which J.M. Manson offers $61.00 for Parcel "D", that is the Jeanette Manufacturing Company oil burner with Robin Hood cast-iron boiler, etc. That is the one that was appraised at $475.00, my lord, and this was an offer of $61.00 which was of course refused. The next is one dated March 14th, 1946, whereby Thomas Clayton bid $40.00 for which he calls items 1, 2 and 3 which is the

1 horsepower Master motor, one phase, $115/220 volts 60 cycle BX cable with switches; one drum feed mixer, which would be item "A" in the advertisement, with belting and pulleys; one feed elevator, with belting and pulleys. For all that he offers the sum of $40.00. There is a notation here, my lord, on a memorandum dated March 18th, 1946, "The following tenders were opened in the office of Mr. Shears this morning, those present were Mr. Shears, Mr. Good, and Mr. Anderson. Parcel "A" and "B", the tender of Mr. J. Manson was $65.00, the valuation $350.00 and $180.00, which was rejected. Parcel 'A', 'B' and 'C', Mr. T. Clayton, $40.00, valuation $350.00, $180.00, and $110.00, which was rejected. No tenders were received on parcels "D", "E" and "F"." I see an offer here by what looks like a Mr. Turley of $50.00 for "two Grandview Jamesway, two Petersimes, that is all the brooders, in Parcel "C" and Parcel "E". Quantity of fonts and water troughs. Parcel C"-- well, that is all right, -- it is dated May 6th, 1946, so that on Parcels "C" and "E" there is an offer of $50.00.

There is then a series of letters from the Custodian which I think it would be unnecessary to put in, merely pointing out to these people who had bid for the parcels that the appraisals were a great deal higher than their offer, and accordingly their offers were rejected.

THE COMMISSIONER: You have no desire to have that

additional correspondence filed, have you, Mr. Brewin?

MR. BREWIN: No, my lord.

MR. HUNTER: That correspondence will go in as part of Exhibit 11.

THE COMMISSIONER: Yes, just add those to Exhibit 11, Mr. Watson.

MR. HUNTER: The next is a letter from the Soldier Settlement and Veterans Land Act, dated September 19th, 1946, to their Regional Supervisor, Mr. T. Godfrey. It says: "Re: Allan Nicolson - Veteran- and former Nihei Otsuki property.

"It is noted from these files that sale of the project property is contemplated to Allan Nicolson and that the tenant, Christopher Klammer, has indicated his intention to vacate the premises on October 31st.

"I wrote you on June 14th concerning a telephone conversation that I had with Mr. Iverson of the Custodian's office concerning a heating plant and certain other poultry equipment on the premises. Mr. Iverson phoned me again yesterday to say that the appraised value of the feed grinders and heating equipment is $1015.00 and that there have been enquiries at the Custodian's office regarding the purchase of this equipment, but it is suggested that if the veteran whom we are placing on the holding is interested in them they might better remain where they are.

"I gather from your memorandum of August 10th

that the heating plant appraised at $475.00 has not been used by the present tenant and may not be useful to the incoming purchaser. However, the Custodian's Department would like to know what, if any, of the articles might be taken over by Nicolson, and if he is not interested they can be disposed of at once."

Then there is a letter dated October 7th, 1946, from E. Miles, saying:

"Last month in company with Mr. Iverson I went to view a hotwater heating plant on the Otsuki poultry farm at Strawberry Hill.

"Since that time I have put in considerable time checking said plant, with expert advice, and now find that to set up this outfit in my place will cost in the neighbourhood of $300.00 which includes cost of removal from above premises.

"Due to the fact that the hot water coils have been lying outside exposed to the weather for five years, they are badly pitted and rusted and are probably of no value whatsoever. The oil tank which has been underground for 7 years will hardly pay for removal, and re-installation, the cost of which will be around $70.00. The heating element, by lying idle for so long, has taken considerable condensation, some parts will have to be replaced, and machine completely overhauled.

"I have contacted a number of moving concerns and find that the cheapest price for moving the plant and delivering to my place will cost approxi-

mately $100.00. In view of the above expenses involved amk prepared to pay the sum of $175.00 for complete outfit."

Next is a letter from the Supervisor of Land and Loans under the Soldier Settlement Board or the Veterans Land Act to Mr. T. Godfrey, Regional Supervisor,"re Allan Nicholson, veteran, and former Nihei Otsuki property.

"This is to recall to you our letter of September 19th regarding feed grinders, heating equipment, etc., to the value of $1015.00 that was left on this property by the former Jap occupant.

"You were asked at that time to advise what, if any, of this equipment might be taken over by Nicolson, and if he is not interested in any of it to so advise and the Custodian's office could then dispose of this equipment without reference to this department.

"Will you please let me have this information for them."

Next is a letter from Hal Menzies, dated November 16th, 1946, to Mr. Shears, of the Custodian's office re the same property.

"In response to your letter of October 9th, I went over to Surrey to inspect the machinery you have for sale and it appeared to me that the offers you had were definitely out of line with the value of the property. I also feel that the valuations you have were also out of line being too high, par-

ticularly the oil burner which would have to be completely dismantled to be removed and considerable trouble in re-setting it, and it is suitable only for certain types of heating. The coils have been exposed to the weather and are in poor shape and the oil tank has been some considerable time in the location, underground, and undoubtedly has depreciated considerably as all of these elements do when lying idle too long.

"Therefore, I contacted a client of mine, whom I knew was requiring at least some if not all of this equipment, and I have received from them an offer of $750.00 for the whole equipment, which I enclose with their cheque. This will be subject to a commission of $50.00 but there will, of course, be no charge for appraisal. It seems to me that my people, owing to the fact that they are a thriving farmers' organization and have need of the equipment, have given an offer for its full value.

"I will be glad to know in due course whether the offer is accepted."

The next is a letter from the Consumers' Co-Operative Association to Mr. Menzies, dated November 16th, 1946.

"With reference to the properties below mentioned, this Association tenders a bid of $750.00, 10% of which bid is covered by a cheque in the amount of $75.00 attached hereto.

PROPERTIES

Feed Mixer, consisting of mixing drum, 1 H.P. Motor, Shaft, Belting, gears and elevator, and switch.

"Wood Electric feed grinder complete with hopper, 3 H.P. Motor and switch.

"Jeanette Manufacturing Co. Oil Burner installed in Robin Hood cast iron boiler, motor, coils, and quantity of 1" and 3" pipes and fittings."

Those are three of the items shown in the advertisement which you will recognize, my lord. The next is a letter from the Custodian to Mr. Menzies advising that this offer has been accepted and that a bill of sale will be completed.

The next is a letter from Mr. Menzies, dated November 20th, 1946, in which he advises that the offer having been accepted, that these items will be removed from the premises.

Next is a letter from the Custodian to the Consumers' Co-Operative advising them that they would ask that reasonable care be taken in protecting the buildings in removing this material.

The next is a memorandum directing that a bill of sale be prepared and advising where these things are.

The next is a letter to Mr. Menzies from the Custodian acknowledging receipt of the $750.00, and the next is a bill of sale, my lord, from the Secretary of State to the Consumers' Co-Operative Association for $750.00.

That is a lot of correspondence, my lord, but I do feel it gives the picture of the effort that was made.

THE COMMISSIONER: I think it is very desirable that

claimant's counsel should know what evidence will be led when the Government's case comes to be put in.

(DOCUMENTS MARKED EXHIBIT NO. 14).

MR. HUNTER: Those are the major items which were appraised and sold, my lord. As far as the other items are concerned, I think the analysis is fairly self-explanatory. It is an awfully long analysis and if your Lordship has had time to look at it, and is dubious about anything that is there, perhaps I can explain it. The recapitulation on the last page pretty well gives the picture, showing that furniture valued by the claimant at $2,635.50 was sold for $811.15, and that implements and machinery valued by the claimant at $11,534.75 were sold for $5,265.00, and that the large amount of items mentioned there were sold with the real property as fixtures.

As far as the real property is concerned, my lord, I consider it to be a straight question of value.

MR. BREWIN: I was just wondering if my friend is closing his case, in the farm appraisal report that was sent to us by the Custodian, "Statement 'C' see enclosed sheet" against the buildings and a total present day value of $10,224.00 is placed. I don't see in the material sent to me the enclosed sheet. There doesn't seem to be any.

MR. HUNTER: You are quite right. Obviously it has been left out. That will have to be furnished, my lord.

I presume it corresponds to the buildings you are claiming for.

MR. BREWIN: I presume so, but naturally I would like to have it.

THE COMMISSIONER: Perhaps Mr. Shears would require his office to make a photostat of the missing document, a copy of which will be sent to Mr. Brewin, as soon as it is available.

MR. HUNTER: We wouldn't have it. This would be the way it came to us. We will have to get Brigadier Rutherford to send it out from Ottawa.

THE COMMISSIONER: Will you take steps to see it is done, and a copy should be filed with Exhibit 2, and the further copy to go to Mr. Brewin.

MR. HUNTER: Quite, my lord.

MR. BREWIN: There is just one question I thought Mr. Otsuki might help us with. I was a little mystified by these battery cages. They were valued at -- ?

THE COMMISSIONER: 35 to 40 cents each.

MR. BREWIN: 35 to 40 cents each.

Q You told us there were about 500 of them which would make a value of about $250.00 which they were sold for. I see you put a value on them without any number at $720.00. You put "battery cages at $125.00, total $720.00". What would each of them be worth?

A I think $1.25.

THE COMMISSIONER: Q: I beg your pardon?

A $1.25 each.

THE COMMISSIONER: Instead of 40 cents each you think

they are worth $1.25 each?

MR. BREWIN: Oh, I see. It is probably a misprint.

Q Then instead of 125, it should be $1.25. Is that what you paid for them? A: Yes.

Q That is what you actually paid for them?

A Yes.

Q I suppose they had been used at the time, had they?

A Yes, but at the time of sale we couldn't get them at that price for that.

Q You couldn't get $1.25 -- A: No.

Q --at the time the Custodian sold them?

A No, prior to that time. I had an offer at that price.

Q You had an offer at what price?

A $1.25.

Q Who from? A: I don't know the name, but I don't like to see that price, $250.00.

Q I am just asking you, do you know the details of the offer at $1.25 or who made the offer to you?

A Yes.

Q When? Before you left? A: That is before evacuation.

Q And was I right in understanding that you paid $1.25 for them? Is that correct -- for each one?

A Yes.

Q Where did you get them? A: At the price of 40 or 45 cents each; that is a ridiculous price.

Q Never mind that. I am asking you, Mr. Otsuki, as to where you got them from?

A I got them from Brackman & Ker.

Q And you paid them $1.25 each, is that right?

A Yes.

Q I want to be sure I understand you.

A Oh yes, sure, but since I got them the price went away up, you know.

Q Oh, I see. You got them cheaper and you think the price went up and you are charging the same amount?

A Yes, I think that price is fair.

THE COMMISSIONER: Q: Well, Mr. Otsuki, would you not consider that Brackman-Ker from whom you bought these cages would be well qualified or as well qualified as anyone to say what their value was at the time that they were appraised?

A I don't know. You see, perhaps, Professor Lloyd.

THE COMMISSIONER: That is asfar as we can go, I fancy.

MR. BREWIN: That is all, thank you, my lord.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

J. P. Horrobin

".T. P. HORROBIN"
Official Reporter.

All of these chattels were left at the property in care of the Custodian. The detailed list supplied to the Custodian includes many pages. The claimant will if desired by the Custodian submit later a detailed list with valuations in respect to each article.

base 1013 File 8617

NOV 24 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.

ACKNOWLEDGED

To room 10

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

(1) NAME OTSUKI (Print) Surname Nihei Given Name (RCMP) Reg. No. 11269

(2) Pre-Evacuation Address 505 Scott Road, Strawberry Hill, R.R.No.1 New Westminister, B.C.

(3) Present Address 210 Gainsborough Road, Toronto, Ontario.

(4) REAL ESTATE

(a) Street Address (if any) _____ City or Municipality, _____ Province Burnaby

(b) Legal description (lot number, block number, section number, etc.)
Lot 2, N. E. 1/4 Sec. 24 Township 4,

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

(i) Farm
(ii) Residence Type of business Poultry Farm and Residence
(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.)

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

(i) Land - - - - - - - - - - - - - - - - $ 3000.00

(ii) Buildings - - - - - - - - - - - - - - - $ 18915.00

(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) - $ 21915.00

(v) Amount at which Custodian sold property and credited your account - - $ 5460.00

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 16455.00

(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.	Inventory of Chattels left on property was	Estimated Value $
2.	given to Custodian and appears in file No.	Estimated Value $
3.	8617. It includes furniture valued at -	Estimated Value $ $2635.50
4.	Implements and Machinery vallued at -	Estimated Value $ 11534.75
5.	(This included incubators valued at $6,000)	Estimated Value $
6.	Littar carrier system valued at	Estimated Value $ 500.00
7.	Water system	Estimated Value $ 475.00
8.	Wire Netting (outside)	Estimated Value $ 200.00
9.	Light and Power systems	Estimated Value $ 750.00
10.	The Custodian sold these items for	Estimated Value $ 16095.25 4852.53

TOTAL CLAIM FOR PROPERTY LOSS $ 11245.72

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) - $ 27,700.72

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

(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)
of)
TO WIT:)

I, Otsuki, Nihei of the City
of Toronto in the County of York

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 19th day of November)
A.D. 1947.) N. Otsuki

A Commissioner &c.

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.

OTSUKI, Nihei
(Claimant's Name)

REAL ESTATE
(Farm Land)

11269
Reg. No.

LAND		Acres	Date of Purchase	From Whom	Cost Price	Cleared Uncleared or cultivated at date of Purchase	Improvements at date of Purchase	Estimated value at Date of Sale
Uncleared Cultivated not planted Cultivated and not in crop List Crops	1. Land	9,5 acres	1.1920	1.Kelly Douglas & Co. Ltd.	1. $2669.00	1. Uncleared except 1 acre		1. $3000.00
Total								

IMPROVEMENTS SINCE PURCHASE OTHER THAN BUILDINGS (e.g. cultivation, plants, trees or special equipment)

Description	When Made	Cost
1. Clearing of land and fencing	1. Gradually during time when property owned	1Approx. cost of clearing and putting up fences $1000.00 - Clearing and building of fences was done by Mr. Otsuki and hired man and considerable labour would be expended.

BUILDINGS

	Type	Size	Finish	Date Built	Cost Material	Paid for Labour	Value of Own Labour	Allowance for Depreciation	Estimated Value
1.	House	32 x 36	1.Stucco	1.1933-34	1.$5500.00			-	1.$5500.00
2.	Laying & Brooder House	20 x 70	2.Wood	2.20'x 40' 1922 Addition 20'x30' about 1934	2. 600.00	2. $400.00	2.	2.$500.00	2. 500.00
3.	Laying & Brooder House doubled decked with feed room in centre	20 x 300	3.	3.20'x 140'ft. built in 1925-30 20'x 70' around 1930 Feed Room 1931-32	3.2500.00	3 $1600.00		3.$1600.00	3.$2500.00

Comments re Appraiser's report not covered by above information:

(Continued on attached sheet)

EXHIBIT No. 1013-1
DATE 6 May 1948
FILED BY J.a. Brewin

Signature

OTSUKI, Nihei
(Claimant's Name)

REAL ESTATE
(Farm Land)

11269
Reg. No.

LAND	Acres	Date of Purchase	From Whom	Cost Price	Cleared Uncleared or cultivated at date of Purchase	Improvements at date of Purchase	Estimated value at Date of Sale
Uncleared							
Cultivated not planted							
Cultivated and not in crop							
List Crops							
Total							

IMPROVEMENTS SINCE PURCHASE OTHER THAN BUILDINGS (e.g. cultivation, plants, trees or special equipment)

Description	When Made	Cost

BUILDINGS

Type	Size	Finish	Date Built	Cost Material	Paid for Labour	Value of Own Labour	Allowance for Depreciation	Estimated Value
4. Laying and Brooder House	20 x 180		4.1934 20' x 80' built by claimant Feeder House and balance built by carpenter	4.$1500.00	4.1000.00		4.$1225.00	4.$1275.00
5. Laying and Brooder House	20 x 175		5.1934 Built by Contractor named Spencer R.R.#1 New.Westminster	5.$2000.00			5.$785.00	5.$1215.00

Comments re Appraiser's report not covered by above information:

(Continued on attached sheet)

Signature

Buildings

Type	Size	Finish	Date Built	Cost Material	Paid for Labour	Value of own Labour	Allowance for Depreciation	Estimated Value
6. Laying & Brooder House doubled deck with cement floor	6.20x180		6. Built by contractor	6. $3500.00			6, Nil	6. $3500.00
7. Laying & Brooder House double deck with cement floor	7.22'x190'		7. Half of this built 1925-30 Addition and cement floor and new roof 38-39	7. $3000.00			7. $500.00	7. $2500.00
8. Stable & Food Store			1933-34	$ 400.00			8. $200.00	8. 200.00
9. Hired Man's 2 Houses			9. One built before 1933 one built after	$400.00 each			9. $200.00 each	9. 400.00
10. Incubator House cement floor	10.30'x30'		10. 1931-32					10. $500.00
11. Twenty-nine summer shelters	11.10'x20'		11. From time to time since 1925 and renewed with new wire from year to year	11. $25.00 each			Nil	11. $725.00
12. Look-out House			12. 1936	12. $100.00			12. 50.00	12. $ 50.00

.....K. Otsuki.....
Signature

BC-456P
BC-2410-A.

