Name of Claimant ODAGUCHI, Eichi
ODAGUCHI, Fumi

Case 994 (see 905)

Custodian File 2843 & 2839

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	
					587.		605.59				605.59

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	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price	

TOTAL RECOMMENDATION	605.59

CASE NOE 994.

JAPANESE PROPERTY CLAIMS COMMISSION

Fort William, Ontario,

April 28th, 1948.

IN THE MATTER OF THE CLAIM OF

EICHI ODAGUCHI.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 994.

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).

10 Fort William, Ontario,

April 28th, 1948.

IN THE MATTER OF THE CLAIM OF

EICHI ODAGUCHI.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

J.W.G. HUNTER, Esq.,	appearing for the Dominion Government.
S.M. CHERNIACK, Esq.,	appearing for the Claimant.

&

A. WATSON, Esq.,	Secretary.
D.J. HANDFORD, Esq.,	Official Interpreter.
MARK H. PEARCE, Esq.,	Official Reporter.

30

MR. CHERNIACK: My lord, this is a claim for a half interest. The claimant owned this property jointly with his mother, whose case is set down for the sub-Commission in Winnipeg.

THE COMMISSIONER: Does this claimant purpose to speak for his mother, or does she propose to come in and give something of more definite value?

MR. CHERNIACK: No, my lord.

EICHI ODAGUCHI, the claimant herein, being first duly sworn, testified as follows:

10

MR. CHERNIACK: The claimant has just returned from Winnipeg, my lord, where he has fully discussed with his mother the claim he has made. He had prepared it with her, and I understand that she will give me instructions to accept this evidence as far as the property is concerned. However, the mother has a claim for some personal property which she will have to present herself., but it is my understanding that at the sub-Commission she will accept this evidence.

20

THE COMMISSIONER: I would like you then to get expressed instructions from the mother, and write to the secretary on her behalf stating that she relies upon the evidence that is adduced here in support of the realty claim.

MR. CHERNIACK: Yes, my lord, it is a matter only of time. She is not in Winnipeg proper and I probably will not see her until the hearing in the fall, at which time she will come into Court and state she accepts this.

30

THE COMMISSIONER: I will proceed with this claim on the basis that Eichi Odaguchi is presenting the claim for himself and his mother and the mother's verification of that fact is to be given later before the sub-Commission.

MR. CHERNIACK: Yes, my lord.

THE COMMISSIONER: Mr. Secretary, will you make a note to write the Secretary of the sub-Commission and advise him upon the understanding on which the evidence is proceeded with today, mainly that the son is presenting his claim on behalf of his mother in respect of the real estate.

THE SECRETARY: Yes, my lord.

THE COMMISSIONER: What is the mother's name?

MR. CHERNIACK: Furmi Odaguchi.

DIRECT EXAMINATION BY MR. CHERNIACK:

Q Was this statement prepared in accordance with your instructions? A: Yes.

Q Is that your signature? A: Yes.

Q Do you swear the contents to be true to the best of your knowledge and recollection? A: Yes.

MR. CHERNIACK: I file this as Exhibit 1, my lord.

(STATEMENT MARKED EXHIBIT NO. 1).

MR. CHERNIACK: On behalf of my learned friend I will file the S.S.B. appraisal as Exhibit 2.

(APPRAISAL MARKED EXHIBIT NO. 2).

MR. CHERNIACK: Q: Did you discuss this matter recently with your mother? A: I did.

Q Did you discuss the figures and the facts which you

have given in this statement with her?

A I did.

Q And do you give his Lordship to understand that this is done with her knowledge and in accordance with her own consideration as to the value and facts?

A Yes.

MR. CHERNIACK: The claimant sets out, my lord, that he and his mother purchased this property in May, 1939, for $500.00. The property consisted of 14 acres more or less of which 5 acres were cleared at the time of purchase. The claimant sets out that they re-dug drainage ditches and new branch ditches after purchase, 200 tile laid, own labour and bought tile, estimated cost approximately $300.00. They planted about 90 fruit trees in 1941, mixed, estimating the cost at $1.50 average each, $135.00. And they also gravelled 300 feet of lane on property labour and materials cost approximately $100.00. The claimant also sets out that they improved the house on the property, built a new chimney and wired it throughout for electricity, the cost approximately $25.00. The claimant's comment, my lord, is "that the land was all weeded when we left and in good cultivation. I disagree that the district is poor. It is quite a fair district of small fruit farms." The appraisal sets out that this property was 2½ miles from Haney on direct access to 14th Avenue. May I draw your Lordship's attention to the fact that the appraiser sets out that there were 3¼ acres cleared whereas the claimant states that 5 acres had

been cleared. There is also reference, my lord, in Exhibit 2 to Mr. Gould, and according to the appraiser as having the electric lights installed. The claimant states that he knew nothing of Gould and that he himself had installed the electric lights about March, 1942, before they were evacuated. His final comment, my lord, is that the house was insured for $300.00, the policy expiring May 1st, 1942. He says that the land is good for small crop growing standpoint.

