

Name of Claimant

TAKAI, Nobukichi

Case

341

Custodian File

7702

<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	% of Total	Amount	% of Total
<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			
							% of Total	Amount	% of Total	Amount
TOTAL RECOMMENDATION										.00

341.

CASE NO: X-1

JAPANESE PROPERTY CLAIMS COMMISSION

Grand Forks, B.C.

June 1st, 1948

IN THE MATTER OF THE CLAIM OF
NOBUKICHI TAKAI

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

NOBUKICHI TAKAI

PROCEEDINGS AT HEARING

20 APPEARANCES:

HAROLD W. McINNES, Esq.,

appearing for the
Dominion Government.

R.J. McMASTER, 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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N. Takai
In Chief
Discussion

MR. McMASTER: Your honour, I would like to speak to the matter of Nobukichi Takai. His name does not appear on the list, and I don't believe a claim form was filed with the Commission.

10 This is a case, your honour, where the man in question lived at an isolated spot in British Columbia and was required to leave it on very short notice and, in order to safeguard his goods from the Indians who lived in the community, he exercised caution and made what is ordinarily called a "Forced" sale.

20 I spoke to Mr. Justice Bird about this case at the time of the main Commission hearings and expressed regret that it appeared to me to be outside the Terms of Reference, the sale having been made by the man, but also expressed the view that it seemed rather unfortunate that a man who made the best endeavour he could to safeguard his goods would not be eligible for compensation, whereas, if he had been a foolish man and had just left his goods there and given a list to the Custodian, he would have been entitled to come in and claim for those goods. He knew full well, if he left them there, they would disappear.

Mr. Justice Bird suggested that I present his statement, in any event, with the possibility that he might, in his recommendations, if he saw fit, make some reference to the situation.

30 THE COMMISSIONER: You are presenting it subject to the decision being made by the Commissioner later,

then.

MR. McMASTER: That is correct, your honour.

Now, your honour, I have not filed in this case a claim form, and I don't propose to do so unless the Commissioner asks that I should do so, but I do have a statement from Mr. Takai, and I think that probably he ought to be called and prove the statement.

10 I suppose it is a question as to whether this should be assigned a number.

MR. McINNES: I would ask, your honour, that we work out some arrangement to give it a distinguishing number of some kind so that I would be able to make reference to it when I report to the Custodian.

THE COMMISSIONER: Had you better take the next number to the last number of the filed claims that you have on hand, whatever that may be. What is the last number you will have?

20 MR. McMASTER: It is very difficult to tell, your honour, because there may be some withdrawals. Perhaps if we took the last number that was assigned to the Secretary for these claims it would distinguish it.

THE COMMISSIONER: Well, you don't want any confusion with the Nelson numbers.

30 MR. McMASTER: Or the second last number assigned to the Secretary. The difficulty with that, however, is that Mr. Cobus told me there are a number of these to be dropped -- eight or nine, I think; I don't know how many.

N. Takai
In Chief

THE COMMISSIONER: You might just assign it an "X" number, X-1 or something of that kind, if you like. Suppose we call it Case No. X-1. Is that all right?

MR. McMASTER: All right.

THE COMMISSIONER: We will call it X-1, and that will keep it out of the list so there will be no confusion.

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NOBUKICHI TAKAI the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

THE COMMISSIONER: You have had a copy of the statement, have you?

MR. McINNES: Yes, I have it here.

DIRECT EXAMINATION BY MR. McMASTER:

Q: Witness, did you instruct me to prepare this statement and is this your signature on it?

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A: Yes.

Q: Are the contents of that statement true to the best of your knowledge and recollection?

A: Yes.

MR. McMASTER: This is a one-page written statement, your honour, which I would ask to file as an exhibit.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. McMASTER: In view of the fact that this statement is in handwriting, I would suggest that I might read it into the record; it will be much

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N. Takai
In Chief

easier to follow.

"Prior to evacuation, I lived at Egmont, B.C. where I operated a general store and a fish buying float. My business and home were situated on two floats.

10 "About the 13th of March, 1942, when my family were ordered to evacuate, I was in Vancouver on business. I had not anticipated that we would be required to evacuate as I was a naturalized citizen and my children were Canadian born.

"The police officer came to my family at 8:00 p.m. and ordered them to leave the next morning at 10:00 a.m. They were only permitted to gather together a few personal effects.

20 "I endeavoured to arrange with the Custodian to return to Egmont to provide for the protection of my personal effects and stock-in-trade but was refused permission. I provided the Custodian with a list of my effects as well as I was able to recall them.

"As my goods and chattels were in an isolated community in which a large number of Indians dwelled, I was fearful for their safety. Also I was fearful that without someone caring for the place my floats might be destroyed. I did not see how the Custodian could adequately protect them.

30 "Therefore, to avoid such loss, I negotiated a sale to Queen Charlotte Fisheries Limited. I valued my stock-in-trade and furniture as worth at least \$5000.00. One of my floats was about

N. Takai
In Chief

ten years old, but had been kept in good repair. The other float had been built in 1941 and each float had cost about \$600.00. Both floats were about 60 feet by 40 feet. However, to effect a quick sale and to salvage something out of it, I agreed to sell everything for \$2000.00.

10 "I completed a claim form to be filed through the Japanese Committee, but they apparently considered the claim to be outside the terms of reference and it was not filed with the Commission."

Q: Now, witness, did you, yourself, keep a copy of the list of your goods and chattels which you had made?

A: No.

MR. McMASTER: That is all.

MR. McINNES: May it please your honour, I, of course, have no instructions with regard to this claim and am not in a position to question the witness in any manner whatsoever. I would reserve the right, if the Commissioner decides this claim should be heard, to counsel to have an opportunity to cross-examine this claimant.

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THE COMMISSIONER: Very well. You do not feel you are able to proceed at the present moment, then.

MR. McINNES: No, I have nothing to cross-examine on.

THE COMMISSIONER: You wish to reserve the right to cross-examine.

MR. McINNES: Yes.

THE COMMISSIONER: Well, all we can do then, is adjourn this claim.

30 MR. McMASTER: Yes, that is all, I think your honour.

THE COMMISSIONER: All right.

(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 transcript purports to be an accurate record of the evidence adduced before me.

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Eric P. Dawson
E.P. Dawson
Sub-Commissioner.

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NOBUKICHI TAKAI

EXHIBIT No

XI-1

DATE

1 June 1948

FILLED BY

Belmont

Prior to evacuation I lived at Egmont BC. where I operated a general store and a fish buying float. My businesses and home were situated on two floats.

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The police officer came to my family at 8 P.M. and ordered them to leave the next morning at 10 A.M. They were only permitted to gather together a few personal effects.

I endeavored to arrange with the Custodian to return to Egmont to promote for the protection of my personal effects and stock-in-trade but was refused permission. I provided the Custodian with a list of my effects as well as I was able to recall them.

As my goods and chattels were in an isolated community, in which a large number of Indians dwelled I was fearful for their safety. Also I was fearful that without someone caring for the place my floats might be destroyed. I did not see how the custodian could adequately protect them.

Therefore to avoid such loss I negotiated a sale to Queen Charlotte Fisheries Ltd. I valued my stock-in-trade and furniture as worth at least \$5000⁰⁰. One of my floats was about 10 years old but had been kept in good repair. The other float had been built in 1941 and each float had cost about \$600⁰⁰. Both floats were about 60' x 40'. However to effect a quick sale and to salvage something out of it I agreed to sell everything for \$2000⁰⁰.

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N. Takai