BC/456-P
BC/2410-A

S.S. Form No. 43
(Sheet 1)

Farm Appraisal Report

File No. J.L. 634

Land Description Lot 2 of N.E.¼, Sec. 24, Tp.4, Map 962, N.W.D.

Containing 9.58 Acres

Owner's Name Nihei OTSUKI Post Office Address R.R. 1, New Westminster

Nearest Rail Point Kennedy - B.C.E.R. Distance 1¼ miles

Market Town New Westminster Distance 5½ "

Church (give denomination) Evangelical Mission Distance 1¼ "
Other denominations within 2 miles.

Nearest School Strawberry Hill Distance ½ "

State how property was identified: Roads, Map, Tenant.

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

On main hardsurfaced road.

Is this district a good one? Agriculturally not. Outside work plentiful - New Westminster.

Employment opportunity New Westminster, industry good. Also peat and other industry closer.

Predominating Nationality and religion: British, Protestant.

Describe Fencing and its condition: Mostly poultry net 7' high. Some woven wire as well. Lines all fenced and numerous similar cross fences. Value $

Water supply: 3 wells and thought to be insufficient in summer when fully operating poultry. Value $

8617

BUILDINGS ON FARM

BUILDINGS	DIMENSIONS	MATERIAL	HEIGHT	ROOF	AGE	Foundation	REPAIR	VALUATION
See enclosed sheet.								
HOUSE	x							
	x							
	x							
BARN	x							
	x							
BARN	x							
	x					EXHIBIT No. 1013-2		
GRANARY	x					DATE 6 Nov 1948		
	x					FILED BY		
	x					[illegible] J.W.G. Hunter		
	x							
	x							

Total present day value $ 10,224.00

Total Value Buildings add to farm $ 5,000.00

Is dwelling habitable without repairs? Yes. If not what is your approximate estimate of cost to make it habitable? Excellent building with full plumbing, including bath. Furnace in basement and excellent fireplace.

$

Describe the basement and chimneys: 7' full size conc. basement. 3' conc. wall, balance wood frame inside, stucco out.

No. rooms downstairs? 5 Upstairs? 3 How finished Plastered.

Are buildings painted? A number are. Condition of paint Fair.

Distance from nearest bush None close to main buildings. Col. Houses are scattered here and there quite close to it.

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

BC/456-P
BC/2410-A

N. [illegible]uki - J.L. 634

ription	Size	Eave	Age	Foundation	Repair	Remarks	Value
t. stucco	30x32x22	15'	3	Concrete	Exc.	Modern house)	3500
house	4x16x7		3	"	"	)	
ddition under above is 8' full size basement 3' conc. wall 3' wood							
e has furnace, full plumbing, fancy fireplace.							
ouse	20x170x8	6'	old	Wood	Fair		300
	20x320x8	6'	8	"	"		1200
	20x180x8	6'	7	"	"		900
ble d.)	24x180x16	12'	1	Conc.	Exc.	Conc.floor	1350
")	24x166x16	12'	5	"	"	" "	1100.
	20x174x8	6'	5	Wood	Good		800
House	20x30x10	7'	5	Conc.	Exc.	Conc. floor)	400
	10x30x10	7'	1	"	"	" ")	
	10x16x10	8'	Old	Wood	Poor		Nil
ge	20x20x12	9'	3	Conc.	Exc.	No floor	100
k	14x22x9	8'	4	Conc. posts	Good	½ unfloored	100
k	10x14x8	7'	5	Wood	"		45
le	14x20x10	8'	9	"	Fair		100
l. houses	8x12x7	6'	6	"	"		40
l. "	10x16x5	3'	4	"	"		90
"	10x20x6	4 aver.	7	"	"		144
ooder D.d.	8x10x16	14	4	"	"		35
ooder	8x12x7	6'	4	"	"		20
							10224
				Buildings add to farm			5000

buildings are shingled.
ouses are wired and fed with water from electric pressure tank.
also have litter carrier track.

Cultivated Land

ACRES	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	KIND AND QUALITY OF CROP	VALUE PER ACRE	TOTAL
6.5	Undulating some.	6-10" sandy with pebbles	Sandy-grav. Hardpan 18"-3'	Some currants, good.	60.	390.00

Area which can be cultivated without cost other than for breaking.

LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL		VALUE PER ACRE

Area which can be cultivated after a reasonable amount of clearing timber, stones, drainage, etc.

	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	NATURE OF RECLAMATION NECESSARY	RECLAMATION COST PER ACRE	VALUE PER ACRE	
1.8	Undulating.	More gravelly than above		Bush	125	30	54.00
1.28	" "	"	"	" Some stumps	10	50	64.00

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 $ 508.00

Total added by buildings to value of farm $ 5000.00

Total fruit trees add to value of farm (for use in orchard districts only) $ 25.00

Total value of farm $ 5533.00

Describe condition of farm commenting on tillage, length of time unoccupied or partly occupied:

Continuously occupied. Little tillage done except to acre of currants and gooseberries.

State most suitable type of agriculture for farm bearing in mind the district's limitations, if any.

Poultry is only line could be followed here with all the buildings.

Noxious weeds:

Odd Can. Thistle.

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

Delta - General Taxes - $48.75.

Date: July 25, 1942.
Place: Chilliwack, B. C.

I certify that the above report is based on a personal examination of the whole farm made on the 20 **day of** July 19 42

Inspector's Signature "R. L. Ramsay"

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

Farm Appraisal Report

Re: [redacted]. Otsuki J.L. 634

Remarks: This place is very well located close to Westminster and on a paved road.

Soil is light and hungry with hardpan below at varying depths from 18" to 3'. Wells except with big reservoir in hardpan go dry in August. These wells here would answer ordinary purposes, but the drain when this place is running to capacity is tremendous. Buildings on the whole are excellent, up to the minute and in good shape. Otsuki was a commercial poultryman running a hatchery and his own flock as well. Batteries of large incubators are in the incubator house still.

There is 1 acre of bush fruit mostly black currants, but with a small patch of gooseberries.

Rented to C. Klamer $40.00 per month. In occupation.

(FOR ORCHARD LANDS ONLY)

REMARKS: re general lie of land, fertility of soil, irrigation, drainage or dyking and reclamation.

ANNUAL COST OF IRRIGATION, DYKING AND DRAINAGE.

ORCHARDS, SMALL FRUITS, ETC. (Give number, age, variety and condition of all tree fruits, condition and area of each kind of small fruits.)

	Present Value
There are 25 mixed fruit trees mostly apple about 15 years old only in fair shape.	$ 25.00
	$
	$
	$
	$
	$
	$
	$
	$
Total	$ 25.00

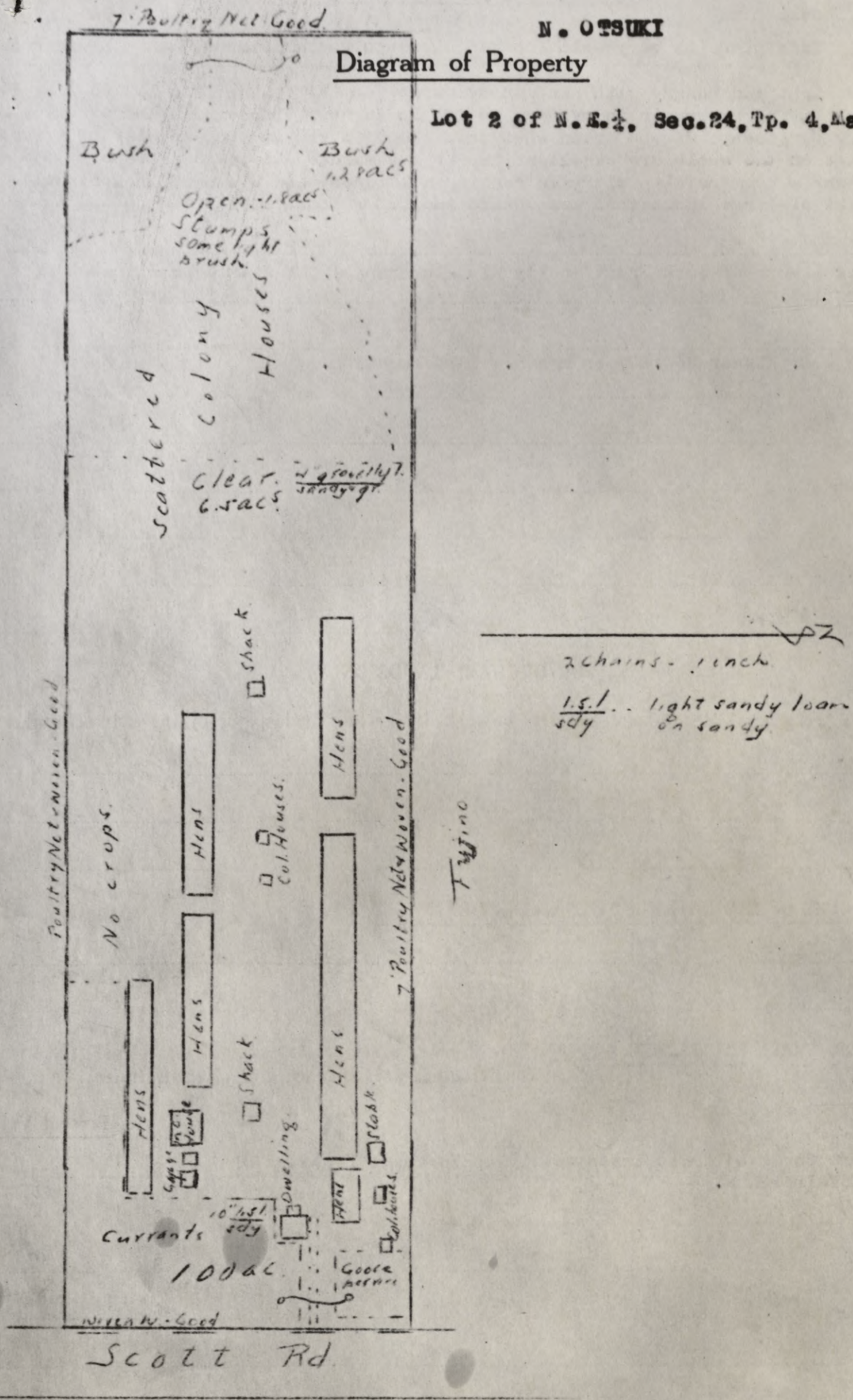
Amount fruit trees add to value of farm $ 25.00

#24.

N. OTSUKI

Diagram of Property

Lot 2 of N.E.¼, Sec.24, Tp. 4, Map 962, N.W.D



Following careful review of this appraisal report, it is my opinion that the present value is $ 5500.00

Date 28th July 19 42

"I. T. Barnet"

District Superintendent.

Cy 3







Part Exhibit 3





File No: 8617

Name: OTSUKI, Nihei

Reg. No: 11269

INVENTORY OF CHATTELS LEFT ON PROPERTY

Den:

1 bookcase	30.00
containing books	100.00
office desk	35.00
2 tables	20.00
elec. ironer	200.00
gramaphone with records	75.00
1 wicker waste paper basket	1.50
2 wicker chairs	35.00
2 chairs	5.00
world map	2.00
lamp and stand	25.00
globe	3.00
aquarium	10.00
4 pictures (wall)	20.00
2 Venetian Blinds	15.00
plant stand	3.00

Bathroom:

bathrub	
washbasin	
toiler	
medicine cabinet with house	
rubber plunger	1.00

Living Room:

1 piano	325.00
1 chesterfield	225.00
2 chairs	
1 piano stool	15.00
small carpet	25.00
large Wilton carpet	85.00
2 small tables	25.00
fireplace grating	10.00
guard	7.00
4-pc.equipment and stand	15.00
2 picture frames	50.00
4 drapery, 2 rods	35.00
New Haven clock	25.00
2 candles, 2 holders	5.00
ornamental ship (wood)	7.00
3 flower pots,3bases	10.00
ash tray stand	2.00

Dining Room

1.	table,oak Old English	200.00
2.	chairs (5) and 1 large	200.00
3.	linoleum	15.00
4.	china cabinet	20.00
	casserole	8.00
	cutglass bowl	15.00
	jug	15.00
	1/2 doz. tumbers,dish	
5.	buffet	20.00
6.	waffle iron	10.00
	plates, etc.	5.00
	coffee maker	5.00

Kitchen

1.	table	5.00
2.	chairs (6)	12.00
3.	stove and water tank	120.00
	Linoleum	10.00

Bedroom

1.	dresser	35.00
2.	mattress	20.00
3.	carpet	25.00
4.	bed	35.00

Upstairs Rooms

North Room:

1.	dresser	35.00
2.	bed	35.00
3.	table	25.00

South Room:

1.	dresser	25.00
2.	bed and mattress	40.00
3.	table	25.00

East Room:

1.	bed and mattress	40.00
2.	table	20.00
3.	misc.--poultry records, books, and 2 sets of Encyclopedia	100.00
	clothes,lamps	130.00
	encyclopedia	34.00
	dishes	15.00
	blankets	20.00

EXHIBIT No 1013-4
DATE 6 may 1948
FILED BY
J. a. Brown

File NO: 8617

Name: OTSUKI, Nihei

Reg.No.: 11269

INVENTORY OF CHATTELS (CONT'D)

BASEMENT
Storeroom

1.	7 bdles.(pts.of chick boxes)	$7.50
2.	Unused roll of wire netting ½"mesh	35.00
3.	roll of wire netting	11.00
4.	Morse pump	50.00
5.	Kerosene can	2.00
6.	chemicals and apparatus	10.00
7.	electrical sockets and accessories	10.00
8.	vise 2 (including one for saw)	5.00
9.	box of jars	1.50
10.	gas torch	7.50
11.	hatchet (shingling)	2.50
12.	house jacks 2	20.00
13.	Pipe wrenches 4	15.00
14.	long handled shears	2.50
15.	dusters 2	3.00
16.	gooseneck	2.00
17.	nailpuller	3.50
18.	shoe repair kit	1.25
19.	water fountains 2	2.00
20.	steel chick mash boxes 3	4.50
21.	small roll of tarpaper and wallpaper	1.00
22.	roll of fine mesh wire net	15.00
23.	pruning shear	2.50
24.	square	2.50
25.	box of electric light bulbs	10.00
26.	planes 2	7.00
27.	fuses 21	2.00
28.	barometer	5.00
29.	pliers,screw driver,pr.of crescent wrenches	5.00
30.	pulleys 2	4.00
31.	chimney cap	1.00
32.	electric motors 2	50.00
	lawn mower	15.00
	furnace and accessories with house magic egg cleaner	200.00

Basement (cont'd)

73 egg cases and miscellaneous parts	$40.00
33 steel pipes mostly 3/4"	$60.0
3 " " " between joints	
Wash basin	
Coal pail	1.50
Milk Can	3.00
Short pcs.of lumber	10.00
elec.washing machine	200.00
13 steel pails	10.00
2 wooden pails	1.00
3 lanterns	3.75
3 boxes of hen "specs"	6.00
2 boxes of leg bands	2.50
electric cord and lamp guard	1.50
2 steel trays	4.00
sledge hammer	2.00
2 hammers	3.00
egg scale	5.00
household scale	10.00

File No. 8617

Name: OTSUKI, Hihei

Reg. No: 11269

Chicken House
20 x 70
20 x 300
20 x 180
20 x 175 ROP
(22 x 90 24 x 90)
(20 x 80) $3000.00
(24 x 180) double $3500.00

INVENTORY OF CHATTELS LEFT ON PROPERTY

Pumphouse

Pump and steel drum	$350.00

Feedhouse - Between B-11 & B-10

15 steel watertroughs	$20.00
1 rail carrier with switch	$75.00

Feedhouse - Between B-21 & 22

Jamesway brooders, 3	105.00
Snyder, 1.	35.00
Petersimes, 2	80.00
Grandview, 1.	40.00
Hay hooks, 2.	3.00

Hired Men's House

1 table	5.00
1 stove and chimney	5.00
2 chairs	3.00
1 single bed with spring	30.00
1 mattress	25.00
1 sofa bed	

Feedhouse - Between A-16 & A-17

Boiler	325.00
Electric oil pump burner	400.00
Various pipes	250.00
20 wooden feed boxes	30.00
4 short drainpipes	8.00
24 steel water and mash boxes	36.00
A window	2.00
2 steel pipes	3.50

Concrete Floor Chicken House

Each room has a float & steel trough except A-19 & A-20 which h have only floats.

Room A-19 has

1 Grandview brooder and cover	$35.00
Tarpaper	1.00
9 feed boxes	18.00
4 crock water fountains	8.00

Room A-20 has

1 Grandview brooder	$35.00
4 crocks	8.00
1 steel feed trough	15.00

Upstairs

1 roll of wire netting,2"	12.00
1 steel rail	2.00
25 Steel feed and water troughs	37.50
12 wooden mash boxes	24.00
20 crock water fountains	30.00
manure carrier	75.00

Each of rooms is equipped with 3 mash boxes and floats and troughs.

