

<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 % of Total	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
		2000.								312.50
			200.	100.00 12.50						
<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 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	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
			46%	350.00		161.00				161.00
TOTAL RECOMMENDATION										473.50

CASE NO: 808.

JAPANESE PROPERTY CLAIMS COMMISSION

Moose Jaw, Saskatchewan,
April 7th, 1948.

IN THE MATTER OF THE CLAIM OF
(MRS.) FUMIKO NISHI.

PROCEEDINGS AT HEARING.

Original.

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

(THE HONOURABLE MR. JUSTICE H.I. BIRD, COMMISSIONER).

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Moose Jaw, Saskatchewan,
April 7th, 1948.

IN THE MATTER OF THE CLAIM OF
(MRS.) FUMIKO NISHI.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

J.W.G. HUNTER, Esq., appearing for the
Dominion Government.

P.G. MAKAROFF, Esq., K.C., appearing for the
Claimant.

A. WATSON, Esq., Secretary.

D.J. HANDFORD, Esq., Official Interpreter.

H.M. LANGFIELD, Esq., Official Reporter.

30

Mrs. F. Nishi,
In Chief.

THE COMMISSIONER: Are you ready to go on with Mrs. Nishi?

MR. MAKAROFF: Yes, with No. 5, my lord, Mrs. Nishi.

THE SECRETARY: Case No. 808, Mrs. Fumiko Nishi.

Do you speak English?

THE WITNESS: Yes.

(MRS.) FUMIKO NISHI, the claimant herein,
being first duly sworn, testified
as follows:

DIRECT EXAMINATION BY MR. MAKAROFF:

- 10 Q Your first name is Fumiko? A: Yes.
- Q Is that your name or your husband's?
- A My name.
- Q That is your name? A: Yes.
- Q And what is your husband's name? A: Hidetaro.
- Q And you are now residing in Regina?
- A Yes.
- Q With your husband? A: Yes.
- Q And at the time of the war before, I take it, you
were evacuated from the Coast? A: Yes.
- 20 Q You had been living at Port Alberni, is that right?
- A Yes.
- Q What were you and your husband doing there?
- A He is teaching school and after that he is doing
the greenhouses and --.
- Q Who was teaching school? A: My husband.
- THE COMMISSIONER: Mrs. Nishi, I would like you to
speak up. It is important to hear what you say.
- MR. MAKAROFF: Your husband had been teaching school?
- A Yes.
- 30 Q And then you went into the greenhouse business?

Mrs. F. Nishi,
In Chief.

A Yes.

Q And did your husband buy some property for that purpose? A: Yes.

Q And I show you here an agreement. Here is an agreement for sale from one Ernest Joubert?

A Yes.

Q To Fumiko Nishi? There is also a name there, Tabao Takashita? A: Yes, but she has changed this. But I changed this, to my myself.

10

Q You purchased this alone by yourself?

A Yes.

Q Now the agreement calls for a purchase price of \$800.00.

MR. HUNTER: We concede that this was purchased by her for \$800.00, \$400.00 cash.

MR. MAKAROFF: Well I don't purpose to go over all details. You paid \$400.00 cash? and some monthly payments? A: Yes. And

20

not finished paying yet.

Q And you are not finished paying yet?

A Yes.

Q I see. What did this land consist of? How many acres? A: I think three acres,

over.

Q Over three acres? A: Yes.

Q And how much of it was cleared?

A One acre is cleared.

Q One acre cleared? A: Yes.

30 Q Perhaps we will speed it up in this way: We

Mrs. F. Nishi,
In Chief.

assume that you were evacuated and you left your land and a lot of belongings there?

A Yes.

Q And now I show you a statement here of personal property and business. Personal property, in brackets, business, in which you list your claim as to buildings, land and improvements. Is that your signature?

A Yes.

Q And this statement was prepared by your solicitor?

10 A Yes.

Q And to the best of your knowledge, information and beliefs, is that a correct, an accurate statement?

A Yes.

Q Of your claim? I tender that, my lord.

(STATEMENT MARKED EXHIBIT NO. 1).

THE COMMISSIONER: Q: Where was this land, Mrs. Nishi?

A At Port Alberni, between 11th and 13th Avenue.

Q That is right in the town of Port Alberni?

A Yes.

20 MR. MAKAROFF: Q: When you bought the land were there any improvements on that land?

A They had one barn, and the man's to live in.

Q I beg your pardon?
one barn.

A: They had

Q Yes, and--?
roomed house, this owner's.

A: And one

Q One room shack?

A: Yes.

Q Now what did you add to that?
two rooms.

A: We add

30 Q You add to this dwelling that was there?

Mrs. F. Nishi,
In Chief.

- A Yes, and one parlour, and then bedrooms, and one toilet and bathroom.
- Q You modernized the place? A: Yes.
- Q And you also built a greenhouse?
- A Yes.
- Q And the particulars of the payments are in this statement you filed? A: Yes.
- Q As to labour and cost? A: Yes.
- 10 Q And then you cultivated more land. Did you clear more land? A: Yes.
- Q How much? A: About half an acre.
- Q One-half an acre. Do you know how much that would cost? It is pretty hard to figure out, eh? You did that yourselves? A: My husband.
- Q You did not hire help to do that?
- A No.
- 20 Q And this cleared land, did you have it under cultivation, that would be two acres or more, did you cultivate that? That is, cleared? Did you plough up and put plants in?
- A We just started to put in and had to evacuate it.
- Q Did you not put in a crop of tomatoes?
- A In the greenhouse.
- Q In the greenhouse? A: Yes.
- Q I see. And these tomato plants in the greenhouse, were they to produce tomatoes right there for sale?
- A Yes.
- 30 Q Out of the greenhouse? A: These early ones.

