Name of Claimant TODA, Kikuma Case 335

Custodian File 2252

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	

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	
		225	55.37					55.37

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	55.37

CASE NO: 335

JAPANESE PROPERTY CLAIMS COMMISSION

Grand Forks, B.C.

June 9, 1948

IN THE MATTER OF THE CLAIM OF

KIKUMA TODA

PROCEEDINGS AT HEARING

Original

CASE NO: 335

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 Grand Forks, B.C.

June 9, 1948

IN THE MATTER OF THE CLAIM OF

KIKUMA TODA

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

MR. COBUS: The claim of Toda, Kikuma, No. 114 on the Secretary's original list. That will be case No. 335.

KIKUMA TODA, the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. COBUS: I would ask leave, your honour, to amend the claim which is for a vessel. The estimated value becomes $800.00, the credit to the Custodian is $250.00, leaving a net claim of $550.00.

10

THE COMMISSIONER: Amendment allowed.

MR. McINNES: Would you give me that again, Mr. Cobus?

MR. COBUS: The estimated value becomes $800.00, the credit to the Custodian $250.00.

MR. McINNES: Leaving a net of $550.00.

MR. COBUS: That is correct.

DIRECT EXAMINATION BY MR. COBUS:

20

Q: Now, witness, I produce to you a statement respecting the boat for which you are claiming. Did you instruct me to prepare this statement for you and is that your signature?

A: Yes.

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

A: Yes.

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

30

(STATEMENT MARKED EXHIBIT NO. 1)

MR. COBUS: The vessel for which the claim is submitted was known as the "Oceanic" No. 284, a vessel 37 feet by 7 feet by 3 feet six inches, licensed under No. Vancouver 5882. It was a gillnetter boat. In June of 1941 the claimant purchased the hull only for $200.00 and in the same year he installed a reconditioned Vivian engine, 8 H.P. heavy duty gas engine, the value of which he estimates to be $300.00. He says that is condition was good when it was left with the Navy, and he estimates its value at $800.00.

He has listed a partial list of other installations, or other costs, with relation to making the vessel a whole vessel, such as a steel shaft, which cost $13.00, two gas tanks which cost $40.00, and the installation cost of the engine, he calculates, was $25.00. The gear which he installed in 1941 consisted of a gurdy which cost $100.00 plus the material and labour, two anchors and anchor ropes which cost $20.00. Then the hull was recalked, the seams puttied, the boat scraped and repainted by his own labour and with bought materials. That was done in June and July of '41. The cost of that he says was $240.00.

He says the vessel was turned over to the Royal Canadian Navy at Steveston, he having made delivery from Prince Rupert, B.C. under Navy escort in December, 1941. The comments he

makes with respect to his vessel are that with the reconditioning done on the hull and the newly overhauled engine installed in the summer of '41, the vessel was in very good condition when he left it with the Navy. He says on the 600 mile trip from Prince Rupert to Steveston, his boat had no difficulty. He adds that he has had nearly 40 years experience with gas and other motor vessels used in fishing and believes that
10 the appraisal made by John Gould of $250.00 was much below a fair market value.

If my learned friend would produce the appraisal?

MR. McINNES: The which, Mr. Cobus?

MR. COBUS: The survey report and appraisal of John Gould.

MR. McINNES: Yes. I produce the survey report of John Gould dated February, 1943, showing a valuation of $250.00.

20 MR. COBUS: I file that on behalf of the Crown.

MR. McINNES: That will be exhibit No. 2.

MR. COBUS: Yes.

(APPRAISAL MARKED EXHIBIT NO. 2)

MR. COBUS: Would my learned friend produce, or admit that the net proceeds to the claimant on the sale of the vessel amounted to $194.44.

MR. McINNES: Yes, subject to this, that the boat was sold for $250.00 and a ten percent commission of $25.00 was allowed, making a net sale price of
30 $225.00; from this was deducted the cost of fire

insurance, wharfage, watchman's wages, surveyor's fees, etc., amounting to $30.56, leaving a net amount to the credit of Toda of $194.44. Is that satisfactory?

