

<u>REAL PROPERTY</u>										
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village		Total	
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:	
						% of Total	Amount		% of Total	Amount
<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		
						% of Total	Amount			
<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
								00 100.00		00 70.00
<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			
30.00	24.50	7.35	81.66%	120.00	98.00			105.35		
TOTAL RECOMMENDATION									175.35	

CASE NO: 311

JAPANESE PROPERTY CLAIMS COMMISSION

Grand Forks, B.C.

June 3, 1948

IN THE MATTER OF THE CLAIM OF  
CHOKICHI NISHIMURA

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 M.M. COLQUHOUN, SUB-COMMISSIONER)

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Grand Forks, B.C.  
June 3, 1948

IN THE MATTER OF THE CLAIM OF  
CHOKICHI NISHIMURA

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

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H. Nishimura  
In Chief

MR. COBUS: The claim, your honour, of Chokichi Nishimura, which is No. 69 on the Secretary's list, and which will become Case No. 311, Mr. Secretary.

THE SECRETARY: 311, yes.

MR. COBUS: I am calling Mrs. Nishimura.

(MRS) HAN NISHIMURA, a witness called on behalf of the claimant herein, being first duly sworn testified through the official interpreter as follows:

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DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, you are the wife of Chokichi Nishimura, is that correct? A: Yes.

Q: And your name is Han Nishimura?

A: Yes.

MR. McINNES: What is it, again?

MR. COBUS: Han. H-a-n.

MR. McINNES: The wife?

20 MR. COBUS: The wife.

I would ask leave, your honour, to amend the claim by striking out, if you would, the figure and the words typed in 4 (e) "Boat and 1 Bed, \$556.30." That was improperly entered on the front of the sheet.

THE COMMISSIONER: Yes.

MR. COBUS: If you would just eliminate that, your honour. On the reverse side of the claim with respect to the personal property which is the subject of the claim, we are abandoning item 1,

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H. Nishimura  
In Chief

the fishing boat, subject to the Terms of Reference being broadened. That eliminates that \$1200.00 item. The remaining two items are unchanged. The total, therefore, is \$250.00. The credit to the Custodian for the sale of the bureau -- this is the only credit -- is \$24.50. That leaves a net claim of \$225.50.

Q: Witness, I produce to you a statement concerning the personal chattels for which you are claiming.  
10 Did you instruct Mr. Leckie to prepare this statement and is that your signature?

A: Yes.

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

A: Yes.

Q: Have you discussed this matter of the claim with your husband? A: Yes.

Q: And have you any knowledge on your own part of the matters relating to this claim?

20 A: Yes.

MR. COBUS: I ask to file the personal chattels statement as one exhibit, your honour.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. COBUS: The statement is complete in itself in that it lists all of the items with details as to each item claimed. The total shown under estimated value at the date of evacuation is \$250.00.

30 With respect to the storage of the goods, the witness says, with the exception of the bureau which was left at 139 Garry Avenue, Steveston,

H. Nishimura  
In Chief

the other household articles claimed were left at their house on Moncton Street, Box 150, Steveston. The net being claimed, and the other net declared by her husband but not claimed, were declared in her husband's J.P. form as left at their house. This, the witness says, was stated in error. The nets were left in the Imperial Cannery Net House, Steveston, and in January, 1943, she says her husband completed a net form so advising which was forwarded to the Custodian. The comment she makes with respect to the goods that are claimed is that depreciation has been allowed on all items, and she says that she has full knowledge as to the items claimed and the facts set out in her statement, and that she is representing her husband with respect to this claim.

Would my learned friend produce the Analysis of Personal Property Claim?

20 (Handed to Mr. Cobus)

MR. COBUS: I would ask to file the Analysis of Personal Claim, produced from the Custodian's file, on behalf of the Crown.

(ANALYSIS MARKED EXHIBIT NO. 2)

MR. COBUS: Your witness.