Mrs. F. Nishi,
In Chief.

Q And how much would these plants cost in the condition they were in when you evacuated?

A I think we should get out about one thousand dollars over the crop.

Q About one thousand dollars more for the plants?

A Yes.

Q There were approximately how many plants, 800, you think?

A: About 800 plants.

10 Q You have a claim here for 800 plants at \$1.50 gross, a plant, for crop. Do you want to reduce that to \$1000.00 or did they cost you \$200.00 before and then increase in value under your culture?

THE COMMISSIONER: I am afraid you must let the witness give the evidence.

MR. MAKAROFF: I am going just so far.

THE COMMISSIONER: Don't go too far.

MR. MAKAROFF: I am trying to get this out.

20 MR. HUNTER: I don't like to interrupt but this property was leased by the claimant and I would submit there cannot possibly be a claim for the tomato plants. It was a one year lease. The tomato crop was to be shared fifty-fifty.

MR. MAKAROFF: I have no information that it was leased to anybody.

THE COMMISSIONER: Yes. On the bottom of Exhibit 1, "on evacuation rented to E. Joubert, at \$10.00 per month, \$5.00 to be written off amount owing and \$5.00 to be sent."

THE WITNESS: Mr. Joubert.

30 MR. MAKAROFF: Q: And that is the man who sold it to

Mrs. F. Nishi,
In Chief.

you?

A: Yes.

Q And you rented it back to him?

A Just the house. He says he wants to look after the house and my husband was away one week before us and I have nothing to do but say.

THE COMMISSIONER: In your Exhibit 1 you say, "In addition was to share proceeds of tomato crop fifty-fifty".

A Yes, that's right, but he didn't send us anything.

10 THE COMMISSIONER: Well, perhaps that is your misfortune. I don't think you can base a claim on it. If the place was rented on a crop-sharing basis, that is something quite outside the Custodian's responsibility because he would not interfere with a bargain of that kind.

MR. MAKAROFF: Except that this was done under the compulsion and pressure of evacuation orders.

20 THE COMMISSIONER: There have been a good many claimants who have sought to base their claims on that premise that that was done in the carrying out of the evacuation, but that is beyond my purview.

MR. MAKAROFF: Q: So you did not receive any proceeds of that tomato crop?

A: No.

Q Then you erected a fence, did you, there?

A Yes.

Q On the place. That was worth how much?

A About \$200.00.

Q About \$200.00. Make up some of that loss there, my lord. Now did you leave any goods and chattels there?

A: Yes.

Mrs. F. Nishi,
In Chief.

Q I show you a statement entitled "personal chattels".
Is that your signature? A: Yes.

Q And you have examined this inventory here, the
date of purchase, whether they were new or old,
the price paid, condition they were in, and the
estimated value on the date of evacuation: What
have you to say about that? Is it reported to the
best of your knowledge? A: Yes.

Q And judgment and belief. I tender that, my Lord.

10 (STATEMENT MARKED EXHIBIT NO. 2).

Q Now these items amount to \$625.00. Now where did
you store these things? A: Some in
the house and some in Third Avenue, Mr. K. Ota's
house.

Q Mr. K. Ota's house? A: Yes.

Q And on whose instructions did you store them there?

A I sent out myself with the truck.

Q Did the Custodian know anything about that, or his
representative? Did he know anything about that?

20 A No.

THE COMMISSIONER: I did not hear you.

A No.

Q You did not notify the Custodian where you were
storing them? A: The Cus-
todian knows, I think.

MR. MAKAROFF: Q: Did you make a declaration in the J.P.
form?

MR. HUNTER: My Lord, she declared nothing, but her
husband did in column 1. It is entered in this
document which it would be as well to file at this

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Mrs. F. Nishi,
In Chief.

time.

MR. MAKAROFF: An analysis of personal property claim.

(ANALYSIS MARKED EXHIBIT NO. 3).

MR. HUNTER: 2.

MR. MAKAROFF: The second was the personal chattels, and the first one was business property. Well this J.P. form doesn't disclose any assets, does it? Dwelling house, greenhouse, and the property.

THE COMMISSIONER: You had better have her identify her signature.

10

MR. MAKAROFF: Q: Is this your signature here?

A Yes.

Q You didn't list anything under personal property? How is that? Those chattels that you now list in Exhibit 2, they are not listed in here. How do you explain that? Did you figure they belonged to your husband or both, or what?

A I did not do anything. I never had this kind of paper.

20 Q Whose signature is that? A: That is mine.

Q You must have had it when you signed it. This is April 10th, 1942. Maybe you don't remember these trifling things in those days.

= A No.

THE COMMISSIONER: What is your answer?

A I don't remember.

Q You have no recollection of signing that document, is that it? A: Yes.

