

<u>REAL PROPERTY</u>										Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village			
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Total	Sale Price	Total Award 125% of all Sale Prices: % of Total		
		1000			SPECIAL AWARD					500.00
<u>PERSONAL PROPERTY</u>										
Motor Vehicles		Boats and Boat Gear								
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Recorded Now Missing	45% of amount in next preceding column			
<u>NETS</u>										
Total award for Nets plus Sale Price		Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing		Percentage Total Award to Total Claim		Claim for Nets Sold Declared Not Found, & Recorded Now Missing		Apply % ratio to Claim	Deduct Custodian Sale Price	
<u>MISCELLANEOUS CHATTELS</u>										
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
TOTAL RECOMMENDATION										500.00

CASE NO: 298

JAPANESE PROPERTY CLAIMS COMMISSION

Grand Forks, B. C.

June 1st, 1948

IN THE MATTER OF THE CLAIM OF

TOICHI NITSUI

PROCEEDINGS AT HEARING

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 ERIC P. DAWSON, SUB-COMMISSIONER)

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Grand Forks, B.C.

June 1st, 1948

IN THE MATTER OF THE CLAIM OF  
TOICHI NITSUI

PROCEEDINGS AT HEARING

20

APPEARANCES:

HAROLD W. McINNES, Esq.,

appearing for the  
Dominion Government.

A.E. COBUS, Esq.,

appearing for the  
Claimant.

L.A. DODD, Esq.,

Secretary to Grand  
Forks Sub-Commission

G.N.R. UPTON, Esq.,

Official Interpreter

G. HAMBLETON, Esq.,

Official Reporter.

30

T. Nitsui  
In Chief

MR. COBUS: The claim, your honour, of Nitsui, Toichi, No. 70 on the Secretary's list, which will become case No. 298.

TOICHI NITSUI, the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. COBUS: This is a claim for real property which remains as originally submitted.

10 THE COMMISSIONER: No amendments to this claim?

MR. COBUS: No, your honour, no amendments.

THE COMMISSIONER: An exceptional case.

MR. COBUS: Yes, your honour.

DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, are you a veteran of the First Great War?

THE WITNESS: A: Yes.

Q: How long did you serve in His Majesty's forces?

20 A: About four years.

Q: Did you have any overseas service?

A: Yes.

Q: How long were you overseas?

A: About

two years.

Q: And did you see action overseas?

A: Yes,

sir.

Q: Where?

A: Both legs.

Q: I think you misunderstood my question. In what theatre of war did you see action?

30 A: I was in Belgium.

T. Nitsui  
In Chief

Q: In Belgium. Were you injured? A: Yes,  
sir.

Q: What were your injuries? A: Both legs.

Q: You were wounded in both legs?

A: Yes.

Q: Witness, I produce to you a statement concerning  
the real property for which you are making a  
claim. Did you instruct Mr. Leckie to prepare  
this for you?

10 A: Yes.

Q: And is that your signature? A: Yes.

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

THE INTERPRETER: A: Yes.

MR. COBUS: I would ask to file the real property  
statement, your honour, as the first exhibit.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. COBUS: Would my learned friend produce the apprai-  
sal from the Custodian's file?

20 MR. McINNES: If it please your honour, I produce an  
appraisal of Mr. Winter. My friend has seen it  
and I think he agrees with me that it is incom-  
plete. However, I will produce it for what it may  
be worth.

THE COMMISSIONER: In what way is it incomplete, Mr.  
McInnes?

MR. McINNES: He doesn't put a final value on the  
property. Perhaps when I produce it you will under-  
stand it.

30 THE COMMISSIONER: All right.

T. Nitsui  
In Chief

MR. McINNES: He puts a value on the two buildings. He has listed here two dwelling houses, one valued at \$300.00, one valued at \$200.00, and says, "All three buildings are in need of repairs," and he sets out the assessment, but he does not set out what he considers a fair market value.

10 MR. COBUS: I agree, your honour, that he doesn't value the chicken house at all, which is a building he describes as being 20 feet by 106 feet and two storeys high.

THE COMMISSIONER: Does he give a value for the land at all?

MR. McINNES: None whatever.

THE COMMISSIONER: What is this, an island? Is the whole of the land on an island?

MR. COBUS: Yes, your honour.

THE COMMISSIONER: Is it a whole island?

MR. COBUS: I am given to understand it is.

THE COMMISSIONER: I see.