10 He believes that it was at least worth $1400.00 when sold by the Custodian, that the land is well located and with direct access to 14th Avenue. He states that Mr. Hal Menzies offered him $1200.00 for this property in the spring of 1942. My learned friend points out that the apostrophe should be taken out of the word "Menzies". May I ask my learned friend to advise your Lordship of the assessment.

MR. HUNTER: Land, $800.00, improvements, $600.00, that is for the year 1943, a total of $1400.00.

20 MR. CHERNIACK: Thank you, my lord.

MR. HUNTER: It is submitted, my lord, that this property was soldfor its fair market value. The sale price is as shown on the claim form, $587.00. There seems to be nothing controversial except the value. It is entirely a question of value, my lord. There are no questions.

THE COMMISSIONER: Q: From whom did you buy the land in 1939? A: A lady by the name of MacQueen.

Q Is she a resident of Haney District?

30 A No, a resident of Vancouver.

Q What were the terms of purchase? Cash or time purchase?

A Cash and a mortgage.

Q Mortgage for how much? A: $200.00, I think it was.

Q And the price was $500.00?

A That is right.

THE COMMISSIONER: No further questions, Mr. Cherniack?

MR. CHERNIACK: No, my lord.

THE COMMISSIONER: Thank you, Odaguchi.

(Witness aside)

10 (PROCEEDINGS ADJOURNED SINE DIE)

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

Mark Pearce

"MARK H. PEARCE"
Official Reporter.

20

30

Case 994 NOV 28 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

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

(1) NAME ODAGUCHI (Print) Surname EICHI Given Name (RCMP) Reg. No. 10693

(2) Pre-Evacuation Address 317 14th Ave. Haney, B. C.

(3) Present Address c/o Staff House, Great Lakes Lumber, Fort William, Ont.

(4) REAL ESTATE

(a) Street Address (if any) 317, 14th Ave., City or Municipality, Haney, Province B. C.,

(b) Legal description (lot number, block number, section number, etc.) Two Portions containing 13.712 acres and 0.096 of an acre, more or less respectively of the South East Quarter of Section 32, Township 12, as shown and outlined red on Sketches dep. Nos. 6047 and 6048, District of New Westminster, C of E. 4998

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

(i) Farm
(ii) Residence Type of business Small fruit farm.
~~(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.) Joint owner with mother – Fumi Odaguchi, c/o R.S. McCutcheon, Box 324, Carman, Man.

(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) - $ 1400.00

(v) Amount at which Custodian sold property and credited your account - - $ 587.00

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 813.00
My loss - one half thereof $406.50

(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) - $ 406.50

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

(b) Do you require the services of an interpreter at the hearing? Yes or no no

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 Ontario)
TO WIT:)

I, Eichi Odaguchi of the City
of Fort William in the Ontario
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 Fort William) E. Odaguchi.
in the Province of Ontario)
this 22nd day of November)
A.D. 1947.) 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.

_____

E. ODAGUCHI
(Claimant's Name)

REAL ESTATE
(Farm Land)

10693
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 - 9 acres Cultivated not planted 2 acres Cultivated and ~~not~~ in crop List Crops	14 acres m - 1	May 1939	R. M. McQueen	$500.00	Cleared 5 acres Uncleared 9 acres	House	$1400.00 (land and improvements)
atrawberries - 2 acres raspberries - 1 acre							

Total 3 acres

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

Description	When Made	Cost
Redug drainage ditches and new branch ditches - after purchase - 2000 tile laid - own labour and bought tile - estimated cost approximately $300.00		
Planted 90 fruit trees in 1941 - mixed - cost at $1.50 average each - $135.00		
also gravelled 300' of lane onnproperty - labour and materials cost approximately $100.00		

BUILDINGS

Type	Size	Finish	Date Built	Cost Material	Paid for Labour	Value of Own Labour	Allowance for Depreciation	Estimated Value
Improved house on property - built new chimney and wired throughout for electricity - cost approximately $25.00								

(My mother, Mrs. Fumi Odaguchi has a half interest with me in this property and will be presenting her claim in Winnipeg in September).

EXHIBIT No. 994-1
DATE 28 apl 1948.
FILED BY
S. W. Cheesmack

Comments re Appraiser's report not covered by above information: The land was all weeded when we left and in good cultivation. I disagree that the district is poor - it is quite a fair district of small fruit farms. I know nothing of J. Gould and family. Light was installed about March 1942 before we were evacuated.

COMMENTS: House was insured for $300.00, policy expiring May 1, 1942. This land is conveniently located with direct access to 14th Ave. and 2 1/4 miles from Haney. The land is good for a small crop growing standpoint. I believe that it was at least worth $1400.00 when sold by the Custodian. Mr. Hal Menzie's real estate agent of Haney offered us $1200.00 for this property in the Spring of 1942.

E. Odaguchi
Signature

BC. 114-P
BC. 217-A.