MR. McINNES: It will be submitted, your honour, as to the goods which came into the custody of the Custodian, that the same were sold for their fair market value. It will be further submitted that the nets, particularly, did not come into our

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H. Nishimura  
Cross exam

custody and therefore do not come within the  
Terms of Reference.

CROSS EXAMINATION BY MR. McINNES:

Q: Witness, did you receive or did your husband  
receive in May of 1944 a cheque for \$28.20?

A: Yes.

Q: That was for fishing gear?

A: Yes.

10 Q: Now, I am instructed, Mrs. Nishimura, that you  
received \$160.00 -- at least, when I say "you"  
I refer to your husband -- from the B.C. Packers  
for nets. A: I have not received that.

Q: Well, when you say "you" have not received it,  
did your husband receive it?

A: No. I did not receive this from the B.C. Packers.

MR. McINNES: May it please your honour, I see no  
good purpose to be served by pursuing the cross-  
examination of this witness. Obviously she might  
20 not be able to answer all the questions I want  
to ask, because the cheque would be payable to  
her husband. I simply want it noted on the re-  
cord, to give my friend notice, that the file re-  
veals that the B.C. Packers claim to have sent  
direct to this individual Japanese fisherman,  
that is, Chokichi Nishimura, \$160.00. I take it  
it would be on the 1st of May, 1942.

THE COMMISSIONER: Yes.

MR. McINNES: That is all.

30 MR. COBUS: Your honour, I would like to pursue the

question of the \$160.00. I want it clear on the record. I think the witness has a right to answer the question.

THE COMMISSIONER: Very well.

RE-DIRECT EXAMINATION BY MR. COBUS:

10 Q: Now, witness, listen to this question carefully. Did you, yourself, or your husband receive a cheque from the B.C. Packers for the sum of \$160.00 at any time?

A: No.

MR. COBUS: No further questions, your honour.

THE COMMISSIONER: All right, that is all, thank you.

(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

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

*M.M. Colquhoun*

M.M. Colquhoun  
Sub-Commissioner

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*Amended  
Remaining* **Net Claim # 225.50**  
*Mus@*

DEC - 2 1947

311

**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  
W

1187  
*g. Fortko*

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

(1) NAME Nishimura Chokichi (RCMP) Reg. No. 04401  
(Print) Surname Given Name

(2) Pre-Evacuation Address P.O. Box 150, Steveston, B.C.

(3) Present Address Greenwood, B.C.

(4) REAL ESTATE

(a) Street Address (if any) \_\_\_\_\_  
City or Municipality, Province

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

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

- (i) ~~Farm~~
- (ii) ~~Residence~~ Type of business \_\_\_\_\_
- (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~~ - - - - - \$ \_\_\_\_\_
- (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) - - - - - \$ \_\_\_\_\_
- (v) Amount at which Custodian sold property and credited your account - - - \$ 556.30 *Mus@*

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ \_\_\_\_\_

(5) PERSONAL PROPERTY

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

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)  
Net left at Imperial Cannery, Bureau & furniture, Garry St, bed Catholic

Cannery net house, Mr. R. Mori's residence and Catholic Mission.

(c) How stored or packed at time of evacuation Unpacked.

2 *gpa*

(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")

The Custodian's care.

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

- |     |  |                    |                  |
|-----|--|--------------------|------------------|
| 1.  | <u>Fishing boat</u>                    | Estimated Value \$ | <u>1,200.00.</u> |
| 2.  | <u>1 Bureau &amp; other furnitures</u> | Estimated Value \$ | <u>150.00.</u>   |
| 3.  | <u>1 Fishing net</u>                   | Estimated Value \$ | <u>100.00.</u>   |
| 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 \$ 703.70.

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) - - - - - \$ \_\_\_\_\_

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

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, Chokichi Nishimura of Greenwood of the City \_\_\_\_\_ 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 22nd day of November \_\_\_\_\_ )  
A.D. 1947. La Dadd )

C Nishimura  
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.*

Y. Nishimura  
(Claimant's Name)

PERSONAL CHATTELS

311-1

04401

EXHIBIT No.

Reg. No.