20 MR. McINNES: If my friend doesn't object -- this property consists of an island about 52 acres at the entrance of Ucluelet Inlet, about one mile from the Village of that name which developed into an important air base during the war. That is an administration note which I have.

MR. COBUS: The so-called appraisal of Mr. Winter, your honour, is filed on behalf of the Crown.

THE COMMISSIONER: That will be Exhibit 2, then.

(APPRAISAL MARKED EXHIBIT NO. 2)

30 MR. COBUS: Before I proceed with the statement, your

T. Nitsui  
In Chief

honour, would my learned friend admit that the assessment on this property was \$1350.00 for land and \$1500.00 for improvements?

THE COMMISSIONER: The date?

MR. McINNES: Well, according to an assessment notice dated the 15th of January, 1945.

THE COMMISSIONER: \$1350.00 for land, and how much for the improvements?

10 MR. McINNES: Improvements \$1500.00.

THE COMMISSIONER: Yes.

MR. COBUS: Now, referring to the statement, your honour, it is a 52 acre island described as Native Island, Ucluelet Inlet, in the Clayoquot Land District. On the land were two houses, one storey each, one containing three rooms and the other five. There was also a chicken house on the premises 20 feet by 160. The chicken house was of frame construction, on posts, as were the two houses. One  
20 of the houses was 22 feet by 18 feet, the other 22 feet by 30 feet. They were V-jointed inside and had fir floors. Both houses had singled roofs. The land, or property, was used for dwelling purposes and could have been used as a chicken farm and had originally been such. The claimant purchased this property in 1941, October 12th, at a cost to him of \$2,000.00.

30

The improvements that the claimant made on the land were clearing of about two acres in 1941 after he purchased the property, by hired labour

T. Nitsui  
In Chief

and by some of his own. He describes the clearing as being heavy and costing him about \$1000.00. He estimates the value of the property at the date of sale to be \$3000.00. He did the necessary repairs to the buildings as they became necessary.

10 In his comments with respect to the appraisor's report, he says that he considers that the appraisor did not consider the value of this island from the point of view of development as a summer resort potentiality. There was a very good sandy beach on the south side of the island, and he says that the previous owner, a Mr. Thompson, from whom he bought the property, subdivided it into lots with a view to developing it as a summer colony or as a fisherman's base. The island is conveniently located with respect to steamship services from Victoria, such boats coming in every ten days. Furthermore, mail boats came to the island twice a week from Port Alberni. The former owner, Mr.

20 Thompson, raised chickens and had a market for both chickens and eggs in the gold mining district near the island. He says that the steamship service was always available as a means to reaching markets. In his opinion the appraisor for the Custodian has very much undervalued the property. As an additional comment he says the island is just about one mile from Ucluelet village and so is close to supplies. The steamship service connects with Victoria and motor boat service with Port

30 Alberni, which is about 60 miles distance, and



these services would provide a ready access to markets.

He believes that when sold by the Custodian in October, 1945, for \$1000.00, his property would be worth at least \$3000.00.

The claimant has produced to me a surveyor's plan, your honour, which purports to be of Native Island, Ucluelet District, Lot 543, Clay-quot District, showing the subdivision on the island.

10

THE COMMISSIONER: I suppose that sub-division plan has never been filed according to the tax assessment?

MR. COBUS: No, but apparently the work of the surveyor has been done, your honour, and perhaps, with your leave, I might file the plan.

THE COMMISSIONER: That will be exhibit 3, then.

(PLAN MARKED EXHIBIT NO. 3)

MR. McINNES: Who is the man's name, Mr. Cobus, who made the survey plan?

20

MR. COBUS: The survey plan, your honour, was by H.M.T. Hodgson, B.C.L.S.

Would my learned friend advise the date of sale of the island?

MR. McINNES: October 30, 1945.

MR. COBUS: Thank you. Your witness.

MR. McINNES: It will be submitted, your honour, that the property was sold for its fair market value.

CROSS EXAMINATION BY MR. McINNES:

30

Q: Witness, I am considering now your claim as filed,

Exhibit No. 1. Where was the nearest school from this island upon which you lived?

THE WITNESS: A: About one mile.

Q: That would be at the Village of Ucluelet?

A: Yes.

Q: And you would have to go there by boat?

A: No. Well, it is only about, oh, about ten yards between the mainland and my island.

Q: I see, and there was a school at Ucluelet?