MR. COBUS: Yes, thank you. Your witness.

MR. McINNES: It will be submitted, your honour, that the boat or vessel was sold for its fair market value, or in the alternative for the appraised value.

10 I wish to state for the information of my friend that the boat was taken over by the Navy but that they, according to the summary taken from the fishing vessel record -- the sum of $228.89 was paid to the Department of Fisheries for repairs to the boat covering their use of it.

MR. COBUS: $228.89?

MR. McINNES: Yes. I do not give that as evidence, but it is information which appears in the records.

20 CROSS EXAMINATION BY MR. McINNES:

Q: Witness, you got this boat from the Canadian Fishing Company, didn't you?

A: Yes.

Q: And on the 27th of June, 1942 they gave you a permit simply to use this boat?

A: I bought the ship from the Canadian Fishing Company.

Q: Yes, but you first had a permit to use it before you bought it? A: Before I bought it

30 I was given permission to use the vessel.

MR. McINNES: Yes. I file that as exhibit No. 3.

(PERMIT MARKED EXHIBIT NO. 3)

Q: Now, when you got that permit to use that vessel, did it have an engine in it?

A: There was no engine.

Q: All right. Did you put an engine in it?

A: Yes.

Q: Where did you get the engine to put in it?

A: This was the engine for the boat, but I bought
10 the boat separately to the engine.

Q: Well, we have only got to the stage where you had a permit to use this vessel. Now, did you go ahead and buy an engine and put it in, or what did you do? A: That engine was given to me.

Q: It was given to you? A: Yes.

Q: By whom? A: Mr. Salt.

Q: Mr. Salt? A: Yes.

Q: It didn't cost you anything? A: Yes.

20 Q: It was an old engine, I presume?

A: Yes.

Q: And apparently Mr. Salt had no further use for it so he gave it to you?

(Interpreter to witness)

THE INTERPRETER: He is speaking about some document. He hasn't answered that question.

MR. McINNES: Q: Well, we will just let it go for the time being. You got the engine from Mr. Salt for nothing? A: Yes.

30 Q: Well, then, later on, about the following March

of 1942, you bought the vessel for $200.00, that is what your bill of sale shows. Here's the bill of sale.

(Interpreter to witness)

Q: You only hurt your claim by refusing to answer questions.

A: I did not buy it.

Q: Well, here is a bill of sale which says that they sold the boat to you for $200.00.

10 A: I bought the boat alone for $200.00, or the hull.

Q: I understand that; that is what we are talking about, the hull. That was in the following March? A: I was at Greenwood at that time.

Q: I don't care where you were. Did you buy the boat for $200.00 in March, 1942? A: Yes.

MR. McINNES: That is all.

20 RE-DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, how old are you?

MR. McINNES: Too old.

A: Seventy-one.

MR. COBUS: Q: In June of 1941, you took possession of a hull from the Canadian Fishing Company Limited, did you not? A: Yes.

Q: And at the same time the fishing company turned over to you an 8 H.P. engine, is that right?

A: Yes.

30 Q: When did you pay the $200.00 for the hull?

A: I don't know exactly, but they took it out of the fish which I supplied them with.

Q: And those would be the fish that you caught during the season of 1941? A: Yes.

Q: This bill of sale that I produce to you from the Canadian Fishing Company Limited to you, K. Toda, is dated the 2nd day of March, 1942. On the 2nd day of March, 1942, you say that you were in Greenwood. Now, did you write to the Canadian Fishing Company to send you this bill of sale in order to establish your ownership of the vessel?

A: I did not send a telegram to the Canadian Fishing Company when I was in Greenwood.

MR. COBUS: Of course, I didn't quite ask him that. I don't know whether that adds anything to it.

THE COMMISSIONER: You got more than you asked for, there is no doubt about that. I don't think it is very material.

MR. COBUS: No, I don't either, your honour. There is no question about the fact that the man turned the boat over to the Canadian Fishing Company in 1941.