Battery Building

Battery cages @ $1.25.00	$720.00
Manure scraper	1.50
2 feed mixing boxes	4.00
2 feeders	10.00
1 grandview	35.00

File No. 8617

Name: OTSUKI, Nihei

Reg. No. 11269

INVENTORY OF CHATTELS LEFT ON PROPERTY

Battery Building

1	feedmixer	150.00
	feed grinder & 2 grinding plates & wrench	210.00
2	large doors	10.00
4	sacksmash & 3 of grain	16.00
3	chicken crates	6.00
4	feed boxes & 6 water troughs	15.00
	about 20 sacks crushed shell	20.00
1	sack of hydrated lime	1.00
1	h.p.electric motor upstairs	60.00
2	brooder tops upstairs	
23	water troughs	34.50
8	feed boxes	16.00
2	screen boxes	5.00
1	window	2.00
1	catching crate	2.00

Farm Implements

3 picks and 1 pickhead	6.50
1 mattock	1.50
1 rake	1.50
2 scrapers	3.50
5 ordinary shovels	5.00
2 stable shovels	2.00
3 square shovels	3.75
4 hoes	5.00
2 forks	3.50
1 large scoop shovel	2.00
1 crowbar	1.50
1 broom	.50
3 drakes	4.50

Field

1 drum of tar	10.00
1 drum of creosote	10.00
1 drum of fuel oil	10.00

R.O.P. Chicken House:

Each room -- a float and mash box and shell box.

R.O.P.Feed Room:

2 BROOMS	1.00
1 OIL BRUSH	.50
1 sack lime	1.00
1 rail carrier	75.00

Pumphouse

Pump and accessories 275.00

Incubator Room:

Smith Incubator #39 & #30 fully equipped with trays, 2 stools, 3 tray racks on wheels fully equipped with trays except two $6000.00

47 small hatching egg cages	$25.00
2 candlers	5.00
Steel stoppers (ends) in 6 boxes to fit trays	
1/2 box plate glass	10.00
1 step ladder	2.00
2 asbestos pipes	1.00
1 oil stove and chimney	75.00
2 Smith vacuum cleaners and parts	
13 feed and water troughs	19.50
5 egg cases	2.50

Miscellaneous:

Sledge hammer	2.00
3 switches	3.00
floats taps electrical parts,	2.00
2 cased incubator fans	
Hygrometer and wicks	2.00
foot punch and band plier	2.50
1 steel brush	.50
1 water fountain	2.00
1 electric cord	.50

File No. 8617

Name: OTSUKI, Nihei

Reg. No.11269

INVENTORY OF CHATTELS LEFT ON PROPERTY

Egg Room

L GLOBE STOVE	$15.00	
12 egg cases and contents	6.00	
13 bundles-- parts for chick boxes plus 3 opened bundles	162.50	
1 Jamesway electric battery brooder		200.00 – consented to sale at $125 –
1 Bostitch clamper and box of staples		15.00
1 mercury switch		5.00
1 saw		2.50
1 box of "bits"		5.00
Chemicals: 1 bottle of ammonia		1.50
1 bottle of formaldehyde		1.50
Disinfectants		
1 bottle of recording ink and 2 clock keys		
1 crane thermometer		1.50
1 package hog rings		1.00
1 band plier		1.50
2 cans calking compound other tinsof varnish, paint, putty, etc.		5.00
1 level		2.50
3 paint brushes		1.00
5 incubator steel pipes		5.00
2 boxes of parts-- 4 tray rack wheel pieces, sprayer part, electrical parts		5.00
1 glass photo graduate.		1.00

Sawdust Building

2 long saws	10.50
2 sythes	5.00
1 mole trap	2.00
2 augurs	5.00
4 steel trays	8.00
1 large canvas	12.00
2 bundles of shingles	4.00
1 cultivator	20.00

Garage

4 Steel drums	8.00
4 wooden barrels	4.00
3 chicken crates	6.00
6 steel trays	12.00
1 pruner	2.50
About 30 small fruit crates, covers, etc.	10.00
1 large chimney elbow	1.00
Bundled components for chicken crates	3.00

TOTAL $20,360.75

I

File No. 8617 April 10, 1948.

REAL PROPERTY MEMORANDUM

Re: (Mr.) Nihei OTSUKI
Registration No. 11269
File No. 8617

Veterans' Land Act transaction.

One Real Property only, being:

Lot 2 of the North East quarter of Section 24, Township 4, Map 962, Municipality of Delta, in the District of New Westminster.

Address: 505 Scott Road, Delta Municipality.

Assessment: (1943) Taxes: $53.12.

Land..... $500.00
Improvements.. 5000.00
TOTAL $5500.00

Sold to the Director, Veterans' Land Act for $5,433.00.

Claimant's Valuation: Land..... $ 3,000.00
Buildings.. 18,915.00
TOTAL $21,915.00

Relative documents attached to Claim File.

WJJ/HMS

.....W.J.Johnston.....

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 8617 EXHIBIT No.

NAME OTSUKI, Nihei REG. No. 11269

DATE — DECLARATION May 7/42 — EVACUATION May 18/42

INVENTORY — TAKEN BY — DATE Sept 12/42

DETAILS OF CLAIM — INVENTORY ANALYSED

SALES — AUCTION / TENDER &c

SOLD WITH REAL PROP. — DECL. NOT FOUND

"JP" DECLARATION:- (the below incubators hold 3900 and 30000 eggs)	INVENTORY OF CHATTELS LEFT ON PROPERTY	DETAILS OF CLAIM	AUCTION	TENDER &c	SOLD WITH REAL PROP.	DECL. NOT FOUND
Household furniture including chesterfield suite	Den: 1 bookcase cont. books office desk	Inventory of Chattels left on property was given to Custodian and appears in file No. 8617. It includes furniture valued at - $2635.50	F 22.00 F 13.00			
Dining room set	2 tables	Implements and Machinery valued at - 11534.75	F 1.50			
Piano	elec. ironer	(This includes incubators valued at $6,000.)	Spec.80.00			
Gramaphone	gramaphone	Littar carrier system valued at - 500.00	Spec.15.00			
5 Beds	1 wicker waste paper basket	Water system 475.00	F 9.00			
2 Bedroom Suites	2 wicker chairs	Wire netting (outside) 200.00	F 2.50			
1 Bookcase and Books	2 chairs	Light and Power systems 750.00				
Kitchen Utensils	world map	$16095.25	F 2.00			
Chinaware	lamp and stand	Custodian sold items for 4852.53				
Magic egg cleaner	globe	TOTAL CLAIM $11245.72				
Washing Machine	aquarium					
Furnace	4 pictures (wall)					
2 Incubators	2 Venetian Blinds					
47 Pedigree baskets	plant stand	The claimant will if desired by the Custodian submit later a detailed list with valuations in respect to each article.	F 2.50		x	
36 extra incubator trays	Bathroom:					
1 16" fan	bathtub					
28 extra trays	washbasin					
16" fan	toilet					
1 Vacuum cleaner each for the above incubators	medicine cabinet					
	rubber plunger					
56 hatching tray sides	Living Room:					
2 egg hatching testers	1 piano		Spec. 130.00			
800 chick boxes	1 chesterfield		Spec. 62.00			
2 egg tray starters	2 chairs					
2 cans lubricating grease	1 piano stool					
	small carpet					
2 cans caulking compound	large carpet					
2 cans varnish	2 small tables					
19 hatching trays dividers	fireplace grating, guard, 4-pc. equipment and stand.		F 1.00			
15 egg tray dividers						
11 spring egg tray dividers	8 picture frames					
	4 drapery, 2 rods		Spec. 101.50			
1 oil heater	New Haven clock		Spec. 15.00			
1 coal heater	2 candles, 2 holders					
1 egg candling lamp	ornamental ship (wood)					
1 nail puller	3 flower pots, 3 bases					
1 electric brooder	ash tray stand		F 1.50			
1 chick box binding wire	Dining Room					
1 chick box stapeller	table		Spec. 40.00			
with 1 box of staples	chairs (5) and 1 large		F 4.50			
1 toe marker	linoleum		F 5.00			
13 hydrometer wicks	china cabinet (casserole,		Spec. 17.00			
1 wing band sealer	cutglass bowl, jug,					
36 whole length ½" galvanized pipes	½ doz. tumblers, dish)					
	buffet		F .25			
1 H. P. pump	waffle iron, plates etc.		K 4.00			
32 6 light sashes	coffee maker					
16 3 light sashes	Kitchen					
8 reliable floats	table		F 5.50			
3 4 light sashes	chairs		F(7) 8.25			
39 9 light sashes	stove and water tank.					
4 6 light sashes	Bedroom					
12 2 light sashes	dresser		F .50			
33 6 light sashes	mattress					
6 float valves	carpet		F 5.50			
12 3 light sashes	bed		F 16.00			
576 laying cages	Upstairs Rooms:					
18 ¼" taps	North Room:-					
8 light sockets	dresser		F(1) 8.00			
71 6 light sashes	bed		F 12.00			
4 3 light sashes	table		F 1.50			
1/2 float valves	East Room:					
	bed and mattress		F 16.00			
	table		F .75			

EXHIBI
DATE...
FILED

LE No. 8617 EXHIBIT No. I CASE No.

EG. No. 11269 VENUE Toronto

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD		REMARKS
AUCTION	TENDER &c								
ANALYSED									
22.00									
13.00									
1.50									Sold with broom sweeper
ec.80.00									
ec.15.00									
									Sold with miscellaneous for 70¢
9.00									
2.50									Sold as sundries
2.00									Sold as sundries
									Sold as sundries
									Sold as sundries
									Sold as sundries
2.50									
	}	x							Fixtures
. 130.00									
. 62.00									
									Sold with piano
									Sold with piano
									Sold with other carpets
									Sold with other carpets
									Sold as sundries
1.00									Sold as sundries
Spec. 101.50									Sold as sundries
c. 15.00									Sold with other goods for $101.50.
									Sold as sundries
									Sold as sundries
1.50									
c. 40.00									
4.50									
5.00									
c. 17.00	}							}	Sold as sundries and miscellaneous.
.25									
4.00									Sold as sundries
5.50									
7) 8.25									Including a rocker
									Sold with other goods for $101.50
.50									Sold with bed (below)
5.50									
16.00									Sold with mattress
1) 8.00									Also one sold with other goods for $101.50
12.00									
1.50									
.									
16.00									
.75									Sold with jardiniere stand.

EXHIBIT No. 1013-5
DATE 6 May 1948
FILED BY
J. W. G. Hunter.

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 8617 EXHIBIT No.

NAME OTSUKI, Nihei REG. No. 11269

DATE
DECLARATION May 7/42
EVACUATION May 18/42

INVENTORY
TAKEN BY
DATE Sept 12/42

DETAILS OF CLAIM

(Continued) Page 2.

		SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
		AUCTION	TENDER &c		
3 fuse boxes 34 light sockets 200 10' trucks (manure carriers) 2 manure carrier buckets	misc.--poultry records, books, clothes, lamps, encyclopoedia, dishes, blankets.	Misc. 89.15			
17 light sockets 2 4 light sashes 8 float valves 6 six light sashes 14 float valves 29 light sockets 1 switch box 6 light sockets 615 manure carrier trucks 4 James Way brooders 2 Petersium brooders 1 Economy brooders 4 Grandview brooders 1 ten gallon milk cans 5 steel barrels	BASEMENT Storeroom 7 bdles. (pts. of chick boxes) Unused roll of wire netting ½" mesh Roll of wire netting Morse pump Kerosene can Chemicals & apparatus Electrical sockets & accessories Vise 2 (Including one for saw) Box of jars	M 8.00 M 1.50 Spec. 65.00 M 1.50			
Carpenters tools, 1 vise for threading pipes 1 pipe vise 1 vise 4 pipe wrenches	Gas torch Hatchet (shingling) House jacks 2 Pipe wrenches 4 long handled shears Dusters 2 Gooseneck Nailpuller	T 4.00 T 19.00			
Located on the property at 505 Scott Rd., R. R. No. 1, New Westminster.	Shoe repair kit Water fountains 2 Steel chick mash boxes 3 Small roll of tarpaper and wallpaper Roll of fine mesh wire net Pruning shear Square Box of elec. light bulbs Planes 2 Fuses 21 Barometer pliers, screw, driver, pr. of crescent wrenches pulleys 2 chimney cap	T 13.00		x	
	Electric Motors 2 Lawn mower Furnace & Accessories Magic egg cleaner 73 egg cases and miscellaneous parts 33 steel pipes mostly ¾" 3 " " " between joists Wash basin Coal pail Milk Can Short pieces of Lbr. Elec. Washing Machine 13 steel pails 2 wooden pails 3 lanterns 3 boxes of hen "specs" 2 boxes of leg bands Electric cord and lamp guard 2 Steel trays Sledge Hammer 2 Hammers Egg scale Household scale	M 16.00 Spec. 22.00 M 2.50 Spec. 95.00 K .75 F 2.50		x x x	

FILE No. 8617 EXHIBIT No. Page 2. CASE No.

REG. No. 11269 VENUE Toronto

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
AUCTION	TENDER &c							
sc. 89.15								
								Sold as sundries.
8.00								
1.50								
sc. 65.00								
					x			No commercial value.
1.50								
								Sold as sundries
								Sold as tools
					x			
						x		
								Sold as tools
								Sold as tools
4.00								Sold with saw for $4.00
19.00								Sold with a lot of other tools
								Sold as tools
								Sold as sundries
								Sold as tools
13.00								
								Sold with other boxes
					x			
					x			No value
								Sold with other wire
								Sold as tools
								Sold as tools
								Sold as sundries
								Sold as tools
								Part of equipment
								Part of equipment
								Sold as tools
								Sold as tools
		x						
								Sold as sundries
16.00								Also part of feed grinder & oil burner sold for $750.00
c. 22.00								
		x						Fixture
2.50								
								Tenant states picked up by Burns & Co.
		x						Fixture
		x						Fixture
								Sold as sundries
								No commercial value
								No commercial value
ec. 95.00								
.75								
								Sold as sundries
								Sold as sundries
								Sold as sundries
2.50								
								Sold as sundries
								Sold as tools
								Sold as sundries
								Sold as sundries

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 8617 EXHIBIT No.

NAME OTSUKI, Nihei REG. No. 11269

DATE	INVENTORY	DETAILS OF CLAIM	SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
DECLARATION / EVACUATION	TAKEN BY / DATE Sept. 12/42	(Continued Page 3.)	AUCTION	TENDER &c		
	Pumphouse Pump and steel drum				x	
	Feedhouse-Between B-11 & B-10 15 steel watertroughs 1 rail carrier				x	
	Feedhouse-Between B-21 & 22 Jamesway brooders, 3. Snyder, 1.			M 125.00		
	Petersimes, 2 Grandview, 1.			M 60.00		
	Hay hooks, 2 Hired Men's House 1 Table 1 Stove and chimney		F 6.00			
	2 Chairs		F 2.00			
	1 Single bed with spring 1 mattress 1 sofa bed		F 12.00			
	Feedhouse-Between A-16 & A-17 Boiler Electric oil pump Various pipes					
	20 wooden feed boxes		M 3.50			
	4 short drainpipes				x	
	24 steel water and mash boxes					
	A window				x	
	2 Steel pipes Concrete Floor Chicken House Each room has a float & steel trough except A-19 & A-20 which have only floats.					
	Room A-19 has 1 Grandview brooder & cover tarpaper 9 feed boxes 4 crock water fountains					
	Room A-20 has 1 Grandview brooder 4 crocks 1 steel feed trough					
	Upstairs 1 roll of wire netting 2"					
	1 steel rail				x	
	25 steel feed and water troughs 12 wooden mash boxes 20 crock water fountains manure carrier		M 5.50			
	Each of rooms is equipped with 3 mash boxes and floats and troughs.					
	Battery Building Battery cages Manure scraper		M 4.00			
	2 feed mixing boxes 2 feeders 1 grandview brooder					

ILE No. 8617 EXHIBIT No. CASE No.

EG. No. 11269 Page 3. VENUE Toronto

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
AUCTION	TENDER &c							
		x						Fixture
		x						Sold to Mr. Klammer with other goods. Fixture
	M 125.00							1 to Page for $125.00; 2 to Klammer with other goods.
	M 60.00							Sold to Mr. Klammer with other goods. Sold to Mr. Klammer with other goods Sold to Mr. Klammer with other goods Sold as tools
					x			No value
6.00								
2.00								
12.00								
					x			No value
					x			No value
								Sold with Feed Mixer and Grinder for $750.00. Bill of Sale on Claim File.
3.50								
		x						Fixture Sold with other goods
		x						Fixture.
		x						Sold with other goods
								Sold with another brooder for $60.00
								Sold with other goods.
								Sold with brooder above for $60.00 Sold with other goods
								Sold with other wire.
		x						
								Sold with other goods
5.50								
								Sold with other goods
4.00								
								Sold as tools Sold with feed mixer Sold with other goods Sold to Mr. Klammer with other goods

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 8617 EXHIBIT No.

