Name of Claimant OSAKI, Kyutaro Case 866

Custodian File 4198

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	
					837.00		1106.48				1106.48

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	

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	1106.48

CASE NO. 866

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

Winnipeg, Manitoba

3rd September, 1948.

IN THE MATTER OF THE CLAIM OF

KYUTARO OSAKI

PROCEEDINGS AT HEARING

Original

CASE NO. 866

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1. REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

B E F O R E

10 (THE HONOURABLE MR. JUSTICE A.G.BUCKINGHAM, SUB-COMMISSIONER)

Winnipeg, Manitoba.

September 3rd, 1948.

IN THE MATTER OF THE CLAIM OF

KYUTARO OSAKI

PROCEEDINGS AT HEARING

20

APPEARANCES:

F.M.FERG, Esq., Appearing for the Dominion Government.

S.M.CHERNIAK,Esq. Appearing for the Claimant

G.N.R. UPTON, Esq., Official Interpreter.

Mark H. PEARCE, Esq., Official Reporter.

30

KYUTARO OSAKI, the claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHERNIAK:

Q Mr. Osaki, I show you a typewritten statement, was this prepared in accordance with your instructions?

A Yes.

Q Is that your signature? A Yes, that is my signature.

Q Do you swear the contents to be true to the best of your knowledge and belief?

10

A Yes.

MR. CHERNIAK; I tender as Exhibit 1, Your Honour the Real Estate Statement.

(Real Estate Statement, EXHIBIT 1)

MR. CHERNIAK: On behalf of my learned friend I will file the S.S.B. Appraisal on this property as Exhibit 2.

(S.S.B.Appraisal, EXHIBIT 2.)

MR. CHERNIAK:

20

Q I show you a photograph of a house, can you identify that house? A Yes, that is my house.

Q Is that the house on the property for which you are making claim? A Yes.

Q Can you tell us when this photograph was taken?

A About three years before evacuation.

MR. CHERNIAK: I tender this as Exhibit 3 Your Honour.

(Photograph, EXHIBIT 3.)

Q I show you a photograph of a chicken house, can

30

you identify that building?

A This is a photograph of my chicken house and I am standing there (Indicating)

Q And this is on the property on which you are making claim? A Yes.

Q Can you tell us when this photograph was taken?

A As formerly, about three years before evacuation.

MR. CHERNIAK: I tender this as Exhibit 4, Your Honour.

(Photograph, EXHIBIT 4.)

MR. CHERNIAK: Turning now to Exhibit 1, Your Honour, the form indicates the nature of the crop on the property at the date of evacuation. In the comment at the bottom the claimant sets out that he believes he cleared 7 acres and not 4.5 as stated in the appraisal, Exhibit 2 and he sets out how he breaks up this 7 acres. He states further that he purchased this property in 1936 for $500.00 at which time one acre had been cleared and all the rest was bush. There were no improvements at the date of purchase. He cleared 6 acres of land from time to time and estimates the cost of clearing at $1,500.00. He planted the crops as stated and constructed about 50 chains of cedar covered ditching and about 5 chains of wire fencing. He also constructed a 10 foot well which Exhibit 2 indicates was an excellantly dug well and unusual in that particular locality. The location of the property as indicated in Exhibit 2 is 2 miles from Pitt Meadows. It indicates it is in a good locality and that it fronts on a good municipal gravelled road. Exhibit 1 then deals with the

buildings on the property showing the nature of the buildings, the years which they were built and the estimated valuation. However, if your Honour would care to make this correction it should be 'estimated cost' and not 'estimated value' of the building, that is on the printed form, Exhibit 1, on the second half of the page.

THE COMMISSIONER: It should be 'Estimated Cost'?

MR. CHERNIAK: That is correct.

10 THE COMMISSIONER: What has been done in other cases have you made the changes?

MR. CHERNIAK: Yes, we usually cross it out and write it in. The comment in Exhibit 1 sets out that his buildings were somewhat newer and were in very good condition than shown in the appraisal form. Exhibit 1 further brings to Your Honour's attention the fact that the appriaser did not get into the house at all. The house was boarded up and locked and that he obtained some information from a near

20 neighbor. The claimant sets out that it was in very good condition. Your Honour will note that the appraiser values the uncleared portion of the land at $5.00 per acre. The claimant in 1936 paid $500.00 or $50.00 per acre. And finally I would like to bring to Your Honour's attention to the comment on page 3 of the appraisal, exhibit 2, where he states "Land is yet new and good and all worth clearing. Buildings suitable to the acreage and of the usual Japanese construction. Other than that it is merely a

30 question of value Your Honour.