30 MR. MAKAROFF: Do you remember Mr. Logan, H.J. Logan?

Mrs. F. Nishi,
In Chief.

A No.

Q His signature appears here as a witness. On April 10th, 1942, where were you?

A We left the Coast March 18th. I think at Hastings Park.

THE COMMISSIONER: You would have been at Hastings Park at that time? A: Yes.

THE COMMISSIONER: That is in Vancouver, Mr. Makaroff.

MR. MAKAROFF: I will file this Custodian's report.

10 (REPORT MARKED EXHIBIT NO. 4).

Q Would it be true for you to have said at that time that you had no furniture, fixtures, equipment and machinery, stock-in-trade and personal effects? You hadn't anything like that?

A I had but I did not fill it out.

Q Did your husband fill out one of these?

A I don't know. Me and husband is separate.

MR. HUNTER: I have it here. As shown in column 1 on Exhibit 3.

20 MR. MAKAROFF: Of the analysis.

MR. HUNTER: Yes.

THE COMMISSIONER: You might call her attention to those articles and perhaps she will be able to say whether those are the goods she is now claiming for.

MR. MAKAROFF: Q: When you left home, did you leave these articles, or any of them, behind you: beds?

A Yes.

Q How many? A: Two beds I know, and couch.

30

Mrs. F. Nishi,
In Chief.

- Q And--? A: One couch.
- Q And tables? A: Yes.
- Q How many? A: I think one.
- Q Just one table. Was there one in the kitchen and one in the dining room, or do you know?
- A I think I gave out one dining room.
- Q You gave it away, you think? And chairs, how many chairs? A: Three chairs.
- Q Speak out a little so his Lordship will hear.
- 10 A Yes.
- Q Sewing machine? A: Which I got already.
- Q It has been returned? A: Yes.
- Q And carpenter's tools? A: Yes.
- Q Garden tools? A: Yes.
- Q Steel bath and water tank? A: Just water tank. I gave the steel bath away when I leave.
- Q You gave the steel bath away? A: Yes.
- Q And fencing foils and mask? A: Yes.
- Q And furnishings for four rooms? A: Yes.
- 20 Q And what do you mean by furnishings?
- A Carpets and everything.
- Q Carpets? And draperies? A: Yes.
- Q And stove? A: Yes.
- Q Hot water tank? A: Yes.
- Q And watering system? Now where is that watering system? Where is that? A: We move and no water pipe in the house and we have to put it through the--
- Q Under the ground? A: Yes, in
- 30 the ground.

Mrs. F. Nishi,
In Chief.

Q So that is like an improvement to your holding that you bought? A: Yes.

Q And there is one, a stove and hotwater tank. At the side of the stove, I suppose, That is where?

A In the kitchen.

Q In the kitchen? A: Yes, and a small one in the dining room.

Q A small stove in the dining room?

A Parlour or living room.

10 Q And then you had three beds here. We have that listed. What about clothing? Did you leave some clothing there? A: Yes, in Mr. Ota's house.

Q And I think you have covered the other items. Would your Lordship wish me to go through the items of the claim; or are they covered?

THE COMMISSIONER: I think they are pretty well covered.

MR. MAKAROFF: I think so. Now, did you receive any payment from anybody; for these goods and chattels you left behind? Anybody pay you any money for those goods, personal goods and chattels?

20

A No.

THE COMMISSIONER: It appears from the Custodian's analysis that four articles were not found, and one was stolen, and another one sold.

MR. MAKAROFF: Q: Did you have any hose? There is 200 feet of hose here listed under greenhouse in the first exhibit. Was there any hose in the greenhouse, rubber hose, I presume?

30 A Yes.

Mrs. F. Nishi,
In Chief.

Q How much? A: It is a long one. Outside
t the greenhouse.

Q Well you are not claiming anything for that. Any
personal chattels? Do you know what that would
be worth? Or is that part of the watering system?

A Maybe.

Q Yes, maybe it is. A: Maybe.

Q Of course the water is brought in underground?

A No, that is a pipe.

10 Q Not a hose. That is a pipe and that pipe leads into
the house? A: Yes.

Q And have you the same pipe leading into the green-
house? A: That hose is taking to
the greenhouse.

Q Would that be included in the cost of the greenhouse
you put in here? \$1150.00, depreciation \$250.00,
do you figure that in the cost of the greenhouse?

THE COMMISSIONER: The claimant doesn't appear to know.

MR. MAKAROFF: Do you know the price of the hose, or
20 how big a hose was it; or a how many inch?

A I don't remember how many inch.

Q And the furnace was in the greenhouse?

A Yes.

Q There was a furnace? A: Yes.

Q And were the pipes and heater there?

A Yes.

Q You had some garden tools, had you?

A Yes.

Q All right, I think that is all.

30 MR. HUNTER: My lord, before we proceed I wonder if we

Mrs. F. Nishi,
In Chief.
Discussion.

could just have it definite that this witness is claiming for things, that her husband is not going to claim for the same things, and that it is a combined family claim?

THE COMMISSIONER: I would take it so. But I think the witness should say.

MR. MAKAROFF: Q: Is your husband filing a claim or are you claiming for both? A: Yes, both.

Q Your husband is not putting in a claim?