BC/114-R
BC/217-A

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

Farm Appraisal Report

File No. JL-247

Land Description 2 Ptns. 13.712 & 0.096 acs.of S.E.¼,Sec.32,Tp.13,Plans 6047 & 6048.

Containing 13.80 Acres

Owner's Name Eichi & Fumi ODAGUCHI Post Office Address Haney, B.C.

Nearest Rail Point Haney, B.C. Distance 2½ miles

Market Town New Westminster, B.C. Distance 26 "

Church (give denomination) All denominations - Haney, B.C. Distance 2½ "

Nearest School Haney, B.C. Distance 2½ "

State how property was identified: Map location and corner post.

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

Direct access to 14th Avenue - gravel road, only fair condition.

Is this district a good one? No - but included in Co-operative marketing.

Employment opportunity Very limited in this locality.

Predominating Nationality and religion: Mixed, Japanese predominating.

Describe Fencing and its condition: No fences. Value $

Water supply: Domestic water supply from well. Value $

BUILDINGS ON FARM

2843

BUILDINGS	DIMENSIONS	MATERIAL	HEIGHT	ROOF	AGE	Foundation	REPAIR	VALUATION
HOUSE	21 x 24	Frame	1 st.	Shgl.	20	Wood	Poor	250.00
	x							
	x							
BARN	x							
	x							
BARN	x							
	x							
GRANARY	x							
	x							
	x							
	x							
	x							

Total present day value $ 250.00

Total Value Buildings add to farm $ 250.00

Is dwelling habitable without repairs? Yes. If not what is your approximate estimate of cost to make it habitable?

$

Describe the basement and chimneys: No basement - brick chimney on bracket.

No. rooms downstairs? 2 Upstairs? - How finished Wood

Are buildings painted? No. Condition of paint -

Distance from nearst bush Adjacent to bush.

EXHIBIT No. 994-2
DATE 28 Sept 1948
FILED BY
R. M. Chenoweth

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

ACRES	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	KIND AND QUALITY OF CROP	VALUE PER ACRE	TOTAL
3.25	Undulating 3.25	Light clay loam - 8"to 10"	Clay and gravel	Mixed small fruits and sod.	80.00	$ 260.00

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.

ACRES	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	NATURE OF RECLAMATION NECESSARY	RECLAMATION COST PER ACRE	VALUE PER ACRE	TOTAL
8.80	Undulating 8.80	Clay loam - 8"-16"	Clay, gravel	Clearing, stumping, levelling & draining.	175.00 to 200.00	10.00	88.00

Area Unsuitable for Cultivation.

ACRES	CHARACTER OF LAND E. G. HILLY, SWAMPY, ROCKY.	NATURE OF TIMBER IF ANY AND WHETHER MARKETABLE	VALUE OF LAND PER ACRE	TOTAL
1.75	Bed rock and steep banks 1.75 13.00	-	-	-

Total value of Land $ 348.00

Total added by buildings to value of farm $ 250.00

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

Total value of farm $ 598.00

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

Property in poor state of cultivation. Growing crops in very weedy condition. Crop land leased to H.Stabenfeldt for 50% of crops-applied to rent early in April - arrangements not completed until May 20th.

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

Mixed small fruits.

Noxious weeds:

Thistle making inroads on area in grass.

Give approximate detail and amount of all annual taxes and names of Taxing Authorities: 1942 Tax - $32.63. District of Maple Ridge.

Date: June 10th, 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 9thday of June 19 42.

Inspector's Signature "H.L. SINCLAIR"

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

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

JL-247

Farm Appraisal Report

Remarks: This is a poor type of property in an outlying location. On the West boundary adjoining 14th Avenue there is only a very limited area of land suitable for cultivation, balance comprises bed rock. The land slopes abruptly to East to the cultivated area, and crops from this portion cannot be drawn by horse or motor vehicle to road due to inaccessability.

The land under cultivation, judging by growth of crops, is in a good state of fertility, but in a very weedy condition.

The dwelling is old and shack-like but habitable; other buildings of no value.

Property is leased to H. Stabenfeldt, for the 1942 season for 50% of crop.

Mr. J. Gould and family occupy the house and are having the electric light installed, as power line runs past property on 14th Avenue.

(FOR ORCHARD LANDS ONLY)

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

About 20 old apple trees of no value.

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
Raspberries	- .65 acs.-fair condition	
Fruit trees & grass	- 1.40 "	
Strawberries & Garden	- 1.20 " -weedy-poor "	$
Rock and side hill	- 1.75 "	
Bush	- 8.80 "	$
	13.80 "	
		$
		$
		$
		$
		$
		$
	Total	$

Amount fruit trees add to value of farm $

Diagram of Property

2 Pcs - 13.712 Ac 4.0.096 Ac of S.E. ¼ - Sect. 32 - Tp. 12 - Plan 6047-6048

13.808 Acs

Eichi & Fumi Oduguchi - Joint Tenants

Following careful review of this appraisal report, it is my opinion that the present value is $ 500.00

Date 13th June 1942.

"I.T. BARNET"

District Superintendent.

#13