Name of Claimant NOTE, Kosaburo Case 207

Custodian File 8623

REAL PROPERTY											Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			
Sale Price	5% thereof & 12.50	Sale Price	10% there-of	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:		
						% of Total	Amount		% of Total	Amount	
					264		221.87				221.87

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	

TOTAL RECOMMENDATION	221.87

CASE NO: 207

JAPANESE PROPERTY CLAIMS COMMISSION

Vernon, B.C.

April 28, 1948

IN THE MATTER OF THE CLAIM OF

KOSABURA NOTE

PROCEEDINGS AT HEARING

Original

CASE NO: 207

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

(HIS HONOUR, JUDGE M.M. COLQUHOUN, SUB-COMMISSIONER)

10 Vernon, B.C.

April 28, 1948

IN THE MATTER OF THE CLAIM OF

KOSABURO NOTE

PROCEEDINGS AT HEARING

20 APPEARANCES:

D.S. McTAVISH, Esq.,	appearing for the Dominion Government
R.J. McMASTER, Esq.,	appearing for the Claimant

T.J. MARRION, Esq.,	Secretary to Vernon Sub-Commission
G.N.R. UPTON, Esq.,	Official Interpreter
G. HAMBLETON, Esq.,	Official Reporter

30

THE COMMISSIONER: All right, Mr. McMaster.

MR. McMASTER: Your honour, I would like to call, first, the first case on the list, K. Note, No. 213 on the original list.

KOSABURO NOTE, the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. McMASTER: In this case, your honour, I would ask
10 leave to reduce the claim for the real property to $900.00. The property was sold by the Custodian for $264.00.

THE COMMISSIONER: Very well.

DIRECT EXAMINATION BY MR. McMASTER:

Q: Witness, did you instruct Mr. Leckie to prepare this statement with regard to your real property and is this your signature on the statement?

A: Yes.

Q: Are the statements contained therein true to the
20 best of your knowledge and recollection?

A: Yes.

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

(STATEMENT MARKED EXHIBIT NO. 1)

MR. McMASTER: On behalf of my learned friend I file the FARM Appraisal Report of the Soldier Settlement Board with respect to this property as the next exhibit.

(APPRAISAL MARKED EXHIBIT NO. 2)

30 MR. McMASTER: If I might refer to Exhibit No. 1, your

honour. It shows that the property was purchased in 1939 for $696.00, which was the 1939 assessed value. At the time of purchase it was uncleared, although the house was on the lands. The property is five acres, and the claimant states that he cleared one acre in 1940 and planted same in strawberries. He points out, in contradiction of the appraisor's report, that the house had a shingle roof and he states that it was quite habitable; he lived in it himself. The property was well located a mile from Kennedy Station on the Wilson Road, and in the claimant's opinion, when all cleared would make a very good berry farm and also would be suitable for poultry raising.

I would ask my learned friend to admit that the assessed value in 1943 was $296.00 on the land and $400.00 on the improvements.

MR. McTAVISH: That is correct, your honour.

MR. McMASTER: And the property was sold to the Veterands Land Act for $264.00, and I would ask my friend to admit that the taxes were $8.06 per year.

MR. McTAVISH: That is correct, your honour.

MR. McMASTER: Your witness.

MR. McTAVISH: It is submitted, your honour, that the real property was sold for its fair market value.

CROSS EXAMINATION BY MR. McTAVISH:

Q: Witness, before you left this property, you leased it, did you not? A: Yes.

Q: To Mr. Arthur Jants? A: Yes.

Q: You obtained $70.00 from the 13th of June to January 31, 1943?

A: Yes.

Q: With the option of renewal at $7.00 per month after that? A: Yes.

Q: At the time you purchased this property, were there any other buildings on it other than the dwelling house? A: No.

Q: No chicken houses? A: No.

10 Q: According to the Soldier Settlement Appraisal there was only one-half acre cleared. Do you deny that? A: That is not correct.

Q: How much was cleared?

A: About one acre was cleared.

Q: What did you do when you were living on that property? A: I was a logger.

Q: Who were you employed by?

A: The Barnes Lumber Company and then the Roger Company.

20 Q: You were employed as a logger all the time you owned this property?

A: Yes.