10 A Yes.

THE COMMISSIONER: You are here with the full consent and approval of your husband? You are presenting your claim to your husband's knowledge?

A Yes.

Q And with his consent? A: Yes.

Q He agreed to your coming here? A: Yes.

MR. HUNTER: It is submitted, my lord, that the real property was sold for its fair market value, it is submitted that the thousand dollars claimed for goodwill is not within the terms of reference in that it is as submitted not sold as a going concern.

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MR. MAKAROFF: In that particular, my lord, we are abandoning the claim for goodwill.

MR. HUNTER: It is submitted that the claim for the tomato crop is not within the terms of reference. It is submitted that the personal property was left under the custody, control or management of some person other than the Custodian appointed by the owner and accordingly only those items which

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Mrs. F. Nishi,
Discussion.
Cross-Exam.

later came into the custody or control of the Custodian are within the terms of reference.

THE COMMISSIONER: I presume that you are referring now to Joubert?

MR. HUNTER: To Mr. Joubert, yes, my lord.

THE COMMISSIONER: Oh, I notice that there were personal chattels stored at the home of K. Ota on Third Avenue in Port Alberni. Perhaps you had better clear that situation up with the witness.

10 MR. HUNTER: Yes, thank you, my lord.

CROSS-EXAMINATION BY MR. HUNTER:

Q This stove and hot water tank and watering system, were they left in your house when you left?
The stove and hot water tank and watering system, did you leave them in the house when you evacuated?

A Yes.

Q You left three beds there? A: Yes.

Q Now you say you took the four boxes of clothes and the other items you mentioned here to the home of K. Ota? A: Yes.

20

Q And that included all your garden tools and your household tools, carpenter and garden tools?

A The gardening and the household tools left in the house.

Q So then really only the four boxes of clothing and the fencing outfit were the only ones removed?

A Yes.

Q Is that correct? A: Yes.

30 Q This fencing outfit, is that a Japanese fencing

Mrs. F. Nishi,
Cross-Exam.

outfit? A: Yes.

Q They are not commonly known by, or used by other people, the Western people? A: No.

THE COMMISSIONER: The reporter cannot get a shake of the head. Your answer is "no", I take it?

A Yes.

MR. HUNTER: I will file the appraisals of the property, my lord. This property was appraised by Mr. Winter in August of 1944. He says (reading).
10 Then there is a further appraisal put in by Mr. T.M. Petersen. I thought I would put those two in as one exhibit.

THE COMMISSIONER: What is the date of the second?

MR. HUNTER: On March 20th, 1945, by Thorx N. Petersen, who is apparently a building contractor in Port Alberni.

THE COMMISSIONER: Yes, I know him.

MR. HUNTER: He says (reading).

(APPRAISALS MARKED EXHIBIT NO. 5).

20 THE COMMISSIONER: The first appraisal was a thousand, was it?

MR. HUNTER: Yes, my lord. The assessed value was \$500.00 for the land and a thousand dollars for the improvements.

MR. MAKAROFF: What is the assessed value, please?

MR. HUNTER: \$500.00 for the land and \$1000.00 for the improvements. I will see if I have an assessment notice here, which will give it. Here is a later one of 1945. \$500.00 for the land and \$450.00
30 for the improvements. There seems to have been a

Mrs. F. Nishi,
Cross-Exam.
Re-Direct Exam.

deterioration.

MR. MAKAROFF: Must have been.

MR. HUNTER: It was sold as of June 1st, 1945, to Mr. Ernest Chalmers for \$2000.00.

THE COMMISSIONER: Well, Mr. Chalmers apparently ignored the assessment.

MR. HUNTER: Mr. Chalmers probably came from Saskatchewan and it looked good to him.

MR. MAKAROFF: An optimist.

10

RE-DIRECT EXAMINATION BY MR. MAKAROFF:

Q I would just like to ask a question -- when was this greenhouse built? A: In 1941.

Q It was built in 1941, and what kind of material was used? New or old, good or bad?

A New material.

Q New material. And do you know how much money was put into it? A: I don't know.

20 Q You are not sure? A: No.

THE COMMISSIONER: I will take this statement of at least prima facie proof.

Q Is your husband a carpenter, Mrs. Nishi?

A No.

Q Did your husband build it? A: He and another carpenter built it.

MR. MAKAROFF:Q:Was it breaking down at all?

A No.

Q Bulging at the seams? A: No, we just built it and --

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Mrs. F. Nishi,
Re-Direct Exam.

Q And it was all right?

A: Yes.

THE COMMISSIONER: Well, for your information I happen to know this contractor whose name is mentioned, have known him for a long time, and he is a very competent man, in fact he has built a great many places in Port Alberni. It is one of the new and rapidly growing towns on Vancouver Island.

MR. MAKAROFF: This emphasizes that he was placing a conservative valuation.

10 THE COMMISSIONER: .The Government will have to call him.

MR. MAKAROFF: This is a Liberal regime now.

THE COMMISSIONER: The member for Alberni is an Independent.

MR. MAKAROFF: That is all, thank you.

THE COMMISSIONER: Thank you, Mrs. Nishi.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

H.M. Langfield

"H.M. LANGFIELD"
Official Reporter.