NAME OTSUKI, Nihei REG. No. 11269

DATE	INVENTORY	DETAILS OF CLAIM	SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
DECLARATION	TAKEN BY		AUCTION	TENDER &c		
EVACUATION	DATE Sept. 12/42	(Continued Page 4.)				
	Battery Building					
	1 feedmixer feed grinder & 2 grinding plates and wrench			M 750.00		
	2 large doors 4 sacks mash & 3 of grain 3 chicken crates 4 feed boxes & 6 water troughs abt. 20 sacks crushed shell 1 sack of hydrated lime					
	1 h.p. electric motor					
	Upstairs					
	2 brooder tops "					
	23 water troughs "					
	8 feed boxes "					
	2 screen boxes "					
	1 window "					
	1 catching crate "					
	Farm Implements					
	3 picks and 1 pick head 1 mattock 1 rake 2 scrapers 5 ordinary shovels 2 stable shovels 3 square shovels 4 hoes 2 forks 1 large scoop shovel 1 crowbar 1 broom 3 drakes					
	Field:					
	1 drum of tar 1 drum of creosote 1 drum of fuel oil			M 3.00		
	R.O.P. Chicken House:					
	Each room--a float and mash box and shell box.					
	R.O.P. Feed House:					
	2 Brooms 1 oil brush 1 Sack lime					
	1 rail carrier				x	
	Pumphouse:					
	Pump and accessories				x	
	Incubator Rooms:					
	2 Smith Incubators, #39 & #30 fully equipped with trays, 2 stools, 3 tray racks on wheels fully equipped with trays except ~~XXX~~.two.			Spec. 3800.00		
	47 small hatching egg cages			Spec. 250.00		
	2 candlers					
	Steel stoppers (ends) in 6 boxes to fit trays					
	½ box plate glass				x	
	1 step ladder					

LE No. 8617 EXHIBIT No. _____ Page 4. CASE No. _____

EG. No. 11269 VENUE Toronto

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
AUCTION	TENDER &c							
	M 750.00							Sold with Oil Burner etc. Bill of Sale on Claim File
								Mr. Klammer, tenant, claims he bought these items before Evacuation from Mr. OTSUKI.
								Sold with feed mixer, grinder etc.
								Mr. Klammer claims he bought these items from Mr. OTSUKI before Evacuation.
								Mostly sold as bundle of tools. A few were abandoned.
3.00								
								Used.
								Used.
		x						Fixture
		x						Fixture
	Spec. 3800.00							
	Spec. 250.00							Sold to Mr. Myers.
								Sold with Smith Incubators
								Sold with Smith Incubators
								Sold with Smith Incubators
		x						Used in chicken houses
								Sold as sundries

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 8617 EXHIBIT No.

NAME OTSUKI, Nihei REG. No. 11269

DATE
DECLARATION
EVACUATION

INVENTORY
TAKEN BY
DATE Sept. 12/42

DETAILS OF CLAIM

(Continued Page 5.)

SALES — AUCTION | TENDER &c

SOLD WITH REAL PROP.

DECL. NOT FOUND

2 asbestos pipes
1 oil stove and chimney
2 Smith vacuum cleaners and parts — Spec.(1) 12.00
13 Feed and water troughs
5 egg cases

Miscellaneous:
Sledge hammer, 3 switches, floats taps, elec. parts.

2 cased incubator fans
Hygrometer and wicks
foot punch and band plier
1 steel brush
1 water fountain
1 electric cord.

Egg Room:
1 globe stove — F 39.00
12 egg cases and contents
13 Bdls.-parts for chick boxes plus 3 opened bundles.
1 Jamesway electric batterybrooder — M 60.00
1 Bostitch clamper & box of staples
1 mercury switch
1 saw
1 box of "bits"

Chemicals:
1 bottle of ammonia
1 bottle of formaldehyde
Disinfectants
1 bottle of recording ink and 2 clock keys
1 crane thermometer
1 package hog rings
1 band plier
2 cans calking compound, other tins of varnish, paint, putty, etc.
1 level
3 pain brushes
5 incubator steel pipes
2 boxes of parts-4 tray rack wheel pieces, sprayer part, electrical parts.
1 glass photo graduate

Sawdust Building
2 long saws
2 sythes
1 mole trap
2 augers
4 steel trays
1 large canvas
2 bundles of shingles — M .25
1 cultivator

Garage:
4 steel drums
4 wooden barrels
3 chicken crates
6 steel trays
1 pruner — T 1.00
Abt. 30 small fruit crates, covers, etc.
1 lge. chimney elbow
Bundled components for chickencrates.

$929.65 5146.50

x

E No. 8617 EXHIBIT No. Page 5. CASE No.

. No. 11269 VENUE Toronto

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD		REMARKS
UCTION	TENDER &c								
									Sold as sundries
(1)12.00									Sold with other goods
									Sold with other troughs
									Tenant says Burns & Co. took these
									Sold as tools and sundries.
									Sold with Smith Incubators
									Sold with other goods
									Went with Incubators
									Sold to Mr. Saunders
									Sold with other goods
39.00									
									Burns and Co. took these
									Sold as sundries
	M 60.00								Sold to Klammer with other goods
									Went to Mr. Saunders with Incubators.
									Part of feed mixer.
									Sold with tools
									Sold with sundries
									Sold as sundries
				x					Part of Incubator
				x					Sold as tools
									Used
									Sold as sundries
									Used
									Incubator equipment
									Sold as sundries
				x					
									Sold as tools
									Sold as tools
				x					Sold as tools
									Used
									Used
.25									Sold as tools
									Sold as sundries
				x					In Use
1.00									No value
$929.65	5146.50	x							No value

SEE PAGE 6

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 8617 EXHIBIT No.

NAME OTSUKI, Nihei REG. No. 11269

DATE	INVENTORY	DETAILS OF CLAIM	SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
			AUCTION	TENDER &c		
DECLARATION May 7/42	TAKEN BY					
EVACUATION May 18/42	DATE Sept. 12/42.					

RECAP:

Furniture valued by claimant at.....$2,635.50 sold for $811.15; som
Implements and machinery valued by claimant at $11,534.75 sold for 5265.00; som
Goods (littar carrier,water,light and power
system and wire netting) valued by claimant at 1,925.00 sold with Real Proper
$16,095.25 $6,076.15

LE No. 8617 EXHIBIT No. PAGE 6 CASE No.

EG. No. 11269 VENUE Toronto, ONTARIO.

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
AUCTION	TENDER &c							

.....$2,635.50 sold for $811.15; some abandoned and some no account, theft etc.
claimant at $11,534.75 sold for 5265.00; some abandoned and some no account, theft etc.
nd power
claimant at 1,925.00 sold with Real Property as fixtures.

$16,095.25 $6,076.15

FORM "JP"

FILE No. 1013 - 6

FRASER VALLEY STRAWBERRY HILL

DATE 6 May 1948

FILED BY J.W.G.Hunter

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: OTSUKI Nihei

HOME ADDRESS: 505 Scott Rd, New Westminster, B. C.

REGISTRATION NUMBER 11269 SEX: Male AGE: 55

OCCUPATION: Poultry 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: Myself

MARRIED? Yes

NAME OF WIFE OR HUSBAND: Hisa

ADDRESS OF WIFE OR HUSBAND: 505 Scott Rd, New Westminster, B.C.

NAMES OF ANY LIVING CHILDREN: Shigeyuki (M) Ryo (M) Emee(F)

ADDRESS OF CHILDREN: 505 Scott Rd, New Westminster, B. C.

AGE OF CHILDREN: 20, 16, 14.

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

1. LOCATION AND DESCRIPTION: Lot 2 NE ¼ Section 24, Township 4, Municipality of Delta

2. BUILDINGS AND OTHER IMPROVEMENTS: Eight - room dwelling, 1 incubator house 30' x 30', 6 chicken houses, 1 stable, 3 colony houses, 23 range houses, 2 hired men's bunk houses, garage, 1 woodshed, 1 watchman's house, 1 pump house.

3. INSURANCE (Give particulars; state where policies are) $10,000 in North West Fire Ins another policy with the same company amount unknown. Policy Nos 205069 and 193922

4. TAXES (Amount and where payable) $57.88 for 1941, payable at Delta

5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed) None

6. OCCUPANCY AND LEASES (If vacant so state) Myself at present. I will give Mr W Page Brackman Kerr Co., New Westminster, the power of attorney to lease my house when I leave.

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: in my possession No.88288E

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: None

9. IF FARM LAND STATE CROPS SOWN Gooseberries, black currants, red currants, fruit trees

---

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: See page 1

2. LANDLORD'S NAME AND ADDRESS: ——

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

4. STATE WHEREABOUTS OF LEASE: ——

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

6. IF FARM LAND, PARTICULARS OF CROPS SOWN: See Clause 9

STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS:
(the below incubators hold 3900 and 30000 eggs)
Household furniture including chesterfield suite, dining room set, piano, gramaphone, 2 bedroom suites, 5 beds, 1 bookcase and books, kitchen utensils, chinaware, Magic egg cleaner, washing machine, furnace, 2 incubators, 47 pedegree baskets, 36 extra incubator trays, 1 16" fan, 28 extra trays, 16" fan, 1 vacuum cleaner each for the above incubators, 56 hatching tray sides, 2 egg hatchin testers, 800 chick boxes, 2 egg tray starters, 2 cans lubricating grease, 2 cans caulking compound, 2 cans varnish, 19 hatchin trays dividers, 15 egg tray dividers, 11 spring egg tray dividers, 1 oil heater, 1 coal heater, 1 egg candling lamp, 1 nail puller, 1 electric brooder, 1 chick box binding wire, 1 chick box stappeller with one box of staples, 1 toe marker, 13 hydrometer wicks, 1 wing band sealer, 36 whole length ½" galvanized pipes, 1 h.p. pump (continued on back

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS 500 chickens

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY None

FORM "JP

FILE No.

4. INSURANCE CARRIED ON ABOVE PROPERTY: ~~None~~ See page 1, No.3

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) $490 owing me for chicks by Mr Jenkinson, McLennan Rd, $190.00

Mr Shoji owes me $300, Whonnock B.C.

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts) $700 Victory Bonds, $100 War Savings Certificates, for the amount of my shares see Pemberton & Son, Vancouver, B.C.

8. BANK ACCOUNTS: Bank of Nova Scotia, New Westminster, B. C.

9. LIFE INSURANCE: Four $1000 in the Sun Life Ins Co., Beneficiary my wife. $7300 in the London and Scottish Ins Co., Beneficiary my wife. #129082 The formers' policy Nos are 2142454, 2153291, 492157 and 2247650.

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 7th day of May 194 2

(Signature) "N. Otsuki"

"T.J.Williams"
Witness

FOR DEPARTMENTAL USE

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

July 7th 1948

32 6 light sashes
16 3 light sashes
8 reliable floats
3 4 light sashes
39 9 light sashes
4 6 light sashes
12 2 light sashes
33 6 light sashes
6 float valves
12 3 light sashes
576 laying cages
18 ¼" taps
8 light sockets
71 6 light sashes
4 3 light sashes
12 float valves
3 fuse boxes
34 light sockets
200 10' trucks (manure carriers)
2 manure carrier buckets
17 light sockets
2 4 light sashes
8 float valves
6 six light sashes
14 float valves
29 light sockets
1 switch box
6 light sockets
615 manure carrier trucks
4 James Way brooders
2 Petersium brooders
1 Economy brooders
4 Grandview brooders
1 ten gallon milk cans
5 steel barrels

Carpenter tools
1 dice for threading pipes
1 pipe vice
1 vice
4 pipe wrenches

Located on the property at 505 Scott Rd, R.R.No.1, New Westminster, B. C.

1013 - 7

EXHIBIT No. 6 May 1948

DATE

FILED BY J.W.G.Hunter

Mr W.E.Anderson,
Office of the Custodian
of Enemy Property,
675 Hastings Street W.,
Vancouver, B. C.

R.R. 1,
Milner, B. C.

August 1, 1942

Dear Sir:

As suggested by you during our conversation of July 29th, I am submitting herewith two offers for the two Smith incubators with a capacity of 30,000 and 39,000 eggs respectively, owned by Mr N. Otsuki. One for the leasing of the machines and the other for the purchase of them.

For the duration of the war, or until such time as Mr Otsuki is able to return to the Coast and conduct his business again I will pay $400.00 as rental for one year for the use of both incubators and agree to carry fire insurance on them up to the amount of $4,000.00. One half of the rent to be paid immediately upon acceptance and the balance May 1st 1943. After the first year the rent to be paid in two instalments, one half January 1st and the balance May 1st of each year. Cancellation of the lease to be made by either party before August 1st of each year. While in my possession it is understood that the incubators are to be kept in good condition and all repairs necessary are to be made by me, and at the expiration of the lease they are to be returned in as good order as when taken over, subject to ordinary wear and tear. This offer, of course, being contingent on my being called for military training.

Should the owner wish to sell I will agree to pay $1500.00 for each machine - each to be sold separately and not as one unit - and will pay $500.00 on acceptance of the offer; $500.00 May 1st 1943; $500.00 July 1st 1943, and the balance over a period of two years at 6% interest.

At the present time I have not been able to see these incubators but these offers are made subject to them being in good order, and that any repairs or replacements necessary will not be at my expense.

I have had eleven years experience in a senior capacity with the two largest hatcheries in British Columbia and understand the operation of Smith insubators, and while in my possession the machines would be well taken care of.

If either of these offers is satisfactory to Mr Otsuki I would appreciate an early reply as there is very little time left before it will be necessary to make preparations for the next hatching season.

Yours very truly,

"S.J.Sanders"

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

July 7th 1948

E M. Sanders

Attached to Exhibit 1013 - 7

RUMP & SENDALL
LTD

LANGLEY PRAIRIE, B. C.

2nd August 1944.

Mr W.E.Adderson,
Custodian of Enemy Property,
Royal Bank Building,
Vancouver, B. C.

Dear Sir,

In confirmation of our conversation over the tlephone this morning, I contacted Mr Jos Gibson of Gibson's Auctioneers and Appraisers, Langley Prairie, and we inspected the two incubators owned by Otsuki, formerly of Strawberry Hill, and enclosed herewith is Mr Gibson's appraisal with full particulars.

Trusting that you will find everything in order.

Yours very truly,

"E.E.Sendall"

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

July 7th 1948 L. M. Scott

Attached to Exhibit 1013-7

GIBSON'S

REAL ESTATE - INSURANCE - Auctioneering

Telephones: Langley 192 and 148

LANGLEY PRAIRIE, B.C.
2nd August 1944

Mr E.E.Sendall,
c/o Rump & Sendall Ltd .,
Langley Priarie, B. C.

To appraisal Smith Electric Incubators located at
Senders Hatchery, Cloverdale, B. C. @ $3,017.50

Fee 10% of valuation ~~$301.75~~

Pencilled note "settled for $65.00"

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

July 7th 1948

E. M. Scully

THIS INDENTURE made in duplicate the 31st day of October in the year of our Lord one thousand nine hundred and forty four.

BETWEEN

THE HONOURABLE THE SECRETARY OF STATE OF CANADA ACTING IN HIS CAPACITY AS CUSTODIAN UNDER THE REVISED REGULATIONS RESPECTING TRADING WITH THE ENEMY (1943)
(hereinafter called the "VENDOR")

of the one part

AND:

SIDNEY JOHN SANDERS, Poultry Man, of Cloverdale, in the Province of British Columbia
(hereinaftercalled the "VENDEE")

OF THE OTHER PART:

WHEREAS Nihei OTSUKI, Police Registration Number 11269, was formerly a Poultry Farmer in the City of New Westminster, in the Province of British Columbia;

AND WHEREAS the said NIHEI OTSUKI, a person of the Japanese race, was required to leave the protected area in the Province of British Columbia by order of the Minister of Justice pursuant to the provisions of the Defence of Canada Regulations (Consolidation) 1941;

AND WHEREAS the Vendor under and by virtue of Order in Council Number P.C. 1665 of 1942 and amendments thereto and of the applicable provisions of the revised Regulations Respecting Trading with the Enemy (1943) is vested with all the right, title and interest of the said NIHEI OTSUKI in the goods and chattels hereinafter described and enumerated, and hath contracted and agreed with the said Sidney John Sanders for the sale of the interest of the said NIHEI OTSUKI in the goods and chattels for the sum of Three Thousand Eight Hundred ($3,800.00) Dollars, such sale to be executed by a Conditional Bill of Sale to the Vendee herein;

WITNESSETH that The Secretary of State of Canada hereinafter called the Vendor, has delivered to Sidney John Sanders, residing at Cloverdale, in the Province of British Columbia, hereinafter called the Vendee, the personal property hereinafter described, under a contract of conditional sale terms and conditions of which contract of conditional sale are as follows, to wit;

1. Said property is now and shall remain the absolute property of the Vendor until after the full and complete payment of the purchase price therefor, which purchase price is the sum of Three Thousand Eight Hundred ($3,800.00) Dollars;

2. That the Vendee has this day paid to the Vendor, on account of said purchase price, the sum of One Thousand Nine Hundred ($1,900.00) Dollars (the receipt of which is hereby acknowledged);

3. That the balance of said purchase price, to wit, One Thousand Nine Hundred ($1,900.00) Dollars, is evidenced by the following described promissory note, to wit;

Maker: Sidney John Sanders
Date: 31st day of October, 1944
Due 1st day of May 1945
Amount: One Thousand Nine Hundred ($1,900.00) Dollars

4. That on full payment of said promissory note, principal and interest, according to its terms, the title to said property shall vest in said Vendee;

5. The said property and every part thereof at all times while out of the possession of said Vendor shall be at the risk of said Vendee, and all loss or damage of said property or any part thereof shall be borne by said Vendee and no such loss or damage shall operate to extinguish or diminish any liability upon said note; and said Vendee further agrees to keep said property insured in a sufficient amount in favor of said Vendor to cover his interest at all times before the vesting of said title in said Vendee by making of said payment as aforesaid;

6. Said Vendee shall at all times while the said property is in the possession of said Vendee have the right to use the same for all uses and purposes for which said property is designed;

7. Possession of said property was taken by said Vendee on the day of October, 1944.

8. Said property is described as follows, to wit:

1 only Smith all electric Incubator, 30,000 egg capacity, Type 30, No. E 2185 A

1 only Smith all electric Incubator, 39,000 egg capacity, Type 39, No. E 2354 B

9. In case default shall be made in the payment of the said promissory note, principal or interest, as and when the same shall become due and payable according to its terms and conditions, the Vendor shall be empowered to take possession of the said personal property, with or without process of law, as the said Vendor may elect, and this contract shall be forfeited and determined at the election of the Vendor, and all sums theretofore paid by the Vendee shall be retained by the Vendor as rent for the use of said personal property, and that such default on the part of the Vendee shall not operate to extinish or diminish any liability upon the said note;

10. Each payment hereinbefore mentioned is a condition precedent to the sale and transfer of the above described property.