MR. McTAVISH: That is all, your honour.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

Certified true and accurate transcript

Gordon Hambleton

G. Hambleton
Official Reporter

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

30

W. M. Colquhoun

Sub-Commissioner

CASE No. 207

DEC - 2 1947

NOTIFIED

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

ACKNOWLEDGED

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

8632 Vernon

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

(1) NAME NOTE KOSABURO (RCMP) Reg. No. 12681 male
(Print) Surname Given Name

(2) Pre-Evacuation Address Wilson Road New Westminster B.C.

(3) Present Address P. O. Box 412 Revelstoke B.C.

(4) REAL ESTATE

(a) Street Address (if any) New Westminster B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
Lot 13 N.E. ¼ of Section C 36 (5 acre)

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

(i) Farm
(ii) ~~Residence~~ Type of business Berry farm
(iii) ~~Business~~
(iv) ~~Any other type of property (describe)~~

(d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.)
Sole Owner

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

(i) Land - - - - - - - - - - - - - - - - $ 1000.00
(ii) Buildings (house) - - - - - - - - - - - - - - - - $ 450.00
Crop 200.00
(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) - $ 1650.00
gross proceeds $250.00
(v) Amount at which Custodian sold property and credited your account - - $ 215.00
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 1435.00

(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. _____ Estimated Value $_____
2. _____ Estimated Value $_____
3. _____ Estimated Value $_____
4. _____ Estimated Value $_____
5. _____ Estimated Value $_____
6. _____ Estimated Value $_____
7. _____ Estimated Value $_____
8. _____ Estimated Value $_____
9. _____ Estimated Value $_____
10. _____ Estimated Value $_____

TOTAL CLAIM FOR PROPERTY LOSS $_____

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) - $ 1435.00

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

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

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

DOMINION OF CANADA)
Prov. of B? C?)
TO WIT:)

I, Kosaburo Note of the City
of Revelstoke in the Province of British Columbia
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 Revelstoke)
in the Province of B. C.)
this 17th day of November)
A.D. 1947.)

Kosaburo Nate,

A Commissioner &c.

A Commissioner for Taking Affidavits
Province of British Columbia

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.

_____

REAL ESTATE
(Farm Land)

K Nate
(Claimant's Name)

12681
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 ~~Not~~ 1½ ac Cultivated ~~not~~ planted - land with house Cultivated and ~~not~~ in crop List Crops strawberries about 1 ac	5 ac ±	1939 -	don't remember	$696.00 (1939 assessment value)	none cleared	House on land	$900.00 ~~1200.00~~ (land and improvements)

Total .....

IMPROVEMENTS SINCE PURCHASE OTHER THAN BUILDINGS (e.g. cultivation plants, trees or special equipment)

Description	When Made	Cost
cleared ~~some acres~~ in 1940 - own labour - cost about $150.00 - (also cultivated some and planted strawberries -		

BUILDINGS

Type	Size	Finish	Date Built	Cost Material	Paid for Labour	Value of Own Labour	Allowance for Depreciation	Estimated Value
Dwelling - 22 x 32		- frame on posts - one story - 4 rooms - shingle - unfinished inside - ship lap flooring covered with lino (house habitable)	1939	—	—	bought with land in 1939	—	

Comments re Appraiser's report not covered by above information: The appraiser is inclined - house had shingle roof. It was quite habitable and the previous owner and myself lived there. I believe the appraisal is very much below a fair value for the acreage. I sold for part of 1942 at 70¢ (see copy); next offer 75¢ per sq. for 1943. Comment Property is well located a mile from Kennedy Station on the Wilson Road; when all cleared would make a very good berry farm; also suitable for poultry raising. There would be at least 100 cords of good firewood. I consider this property would be worth at least $1200.00 when sold by the contractor

Koosma Nate
SIGNATURE

EXHIBIT No. 207-1
DATE 28 April 1948
FILLED BY
Claimant

BC-430-P
BC-1948-B

S.S. Form No. 43
(Sheet 1)

Farm Appraisal Report

File No. J.L.640

Land Description Lot 13, Sub-div. NE¼ Sec.36, Tp.4, Map 1186.
No house number.

Containing 4.755 Acres

Owner's Name K. NOTE Post Office Address R.R.1, New Westminster, B.C.