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base 808

DEC - 2 1947

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

[Signature]

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mouse jam

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

- (1) NAME NISHI (MRS) FUMIKO (RCMP) Reg. No. 07623
(Print) Surname Given Name
- (2) Pre-Evacuation Address Argyle Street & 11th Avenue, Port Alberni, B.C.
- (3) Present Address Silver Dell Cafe, 1827 South Railway Street, Regina, Saskatchewan.
- (4) REAL ESTATE
- (a) Street Address (if any) Argyle Street & 11th Avenue, Port Alberni, B.C.
City or Municipality, Province
- (b) Legal description (lot number, block number, section number, etc.)
Lot "A" of Lot 1, Alberni District, Plan 3260, Argyle Street and 11th Avenue, Port Alberni, B.C.
- (c) Type of Real Property (cross out words which do not apply):
 (i) ~~Farm~~
 (ii) Residence Type of business Residence and greenhouse
 (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 in fee simple
- (e) Fair market value at date of sale (estimate this to the best of your ability):
 (i) Land - - - - - \$ 800.00
 (ii) Buildings - - - - - \$ 2700.00
 (iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - Goodwill \$ 1000.00
 (iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - - - - \$ 4,500.00
 (v) Amount at which Custodian sold property and credited your account - - - - - \$ 2,000.00
- (f) Loss (This figure is arrived at by deducting item (v) from item (iv)) - - - - - \$ 2,500.00 ✓
- (5) PERSONAL PROPERTY
- (a) Place or places at which property was left by the claimant at date of evacuation Residence and at Custodian's warehouse, Port Alberni
- (b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)
House and warehouse
- (c) How stored or packed at time of evacuation Stored in house and packed in boxes.

(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")

In tenant's care for part and in Custodian's for rest.

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

1.	<u>1 stove and hot water tank, watering system</u>	Estimated Value \$	<u>175.00</u>
2.	<u>3 beds</u>	Estimated Value \$	<u>150.00</u>
3.	<u>4 boxes of clothes</u>	Estimated Value \$	<u>100.00</u>
4.	<u>1 fencing outfit</u>	Estimated Value \$	<u>150.00</u>
5.	<u>garden tools (hoe, shovels, rakes, etc.)</u>	Estimated Value \$	<u>25.00</u>
6.	<u>other tools (axes, hammers, saws, squares, planes etc.)</u>	Estimated Value \$	<u>25.00</u>
7.		Estimated Value \$	
8.		Estimated Value \$	
9.		Estimated Value \$	
10.		Estimated Value \$	
	<u>credited - nil</u>		
		TOTAL CLAIM FOR PROPERTY LOSS \$	<u>625.00</u> ✓

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) - - - - - **\$3,125.00**

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

(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)
of)
TO WIT:)

I, **FUMIKO NISHI** of the **CITY**
of **REGINA** in the **Province of Saskatchewan.**

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 **Regina**)
in the **Province** of **Saskatchewan**)
this **00.00** day of **November**)
A.D. 1947.)

Fumiko Nishi

[Signature]
for Oaths
A Commissioner **in and for the Province of Saskatchewan, being a solicitor**

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.

NISHI, FUMIKO (Mrs.)
(Claimant's Name)

PERSONAL PROPERTY
(Business)

07623
Reg. No.

Type of BUSINESS	Location	Gross Turnover 1941	Average Mark Up	Net Income 1941	Estimated Value of Goodwill
Greenhouse (tomato)	Port Alberni, B.C.	Just started			\$1,000. 5.76.

Description of Stock-in-trade at evacuation (Attach inventory with cost prices)

Whether prices mentioned are wholesale or retail:

STARTED
I PURCHASED THE BUSINESS

Date of purchase	Price	Value Stock Date of Purchase	Value of Furniture equipment and Fix- tures at date of purchase started	Value of Goodwill at date of purchase:
1941	\$1,200.			

Growing tomato crops

800 plants (gross \$1.50 per plant for crop) - 1200.

X \$1,200.

F.N. See Personal
Chattels
claim.

Greenhouse
spray tanks
hose 200'
furnace
pipes (heater)
garden tools

BUILDINGS

~~Equipment and fixtures mentioned above~~

Description	Date Acquired Size	Recorded at Date Acquired Built	Cost of Materials	Estimated Cost of Labour	Condition when Evacuated Own Labour	Depre- ciation	Estimated value at date of Evacuation Sale (Mar. 1945)
Greenhouse	24' x 100'	1941	\$800.	\$200.	\$150.	\$250.	X \$900.
Dwelling	20' x 26'	1941	1,500.	300.	400.	500.	X 1,900. 1700.
small Barn	10' x 26'	1937 (approx)	no knowledge	-	-	-	X 100.
							\$2700. F.N.

LAND

~~List of Accounts Receivable and Accounts payable by Custodian Attached~~

- cultivated - 1.5 acres When Purchased - 1941
- uncultivated - 1.5 acres From E. Joubert

Price - \$800. X When purchased - 1 acre cleared
When purchased - 2.2 acres not cleared
buildings - barn only
improvements - 35 fruit trees - 10 years old

~~Method of Storage and Arrangements Made at Time of Evacuation~~

IMPROVEMENTS AFTER PURCHASE OTHER THAN BUILDINGS:

- cultivation - \$1200.
- fences - at \$100. X

Additional comments, if any:

On evacuation rented to E. Joubert at \$10 per month; \$5 to be written off amount owing and \$5 to be sent. In addition, was to share proceeds of tomato crop fifty-fifty.

