

<u>REAL PROPERTY</u>										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% 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		
<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 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			
TOTAL RECOMMENDATION										.00

CASE NO: 1398.

JAPANESE PROPERTY CLAIMS COMMISSION.

IN THE MATTER OF THE CLAIM OF

K. HORITA.

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)

Vancouver, B. C.,

June 3rd, 1949.

10

IN THE MATTER OF THE CLAIM OF

K. HORITA.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

D.T.B. BRAIDWOOD, Esq.,

appearing for the  
Dominion Government.

R.J. McMASTER, Esq.,

appearing for the  
Claimant.

\_\_\_\_\_

A. W. WATSON, Esq.,

Secretary.

T.P. HORROBIN, Esq.,

Official Reporter.

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MR. BRAIDWOOD: My lord, I would like to speak to the case of K. Horita. There is no number for this case. My friend and I have been discussing it, and trying to come to some conclusion on the matter.

THE COMMISSIONER: Has that claim been filed?

MR. BRAIDWOOD: No claim has been filed, my lord.

MR. McMASTER: We have been unable to locate it.

THE COMMISSIONER: How do we know about it, then?

10 MR. McMASTER: Well, apparently it was on the list at Grand Forks, and Mr. Hunter or some Crown counsel, I am not sure whether it was Mr. Hunter, advised it had been dealt with at some other place.

MR. BRAIDWOOD: It seems to me to have a number 943, but I read what was in the transcript at that time-- this was taken on June 9th, 1948, at Grand Forks, and this is from Page 2 of the transcript.

THE COMMISSIONER: It has been given the number 943?

20 MR. BRAIDWOOD: I only have the pencil number across the top, which doesn't seem to mean much.

THE COMMISSIONER: Have you any number for it, Mr. Watson?

MR. WATSON: No, I have no number for it. No claim was filed.

THE COMMISSIONER: We had better treat it then as a claim having been filed. It will be Case No. 1398. Mr. McMaster can complete the claim, if need be.

30 MR. BRAIDWOOD: Then perhaps I might read into the record

from page 2 of the transcript which I have referred to, my lord.

THE COMMISSIONER: This is a sub-Commission hearing?

MR. BRAIDWOOD: Yes. This was before Judge Colquhoun, I believe.

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"MR. McINNES: Your honour, there was a file sent to me from the Custodian's office in Vancouver, the file of K. Horita. The letter I received from the Custodian's office reads as follows: 'I send herewith a further claim file, K. Horita, No. 993' -- that, of course, is the Custodian's file number -- 'This was dealt with before and was rejected by the Commissioner as noted by Mr. Hunter on the folder. It appears, however, on the list and you should have the file in case any question arises. I am not sending the master file in this case.'

20

I took the matter up with Mr. Cobus, but he tells me that they have no instructions in regard to the matter.

"MR. COBUS: That is correct, your honour, the name does not appear on any list of

claims that have been submitted to me, but it seems to me that if there has been any claim submitted which has not yet been forwarded to me, I most certainly don't want it to be understood that I am withdrawing anything.

30

"THE COMMISSIONER: It will be open to you to

"have the claim heard at Nelson and New Denver if it is discovered in the meantime." Now, that is the last record we have of it, my lord.

MR. McMASTER: I am just wondering, my lord, whether it might be one of these boat claims. You might recall that at the beginning of the proceedings, or very early in the proceedings, certain letters were written indicating these claims were outside  
10 of the terms of reference, and I took some objection to that procedure, and that the claims should come on and either be withdrawn or dealt with. I was wondering if it was one where the man was advised, and Mr. Hunter was advised that it was outside of the terms of reference.

THE COMMISSIONER: Well, if that was so, one would expect there would be a claim form in the Secretary's records. You have checked this, Mr. Watson?

20 THE SECRETARY: I have checked it.

THE COMMISSIONER: And there is no record of any kind?

THE SECRETARY: There is no record of any kind except the letter we have on file.

MR. McMASTER: My lord, to get it off the list, I would suggest it be stricken off for the time being, subject to leave to apply to re-open it.

I will check through the Committees and see if I can locate this man, and find out what has  
30 happened.

THE COMMISSIONER: I think perhaps we had better hold it over. We will put it down for the last day we have a claim on. The last day you have is the 22nd. Suppose we put it down there--  
K. Horita.

MR. McMASTER: Yes, my lord.