Nearest Rail Point Kennedy, B.C.E.R. Distance 1 mile

Market Town New Westminster, B.C. Distance 5 miles

Church (give denomination) St. John's Presbyterian Distance 2½ miles

Nearest School Kennedy Distance 1 mile

State how property was identified: By map, roads and local inquiry.

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

On Wilson Road about ¼ mile north of the Horel road, Gravel, fair.

Is this district a good one? Not good as a district but there are some fair small farms.

Employment opportunity Seasonal on farms. Industries located along the Fraser River about 4 miles distant.

Predominating Nationality and religion: British, Protestant.

Describe Fencing and its condition: No fencing. Value $

Water supply: Open well. Likely to go dry in a dry year. Value $

BUILDINGS ON FARM

863

BUILDINGS	DIMENSIONS	MATERIAL	HEIGHT	ROOF	AGE	Foundation	REPAIR	VALUATION
HOUSE	22 x 32	frame	9'	frame	2 yrs	posts	unfinished	200.00
	x							
	x							
BARN	x							
	x							
BARN	x							
	x							
GRANARY	x							
	x							
	x							
	x							
	x							

No electricity in dwelling.
Nearest power line along Horel Road about ¼ mile.

Total present day value $ 200.00

Total Value Buildings add to farm $ 200.00

Is dwelling habitable without repairs? If not what is your approximate estimate of cost to make it habitable? Doors were locked and boarded and windows boarded; unable to see all of inside but unfinished inside and out. Has been lived in.

Describe the basement and chimneys:

No. rooms downstairs? 4 Upstairs? - How finished Partly boarded.

Are buildings painted? No Condition of paint -

207-1
28 April 1948
Claimant on behalf of crown

Distance from nearest bush 50 yards.

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

Cultivated Land

BC/430-P
BC/1948-B

ACRES	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	KIND AND QUALITY OF CROP	VALUE PER ACRE	TOTAL
.55	Level	sandy & Light sdy loam. 12" - 15"	Gravel Hard Pan	Straws. fair.	50.00	27.50

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	
.7	Level	sdy loam 12" - 15"	gravel hard-pan	Clearing of stumps & second growth	100.00	10.00	7.00
3.505	Level	"	"	clearing of bush heavy clearing - cord-wood.	150.00	10.00	35.05

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 $ 69.55

Total added by buildings to value of farm $ 200.00

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

Total value of farm $ 269.55

Describe condition of farm commenting on tillage, length of time unoccupied or partly occupied:
Not in good state of cultivation - Straws weedy.
Apparently the Jap was here to take off the strawberries but the property is now vacant.

State most suitable type of agriculture for farm bearing in mind the district's limitations, if any.
Small fruits, Poultry, etc.

Noxious weeds: Some thistles & common weeds.

Give approximate detail and amount of all annual taxes and names of Taxing Authorities: Taxes $8.06

Delta Municipality.

Date: July 24th, 1942.
Place: New Westminster, B.C.

I certify that the above report is based on a personal examination of the whole farm made on the 22 day of July, 19 42.

Inspector's Signature "R. W. BROWN"

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

Farm Appraisal Report

Remarks: Property is located on the Wilson Road about ¼ mile North of the Horel Road. The soil is a sandy loam, partly very light. The strawberry plants are in fair shape, but very weedy. Some land has been partly cleared but the stumps and second growth have still to be removed. The balance of lot is heavy bush and the clearing will be costly. There is considerable cordwood on the property. The house is just a shell and is fairly new but is unfinished inside and out. The windows and doors are boarded and the doors locked so it was difficult to get much idea of the inside of the building. There is no fencing on the property, and water is obtained from an open well. There is no electricity in the house and the nearest power line is along the Horel Road about ¼ mile to the south. Industries are located along the Fraser River about 4 miles distant. Property only partly developed.

(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
Acreage in small fruits	$
.5 ac. strawa - fair.	$
	$
	$
	$
	$
	$
	$
	$
Total	$

Amount fruit trees add to value of farm $

Diagram of Property

N

SCALE 2CH = 1"

LOT 18, SUB-DIV NE¼ SEC 36, 3/4 MAP 1186
4.755 AC

R.W. BROWN.

Following careful review of this appraisal report, it is my opinion that the present value is $ 350

Date 29th July, 1942.

(SIGNED) I. T. Barnet
District Superintendent.

#27