CROSS EXAMINED BY MR. FERG:

MR. FERG: Your Honour, it is submitted that this property was sold at its fair market value.

Q Mr. Osaki, the values that you have placed in your Statement of claim are your own estimates?

A It is from my previous recollection of the cost that I have estimated those prices.

Q I notice in Exhibit 1, the second section referring to buildings, you haven't broken down the estimated value of the house at $1000.00, and you haven't broken down in the various columns the cost of material and labour. Now, can you give us an estimate of the cost of materials?

10

A I estimate $600.00 for the materials. $200.00 for the carpenter's wages and $200.00 for my own time, work and other sundry help.

Q Does that apply also to the poultry house? You have a total estimated value of $400.00 on your poultry house, what proportion is materials and what proportion is labour? A $250.00 would be for materials and $150.00 for labour and time.

20

THE INTERPRETER: He says about 60% for materials and 40% for labour.

MR. FERG: Yes, Your Honour, that would be about fair.

Q In regard to the clearing of the land, the appraiser's report, Exhibit 2 says there was 4 and a fraction acres brought under cultivation, you say there are seven; did you ever measure the land in order to arrive at the seven acres of cultivated land?

30

A I did not take the measurement myself but I knew from the planting of straberry plants the size of it.

Q You have so many straberry plants and you estimate two acres in strawberries?

A I also know it from the acreage in raspberries.

Q At any rate you have never measured the cultivated land? A I am aware of the number of plants which can be placed in a certain acreage for strawberries and I am able to estimate on that basis, then I know the measurements of the house and acreage and chicken house which all comes into the cleared acreage.

10

Q All I want is his answer and he can answer 'yes' or 'no'? Did he ever measure the cultivated or cleared acreage? A No.

Q Now with regard to your estimate of the cost of improvements, that is merely an estimate?

A Yes, this is from my rememberance of what I paid and also my own time.

20

Q Did you hire any labour in connection with the clearing of the land? A No, that was claared by myself and my family.

Q There was no hired labour? A No.

Q Was your land of a light quality in nature to your neighbors? A It was different, my land was very good land.

Q How long have you lived in the Pitt Meadows District?

30

A I went to Pitt Meadows first in 1933.

Q Is this the only expxrience you have had in clearing your own land? A Yes I had previous experience because I am a farmer.

Q Can you tell me Mr. Osaki from your experience what you figure it would cost to clear ant acre of this type of land? A About $250.00 an acre.

Q Per acre? A About that.

Q Would that be about the average in the community?

10 A No.

Q Was yours more extensive than other lands in the community in which you lived?

A Yes, mine was dearer.

BY THE COMMISSIONER: In the value of the cleared acreage he says seven acres are cleared of which one and a half acres are covered by buildings. I don't know whether the valuation given by the appraiser is of the land, site or buildings as well, that is the site of the building and not

20 cultivated at all.

MR. CHERNIAK: Well, the appraiser will be available to find out what he means but I don't think he includes the value of the land of the site itself because he shows the total acreage - - -

THE COMMISSIONER: Well, that is something that should be cleared up when the matter comes up for final disposition. When it comes to $50.00 an acre an acre and a half is an appreciable amount of money.

MR. CHERNIAK: Of course it covers the buildings,

30 chicken runs etcetra. I omitted, Your Honour, to

give the amendment which I should have made. It is only an amendment as to the sale price by the Custodian, that the amount shown here is the net amount received by the claimant, it should have been $837.00, so that the loss claimed is $2163.00.

(PROCEEDINGS ADJOURNED SINE DIE)

10

Certified to be a true and accurate transcript.

Mark Pearce.

(MARK H. PEARCE)
OFFICIAL REPORTER

CERTIFICATE

I, the undersigned Sub-Commissioner hereby certify that the foregoing 8 pages of typewritten matter contain a true and accurate record of the sub-commission held in the Law Courts Building, Winnipeg, Manitoba, at the time and date first above mentioned.

20

J.G. Buchanan

(SUB-COMMISSIONER)

30

Case # 866 w/pg. NOV 28 1947 Case # 866

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.

4198 ACKNOWLEDGED

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

(1) NAME OSAKI Kyutaro (RCMP) Reg. No. 14213
(Print) Surname Given Name

(2) Pre-Evacuation Address P. O. Box 277 Pitt Meadows, B.C.

(3) Present Address 292 McKay Avenue, North Kildonan, Manitoba

(4) REAL ESTATE

(a) Street Address (if any) Ford Road, Pitt Meadows, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
The West half of the East half of the South West Quarter of Section 32, Block 6 North Range 1 East in the District of New Westminster, B.C.