MR. McINNES: He paid $200.00 for it and got the engine for nothing.

MR. COBUS: That is right, and I would like to pursue the question of the engine for just a minute.

Q: Witness, this engine that was given to you was a reconditioned engine, you instructed me, and it was given to you. Now why did the Canadian Fishing Company give you this marine engine?

(Interpreter to Witness)

MR. COBUS: Your honour, I would ask leave to interrupt that now, and perhaps lead the witness a little bit.

Q: Did the Canadian Fishing Company give you that engine because you would then be catching fish which would be sold to the Canadian Fishing Company?

MR. McINNES: Well, I will concede that. I don't
10 think it matters a great deal.

MR. COBUS: Yes, thank you. I will try one more.

MR. McINNES: You won't get anything.

MR. COBUS: Q: Witness, did you leave an engine with the Canadian Fishing Company, did you leave one of your own engines with them?

A: Yes.

Q: What kind of an engine was it? A: A ten H.P. Atlas Imperial.

Q: And a ten H.P. Atlas Imperial engine was too
20 big for the hull that you bought from the Canadian Fishing Company? A: He would have to alter the engine bed to put in that engine.

MR. COBUS: I see. Thank you. That is all, your honour.

MR. McINNES: That is all.

THE COMMISSIONER: All right, thank you.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

Certified correct and true transcript.

Gordon Hambleton

G. Hambleton, Official Reporter.

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

Nina Colquhoun

M.M. Colquhoun
Sub-Commissioner

Amended - Nett Claim $550.00
9/6/48 [illegible]

DEC - 2 1947

335

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

2252

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

(1) NAME TODA (Print) Surname Kikuma (Mr.) Given Name (RCMP) Reg. No. 00944

(2) Pre-Evacuation Address 710 Alexander St., Vancouver, 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 - - $ _____

(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
STEVESTON, B.C.

(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)

4 ea

(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") Custodian's Care

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

1. Vivian, 8HP 32'x7' Gas boat — Estimated Value $ 1200.00
2. — Estimated Value $
3. Sold by Custodian at $194.44 — 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 $ 1005.56

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) - $ 1005.56

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

Greenwood, preferred; Nelson, if necessary

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

I, Kikuma Toda 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 20th day of November A.D. 1947.

Kikuma Toda

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.

TODA, Kikuma
(Claimant's Name)

PERSONAL PROPERTY
(Fishing vessels, gear and equipment)

00944
Reg. No.

NETS:

Type	Size	Mesh	Fathoms	Age at Evacuation	Original Value	Estimateded value at Evacuation

EXHIBIT No. 335-1
DATE 9 June 1948
FILLED BY claimant

VESSELS SOLD BY CUSTODIAN

NAME	Reg. No. (License)	Type	Date Purchased	New or Used	Price Paid	Maintenance Work	Condition When Evacuated	With whom left	Estimated Value
Oceanic #784 39' x 7' x 3'6"	Van 5882	Gill-netter (Halibut, salmon & gray fish)	June 1941 from Can Fishing Co. Ltd	Used	$200.00 for hull alone	Scraping & painting	Good	Navy	800.00

Improvements to Vessel since date of purchase:

	Type	Date	Cost
A reconditioned Vician 8 HP (heavy duty) engine (gas)	Estimated value $300.00 engine installed 1941	steel shaft	$13.00
		2 gas tanks 30 gal.	40.00
		first alteration of engine & gurdy	$25.00

~~OTHER GEAR:~~

~~Description~~	Date Purchased	New or Used	Price Paid	Condition when Evacuated	Estimated value at date of evacuation
The hull was recaulked, seams putted, scraped & repainted — our labour and bought materials in June & July 1941 Cost approx $240.00				Rear installed in 1941 1 Gurdy $100.00 + material & labour 2, anchors & ropes 20.00 Tools	

Arrangements made for storage when evacuated: Turned over to RCN at Stewartson making delivery from Prince Rupert, B.C. under navy escort on Dec. 1941.