PROVIDED that any covenants express or implied on the part of the Vendor are excluded.

The Vendor does not guarantee or warrant and has not made any represenation whatsoever to the Vendee as to the quantity, quality, character and condition of the said goods and chattels and the Vendee acknowledges that he has purchased the said goods and chattels after personal inspection thereto and his own investigation without any representation or warranty whatsoever of the Vendor;

IN WITNESS WHEREOF the said Vendor acting in his capacity as Custodian under the Revised Regulations Respecting Trading with the Enemy (1943) has executed these presents by his Assistant Deputy and the Vendee has hereunto set his hand and seal on the day and year first above written.

SIGNED SEALED and DELIVERED)
in the present of)
"F.Carroll")
Dept Secretary of State)
Ottawa,)
Secretary)
as to signature of Assistant)
Deputy Custodian)
"W Anderson")
as to signature of Vendee)

"A.H.Mathieu"
Assistant Deputy Custodian

"S.J.Sanders" L.S.
Vendee

This is the paper writing marked with the letter "A" referred to in the Affidavit of the Witness F.Carroll
SWORN before me this 6th day of November A.D. 1944.

"G.E.Beckett"
A Notary Public in and for the Province of Ontario.

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

July 7th 1948

E M M. Scott

AFFIDAVIT OF WITNESS

PROVINCE OF ONTARIO)
)
TO "IT:)

I, Florence Carroll
of the City of Ottawa, in the Province of Ontario,

MAKE OATH AND SAY AS FOLLOWS:-

1. That the paper-writing hereunto annexed, and marked "A" is the Conditional Bill of Sale and every schedule or inventory thereto annexed, or therein referred to, and every attestation of the execution thereof, as made and given and executed by Albert Honore Mathieu, Assistant Deputy of the Secretary of State of Canada acting in his capacity as Custodian under the Revised Regulations Respecting Trading With the Enemy (1943)

2. That the said Conditional Bill of Sale was made and given by the said Albert Honore Mathieu, Assistant Deputy of the Secretary of State of Canada on the 4th day of November 1944.

3. That I was present and did see the said Albert Honore Mathieu, Assistant Deputy of the Secretary of State of Canada in the said Conditional Bill of Sale mentioned, and whose name is signed thereto, sign and execute the same on the said 4th day of November 1944.

4. That the said Albert Honore Mathieu at the time of making and giving the said Conditional Bill of Sale, resided and still resides at 15 Arthur St in the City of Ottawa, in the Province of Ontario, and then was and still is the Assistant Deputy of the Secretary of State of Canada.

5. That the name F Carroll set and subscribed as the witness attesting the due execution thereof is of the proper handwriting of me, this deponent, and that I reside at 24 Woodlawn Ave and am a Secretary.

Subscribed to and sworn before me, this)
6th day of November 1944,)
at the City of Ottawa, in the Province) "F.Carroll
of Ontario.)

"G.E. Beckett")
A Notary Public in and for the Province)
of Ontario.

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

July 7th 1948

E. M. Scully

Attaxhed to 1013 - 7

FORWITNESS

PROVINCE OF BRITISH COLUMBIA)
)
TO WIT:)
)

I, William Eric Anderson, of the City of Vancouver, in the Province of British Columbia, make oath and say:

1. I was personally present and did see the within instrument duly signed and executed by Sidney John Sanders, the party thereto, for the purposes named therein.

2. The said instrument was executed at the City of Vancouver, in the Province of British Columbia.

3. I know the said party, and that he is of the full age of twenty-one years.

4. I am/subscribing witness to the said instrument and am of the full age of sixteen years.

SWORN before me at the City of)
Vancouver, in the Province of)
British Columbia this 15th day of)
November 1944)
"D.A.W.CRAMER")
A Notary Public in and for)
the Province of British Columbia

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

July 7th 1958

W. M. Sanders

DATED November 4th 1944

THE HONOURABLE THE SECRETARY OF STATE OF CANADA ACTING IN HIS CAPACITY AS CUSTODIAN UNDER THE REVISED REGULA/ TIONS RESPECTING TRADING WITH THE ENEMY (1943)

and

SIDNEY JOHN SANDERS

CONDITIONAL BIDD OF SALE

RE: Nihei OTSUKI

EXHIBIT No. 1013 - 8

DATE 6 May 1948

FILED BY J.W.G.Hunter

THE BRACKMAN-KER MILLING CO LIMITED

P.O. Box 920

New Westminster, B. C.

September 20, 1943.

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

Attention Mr W. Anderson

Dear Sir:

I have made a survey of the Batteries at the farm of N. Otsuki, Scott Road. The valuation I would put on them is 35 to 40 cents each, as they are.

Yours truly,

"W. Page"

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

July 7th 1948

E M M. Sadler

EXHIBIT NO. 1013 - 9

DATE 6 May 1948

FILED BY J.W.G.Hunter

COACH & HORSES INN

855 Pemberton Road,
Victoria, B. C.

Custodian of Enemy Property
Royal Bank Bldg,
Vancouver, B. C.

Attention Mr Anderson

Gentlemen,

Further to our conversation in Vancouver and also our contact by Telephone this morning you will find enclosed my cheque $250.00 as full payment on this equipment situated at 505 Scott Road, viz. a number of laying cages.

I want to take this opportunity to thank you for your very prompt action in this matter, and might add that I think it is very good business for all concerned, as you have disposed of the property at a very fair price, and we on our part will get it in production at a time when it is very essential that it should be producing.

We will proceed to remove this equipment just as soon as we can make the necessary transportation arrangements.

Again thanking you,

Yours very Truly,

" J.W. & P.Myers"

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

July 7th 1948

E M M. Scales

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

FORM 6102

CANADIAN NATIONAL TELEGRAPHS

W M ARMSTRONG, GENERAL MANAGER
TORONTO

CLASS OF SERVICE DESIRED	
FULL RATE	
DAY LETTER	
NIGHT MESSAGE	
NIGHT LETTER	

PLACE X OPPOSITE SERVICE DESIRED

CHECK	RECEIVERS NO.	TIME FILED	CHARGE TO DEPT. OR ADDRESS
			Attached to Exhibit 1013 - 9

Send the following message, subject to the terms on back hereof, which are hereby agreed to

1943 Sep 23 PM 8 06

YA 279 14 NM COLLECT

UD WINNIPEG MAN 23

CUSTODIAN OFFICE

ROYAL BANK BLDG VANBC

ACCEPTED YOUR OFFER WILL SELL SWEEN LAYING CAGES FOR TWO HUNDRED

FIFTY DOLLARS

NIHEI OTSUKI

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

July 7th 1948

C M H. Scott

CANADIAN NATIONAL TELEGRAPH COMPANY

(operating its own lines and those of the Great North Western Telegraph Company, the Grand Trunk Pacific Telegraph Company and Canadian Government Railways).

HEREINAFTER CALLED THE COMPANY.

TERMS AND CONDITIONS UPON WHICH TELEGRAPH AND CABLE MESSAGES SHALL BE TRANSMITTED ARE PRESCRIBED BY ORDER NO. 49274, DATED DECEMBER 5TH, 1932, OF THE BOARD OF TRANSPORT COMMISSIONERS FOR CANADA AND PUBLISHED IN THE CANADA GAZETTE.

It is agreed between the sender of the message on the face of this form and this Company that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of any unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cipher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate; and, in that case, the Company shall be liable for damages suffered by the sender to an extent not exceeding $200.00, due to the negligence of the Company in the transmission or delivery of the telegram.

Correctness in the transmission and delivery of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent for any distance not exceeding 1,000 miles, and two per cent for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavour to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

CLASSES OF SERVICE

FULL RATE TELEGRAM

A full-rate expedited service.

DAY LETTER

A deferred day service at rates lower than the standard telegram rates as follows: One and one-half times the ten-word day message rate for the transmission of 50 words or less, and one-fifth of the initial rate for such 50 words for each additional 10 words or less.

Day letters may be forwarded by the Company as a deferred service, and the transmission and delivery of such Day Letters are, in all respects, subordinate to the priority of transmission and delivery of full-rate messages.

Day Letters may be delivered by the Company be telephoning the same to the addressees, and such deliveries shall be a complete discharge of the obligation of the Company to deliver.

Day Letters are received subject to the express understanding and agreement that the Company does not undertake that a Day Letter shall be delivered on the day of its date absolutely and at all events, but that the Company's obligation in this respect is subject to the condition that there shall remain sufficient time for the transmission and delivery of such Day Letter on the day of its date during regular office hours, subject to the priority of the transmission of full-rate messages under the conditions named above.

NIGHT MESSAGE

Accepted up to 2 a.m. at reduced rates, to be sent during the night and delivered on the morning of the next day after their date. At places where the Company's offices are not open on Sundays, delivery will be made on the morning of the next ensuing business day.

NIGHT LETTER

Accepted up to 2 a.m. at reduced rates, to be sent during the night and delivered on the morning of the next day after their date. At places where the Company's offices are not open on Sundays, delivery will be made on the morning of the next ensuing business day. The rates for Night Letters are still lower than the standard Night Message rates, as follows: The standard day rate for 10 words for the transmission of 50 words or less and one-fifth of the initial rate for such 50 words for each additional 10 words or less. The minimum charge for transmission over the Company's lines of any Night Letter will be 30 cents.

Night Letters may, at the option of the Company, be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Letters at destination, postage prepaid.

ATTACHED TO EXHIBIT 1013 - 9

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA
CUSTODIAN OF JAPANESE EVACUEE PROPERTY

VANCOUVER OFFICE

Receipt No. 8126

Date 10 March 1944

RECEIVED from W. Page Box 920 New Westminster

the sum of One hundred and twelve 50/000 ----- Dollars ~~Cash~~ Cheque ~~Money Order~~

re: OTSUKI Nehei Reg No.11269 File No.8617

Proceeds from Sale of 1 Jamesway electric Battery Brooder	$125.00
Less appraisal Fee	12.50

$112.50/100

"C.H.Reed" Cashier
For the Custodian of Japanese Evacuee Property.

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

July 7th 1948

C M Sanders

1013 - 10

EXHIBIT No.

6 May 1948

DATE

FILED BY

J.W.G.Hunter

THE BRACKMAN-KER MILLING CO.LIMITED

P.O. Box 920
New Westminster

Box 920,
New Westminster, B. C.
March 8th 1944.

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

Attn W.E.Anderson.

Dear Sir:-

I am enclosing herewith cheque for $112.50 covering the sale of 1 only Jamesway Electric Battery Brooder for $125.00 less appraisal fee of 10%, $12.50.

This Brooder was the property of N. Otsuki and I have a letter on file authorizing the sale at this price.

Yours truly,

"W. Page"

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

July 7th 1948

M. Scales

1013 - 11

EXHIBIT No.

6 May 1948

DATE

FILED BY J.W.G. Hunter

TRAPP MOTORS LTD

PORT OF
NEW WESTMINSTR, B.C.

March 8th, 1946

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

Gentlemen:

On your instructions, we have appraised the following goods and machinery located at 503 Scott Rd., Delta Municipality.

A.	Feed mixer, consisting of mixing drum, 1.H.P. Electric Motor, shafts, bolting, gears and elevator		350.00
B.	Woods Electric Feed grinder complete with hopper and 3 H.P. electric motor and switch		180.00
C.	2 Grandview brooders	@ 18	36.00
	1 Jamesway brooders, less motors	@ 10	30.00
	2 Petersimes brooders, less motors	@ 5.00	10.00
	1 Snyder brooder, complete		16.00
D.	Jeanette Manufacturing Co.oil burner installed in Robin Hood cast iron boiler, motor, coils and quantity of 1" and 3" pipes and fittings		475.00
			1,115.00

We believe the above to be a fair appraisal for the goods in their condition as viewed.

Yours very truly,

TRAPP MOTORS LIMITED

Auctioneers & Appraisers

"C.W.S.Phipps"
Secretary.

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

July 7thh 1948.

C.W.S. Phipps

Attached to Exhibit 1013 - 11

Advertised in the Vancouver Sun, and

The British Columbian March 2, 1946

FEEDGRINDER AND MIXER OUTFIT
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 ~~auction~~ tender such interest as are vested in him in the following equipment, located at 503 Scott Road, Delta Municipality.

PARCEL A: Feed Grinder and Mixer consisting of mixing drum driven by single phase, 60 cycles, 115/230 Volts AC Master Motor 1.h.p.

PARCEL B: Grinder with Woods Magnet Hopper, powered by 3 h.p, Woods Motor 60 cycles 110/220 volts, Cutter, Hammer, Switch, Pulleys, Shafting and Bearings, Wood structure and hopper funnel.

PARCEL C: 5 brooders. 2 Grandview; 1 Jamesway; 2 Petersimes.

PARCEL D: 1 Jeanette Manufacturing Co.Oil Burner with Robin Hood cast iron Boiler, motor and fan. Quantity of pipe for hot water coils.

PARCEL E: Quantity of fonts and water troughs.

PARCEL F: 1 Charters Incubator.

Parcels A and B are installed in place and must be dismantled. Tenders on Parcel C individually or as a whole, may be submitted. Tenders for individual parcels should be addressed to the undersigned marked "Tender for Feed Grinder and Mixter Outfit" up to noon on the 16th day of March 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 Klammer 503 Scott Road, Delta Municipality.

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 2nd day of March 1946

THE CUSTODIAN
506 Royal Bank Building,
675 Hastings Street,
VANCOUVER, B. C.

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

C. M. Scales

July 7th 1948

Attached to Exhibit 1013 -11

R.R. 2 New Westminster, B. C.

Mar 14- 1946

The Custodian,
Royal Bank Bldg,
Vancouver, B. C.

Sir;

Re equipment for sale at 503 Scott Rd Delta.

I would like to buy the following equipment.

(1) 1- 1 H.P MASTER MOTOR 1 PHASE 115/230 VOLTS 60 CYCLES with B X CABLE AND SWITCHES

(2) 1- DRUM FEED MIXER WITH BELTING AND PULLEYS

1- FEED ELEVATOR WITH BELTING AND PULLEYS.

My tender is $40.00 (Forty Dollars) for items #1 - #2 - #3. Enclosed find cheque for $4.00 10% of tender as requested. I will dismantle and remove same at my own expense.

"Thomas Clayton"

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

July 7th 1948

C M. Scott

Attached to Exhibit 1013 - 11

1086 Bute St.,
Vancouver, B. C.
March 12, 1946

The Custodian,
506 Royal Bank Building,
675 Hastings St,
VANCOUVER, B. C.

Dear Sir:

Enclosed herewith please find certified cheque for $6.10 being required 10% of a bid of $61.00 for Parcel "D" of Feed Grinder and Mixer Outfit as described in your advertisement of March 2, 1946.

Yours truly,

"J.N.Manson "

J.N.Manson

JNM/DB
Enc

Phone - Pac 5129

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

July 7th 1948

H. M. Scales

Attached to Exhibit 1013 - 11

18th March, 1946

MEMORANDUM

The following tenders were opened in the office of Mr Shears this morning, those present were Mr Shears, Mr Good and Mr Anderson.

PARCEL "A" and "B"

Tenderer	Amount	Deposit	Valuation	Remarks
Mr J.Manson	$61.00	$6.10	(A) $350.- (B) 180.-	Rejected

PARCEL "A", "B" & "C"

Mr T. Clayton	$40.00	$4.-	(A) $350.- (B) 180.- (C) 110.-	Rejected

No tenders were received on Parcels "D" "E" and "F"

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

July 7th 1948

E M Mr Scott

Attached to Exhibit 1013 - II

May 6/46

Dear Sir

I am willing to pay $50.00 for, 2 Grandview

1 Jamesway. 2 Petersimes, that is all the

Brooders, in Parcel C.

And Parcel E Quantity of fonts and water troughs.

Parcel C. You have 8 brooders it is only 5 Brooders.

Re: Nihei Otsuki

You'r Turley.

C.C. Klammer.
505 Scott Rd.

R.R.1 New Westminster.

Please let me know as soon as positabble.

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

July 7th 1948

C. N. D. Scott

1013 - 12

EXHIBIT No.

6 May 1948

DATE

FILED BY

J.W.G.Hunter

THE BRACKMAN-KER MILLING CO.LIMITED

Box 920
New Westminster, B. C.
Sept 19th. 1945

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

Attention W.Anderson

Dear Sirs,

I wish to advise you that I have disposed of 2 Brooders which belonged to N.Otsuki for the sum of $60.00 and am remitting same less 10% commission.

I consider this a fair valuation for these Brooders.

Yours truly,

"W.Page"

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

July 7th 1948

Attached to Exhibit 1013 - 12

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

CUSTODIAN OF JAPANESE EVACUEE PROPERTY

VANCOUVER OFFICE

Receipt No. 13297

Date 21st Sept 1945

Received from W. Page New Westminster

The sum of Fifty Four 00/100 ---------- ~~Cash~~ Cheque ~~Money Order~~

OTSUKI Nihei

Regn No.11269 File No. 8617

Proceeds from sale of 2 Brooders	$60.00
Less Commission	6.00
$54.00/1000	

"C.H.Reed Cashier
For the Custodian of Japanese Evacuee Property.

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

July 7th 1948

E. M. Scott

1013 - 13

EXHIBIT No.