(c) Type of Real Property (cross out words which do not apply):
(i) Farm
(ii) Residence Type of business
(iii) Business
(iv) Any other type of property (describe)

(d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) sole owner

(e) Fair market value at date of sale (estimate this to the best of your ability):
(i) Land - - - - - - - - - - - - - - - - $
(ii) Buildings - - - - - - - - - - - - - - - - $
(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - - - - - - - - - - - $
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - $ 3,000.00
(v) Amount at which Custodian sold property and credited your account - - $ 820.00 837
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 2,180.00 2163.

(5) PERSONAL PROPERTY

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

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)

(c) How stored or packed at time of evacuation

(over)

(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") _____

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

1. _____ Estimated Value $_____
2. _____ Estimated Value $_____
3. _____ Estimated Value $_____
4. _____ Estimated Value $_____
5. _____ Estimated Value $_____
6. _____ Estimated Value $_____
7. _____ Estimated Value $_____
8. _____ Estimated Value $_____
9. _____ Estimated Value $_____
10. _____ Estimated Value $_____

TOTAL CLAIM FOR PROPERTY LOSS $_____

N.B.—If you cannot list all the items here prepare a separate list with values set out opposite each item and attach it to the form. The item "personal property" includes shares, bonds, mortgages, loans, notes and all other forms of property not included in real estate.

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - $ 2180.00

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

(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 Manitoba)
TO WIT:)

I, Kyutaro Osaki of the Municipality of North Kildonan in the Province of Manitoba

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 Winnipeg, in the Province of Manitoba this 15th day of November A.D. 1947.

Kyutaro Osaki.

A BARRISTER AT LAW ENTITLED TO PRACTICE IN THE PROVINCE OF MANITOBA.

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.

_____

OSAKI KYUTARO
(Claimant's Name)

REAL ESTATE
(Farm Land)

14213.
Reg. No.

LAND	Acres	Date of Purchase	From Whom	Cost Price	Cleared Uncleared or cultivated at date of Purchase	Improvements at date of Purchase	Estimated value at Date of Sale
Uncleared	3 acres	1936	Don't remember	$500.00	1 acre clear Rest all bush	None	$3,000.00 Land & Bldgs.
Cultivated not planted							
Cultivated and not in crop							
List Crops							
Raspberry 3 acres							
Strawberry 2 acres							
Potatoes ½ acres							
Bldgs. Chicken runs etc. 1½ acres	7 acres						
Total	10 acres						

IMPROVEMENTS SINCE PURCHASE OTHER THAN BUILDINGS (e.g. cultivation, plants, trees or special equipment)

Description	When Made	Cost
Cleared 6 acres,- from time to time estimated cost $1500.00		
Planted above crops.		
Constructed about 50 chains of cedar covered ditchingand about 5 chains of wire fencing. Constructed 10 ft. well.		

BUILDINGS

Type	Size	Finish	Date Built	Cost Material	Paid for Labour	Value of Own Labour	Allowance for Depreciation	Estimated ~~Value~~ cost.
House	26x32	Frame & Cedar siding full basement. 1½ stores, 4 rooms & attic.	1936	Bought materials & own & hired Labour				$1,000.00
Ppultryhouse	20x60	Frame & cedar siding	1939	Bought materials & own & Hired Labour				400.00
Garage & Woodshed	24x30	Lumber	1937	Bought materials & own & Hired Labour				200.00

Comments re Appraiser's report not covered by above information: I believe that the cleared land was 7 acres, and not 4.5 as stated. My buildings were somewhat newer and were in very good condition. I note that the appraiser didn't see the inside of the house. This was a very good property on a good location and I cannot understand the appraisers low value. I believe that the fair market value at date of sale was at least $3,000.00

EXHIBIT No. 866-1
DATE Sept. 3/48
FILLED BY Claimant

K. Osaki.
Signature

BC-439-P
BC-1249-A

EXHIBIT No. 866-2
DATE Sept. 3/48
FILLED BY Claimant

S.S. Form No. 43
(Sheet 1)

Farm Appraisal Report

File No. JL 416

Land Description W½ of E½ of SW¼ Sec. 32, Blk. 6 N., R. 1 E.
(House No. 2075)

Containing 10 ac. Acres

Owner's Name OSAKI, Kyutaro Post Office Address

Nearest Rail Point Pitt Meadows, C.P.R. Distance 2 miles

Market Town Good local shopping. New Westminster Distance 13 miles.