Additional Comments, if any: With the reconditioning done on the hull and the newly overhauled engine (in the summer of 1941) the vessel was in very good condition when I left it with the navy. On the 600 mile trip from Prince Rupert to Stewartson my boat had no difficulty. I have had nearly 40 years experience with gas and other motor vessels used in fishing and believe that the appraisal made by John Hauld of 750.00 was much below a fair market value.

Koisen Ma Toda
SIGNATURE

EXHIBIT No. 335 - 2
DATE 9 June 1948
FILED BY Crown

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.
Sept. 1, 1948

JOHN GOULD

Marine Surveyor and Appraiser

Vancouver, B. C.

No. 11. N.

"Oceanic"

SURVEY REPORT

To Whom it may concern:

Name.	"Oceanic"		
Official No.	Van 5882		
Owner	Kikuma Toda		
Dimensions	L. 32 ft.	B. 7 ft.	D. 3. 6 ft.
Engines	Gasoline		
Name & H. P.	Vivian	7 H. P.	
Fuel	Gasoline		
Tank Capacity	2 Tanks	45 Gals.	
Pumps	1 on Deck		
Lighting	Oil		
Anchors	None		
Chain	None	Rope.	None
Compass	None		
Stoves	None		
Fire Extinguishers	None		
Valuation	Two Hundred fifty ($250.00) dollars		
Remarks	Cyl patched		

February 1943 "John Gould"

Vancouver, B. C. Marine Surveyor.

335 - 3

EXHIBIT No. 9 June 1948

DATE

FILED BY Crown

TO WHOM IT MAY CONCERN:

This is to certify that we, THE CANADIAN FISHING COMPANY LIMITED are licensed owners of 64/64 shares in the gas boat described below; and that we have today given K. Toda our permission to use the said vessel. It is understood and agreed that this vessel will be returned to the COMPANY in good condition not later than August 15/41, 1941, or that it will be returned upon demand at any time prior to that date.

The description of the said vessel is as follows:

Gas Boat "Oceanic #284" License No. 5882

Licensed at the Port of Vancouver, B. C.

Length: 32 feet-----inches Beam: 7 feet -------inches

Depth: 3 feet 6 inches Approximate tonnage 2

Engine: 8 H.P. Vivian

Naval Recognition Number_____

Signed this 27th day of June 1941.

THE CANADIAN FISHING COMPANY, LIMITED

"N. Christensen"

Bookeeper Oceanic Cannery

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.

Sept. 1, 1948

C. McLaughlan

BILL OF SALE

VANCOUVER, B. C. AND
OCEANIC CANNERY,
SKEENA RIVER, B. C.

I/WE THE CANADIAN FISHING COMPANY LIMITED of

in consideration of the sum of - TWO HUNDRED DOLLARS ($200.00)

receipt for which is hereby acknowledged, transfer 64/64

shares in the boat described below, to K. TODA

of 243 POWELL STREET, VANCOUVER, B. C.

NAME OF BOAT: "OCEANIC 284"
LICENCE: #5882 - Vancouver, B.C.
NAVAL NO: P.R. 068 H.

DESCRIPTION OF BOAT

Length 32 Feet 0 inches

Breadth 7 Feet 0 inches

Depth 3 Feet 6 inches

Propelling Power

Maker's Name VIVIAN

SINGLE CYLINDER

8 H.P.

Further, I/WE the said THE CANADIAN FISHING COMPANY LIMITED for my/our heirs covenant with the said K. TODA and HIS assigns, that I/WE have power to transfer in the manner aforesaid, the premises hereinbefore expressed to be transferred, and that the same are free from encumbrances.

In witness whereof I/WE have hereunto subscribed my/our name, this 2nd day of MARCH One thousand nine hundred and FORTY TWO (1942).

Executed by the above named

R. T. Gorry Secretary
(vendor(s)

In the presence of

J. Fraser
J. Fraser
WITNESS

Cannery Mgr
Occupation

Leanpiece. Van. B.C.
Address

(vendor(s)

EXHIBIT No. 335-H
DATE 9 June 1948
FILLED BY Claimant