6 May 1948

DATE

FILED BY

J.W.G.Hunter

APPRAISAL SHEET

File 8617

January 22nd, 1946

Re: Nihei OTSUKI, 505 Scott Rd, New Westminster

Under instructions from the Custodian's office we have appraised and sold to the tenant, Mr C. Klammer, the following goods:

1 Kitchen stove
Draperies on Windows
Dresser (upstairs)
Galvanized iron tank lying outside
3 brooders

TOTAL:	$ 101.50
LESS OUR COMMSSION	10.15
TOTAL	91.35

WJI:DP

TRAPP MOTORS LTD

C.H.D.Phipps

Submitted to Rural Advisory Committee"and approved" 22/3/46"

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

July 7th 1948

C.M. Scott

COPY FOR INFORMATION OF - MR IVERSON, OFFICE OF THE CUSTODIAN.

EXHIBIT 1013 - 14

Your file 8617

DATE FILED BY 6 May 1948

J.W.G.Hunter

SOLDIER SETTLEMENT and VETERANS' LAND ACT

R.O. 3314
D.O. 3842

Vancouver, B. C.
September 19,1946

Mr T. Godfrey,
Regional Supervisor,
New Westminster, B. C.

Re: Allan Nicolson - Veteran - and former Nihei Otsuki property

It is noted from these files that sale of the project property is contemplated to Allan Nicolson and that the tenant, Christopher Kalmmer, has indicated his intention to vacate the premises on October 31st.

I wrote you on June 14th concerning a telephone conversation that I had with Mr, Iverson of the Custodian's office concerning a heating plant and certain other poultry equipment on the premises. Mr Iverson phoned me again yesterday to say that the appraised value of the feed grinders and heating equipment is $1015.00 and that there have been enquiries at the Custodian's office regarding the purchase of this equipment, but it is suggested that if the veteran whom we are placing on the holding is interested in them they might better remain where they are.

I gather from your memorandum of August 10th that the heating plant appraised at $475.00 has not been used by the present tenant and may not be useful to the incoming purchaser. However, the Custodian's Department would like to know what, of any, of the articles might be taken over by Nicolson, and if he is not interested they can be disposed of at once.

?
Supervisor, Land and Loans.

GTM/W

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

C M M. Scott

July 7th 1948

Attached to Exhibit 1013 - 14

R.R. 2 New Westminster, B.C.
Oct 7/46

Custodian of Enemy Property,
Vancouver. B.C.

Dear Sirs:-

Last month in company with Mr Iverson I went to view a hot water heating plant on the Otsuki poultry farm at strawberry hill.

Since that time I have put in considerable time checking said plant, with expert advice, and now find that to set up this outfit in my place will cost in the neighbourhood of three hundred dollars which includes cost of removal from above premises.

Due to the fact that the hot water coils have been lying outside exposed to the weather for five years, they are badly pitted and rusted and are probably of no value whatsoever. The oil tank which has been underground for seven years will hardly pay for removal and re-instalation the cost of which will be around Seventy dollars. The heating element, by lying idle for so long has taken considerable condensation, some parts will have to be replaced and machine completely overhauled.

I have contacted a number of moving concerns and find that the cheapest price for moving the plant and delivering to my place will cost approximately one hundred dollars. In view of above expenses envolved am prepared to pay the sum of one hundred seventy five dollars for complete outfit.

Yours truly,

"E.O.Miles"

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

July 7th 1948

Attached to Exhibit 1013-14

copy for - Custodian

Vancouver, B. C.
November 6th, 1946.

Mr. T. Godfrey,
Regional Supervisor,
Box 780, New Westminster, B. C.

Re: Allan Nicolson - Veteran and
former Nihei Otsuki property.

This is to recall to you our letter of September 19th regarding feed grinders, heating equipment etc., to the value of $1015.00 that was left on this property by the former Jap occupant.

You were asked at that time to advise what, if any, of this equipment might be taken over by Nicolson, and if he is no interested in any of it to so advise and the Custodian's office could then dispose of this equipment without reference to this department.

Will you please let me have this information for them

"B.C.Wornworth"
For Supervisor
Lan and Loans.

BCW:IL

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

July 7th 1948

M. Scott

Attached to Exhibit 1013 - 14

HAL MENZIES
REAL ESTATE and INSURANCE
HANEY, B. C.

November 16th, 1946

Mr F.G.Shears, Director,
Japanese Evacuation Section,
Office of the Custodian,
Vancouver, B. C.

Dear Sir:

re: Nihei Otsuki
505 Scott Road, Surrey. Lot 2 of NE$\frac{1}{4}$
Sec. 24. Tp 4, Map 962. Delta N.W.D.

In response to your letter of October 9th, I went over to Surrey to inspect the machinery you have for sale and it appeared to me that the offers you had were definitely out of line with the value of the property. I also feel that the valuations you have were also out of line being too high, particularly the oil burner which would have to be completely dismantled to be removed and considerable trouble in re-setting it, and it is suitable only for certain types of heating. The coils have been exposed to the weather and are in poor shape and the oil tank has been some considerable time in the location, underground, and undoubtedly has depreciated considerably as all of these elements do when lying idle too long.

Therefore, I contacted a client of mine, whom I knew was requiring at least some if not all of this equipment, and I have received from them an offer of $750.00 for the whole equipment, which I enclose with their cheque. This will be subject to commission of $50.00 but there will, of course, be no charge for appraisal. It seems to me that my people, owing to the fact that they are a thriving farmers(organization and have need of the equipment, have given me an offer for it's full value.

I will be glad to know in due course whether the offer is accepted.

Yours truly,

"Hal Menzies"

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

July 7th 1948

C M McScales

Attached to Exhibit 1013 - 14

CONSUMERS CO-OPERATIVE ASSOCIATION

GENERAL MERCHANTS

POULTRY AND DAIRY FEEDS
Websters Corners
British Columbia
November 16th, 1946

Mr Hal Menzies,
Haney, B. C.

Dear Sir:-

Re: Properties NIHEI OSSUKI
505 Scott Road.

With reference to the properties below mentioned, this Association tenders a bid of $750.00, 10% of which bid is covered by a cheque in the amount of $75.00 attached hereto.

PROPERTIES

Feed Mixer, consisting of mixing drum, 1 H.P. Motor, Shaft, Belting, gears and elevator, and switch.

Wood Electric feed grinder complete with hopper, 3 H.P. Motor and switch.

Jeanette Manufacturing Co., Oil Burner installed in Robin Hood case iron boiler, motor, coils, and quantity of 1" and 3" pipes and fittings.

Yours truly,

Consumers' Co-Operative Association

Manager

Per

"T. A. ?

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

July 7th 1948

C M M. Scott

Attached to Exhibit 1013 - 14

November 18th, 1946

Mr Hal Menzies,
Haney, B. C.

Dear Sir:

Re: Nihei OTSUKI - 11269

We are in receipt of the letter addressed to you by Consumers Co-operative Association together with two cheques aggregating $75.00, being 10% of their tender of $750.00 for the Feed Mixer and grinder, together with the accompanying motor, shafting, belting, gears, elevator and switch and Jeanette Manufacturing Co. Oil Burner installed in a Robin Hood boiler, together with Motor, coils and quantity of 1" and 3" pipe and fittings. This offer has been accepted. The cheques are however made out to Receiver General of Canada, and as they should be payable to the Custodian of Enemy Property, will you kindly have the Consumers Co-operative Association forward a cheque for $750.00, payable to the Custodian, and upon its receipt a letter of acceptance will be sent them.

A Bill of Sale and authority to remove the goods will also be prepa ed for the Consumers Co-operative Association.

Yours truly,

W.J.Iverson
Office of the Custodian.

WJI;ML
Encl.

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

July 8th 1948

HAL MENZIES
REAL ESTATE AND INSURANCE
HANEY, B. C.

November 20th, 1946

File No.8617

Mr F.G.Shears, Director,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

Dear Sir:

re: Nihei Otsuki - 11269

In response to your letter of November 18th and to our telephone conversation of this morning, I am enclosing herewith a cheque for $750.00 from the Consumers Co-operative Association at Webster's Corners. I have advised them that they may proceed to move this equipment rightaway as they are particularly anxious to get the heating equipment installed.

I trust this will be confirmed by your office and the Bill of sale and authority to remove will be forthcoming in due course.

Yours truly,

"H.Menzies"

HM.w.

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

July 8th 1948

C M Jr. Scott

Attached to Exhibit 1013 - 14

8617 November 21st 1946.

Consumers Co-operative Association,
Websters Corners, B. C.

Dear Sirs:

Re: Nihei OTSUKI

This will be your authority to remove the following effects from the property formerly known as the Nihei OTSUKI farm, 505 Scott Road, Surrey, B.C., now occupied by Mr. Allan Nicholson.

Feed Mixer, consisting of mixing drum, 1 H.P. Motor, Shafting, Belting, gears and elevator, Electric switch.

Wood Electric feed grinder, complete with hopper, 3 H.P. Motor and switch.

Jeanette Manufacturing Co. Oil Burner, installed in Robin Hood cast iron boiler Motor, Coils and quantity of 1" and 3" pipes and fittings.

We would ask that you take reasonable care in protecting the buildings while removing this material from the structures and locations they are now in.

Yours truly,

W.J.Iverson,
Office of the Custodian.

WJI:ML

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

July 8th 1948

File 8617

Nov. 21/46.

MEMORANDUM

To: Mr Ian Macpherson,

From: W.J. Iverson.

Re: Nihei OTSUKI - 11269

Will you please prepare a Bill of Sale to Consumers Co-operative Association, of Webster Corners, B.C., for the following effects:-

Feed Mixer, consisting of mixing drum, 1 H.P. Motor, Shaft, Belting, gears and elevator, and switch.

Wood Electric feed grinder complete with hopper, 3 H.P. Motor and switch.

Jeanette Manufacturing Co., Oil Burner installed in Robin Hood cast iron boiler, motor, coils and quantity of 1" and 3" pipes and fittings.

for which the sum of $750.00 has been paid.

The material is now lying at 505 Scott Road, Surrey, formerly the Nihei OTSUKI farm) and has been sold to the highest bidder without any warranty whatsoever on the part of the Custodian as to quantity condition or state of repairs.

"W.J.Iverson"

WJI:ML

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

July 8th 1948

Attached to Exhibit 1013 - 14

November 21st 1946.

8617

Mr Hal Menzies,
Haney, B. C.

Re: Nihei OTSUKI.

We acknowledge with thanks yours of the 20th instant, enclosing cheque for $750.00 from the Consumers Co-Operative Association in full payment of their tender for Feed Mixer and grinder equipment, Jeanette oil burner and Robin Hood boiler.

Our authority to remove this equipment from its location, 505 Scott Road, Surrey, is enclosed herewith. Will you kindly hand this to the Consumers Co-operative Association.

The official Custodian receipt for $750.00 is enclosed herewith.

Yours truly,

W.J.Iverson
Office of the Custodian.

WJI:ML
Encl.

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

July 8th 1948

C M M. Sachs

Attached to Exhibit 1013 - 14

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

Receipt No. 14932

THE CUSTODIAN OF JAPANESE EVACUEE PROPERTY

Date 21st Nov. 1946

VANCOUVER OFFICE

RECEIVED from Consumers Co-Operative Association

Haney, B. C.

the sum of SEVEN hundred and fifty 00/100 ---- Dollars ~~cash~~ cheque ~~Money Order~~

re OTSUKI Nihei Regn No.11269 File No.8617

Full payment of their tender for Feed mixer and grinder equipment Jeanette Oil burner and Robin Hood boilder motors and other equipment at 505 Scott Road, Surrey.

$750 00/1000

"C.H.Reed" Cashier
For the Custodian of Japanese Evacuee Property

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

July 8th 1948

C. M. Scott

BILL OF SALE File 8617

THIS INDENTURE made in triplicate the 9th day of December in the year of our Lord one thousand nine hundred and forty-six.

BETWEEN

THE HONOURABLE THE SECRETARY OF STATE OF CANADA ACTING IN HIS CAPACITY AS CUSTODIAN UNDER THE REVISED REGULATIONS RESPECTING TRADING WITH THE ENEMY(1943)

(Hereinafter called the "GRANTOR")

of the ONE PART:

CONSUMERS CO-OPERATIVE ASSOCIATION, having its chief office and place of business at Webster Corners, in the Province of British Columbia.

(Hereinafter called the "GRANTEE"

OF THE OTHER PART:

WHEREAS NIHEI OTSUKI, Police Registration Number 11269, formerly residing at No.505 Scott Road, New Westminster, in the Province of British Columbia.

AND WHEREAS the said NIHEI OTSUKI, a person of the Japanese race, was required to leave the protected area in the Province of British Columbia by order of the Minister of Justice pursuant to the provisions of the Defence of Canada Regulations (Consolidation) 1941;

AND WHEREAS the Grantor under and by virtue of Order in Council Number P.C. 1665 of 1942 and amendments thereto including P.C. 2483 of 1942 and P.C. 469 of 1943 and of the applicable provisions of the Revised Regulations Respecting Trading With The Enemy (1943) is vested with all the right, title and interest of the said NIHEI OTSUKI in the goods and chattels hereinafter described and enumerated, and hath contracted and agreed with the said CONSUMERS CO-OPERATIVE ASSOCIATION for the sale of the interest of the said NIHEI OTSUKI in the said goods and chattels for the sum of SEVEN hundred and Fifty Dollars ($750.00) such sale to be executed by a Bill of Sale to the Grantee herein;

WITNESSETH that in consideration of the premises and of the said sumof Seven Hundred and Fifty Dollars ($750.00) of lawful money of Canada paid by the Grantee to the Grantor at or before the sealing or delivery of these presents (the receipt whereof is hereby acknowledgdd) the Grantor hath bargained, sold assigned, transferred and set over and by these presents doth bargain, sell, assign, transfer and set over unto the Grantee, its respective executors, administrators and assigns, all those goods and chattels hereinafter set forth described and enumerated as follows:

Feed Mixer, consisting of mixing drum, 1 H.P. Motor, Shaft, Belting, gears and elevator, and switch.

Wodd Electric feed grinder complete with Hopper, 3 H.P. Motor and switch.

Jeanette Manufacturing Co. Oil Burner installed in Robin Hood cast iron boiler, motor, coils, and quantity of 1" and 3" pipes and fittings.

all of which machines, attachments and accessories are now in the possession of the Grantee and are situate, lying and being at No. 505 Scott Road, in the Municipality of Surrey, inthe Province of British Columbia, and all the right, title and interest, property, claim and demand whatsoever both at law and in equity or otherwise howsoever of me the Grantor of, in to and out of the same and every part thereof.

TO HAVE AND TO HOLD the said hereinbefore assigned goods, chattels and effects and all of them and every part thereof, with the appurtenances thereto, and all the right, title and interest of the said Grantor thereto, and therein, as aforesaid, unto and to the use of the said Grantee to and for its sole and only use for ever:

PROVIDED that any covenants express or implied on the part of the Grantor are excluded.

The Grantor does not guarantee or warrant and has not made any representations whatsoever to the Grantee as to the quantity, quality, character and condition of the said goods and chattels and the Grantee acknowledged that it has purchased the said goods and chattels after personal inspection thereof and its own investigation without any representation or warranty whatsoever of the Grantor;

AND the Grantee further acknowledges that it has received and accepted delivery of all of the said goods and chattels from the Grantor.

IN WITNESS WHEREOF the said Grantor acting in his capacity as Custodian under the Revised Regulations Respecting Trading With The Enemy (1943) has executed these presents by his Assistant Deputy and the Grantee has hereunto set its hand and seal on the day and year first above written.

SIGNED SEALED and DELIVERED)
)
in the presence of:)
"J.Fay") "A.H.Mathieu"
Dept Secretary of State) Assistant Deputy Custodian
Ottawa)
Secretary)
As to signature of

As to signature of Grantee
"H.Menzies" Grantee

SWORN before me at the village of) CONSUMERS CO-OPERATIVE ASSOCIATION
Websters Corners, in the Province) Per "Wm H. Ansell Pres
of British Columbia, this 27th day of)
November A.D. 1946)

"Anna Wren"
Secty

This is the paper-writing marked with the letter "A" referred to in the Affidavit of witness Jean Fay
Sworn before me this 9th day of December A.D. 1946

"K.W.Wright"
A Notary Public in and for the Province of Ontario.

I hereby certify that the foregoing words (2 pages)are a true copy of the original whereof they purport to be a copy.

July 8th 1948

CM Nicoll

AFFIDAVIT OF WITNESS

PROVINCE OF ONTARIO)
)
TO WIT:)

I, Jean Fay

of the City of Ottawa, in the Province of Ontario,

MAKE OATH AND SAY AS FOLLOWS:

1. That the paper writing hereunto annexed, and marked "A" is the Bill of Sale and every schedule or inventory thereto annexed, or therein referred to, and every attestation of the execution thereof, as made and given and executed by Albert Honore Mathieu, Assistant Deputy of the Secretary of State of Canada acting in his capacity as Custodian under the revised Regulations Respecting Tradinw tith The Enemy(1943)

2. That the said Bill of Sale was made and given by the said Albert Honore Mathieu, Assistant Deputy of the Secretary of State of Canada on the 9th day of December, 1946.

3. That I was present and did see the said Albert Honore Mathieu, Assistent Deputy of the Secretary of State of Canada in the said Bill of Sale mentioned, and whose name is signed thereto, sign and execute the same on the said 9th day of December, 1946.

4. That the said Albert Honore Mathieu at the time of making and giving the said Bill of Sale, resided and still resides at 15 Arthur St in the City of Ottawa, in the Province of Ontario and then was and still is the Assistant Deputy of the Secretary of State of Canada.