Total: \$4800.

EXHIBIT NO. 808-1
DATE 7 apr 1948
FILE P.G. makaroff. Fumiko Nishi
Signature

NISHI, FUMIKO (Mrs.)
(Claimant's Name)

PERSONAL CHATTELS

07623
Reg. No.

<u>Description of Major Items (and particularly of goods lost, stolen or destroyed)</u>	<u>Approximate Date Purchase</u>	<u>New or Used When Purchased</u>	<u>Price Paid</u>	<u>Condition when Evacuated</u>	<u>Estimated value at Date of Evacuation</u>
1 stove and hot water tank, watering system	1941	new	\$200.	including installation good	\$175.
3 beds - 2 beds and couch 5th.	1941	new	180.	good	150.
4 boxes of clothes	1938-1942	new	300.	good	100.
1 fencing outfit	1938	new	175.	good	150.
garden tools	1941	new	40.	good	25.
other tools	1941	new	50.	good	25.

\$625. 5th.

EXHIBIT No. 808-2
DATE 7 apr 1948
FILED BY P.G. Makaroff.

Description of Storage of Goods:

All items except first two items above were stored at home of K. Ota, 3rd Avenue, Port Alberni, B.C., which was designated as the proper storage place by the Custodian.

General Statement as to Chattels not Described above:

Additional Comments, if any:

Husband reported most of goods above, others by myself on August 19th, 1942 and July 12th, 1942.

Fumiko Nishi
Signature

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 3614

EXHIBIT No. _____

NAME Mrs. Fumiko NISHI

REG. No. 07623

DATE	INVENTORY	DETAILS OF CLAIM	SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
			AUCTION	TENDER &c		
DECLARATION <u>10/4/42</u>	TAKEN BY _____					
EVACUATION <u>12/9/42</u>	DATE _____					
"None"		1 stove & hot water tank, watering system \$175.00 3 Beds 150.00 4 Boxes of Clothes 100.00 1 Fencing Outfit 150.00 Garden Tools (Hoe, Shovels, Rakes, etc.) 25.00 Other Tools (Axes, Hammers, Saws, Squares, Planes, etc.) 25.00 Amt. of Pers. Prop. Claim <u>\$625.00</u>			✓	✓ ✓ ✓ ✓
Husband's (Hidetaro NISHI, File 1936) "JP" declaration - <u>Mar. 16/42:</u>						
Beds Tables Chairs Pedal Sewing Machine Carpenters Tools Garden Tools Steel Bath & Water Tank Fencing Foils Mask Furnishings for 4 rooms						
Vancouver, B C, Mar. 10/48.						
RGB/P.						

Nishi

EXHIBIT
DATE FILED
8

No. 3614

EXHIBIT No. _____

CASE No. _____

No. 07623

VENUE Moose Jaw.

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

EXHIBIT No. 808-3
 DATE 7 April 1948
 FILED BY J. W. G. Munter

**OFFICE OF THE CUSTODIAN
JAPANESE SECTION**

To be completed by persons of the Japanese race having property in any protected area. The proper administration of this property requires such persons to give full particulars as requested in this form.

PERSONAL INFORMATIONNAME: NISHI ~~Fumiko~~ (Mrs. Hidetaro)

HOME ADDRESS: 3 rd Ave. Port Alberni B.C.

REGISTRATION NUMBER 07623 SEX: Female AGE: 25

OCCUPATION: Kindergarten teacher

(If any business or businesses carried on, state where, under what name and whether carried on by yourself or in partnership with anyone; if partnership, give partner's name.)

EMPLOYER: Japanese Association Port Alberni B.C.

MARRIED? yes

NAME OF WIFE OR HUSBAND: Hidetaro

ADDRESS OF WIFE OR HUSBAND: 3rd Ave. Port Alberni B.C.

NAMES OF ANY LIVING CHILDREN: Toru, (M) Shinobu (M) Kunihiko (M)

ADDRESS OF CHILDREN: 3rd Ave. Port Alberni B.C.

AGE OF CHILDREN: 7 3 2

STATEMENT OF ALL REAL PROPERTY (Each parcel must be mentioned and particulars given)

1. LOCATION AND DESCRIPTION: Agreement for Sale, lot A, of lot 1,
Albernie District plan 3260. Port Alberni B.C.

2. BUILDINGS AND OTHER IMPROVEMENTS: dwelling house and green
house on above property.

3. INSURANCE (Give particulars; state where policies are) Co. unknown Mr. Turner
Port Alberni agent, whereabouts of policy unknown

4. TAXES (Amount and where payable) taxes paid by Ernest Joubert Port Alberni B.C.
for the yr. 1941

5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed) none

6. OCCUPANCY AND LEASES (If vacant so state) self

EXHIBIT No.