10 A: I beg your pardon?

Q: There was a school there? A: Yes.

Q: Now, give me the names of some of these gold mines that you were relying on as a market for your produce.

A: Well, the gold mine is at a place called Zeballos.

Q: Zeballos? A: Yes.

Q: How far were you from Zeballos? A: Oh, let's see, somewhere around about 100 miles, I guess, west.

20 Q: And what service was there between your island and Zeballos?

A: I can't understand that.

Q: All right, I will revise the question. To get from Zeballos to your island you travelled by boat entirely

A: Yes.

Q: And how often would the boat run between your island and Zeballos?

A: Every ten days.

Q: Every ten days. A: Yes.

Q: Was that your main market?

30 A: Well, I didn't run the chicken farm at all. Mr.

Thompson used to.

Q: When you bought the island -- when was that? --  
well, let's take your own statement here; I  
assume your statement is correct.

THE COMMISSIONER: 1941 according to that.

MR. McINNES: Q: Yes, you bought it in 1941.

A: October 12, 1941, yes.

Q: Now, you were evacuated when? When were you  
evacuated? A: 1942

10 Q: About what time in 1942?

A: Somewhere around in May, I believe, I am not sure.

Q: Well, how long were you on this island alto-  
gether? A: Oh, about, let's  
see. Well, since I bought the property. I  
moved into it right away, the next day.

Q: How long did you live on it?

A: Oh, about --

Q: <sup>A</sup> year? A: Yes, it is  
near a year.

20 Q: And how many chickens did you have on there?

A: I didn't run the chicken farm at all, myself.

Q: You made no use of the chicken house at all, your-  
self? A: No.

Q: And what did you use the property for?

A: Well, that is a handy place for fishing, that is  
the reason I buy the place.

Q: You were engaged in fishing activities, and this  
was your home? A: Yes, sir.

MR. McINNES: I think that is all, your honour.

30 THE COMMISSIONER: Mr. Cobus, there is an outline here

on the map. Is that the main island which shows there? It shows a trail going up from here? Is that supposed to be the main island?

MR. COBUS: He says he is almost on the mainland at one portion.

THE COMMISSIONER: Perhaps that is intended to be the mainland.

RE-DIRECT EXAMINATION BY MR. COBUS:

10 Q: I am producing to you the surveyors map marked Exhibit 2. They show to the west end of the island a broken line. What does that represent?

A: This is supposed to be the main island.

Q: The mainland? A: The mainland -- whatever you call it.

Q: The main island. A: And this place, when the tide comes up, the water all covers it up.

20 Q: That is, when the tide is high, that western portion of the main land is covered over, is it?

A: Yes, and this is all sandy beach around here.

Q: To the south. A: Yes, all sandy beaches.

Q: Sandy beaches along the southern shore of the island, is that right? A: Yes, and when the tides go down, I have walked over to the main island.

Q: You have walked over to the main island when the tide was low? A: Yes.

30 THE COMMISSIONER: Q: What is the distance between the

T. Nitsui  
Exam by Comm'r

main island and the island shown on the plan  
there?

A: I believe about

25 yards.

Q: That is all?

A: Yes.

Q: There is a trail shown on the main island. Where  
does it lead to?

A: That goes to

Ucluelet Village.

Q: That is the trail to the village and the distance,  
I think you said, is how much?

10 A: About a mile.

MR. COBUS: Yes, your honour, I think the closest por-  
tion to the main island, according to the scale --  
200 feet to the inch -- would be roughly 60, 70  
yards.

That is all.

THE COMMISSIONER: You have no further examination,  
have you?

MR. COBUS: No, your honour.

THE COMMISSIONER: All right, Mr. Nitsui, we will deal  
20 with this later on.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

*Gordon Hambleton*  
G. Hambleton  
Official Reporter

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

*E. P. Dawson*  
E.P. Dawson  
Sub-Commissioner

DEC 29 1947

298

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

1456

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

(1) NAME NITSUI Toichi (Mr.) (RCMP) Reg. No. 12155  
(Print) Surname Given Name

(2) Pre-Evacuation Address UCLUELET, B.C.

(3) Present Address Box 575, GREENWOOD, B.C.