DATE 3 June 1948

FILLED BY claimant

per Mrs Han Nishimura (wife)

Description of Major Items (and particularly of goods lost, stolen or destroyed)	Approximate Date Purchase	New or Used When Purchased	Price Paid	Condition when Evacuated	Estimated value at Date of Evacuation
1 Bureau (dresser) with mirror	1939	new	\$41.00	good	\$30.00
2 double steel beds	1937	new	60.00	"	35.00
(complete)					
1 kitchen stove	1938	new	70.00	quite "	30.00
1 single steel bed	1937	new	16.00	good	10.00
(complete)					
10 chairs (dining room)	1938	new	30.00	"	20.00
1 small table	1938	new	7.00	"	5.00
1 dining table	1938	new	25.00	quite "	20.00
1 kitchen table	1938	new	15.00	" "	
1 Sweeney net	1941	new	150.00	used one season	100.00
5 1/2' - 4 1/2' - 300 fath.				(good)	250.00

Description of Storage of Goods:

with the exception of the bureau, which was left at 139 Barry Road Steveston, the other <sup>household</sup> articles claimed were left at our house on Moncton St (304, 150) Steveston. The net being claimed (and the other net declared by my husband, but not claimed) were declared in my husband's 3P form as left at our house. This was stated in error. These nets were left in the Imperial Cannery net house (Steveston) and in Jan 43 my husband completed a net form, so advising, and forwarded to the Canadian

General Statement as to Chattels not Described above:

all items claimed are listed above

Additional Comments, if any:

Depreciation has been allowed on all items. I have full knowledge as to the items claimed and the facts set out herein and am representing my husband with respect to this claim

Y. Nishimura

SIGNATURE

# ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE NO. 1187

EXHIBIT No. \_\_\_\_\_

NAME NISHIMURA, Chokichi

REG. No. 04.01

DATE	INVENTORY	DETAILS OF CLAIM	SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
			AUCTION	TENDER &c		
DECLARATION <u>Apr. 3/42</u> EVACUATION <u>May 1/42</u>	TAKEN BY _____ DATE _____					
	<p><u>Stored at P.O. Box 150, Steveston, B.C.</u></p> <p>1 Stove 3 Beds 10 Chairs 3 Tables Kitchen Utensils 2 Sockeye Nets</p>	<p>Fishing Boat 1,200.00 1 Bureau and other furniture 150.00 1 Fishing Net 100.00</p> <hr/> <p>\$1,450.00</p>		\$24 50		100 00
	<p><u>Declaration received Jan. 30/43.</u></p> <p>Sockeye Net - 5 1/2 M 4 Ply 50 M.D. 300F. (\$100.) Sockeye Net - 5 1/2 M. 5 Ply 50 M.D. 200F. (\$75.)</p>	<p>Fishing boat sold by NISHIMURA through Japanese Fishing Vessels Disposal Committee May 27, 1942 for \$600.00, and was never in the hands of the Custodian.</p>				
	<p><u>Declared on wife's J.P. April 15/42</u></p> <p>1 Chiffonier 1 Trunk 1 Singer Sewing Machine (treadle) 1 Typewriter (Remington) Kitchenware Kitchen utensils 3 beds with spring and mattress. 5 Home made satin cushions.</p>					

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
TENDER &c								

50

100 00

\$600 00 - Sold through JFVDC - see below

\* No nets found at Imperial Cannery in Nishimur's name.

\* No chattels were found in house occupied by Chokichi NISHIMURA, as declared to have been left by NISHIMURA and his wife. On Feb. 7/44, NISHIMURA asked for shipment of some cushions and a bureau from 139 Garry Rd. Steveston, in a house belonging to another Japanese. The bureau had been sold, so proceeds were credited to NISHIMURA. No other furniture was found. Cushions were shipped.

Goods for which Japanese claims \$150.00 sold by auction for \$24.50  
Net " " " " 100.00 not found.

EXHIBIT NO. 311-2  
DATE 5 June 1948  
FILLED BY Crown