808-4

DATE

7 apr 1948

FILED BY

P. G. Maharoff

- 7. STATE WHEREABOUTS OF TITLE DOCUMENTS: unknown
- 8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: Mr. Hidetaro Nishi half interest
- 9. IF FARM LAND STATE CROPS SOWN none

STATEMENT OF REAL PROPERTY OCCUPIED

- 1. LOCATION AND DESCRIPTION: 3rd Ave. Port Alberni B.C. dwelling house
- 2. LANDLORD'S NAME AND ADDRESS: none
- 3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID: none
- 4. STATE WHEREABOUTS OF LEASE: none
- 5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid) none
- 6. IF FARM LAND, PARTICULARS OF CROPS SOWN: none

STATEMENT OF PERSONAL PROPERTY OWNED:

- 1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS: none
- 2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS none
- 3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY none

4. INSURANCE CARRIED ON ABOVE PROPERTY: none

5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF OTHERS: none

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom) none

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts) none

8. BANK ACCOUNTS: none

9. LIFE INSURANCE: none

10. INTEREST IN ANY ESTATES OR TRUSTS. none

11. SAFETY DEPOSIT BOX: none

LIABILITIES:

1. PERSONAL DEBTS: ~~none~~ \$320. to Mr. Ernest Joubert Port Alberni balance on property.

Owes \$1170⁰⁰ to Kazuo Takeshita file # 1494

2. TRADE DEBTS: none *10.11.42*

I, the undersigned, hereby voluntarily turn over to the Custodian all my property in the protected area as set out above, excepting fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, if any.

I certify that the above information is true and complete and fully discloses all my property of every description in any protected area in British Columbia and sets forth all my liabilities direct and indirect.

Dated this 10th day of April 1942.

(Signature) F. Nishi

H. Hogan
Witness

FOR DEPARTMENTAL USE

[Handwritten mark]

EXHIBIT No. _____

7 Apl 1948

DATE _____

FILED BY J.W.G. Hunter

THOR M. PETERSEN

General Contractor

Port Alberni, B.C. March 20th, 1945

Mr. Shears,
c/o Custodian of Japanese Property,
506 Royal Bank Building,
Vancouver, B. C.

Dear Sir:

Re: Japanese Property NISHI
occupied by Mr. Joubert

Messrs. Turner Brother Limited has requested me to put a valuation on the above mentioned property.

I have looked the place over carefully, the greenhouse is in poor condition, some of the glass is broken and then the building is settling. The walls are bulging in spots and the foundation is not in very good shape. The house consists of three rooms with a toilet and it is just in fair condition. I would put a conservative valuation on the property of \$1700.00.

Yours very truly,

"Thor. M. Peterson"

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

Aug.10/48

W. A. L. Hunter
W. A. L. Hunter

Lot A

Map 3260

Small dwelling

no basement

Land 3.3 acres

Fenced

My appraisal

\$1,000.00

"H.G. Winter"

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

Aug.10/48

Mustace
67

EXHIBIT No. 808-6

DATE Sept-13/49

FILED BY Mr J. A. Macdonald.

OFFICE OF THE CUSTOMS
JAPANESE SECTION
RECEIVED
8th May 1942

REPORT ON
MRS (FUMIKO) HIDETARO NISHI
REGISTRATION NO. 07623
and
HIDETARO NISHI
REGISTRATION No. 07622

6th May 1942

Office of the Custodian,
506 Royal Bank Building,
VANCOUVER, B. C.

Attention Mr C.L.Drewry

Dear Sir:

Re: Mrs (Fumiko) Hidetaro Nishi. Registration No. 07623
My File No. 85

re: Hidetaro Nishi. Registration No. 07622
My File No. 90

In accordance with your request dated 20th April 1942, I have investigated and taken control of the following property as recorded on the registration forms of the above man and wife dated 16th March 1942 and 10th April 1942 respectively.

Real Property:

Land, house, greenhouse and barn.

4 acres. 50 fruit trees; 3,000 tomatoes
grown in the greenhouse.

Personal Property

Beds, tables, chairs sewing machine
(Pedal), carpenter's tools, garden tools, steel
bath and water tank, fencing foils, mask, furnishings
for four rooms.

In connection therewith I have to report as follows:

1. Location:

This farm property consists of 3.03 acres at the corner of Argyle Street and 11th Avenue, Port Alberni, B. C. with a four-room cottage, greenhouse and outhouse, and is only a few minutes drive from the Post Office.

2. Land and Buildings:

The property is known as Lot "A" of Lot 1, Alberni District, Plan 3260, and is advantageously situated, being on one of Port Alberni's main streets, with water and electric light. The land is all cleared and the soil is good. There are about 50 fruit trees, mostly apples, approximately half of which are about ten years old and are bearing. The property has the shape of an isosceles triangle and is fenced on each side. It has a high situation and commands good views of the surrounding mountains. The house is a four-room shingled roof cottage with bathroom in which there is a water closet but no bath. The husband declarant stated that there was a steel bath but information given to me is that this was removed before evacuation. The house is built on cement blocks and is of frame construction. Inside, the walls and ceilings are of unpainted lumber in rather a rough state, the owner having built part of the house himself. The rooms and dimensions are as follows:

Living-room	(12' x 11')	(Recent)
Bedroom	(12' x 11')	(Recent)
Bedroom	(10' x 10')	
Kitchen	(10' x 10')	
Bathroom	(5' x 6')	(Recent)
Scullery	(4' x 6'	

The main part of the house has been built within the past year and consists of the rooms marked "recent".