Church (give denomination) C. of E. and United Distance 2 miles

Nearest School Pitt Meadows (school bus) Distance 2 miles

State how property was identified: One post, road and map check.

Roads: State whether property has access to main road, the kind of road and its condition.

Yes, it fronts on good municipal gravelled road.

Is this district a good one? Improving yearly as water table is lowered by pumps.

Employment opportunity Local peat plant, plus 2 mills and brick yard, 4 - 6 mile

Predominating Nationality and religion: British Protestant.

Describe Fencing and its condition: Cleared land fenced on west. Value $

Water supply: Excellent dug well, wood cribbed. Value $
Unusual in this particular locality.

BUILDINGS ON FARM

4198

BUILDINGS	DIMENSIONS	MATERIAL	HEIGHT	ROOF	AGE	Foundation	REPAIR	VALUATION
HOUSE	26 x 32	frame	20	shgl.	6-7	cedar posts	good	600.00
	x							
Poultry hse.	18 x 60	"	8	shk.	5-6	"	"	200.00
BARN	x							
Wood shed	20 x 20	rgh. lbr.	7	"	6-7	"	poor	-
BARN	x							
	x							
GRANARY	x							
	x							
	x							
	x							
	x							

Total present day value $ 800.00

Total Value Buildings add to farm $ 600.00

Is dwelling habitable without repairs? Yes If not what is your approximate estimate of cost to make it habitable? House boarded up and locked. Information as to construction obtaine from near neighbour. Estimated to put in good shape - $ 100.00

Describe the basement and chimneys: Earth floor basement, brick chimney to ground.

No. rooms downstairs? Estimated 4 Upstairs? attic How finished Some V-joint, mostly ship-lap, inside unfinished.

Are buildings painted? No Condition of paint -

Distance from nearst bush All clear.

Note: Particular care must be taken when examining and reporting on foundations, sills and roofs.

Cultivated Land

ACRES	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	KIND AND QUALITY OF CROP	VALUE PER ACRE	TOTAL
4.5	level land	clay lm. 10"-12"	good clay	patch of oats and potatoes, straws & rasps	50.00	$225.00

Area which can be cultivated without cost other than for breaking.

LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL		VALUE PER ACRE

Area which can be cultivated after a reasonable amount of clearing timber, stones, drainage, etc.

	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	NATURE OF RECLAMATION NECESSARY	RECLAMATION COST PER ACRE	VALUE PER ACRE	
5.5.	Two levels with 5' difference	cl.lm. 10"-1'	clay	clear brush	75.00	5.00	27.50

Note; There is a light top covering of peaty soil, good to mix.

Area Unsuitable for Cultivation.

CHARACTER OF LAND E. G. HILLY, SWAMPY, ROCKY.	NATURE OF TIMBER IF ANY AND WHETHER MARKETABLE	VALUE OF LAND PER ACRE

Total value of Land $ 252.50

Total added by buildings to value of farm $ 600.00

Total fruit trees add to value of farm (for use in orchard districts only) $

Total value of farm $ 852.00

Describe condition of farm commenting on tillage, length of time unoccupied or partly occupied:

Japanese owners are gone. Was in good tilth up to time of their vacating. Weeds have got ahead pretty bad in spite of fair control effort.

State most suitable type of agriculture for farm bearing in mind the district's limitations, if any.

Little room to improve on present well grown crops.

Noxious weeds: A few thistle have got ahead.

Give approximate detail and amount of all annual taxes and names of Taxing Authorities:

Municipality of Pitt Meadows,

Land, school & library	$16.80
Dyking	15.43
Drainage	9.50
	$41.73

Date: July 2, 1942.
Place: New Westminster, B.C.

I certify that the above report is based on a personal examination of the whole farm made on the 29th day of June, 1942.

Inspector's Signature "T. GODFREY"

Note: (Use Form 43 (Sheet 2) in connection with this form.)

S.S. Form No. 43
(Sheet 2)

Farm Appraisal Report

Remarks: Mr. J. Morton is renting for $100.00 cash with option to renew next year. He will not be using the house. This acreage adjoins the large peat lands but it being some five feet higher is an entirely different formation, being a slight hogsback running north and south between dykes.

Land is yet new and good, and all worth clearing. Buildings suitable to the acreage and of the usual Japanese construction.

(FOR ORCHARD LANDS ONLY)

REMARKS: re general lie of land, fertility of soil, irrigation, drainage or dyking and reclamation.

Dyking and Drainage Taxes as high land in addition to Municipal Taxes.