5. That the name Jean Fay set and subscribed as the witness attesting the due execution thereof is of the proper handwriting of me, this deponent, and that I reside at Ottawa and am a Secretary.

Subscribed to and sworn before me, this)
9th day of December, 1946, at the City)
of Ottawa, in the Province of Ontario.) "Jean Fay"

"K.W.Wright"
A notary Public in and for the Province
of Ontario.

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

July 8th 1948

At ached to Exhibit 1013 - 14

AFFIDAVIT OF BONA FIDES

"Bills of Sales Act"

PROVINCE OF BRITISH COLUMBIA)
)
TO WIT:)
)

We, duly appointed officers of the CONSUMERS CO-OPERATIVE ASSOCIATION, make oath and say:-

1. That the Assignment therein made is bona fide for valuable consideration, namely the consideration of the sum of Seven Hundred and Fifty Dollars ($750.00) and that the consideration is duly set forth in the said Bill of Sale; and it is not for the purpose of enabling the Grantee, CONSUMERS CO-OPERATIVE ASSOCIATION to hold the goods and chattels mentioned therein as against the creditors of the Grantor, The Honourable the Secretary of State of Canada acting in his capacity as Custodian under the Revised Regulations Respecting Trading With the Enemy(1943); and that said Bill of Sale is not given for the purpose of protecting the goods and chattels mentioned therein against the creditors of the Grantor or of preventing such creditors from obtaining payment of any claim against the said Grantor.

Sworn before me at the village of Webster's Corners, in the Province of British Columbia, this 27th day of November A.D. 1946.
"H.Menzies"
A Commissioner for taking Affidavits within British Columbia.
Seal.

CONSUMERA CO/OPERATIVE ASSOCIATION
Per "Wm H.Ansell" PRES
"Anna Wren" Secty
Seal.

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

July 8th 1948

E M Bi Scobb

DATED December 9th 1946

THE HONOURABLE THE SECRETARY OF STATE
OF CANADA ACTING IN HIS CAPACITY AS
CUSTODIAN UNDER THE REVISED REGULATIONS
RESPECTING TRADING WITH THE ENEMY
(1943)

AND

CONSUMERS CO-OPERATIVE ASSOCIATION.

BILL OF SALE

Approved as to form

"KWW"

#1013 EXHIBIT 15.



EXHIBIT No. 1013 - 16
DATE 22 June 1949
FILED BY R. J. McMaster

SECTION 3

NIHEI OTSUKI 456-P 2410A CASE NO. 1013

A poultry farm located on the Scott Road in the Municipality of Delta. The second holding south of Gray Road on the west side of Scott.

The location of this property was obtained by examination of a map in the Soldier Settlement Board Offices at New Westminster and by comparison of the legal description against the location of parcel number BC 2410-A which number appears on the Farm Appraisal Report photostat describing the holding. The sketch map appearing with the photostat easily identifies the property.

This is not a farm in the sense that it is an area of land used for the production of crops. The buildings and general layout indicate that it was a well organized poultry production business with Incubator, Brooder, Colony and Laying Houses all conveniently arranged. Insofar as we could observe, no part of the holding was used for the production of feed for poultry.

The automatic water systems, the litter carriers and the electric lights, together with the planning of the feed rooms and the stairways to upper stories are all indications of practical efficiency.

The many buildings on the place tally with the Farm Appraisal Report descriptions with one exception. The Report calls for a 170 foot long single deck henhouse; it appears that this should read 70 feet long, possibly a typographical error. The valuation of that bldg. is $300.00 is accepted as approximately correct.

NIHEI OTSUKI 456-P 2410A CASE NO. 1013

The land is dry and gravelly and for the most part was well chosen for the purpose for which it was intended.

We found the remains of the currant and gooseberry plantings. The fruit trees are as described by the Farm Appraisal Report photostat.

Clement Consulting Services Ltd. submitted a report to Campbell, Brazier, Fisher & McMaster, on January 7th, 1949, havin g to do with valuation of certain former Japanese holdings. This report was submitted as evidence to Mr. Justice Bird in connection with the Japanese Claims Commission. With reference to that report and its contained Exhibit 3, "Some Factors that influence Poultry Farm Incomes".

It will be seen (Table IX) that an average investment of $2.05 per bird is required for the housing of poultry. In appraising this holding we have adjusted this "investment" figure in line with apparent conditions. Whereas, generally speaking, the houses of Japanese owners are of slightly inferior construction, the best group of houses on this property is about average. We have adjusted the older houses in relation to average to arrive at proper values.

The well known rule that four (4) square feet of floor area are needed per bird was used in determining capacities. In the case of double deck houses a slight reduction was effected to cover the fact that one roof and one foundation does for two floors. Table 4 herewith sets out the appraisal figures.

NIHEI OTSUKI 456-P 2410A CASE NO. 1013

TABLE 4

UNIT	DIMENSION	AGE	S.S.B. PRESENT DAY VALUE	CLEMENT VALUE Per BIRD	CLEMENT VALUE PER UNIT	
Home	1½ story		3500		3500	
Hen House	20x170x8	Old	300	1.00	350	X
"	20x320x8	8	1200	1.25	2000	
"	20x180x8	7	900	1.25	1125	
" D.D.	24x180x16	1	1350	1.90	3876	
" "	24x166x16	5	1100	1.70	3182	
"	20x174x6	5	800	1.40	1218	
Incubator House	20x30x10	5	400		400	
"	10x30x10	1	Nil		100	
Garage	20x20x12	3	100		100	
Shack	14x22x9	4	100		100	
"	10x14x8	5	45		75	
Stable	14x20x9	9	100		100	
4 Colony H.	8x12x7	6	40		100	
6 " "	10x16x5	4	90		100	
14 " "	10x20	7	144		280	
1 Brooder D.D.	8x10x15	4	35		50	
1 "	8x12x7	4	20		30	
Land	9.58 acres		508		508	
Fruit Trees	assorted		25		25	
			$ 10,757.00		$ 17,219.00	

X See note re dimensions

NIHEI OTSUKI 456-P 2410A CASE NO. 1013

We have made inquiries to try to ascertain whether there were sales of poultry businesses of this size in 1942 or 1943 but were unable to obtain any pertinent information. A property such as this would only interest a purchaser who had long experience and special skill and ability as well as adequate finances. The age of the houses and the layout of the buildings indicate that this property has been developed over a period of years by such an operator. It is our opinion that a purchaser with the qualifications outlined would have been willing to buy this property at our appraised value of $17,250.00 in 1943.

#1013



EXHIBIT 17-A



EXHIBIT 17-B



EXHIBIT 17-C.

June 21, 1949.

EXHIBIT No. 1013-18
DATE 22 June 1949
FILED BY R. J. McMaster

REPORT RE NIHEI OTSUKI PROPERTY

505 Scott Road Delta Municipality

Buildings	Size	1943 Replacement Cost - New		1943 Replacement Cost Depreciated	
Dwelling (1½sty)	30x32x22 4x16x7	$5280.00	3500	$3500.00	diff
Henhouse	20x70	700.00	300	300.00	(N.B.)
"	20x320	3200.00	1200	1600.00	400
"	20x180	1800.00	900	900.00	
" (Double D)	24x180	4320.00	1350	4147.00	2800
" " "	24x166	3984.00	1100	2390.00	1300
Hen. House	20x174	1740.00	800	870.00	70
Inc."House	20x30	300.00	400	210.00	-40
"	10x30	180.00		150.00	
Shed	10x16		0	Nil	
Garage	20x20	200.00	100	120.00	20
Shack	14x22	154.00	100	92.00	
"	10x14	70.00	45	42.00	
Stable	14x20	140.00	100	70.00	30
4 col. H.	8x12	192.00	40	96.00	45
6 " "	10x16	480.00	90	240.00	150
14 " "	10x20	1400.00	144	700.00	560
1 Brooder (D.D.)	8x10	80.00	35	40.00	
1 Brooder	8x12	48.00	20	24.00	
		24,268.00		15,491.00	

N.B. I have no way of knowing the age of this building and have accepted the value shown on the S.S.B. report.

The above figures do not include any estimate of the value of electrical installations and posts relating to the poultry houses, litter carriers, roosts, feed boxes and plumbing installations to the hen houses.

#1013

EXHIBIT 19









#1013

EXHIBIT 19.







ITEM	List 40-2 June 4, 1940	List 41-2 July 15,1941	List 43-1 Aug. 16,1943.
#1 Com Shiplap & Boards 1 x 6 & 1 x 8	$ 19.00	$ 20.00	$ 24.00
#2 " 2 " " "	17.00	18.00	22.00
#3 " " " " "	15.00	16.00	20.00
#1 Com. 2 x 4-8/14'	19.00	20.00	24.00
#2 " 2 x 4 8/14'	16.00	17.00	21.00
#1 Com. 2 x 4 16'	21.00	22.00	26.00
#2 " 2 x 4 16'	18.00	19.00	23.00
#1 Com. 2 x 8 8/14'	19.00	20.00	24.00
#1 Com. 2 x 8 18 & 20'	22.00	23.00	27.00
#1 Com. 6 x 6 8/20'	19.00	21.00	25.00

Above prices F.O.B. mill Vancouver Forest District

Add $1.00 for local wholesale.

Lists 40-2 & 41-2 Sales Tax extra
List 43-1 " " included

EXHIBIT No. 1013-20
DATE Sept 26/49
FILED BY Braidwood

DAY-ROCK POULTRY FARM



HOME OF CANADA'S HIGHEST RECORDED

BARRED ROCKS

Mr. and Mrs. Harry Day

ABBOTSFORD, BRITISH COLUMBIA

EXHIBIT No. 1013-21
DATE 26 Sep 1949
FILED BY
D. J. Braidwood

SPECIALISING IN

PEDIGREED BARRED ROCK CHICKS

Some Outstanding R.O.P. Records

MADE BY

DAY'S BARRED ROCKS

★

1940—

Bird X13351 laid 339 eggs, 27.1 oz. Highest bird of ALL breeds for that year.

1941—

Bird Z15453 laid 352 eggs, 25.8 oz. Also highest bird of any breed for that year.

1942—

Bird A25825 laid 341 eggs, 24.8 oz. This bird shared the honour of being high bird with a N.S. Leghorn.

1943—

Results of this entry show that we not only have high individuals, but a very high FLOCK AVERAGE as well. The average production of all birds entered was 239 eggs. Average egg weight was 25.9 oz. 88% of all birds certified, and only one bird failed for egg weight.

These records were made under ordinary farm conditions, with open-front pens, in one of the coldest spots of the Fraser Valley - Sumas Prairie.

We doubt if these records can be beaten anywhere.

:-: PRICES :-:

Second Generation R. O. P. Individual Pedigreed Wing-banded chicks.
DAMS' RECORDS, 250 up ..... $1.00 each

First Generation Individual Pedigreed Chicks.
DAMS' RECORDS, 270 up ..... 50c each

Pen of Pedigreed Chicks from R. O. P. males, and Second Generation females.
RECORDS FROM ..... 220 - 290 EGGS

A limited number of FLOCK RUN Chicks from carefully selected 1, 2, and 3-year-old hens, headed by R. O.P. males.

Chicks ..... $18.00 per 100

Pullets ..... $30.00 per 100

★

—A few breeding cockerels still available.—

29

EXHIBIT No. 1013-~~23~~
DATE 26 Sept 1949
FILED BY D. J. Brandrand

12457
4935
5157

25th May, 1945.

I.T. Barnet Esq.,
District Superintendent,
Soldier Settlement and Veterans' Land Act,
518 Rogers Building,
Vancouver, B.C.

Dear Sir:

Re: Parcel "I"
Lot 3 of the NW¼ of Sec. 30, Tp. 2, Map 1607, N.W.D.
Municipality of Surrey.

On the 19th April you submitted an offer to purchase the above property for the sum of $3,700.00. We later advised you that this property had been independently appraised and we would not be interested in any sum of less than $5,450.00.

You replied on May 17th stating that you were not in agreement with this value and therefore considered the matter to be closed.

For your information we have had this property re-appraised and in view of same we are now in a position to submit an offer of not less than $4,235.00 to our Advisory Committee for their consideration.

If you are interested in a purchase of this amount will you kindly advise as soon as convenient.

Yours truly,

4235
4
16940

F. G. Shears,
Director.

FGS/PMH

Haney, B. C.
May 23, 1945.

Rec'd MAY 25 1945
File No. 4935
Ans.
Returned

Mr. F. G. Shears, Director,
Office of the Custodian,
506 Royal Bank Bldg.,
Vancouver, B. C.

Dear Sir:

Re: Lot 3 of N.W.¼, Sec.30, Tp.2, Map 1607, Mun. of Surrey, 410 Scott Road, New Westminster.

In response to your letter of May 16th I have inspected and appraised the above described property and find ~~it~~ as follows:

The property consists of 6.45 acre poultry farm on the Scott Road 4 miles south from New Westminster. The road is a secondary highway hard surfaced, electric light to the property, good water supplied from a well, and a school within ¼ of a mile.

The land is level, fair quality of sandy loam. The front half is cleared and occupied by the buildings, and a scattered orchard of 14 bearing trees, ¼ acre of currants, and a small patch of gooseberries, a few raspberries for family use, and some garden planted.

Dwelling: The dwelling consists of a 6 roomed house 24' x 28' apparently about 10 years old, on cement footings, finished outside in 4" fir siding and one coat of paint. The inside walls of shiplap are covered with plain building paper. Space for 2 bedrooms upstairs, only 1 bedroom finished and in shiplap, no paper, common doors and windows. Water piped to sink from elevated barrel supplied by a hand pump. There is an old building 12' x 24', 2 feet from the back of the kitchen, which is valueless, and requires removing, a small woodshed, and a small outhouse for tools. There is no plumbing in the dwelling. except the top of the sink

Poultry Buildings. Number 1 poultry building, 20' x 116', built on cedar posts showing depreciation, electric light throughout. 20 feet of this building is a storey and a half feedhouse, and this portion on cement footings. Poultry building Number 2, 20' x 120', similar condition and construction to Number 1, no feedhouse, Poultry building Number 3, 20' x 80', in a little better condition than Number 1 and 2, and this one has water piped to each pen. Poultry building Number 4 is a much better building of later construction, is on cement footings throughout, and is also equipped with water suppled to all pens. There is also 8 small portable brooder houses of light construction.

Considering the convenient location of this property, and the availability of all services, I have placed the value as follows:

all buildings -	$3135.00
for land -	$1100.00
making a total of-	$4235.00.

If you require more detail of separate values, please let me know.

Yours truly,

Hal Mengues

HM:SP

Telephones- Langley 192 and 148

Gibson's

REAL ESTATE :-: INSURANCE :-: AUCTIONEERING

LANGLEY PRAIRIE, B.C.

April 4th., 1945

Rec'd APR 5 1945
File No. 4935/12457
Ans.
Returned W. McArthur

Department of the Secretary of Sate,
Office of The Custodian,
506 Royal Bank Building,
Vancouver, B.C.

Dear Sir Attention J.G. Shears.

In reply to your letter File # 4935/12457, of March 15th. I have pleasure in submitting my appraisal as follows;

Approx. 6 acres of land	$900.00
4 Room unfinished dwelling	$750.00
20 by 120 Poultry house	1000.00
20 by 120 " "	1000.00
20 by 100 " "	500.00
20 by 20 feed room attached	250.00
20 by 80 Poultry house	600.00
8 Colony houses @ $25.00 each	200.00
½ acre currants	100.00
Patch gooseberries and 14 fruit trees	50.00
Other miscellaneous outbuildings fencing etc.	100.00
	$5450.00

The above is in my mind a fair detailed appraisal, but in the event of selling the property,, I would say a competetive price would be around $4500.00.

Trusting this is satisfactory, I am,

Yours truly,

Joseph Gibson

BC-537-P
BC-2699-A

BC/537-P
BC/2699-A

S.S. Form No. 43
(*Sheet 1*)

Farm Appraisal Report

File No. JL-438

Land Description Lot 3 of N.W.¼, Sec.30, Tp.2, Map 1607, N.W.D.

Containing 6.324 Acres

Owner's Name KANAI, Fukugito Post Office Address R.R.1, Westminster, B.C.

Nearest Rail Point Kennedy Distance ½ mile

Market Town New Westminster Distance 4 "

Church (give denomination) United nearby; others close. Distance

Nearest School Kennedy Distance ½ "

State how property was identified: Map, roads, tenant, fences.

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

On good hardsurfaced road.

Is this district a good one? District of small holdings-looked on with work available as a good district.

Employment opportunity Industry New Westminster. Other jobs here and there.

Predominating Nationality and religion: British, Protestant.

Describe Fencing and its condition: Well line fenced with barb wire Value $

Water supply: Good well. Value $

BUILDINGS ON FARM

4935

BUILDINGS	DIMENSIONS	MATERIAL	HEIGHT Eave	ROOF	AGE	Foundation	REPAIR	VALUATION
HOUSE 1½ st.	24 x 26x17	Frame	13'	Shgl.	7	Wood	Good	800.00
Old House	12 x 24x11	"	9'	"	Old	"	Poor	50.00
Inc. Shed	12 x 18x7	"	6'	"	12	"	Fair	40.00
~~BARN~~ Wood shed	12 x 18x9	"	8'	"	4	"	Good	50.00
Henhouse	20 x 100x10	"	8'	"	10	"	Fair)	
~~BARN~~ Attached	20 x 20x17	"	14'	"	10	"	Good)	600.00
Henhouse	20 x 120x8	"	5'& 8'	"	10	"	Fair	575.00
" "	20 x 120x8	"	6'	"	New	"	Good	750.00
~~GRANARY~~ " "	20 x 80x8	"	6'	"	7	"	Good	450.00
8 colony houses	10 x 14x6	"	4'	"	3	"	Good	120.00
	x							

Buildings wired, light available and in use.