The greenhouse is about 20 feet wide by 110 feet long. The sides are about 4 feet high, the roof (of glass) sloping up to about 8 feet high. It is heated by two drum stoves. It is kept under padlock when the tenant, Mr Joubert, is absent, he having the key.

The barn is about the size of a one car garage and could be converted into one with little expense.

The dwellinghouse, greenhouse and barn are adjacent to each other and are near the corner of Argyle and 11th Avenue.

The assessed value of the land and improvements is as follows:

Land	\$ 500.00
Improvements	\$450.00

Taxes amounting to \$41.29 for 1941 and \$44.62 for 1942 are not paid. The estimated sales value is between \$2,500.00 and \$3,000.00.

3. Personal Property

From information given to me by the present tenant - Mr Ernest Joubert - the declarants disposed of their personal belongings prior to evacuation with the exception of the following which have little value:

- 2 Beds with springs and mattresses
- 1 small kitchen range
- 1 small heater.

The tenant stated that he was given the use of these.

There are approximately 800 tomato plants being forced in the greenhouse. Turner Brothers Ltd. have informed me by letter that Mrs Nishi agreed to rent the property for the duration to Mr Ernest Joubert at \$5.00 per month and that he will look after the greenhouse, sharing the profit on a 50-50 basis. I am informed by Mr Joubert that any plants over and above the 800 in the greenhouse must have been sold by the Nishis before evacuation. There were 40 used flats on the premises, apparently the property of the Nishis. These have small value.

Turner Brothers Ltd. have further informed me that there is no written lease, but Mr Joubert on the 17th March 1942 signed a letter agreeing to pay the above mentioned rent. Turner Brothers Ltd have received from Mr Joubert the sum of \$50.00 to be given to the Nishis before evacuation should they need it. They made no application for it, however, and it stands to the credit of the Nishis on Turner Brothers Ltd. books and will be applied on the rent.

The tomato crop will be marketed before the end of June, the returns from which will be then known. The writer saw the growing plants which appear to be in good condition and well tended.

I have no means of confirming the debt due from Kametaro Iwasaki amounting to \$100.00.

4. Insurance:

The following policy of insurance is in force:

Assured -	The Custodian of Enemy Property, on behalf of Fumiko Nishi.
Amount -	\$600.00
Covering -	Dwelling House
Expiring -	20th April 1945
Premium -	\$4.80 (three years)
Company -	Ohio Farmers Insurance Company of LeRoy, Ohio.
Policy No. -	B.C. 1591

This is a non-Board company. Turner Brothers Ltd. effected this insurance when they were advised by the board company previously carrying this risk that the policy was cancelled.

*This should be Takeshita
see letter received 30 Oct 1942
from Kazuo Takeshita in
file # 1494
HGH
10.11.42*

5. Liabilities

These are recorded by the declarants as follows:

Husband: Owing to Mrs T. Takesluta for greenhouse -
\$1,200.00

Wife: \$320.00 to Mr Ernest Toubert, Port Alberni.
Balance on property.

In respect to the first item: Turner Brothers Ltd. have shown me a letter signed by Mrs Fumiko Nishi dated 13th March 1942 reading as follows:

"Turner Brothers Ltd.,
Port Alberni, B. C.

"Further to our conversation in which I requested you to look after my property for me, should you sell this property the amount of \$1,200.00 is to be paid to Kazao Takeshita, which is to be deposited at the Bank of Montreal, Port Alberni, B. C."

You will note that the husband acknowledges the debt while the wife disposes of it. You will also note that the husband mentions Mrs T. Takesluta whilst the wife mentions Kazao Takeshita. The latter name is probably correct although I have no means of confirming it or the relative liability, or ascertaining how this liability is to be liquidated.

Takeshita

In respect to the second item: I have seen a copy of an Agreement for Sale dated 17th April 1941 between Ernest Joubert and Mrs Fumiko Nishi, the consideration of \$800.00 being met by the payment of \$400.00 cash and the balance at the rate of \$10.00 per month. The payments of \$10.00 were made for the first eight months but nothing has been paid since 6th November 1941. the agreement states that interest shall be computed at 5% on overdue payments.

I have ascertained that in addition to the stated liabilities and the taxes as mentioned, there is an account due to R.H.Ormond, Plumber, Port Alberni, B. C., in the sum of \$29.55. Mr Ormond did not know what happened to the bath and said that when he was in the house before the owners were evacuated he noticed that the bath was not there. The disconnection looks like an amateur's job and may have been done by Hidetaro Nishi.

6. Recommendations:

I recommend:

1. That Turner Brothers Ltd. be confirmed in their appointment as agents for this property and that they be instructed to check the accounts of the tomato operations to see that the proceeds are reasonable and that they receive the full share as agents for the Nishis.
2. That from the share received, the back payments on the agreement be met, together with any interest thereon.
3. That the tenancy of Ernest Joubert be approved.
4. That an undated conveyance be obtained from the vendor, Mr Joubert, this to be held in excrow by Turner Brothers Ltd. and to be registered by them when the Agreement for Sale has been consummated.
5. That Kasao Takeshita be communicated with to confirm the liability of \$1,200.00 and to ascertain how this is to be paid.

Yours faithfully,

"H.G. Hinton"

HGH/LMS

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

September 15th 1949

M. Joubert