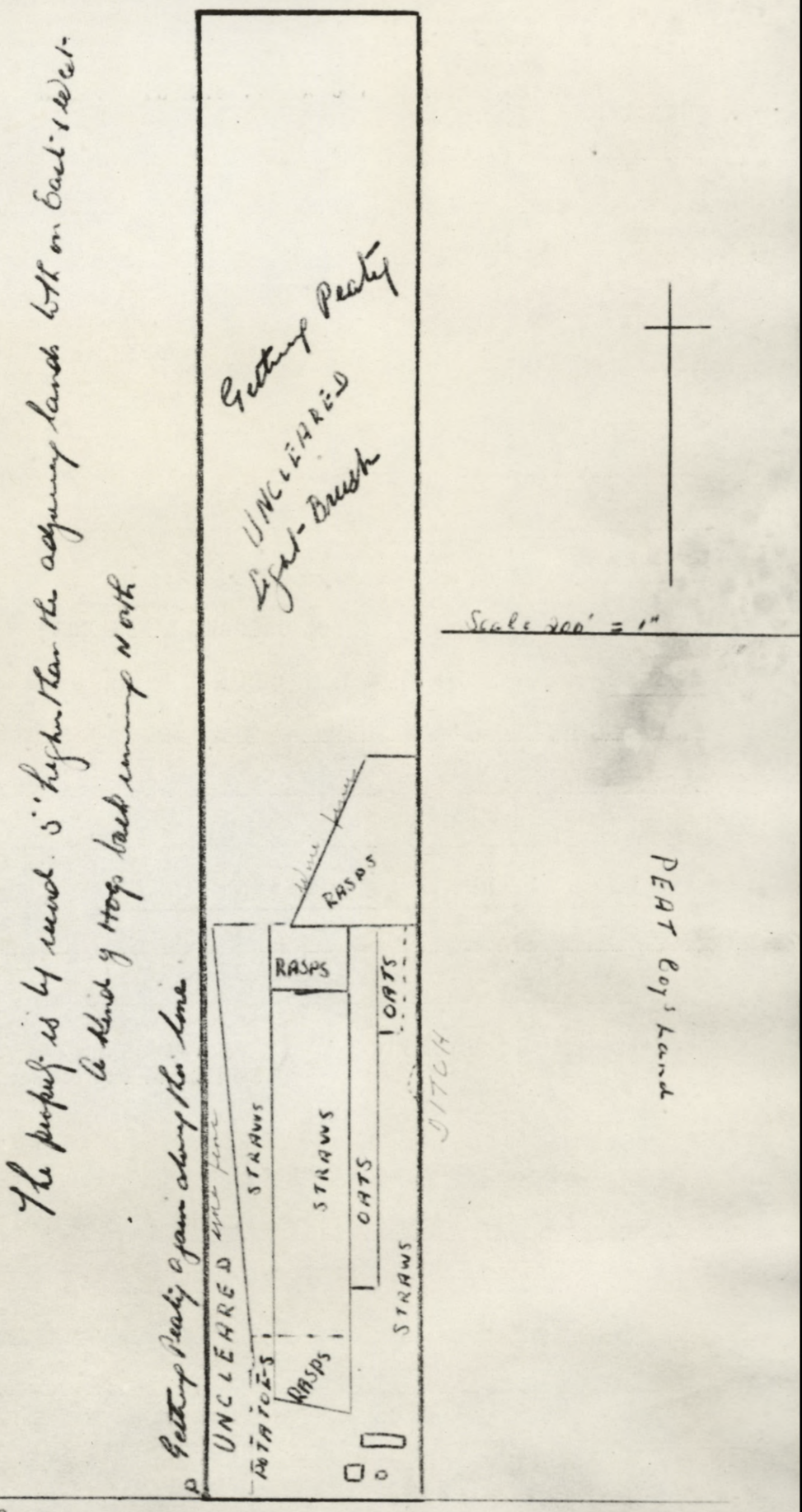
ANNUAL COST OF IRRIGATION, DYKING AND DRAINAGE.

ORCHARDS, SMALL FRUITS, ETC. (Give number, age, variety and condition of all tree fruits, condition and area of each kind of small fruits.)

	Present Value
Some acres of good raspberries,	$
almost 3 acres of strawberries, summer and everbearing,	$
and patch of oats and potatoes.	$
	$
	$
	$
	$
	$
	$
Total	$

Amount fruit trees add to value of farm $

Diagram of Property



Following careful review of this appraisal report, it is my opinion that the present value is $ 800.00

Date 3rd July 1942.

"I.T. BARNET"
District Superintendent.

Ex 3

Ex 4