Total present day value $ 3435.00

Total Value Buildings add to farm As a poultry farm $ 3270.00

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 on bracket.

No. rooms downstairs? 4 Upstairs? 2 How finished Shiplap papered down. Up partly unfinished.

Are buildings painted? House. Condition of paint Done.

Distance from nearest bush None near.

EXHIBIT No. 1013-22
DATE 26 Sept 1949
FILED BY
D. J. Bradwood

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

Cultivated Land

ACRES	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	KIND AND QUALITY OF CROP	VALUE PER ACRE	TOTAL
3.6432	Fairly level	10" clay loam	Clay	Little crop	85.00	309.67

Area which can be cultivated without cost other than for breaking.

LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL		VALUE PER ACRE

Area which can be cultivated after a reasonable amount of clearing timber, stones, drainage, etc.

ACRES	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	NATURE OF RECLAMATION NECESSARY	RECLAMATION COST PER ACRE	VALUE PER ACRE	TOTAL
2.6808	Fairly level	12"blk. muck	Clay	Brush (Spirea)	30.00	60.00	160.85

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 $ 470.52

Total added by buildings to value of farm $ 3270.00

Total fruit trees add to value of farm (for use in orchard districts only) $ 10.00

Total value of farm $ 3750.52

Describe condition of farm commenting on tillage, length of time unoccupied or partly occupied:

Continuously occupied with cultivation as a poultry farm given it. Appears in good heart.

State most suitable type of agriculture for farm bearing in mind the district's limitations, if any.

Poultry and small fruit.

Noxious weeds:

Canadian thistles. Some couch.

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

Surrey Municipality - $26.50.

Date: June 27, 1942.
Place: Chilliwack, B.C.

I certify that the above report is based on a personal examination of the whole farm made on the 23 day of June 1942.

Inspector's Signature "R.L. RAMSAY"

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

JL-438 - F. KANAI

Farm Appraisal Report

Remarks: This is a very well located poultry farm Soild is good type and appears in good heart. It is pretty weedy just now but except quite a few Canada thistles these would disappear with normal cultivation at once.
Buildings are eminently suitable with exception of old house(which should be pulled down) for poultry farming. The 1st 2 long poultry houses and situated on south in sketch require reshingling.

There is little in the way of crops on the place. There is in small fruit 180 bl. currant bushes,56 gooseberry bushes.There is also .15 acs rhubarb.

(FOR ORCHARD LANDS ONLY)

REMARKS: re general lie of land, fertility of soil, irrigation, drainage or dyking and reclamation.

ANNUAL COST OF IRRIGATION, DYKING AND DRAINAGE.

ORCHARDS, SMALL FRUITS, ETC. (Give number, age, variety and condition of all tree fruits, condition and area of each kind of small fruits.)

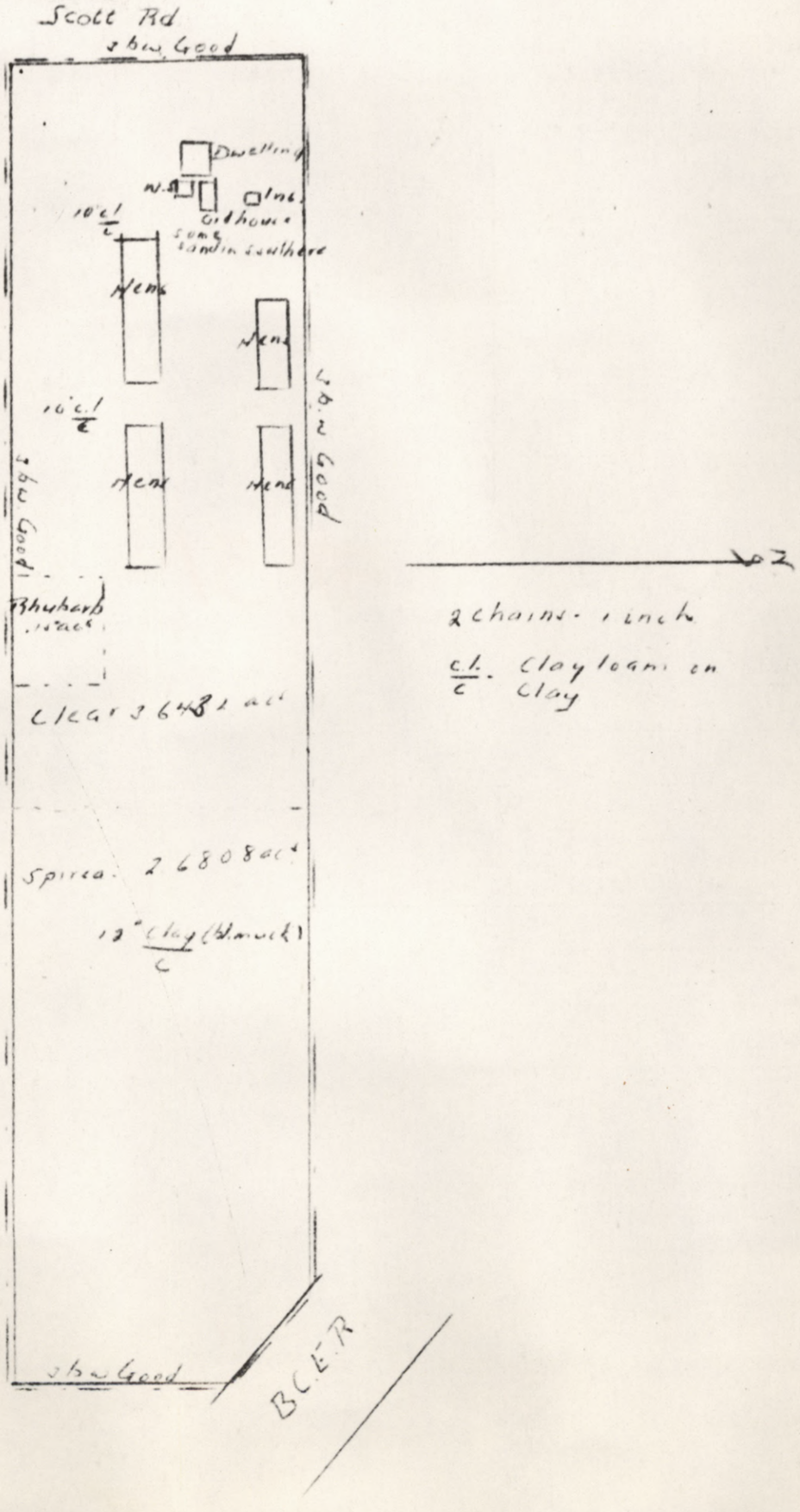
	Present Value
13 mixed fruit trees about 15 years old. Not bad home orchard.	$ 10.00
	$
	$
	$
	$
	$
	$
	$
	$
Total	$ 10.00

Amount fruit trees add to value of farm $ 10.00

Diagram of Property

F Kanai

LOT 3, NW¼, Sec 30, Tp 2, Map 1607 NWD



Following careful review of this appraisal report, it is my opinion that the present value is $ 3000.00

Date 7th July 1942.

"I.T. BARNET"
District Superintendent.

470 GRANVILLE STREET
VANCOUVER, B. C.
TAtlow 5754

Ex 1013.

ESTATE APPRAISALS AND FARM MANAGEMENT.
QUALIFIED ADVISORS ON LAND AND LAND USE.

"SCIENCE IN FARMING"

CLEMENT CONSULTING SERVICES LTD.

REGISTERED AGROLOGISTS

BREEDING PROGRAMS AND LAND IMPROVEMENT PRACTICES.
HERD MANAGEMENT, CROPPING METHODS, ROTATION
AND IRRIGATION SYSTEMS.

November 4, 1949.

EXHIBIT No. 1013-23.
DATE Nov. 7th 1949
FILED BY
M. McMaster.

Messrs. Campbell, Brazier & Co.,
675 West Hastings Street,
Vancouver, B.C.

Dear Sirs:

With respect to the Bentley property in Surrey to which reference has been made in the matter of the Otsuki case in Japanese claims.

Our first inspection of the property was for the purpose of comparing it with that of Otsuki which is situated a short distance away on the Scott Road. We were shown all of the property except a small piece which is near to but not bordering the main parcel.

At your request we visited the property a second time for the purpose of checking the area against a legal description. The legal description was taken from tax notices in the possession of the present occupant. Our findings were outlined to you in a letter dated October 6th. On receipt of your advices that there seemed to be a discrepancy between our records and the land registry records we made a third examination and beg to report as follows:

1. The records of the Surrey Municipal Tax Office at Cloverdale appear to disagree with those of the Land Registry Office at New Westminster.

2. The holding purchased by Bentley and Tronsley embraces the two parcels "A" and "B" as shown on the sketch map attached.

3. Subdivision lot 7 is recorded in two pieces, the south half of which belongs to a Mr. Archibald. This piece is described as the S½ of Lot 7, Blks. 8-10 & 19-21 of Section 36, Blk. 5, Rge.3.

4. Lots 7 & 22 of Blk. 1, Sec. 36 are still, so far as Cloverdale records show, the property of Parker.

5. Four lots across the road from Parcel "A" are shown as Parcel "B" on the sketch. These lots are described as Lots 19 and 20, 41 and 42, of Blk. 6, Section 36. These are still registered in Parker's name but were, we are told, included in the deal.

We did not see and did not know of the existence of the lots specified in item 5 at the time of our first visit to the property. They are not an integral part of the main property but are in close proximity. They are fairly heavily wooded and situated in a deep ravine, would have little agricultural value except possibly as a range for poultry.

The four lots draw their value from the fact that there is a small stream of water running through them out of which by use of a hydraulic ram the farm is supplied with water. We have not appraised the area closely but we would suggest that about $200.00 per acre for the land and water would be suitable. The area is in total somewhat less than one acre.

While the only source of water for the main farm was this small area there is no doubt that if Parker, the previous owner, had not owned this land he would have had some other source, likely wells, on his own property. Without boring a test hole it would be impossible to estimate the cost of digging a water-source on the main farm. The land is so situate, gently sloping towards ravine and river, that it seems likely that water could be obtained at shallow depths. A well would not likely cost more than the value of the four lots. We are advised that at the time of Bentley's purchase it was known that municipal water was shortly to be installed along Scott Road.

On our first visit to the property we noted running water in the buildings. We can see no reason to modify our previous statements as to value.

Yours truly,

CLEMENT CONSULTING SERVICES LIMITED

J. M. Clement

Per:

EXHIBIT No. 1013-24.
DATE Nov. 7th 1949.
FILED BY
M. McMaster.

Re: CASE 1013 (OTSUKI)

Extract from S.S.B. appraisal dealing with henhouses only, showing Present Day Values which would have been placed on Otsuki property had Mr. Ramsay used the same square foot values which he used in the Kanai Appraisal (J.L. 438)

Description	Size	Eave	Age	Foundation	Repair	Remarks	P. D. V.	Amt. per sq. ft.	P.D.V. based on Kanai
Henhouse	20 x 170 x 8	6'	Old	Wood	Fair		300		300
1.	(No comparison)								
Henhouse	20 x 320 x 8	6'	8 yrs	Wood	Fair		1200	18¾¢	1536
2.(Comparison	20 x 120 x 8	5' & 8'	10	Wood	Fair			24¢)	
H enhouse	20 x 180 x 8	6'	7	Wood	Fair		900	25¢	900.
3.(see Comparison #2 - 24¢ sq. ft. and Henhouse No. 1, J. L. 438 - 25¢ sq. ft.)								25¢	
Henhouse D.D.	24x180x16	12'	1	Concrete	Excellent	Concrete Floor	1350	31¼ on basis of single deck only	2700.
4.(Comparison	20x120x8	6'	New	Wood	Good			31¼)	
Henhouse D.D.	24x166x16	12'	5	Concrete	Excellent	Concrete Floor	1100	27½ on basis of single deck only	2270.88
5.(Comparison	20x~~8~~89x8	6'	7	Wood	Good			28½)	
Henhouse	20x174x8	6'	5	Wood	Good		800	23¢	991.80
6.	(see comparison #5)							28½¢	
							5650		8698.68

If appraised on the same basis as the Kanai place Mr. Ramsay's appraisal would have been 53.95% higher on the henhouse alone. Kanai did not have incubator houses and his house was in no way comparable.

Mr. Ramsay describes both places as in good condition. Otsuki had concrete foundations and floors in his double deck houses and in both incubator houses.

REID, ALLEN, HUNTER & CAMPBELL
BARRISTERS & SOLICITORS

THOMAS REID JOHN B. ALLEN
JOHN W. G. HUNTER ALAN R. CAMPBELL

38 KING STREET WEST
TELEPHONE ELGIN 3141

TORONTO 1

May 27th, 1948.

Mr. A. Watson,
Room 986, King Edward Hotel,
King and Victoria Streets,
TORONTO 1, Ontario.

Dear Mr. Watson :

- Re: Nikei OTSUKI -
Case No. 1013.

You will recall in this matter that in the place in the Soldiers Settlement Board Appraisal form where the buildings were normally shown, it said "see sheet attached", but no such sheet was attached.

Pursuant to the instructions of the Commissioner, I wrote to the Veterans Land Act for photostats of same. These were received to-day and I now enclose herewith your copy to be attached to the S.S.B. Appraisal form which is filed as an exhibit.

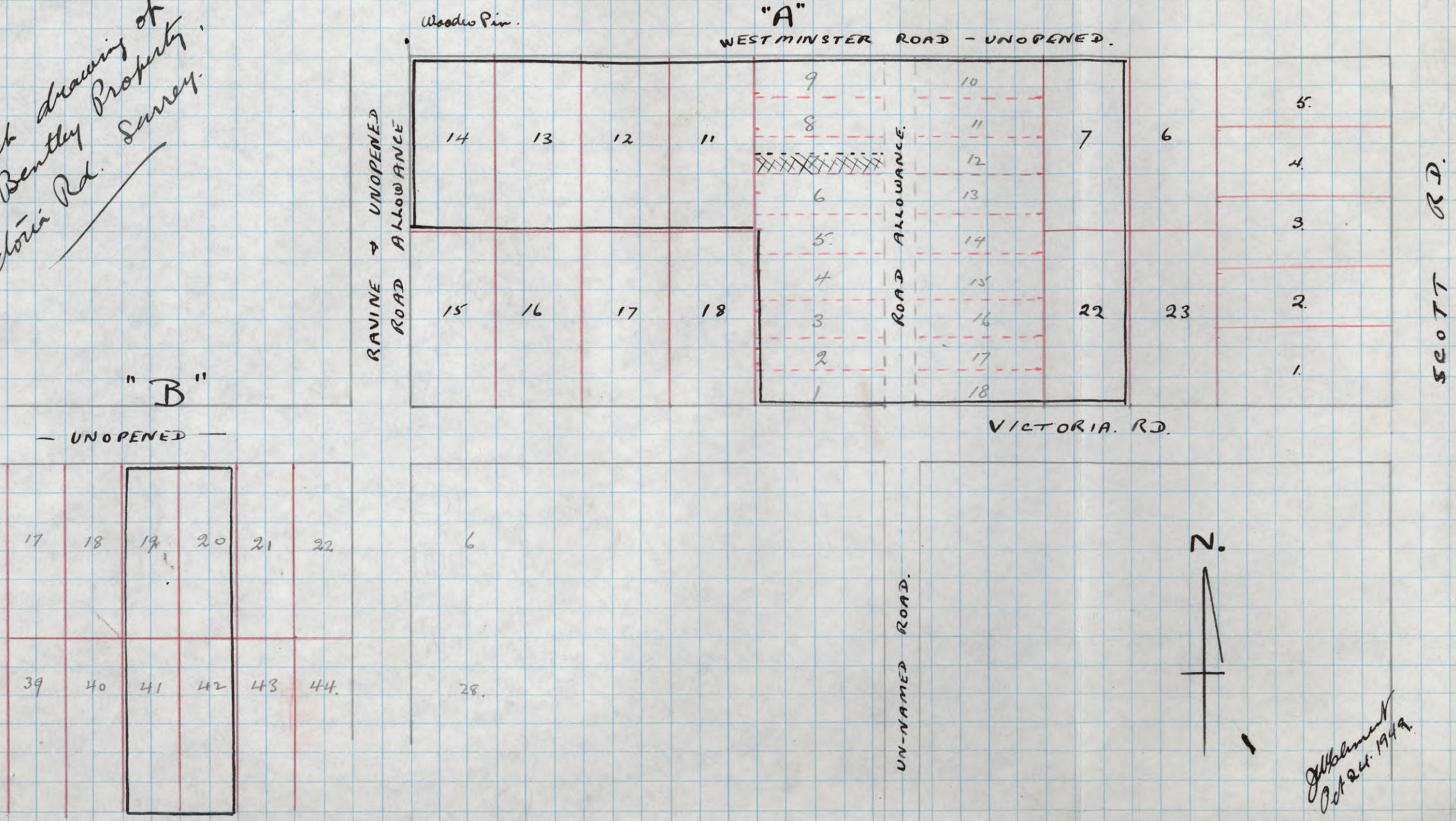
attached

Yours truly,

John W. G. Hunter

JWGH:LMS
Encl.

Sketch drawing of
R.C. Bentley Property.
Victoria Rd. Survey.



Oct 24. 1949.