(4) REAL ESTATE  
(a) Street Address (if any) UCLUELET, B.C.  
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)  
Lot 543 (Native Island)  
CLAYOQUOT DISTRICT, said to contain 52 acres more or less

(c) Type of Real Property (cross out words which do not apply):  
(i) ~~Farm~~  
(ii) Residence Type of business \_\_\_\_\_  
(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 - - - - - \$ \_\_\_\_\_  
(ii) Buildings - - - - - \$ \_\_\_\_\_  
(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - \$ \_\_\_\_\_  
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - - - - \$ 2000.00  
(v) Amount at which Custodian sold property and credited your account - - - \$ 1000.00  
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 2000.00

(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)

39M

(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")

In Custodian'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) - - - - - \$ 2000.00)

(6) (a) Place at which claimant prefers to be heard. (Vancouver, Kamloops, Nelson, Lethbridge, Moose Jaw, Winnipeg, Toronto or Montreal.) (b) Do you require the services of an interpreter at the hearing? Yes or no Yes

Greenwood, preferred; Nelson, if necessary

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 )  
Province of B. C. )  
TO WIT: )

I, Toichi Nitsui of the City of Greenwood 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 Greenwood )  
in the Province of B. C. )  
this 23rd day of December )  
A.D. 1947. Le Dodd )

*J. Nitsui*  
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.

*Notary Public in & for the Province of  
British Columbia, Canada.*

T NITSUI  
(Claimant's Name)

REAL ESTATE  
(Other than farm)

12155  
Reg. No.

Type of Premises (e.g. House, Store, etc.)	No. of Rooms	Type of Finish	Use of Premises	Size of Lot	When Purchased	Date of Purchase
LOT 543, Native Island "Uclulet" District Inlet "Clagoot Land District, Alberni	2 houses - one stone each - other 3 rooms	chicken house - frame construction on posts - also 2 houses - one 22 x 19 - other 22 x 30 frame - paint - fir floors	dwelling & farm chicken	about 52ac	1941	Oct 12
chicken house on premises - 20 x 160	also 2 dwelling houses	Improvements made by Claimant	shingle roofs			
Type of Locality	Cost Price			Estimated Value	Date of Sale	
Individual island	\$ 2000 <sup>00</sup>	① cleared about 2 acres in 1941 after purchase - mostly hired labour - some own - - heavy clearing - cost about - 1000.		\$ 3000 <sup>00</sup>		

Comments re upkeep of premises:  
General repairs done as  
necessary -

EXHIBIT No. 298-1  
DATE 1 June 1948  
FILLED BY claimant

Comments re Appraiser's report not covered above: I consider that the appraiser did not consider the value of this island from the point of view of development as a summer resort. There is a very good sand beach on the south side of the island. The previous owner Mr. Thompson from whom I bought subdivided this island into lots with a view to developing as a summer colony or as a fishermen's base. This island is conveniently located with steamship service from Victoria every 10 days and mail boats twice a week from Pt. Alberni. Mr. Thompson raised chickens and had a market for both the chickens and eggs to gold miners in the district. The steamship service is always available as an access to markets - In my opinion the appraiser for the Custodian has very much undervalued this property. This island is just about one mile from Uclulet village and so is close to supplies. The steamship service connects with Victoria and motor boat service with Port Alberni. These services would probably be worth at least \$3000<sup>00</sup> (about 60 miles distant) and these services would probably be worth at least \$1000<sup>00</sup> in Oct 1945 for the property. I believe that when sold by the Custodian would be worth at least \$3000<sup>00</sup>.

T. Nitsui  
SIGNATURE



Alberni Assessment District  
Layoquot Land Dist  
Native Island Ucluellet Inlet  
Catalogue No 506  
Lot 543 (52 ac m/1)

This is ~~a~~ hard to value owing to the nature of one of the buildings which is a large chicken house

20' x 160' 2 storey high

I think it is in an unsuitable location

2 dwelling house

one value \$300<sup>00</sup>

one value \$200<sup>00</sup>

All three buildings are in need of repairs

The government have an assessment of Land \$1350<sup>00</sup>  
Improvements \$1500<sup>00</sup>

298-2  
EXHIBIT NO. 298-2  
DATE 1 June 1948  
FILLED BY Crown



NA  
D.L

.3  
298-2

EXHIBIT NO. 298-2  
 DATE 1 June 1948  
 FILLED BY Clamant



**NATIVE ISLAND. UCLUELET.**  
**D.L. 543. CLAYOQUOT DISTRICT**  
 SCALE 200 FEET = 1 INCH.  
 Surveyed by H.M.T. HODGSON, B. C. L. S.

Post N. Lot 1