THE COMMISSIONER: That is June 22nd, and in the meantime you can make some investigations.

MR. McMASTER: Yes, my lord.

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(PROCEEDINGS ADJOURNED UNTIL JUNE 22nd/49).

*I hereby certify the foregoing to be a true and accurate report of the said proceedings.*

*Deputy Official Stenographer*

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IN THE MATTER OF THE "INQUIRIES ACT."

PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(HIS HONOUR, JUDGE M.M. COLQUHOUN, SUB-COMMISSIONER)

10

Grand Forks, B.C.

June 9, 1948

IN THE MATTER OF THE CLAIM OF

K. HORITA

Case no 1398

PROCEEDINGS AT HEARING

20 APPEARANCES:

HAROLD W. McINNES, Esq.,

appearing for the  
Dominion Government.

A.E. COBUS, Esq.

L.A. DODD, Esq.,

Secretary to Grand  
Forks Sub-Commissioner

G.N.R. UPTON, Esq.,

Official Interpreter

G. HAMBLETON, Esq.,

Official Reporter

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## Discussion

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I took the matter up with Mr. Cobus, but he tells me that they have no instructions in regard to the matter.

MR. COBUS: That is correct, your honour, the name does not appear on any list of claims that have been submitted to me, but it seems to me that if there has been any claim submitted which has not yet been forwarded to me, I most certainly don't

20 want it to be understood that I am withdrawing anything.

THE COMMISSIONER: It will be open to you to have the claim heard at Nelson and New Denver if it is discovered in the meantime.

(PROCEEDINGS ADJOURNED SINE DIE)

Certified correct and true transcript.

*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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*M. M. Colquhoun*  
M.M. Colquhoun  
Sub-Commissioner

CASE #1398

See discussion, Sept. 12/49 - Pages 23-24

On list 26th Sept.

Sept 26. 49 p 12-13 stand To be spoken to

1398

P.O. Box 28,

Grand Forks, B.C.

Jan. 3, 1948.

Dear Mr. Statson.

K. H. Hovita

attention on memos

I have received very kind letter with claiming form from Mr. R. J. McMaster regarding to my letter for an answer.

I think our position is different as I have been told than others. It is not loss by Custodian, also Mr. R. J. McMaster has suggests me to consult with Dr. Ishikawa at Greenwood. I know he has some opinion our claim is out of case.

There is no use make me to claim to Government, rather wish to help us, so, I thought Mr. Justice H. I. Bird to help some way. Some day we must find better place to settle down, when the time comes to cleared things

NOTIFIED

4

with my was time boss Mr. E. S. Doan  
in Grand Forks.

There is impossible me to pay  
anything with claiming form.

We have five in our family with baby  
to take care my self. Until Spring  
time there is no work, I have been  
trying hard with help of Mounted  
police here to find any job.

I noticed there is exemption like  
my self could able to mark X  
on claiming form, but I still  
hold Life Insurance so, they  
won't make me for exemption.

I am still health and strong  
we should able to start make  
living again. My boss now  
is pays me well for farmer wages  
during Summer Season. Last year  
just happened to bad luck  
to our family. my son had Pneumonia,  
my wife had baby, my daughter had  
tooths cut, my son broke leg  
bone so on.

One thing regarding our store at  
English Bay Tea Rooms before  
evacuation. I had partner  
with Mr. N. K. More who has  
living at Vernon, B.C. We  
agreed with him to let him  
to take care the claims when  
there is any chance.

We heartly thanks for your  
kindness to try to help us.

Yours very truly  
N. Horita.

JAN - 2 1948

TELEPHONE PACIFIC 9164

993

# Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

ACKNOWLEDGED

A. T. R. CAMPBELL  
C. W. BRAZIER

A. W. FISHER  
R. J. McMASTER

A. J. F. JOHNSON

ROYAL BANK BUILDING  
675 WEST HASTINGS STREET  
VANCOUVER, B.C.

OUR FILE No.  
1742

December 31st, 1947.

Japanese Property Claims  
Commission,  
c/o The Custodian,  
Royal Bank Building,  
Vancouver, B.C.

*J. Zorko*

Dear Sirs:

Re: K. Horita, Grand Forks,  
B.C.

On December 17th Mr. Watson sent to us a letter addressed to yourself from the above-named relating to losses allegedly suffered by him. You forwarded us the letter apparently believing that we would be acting on behalf of this man. Upon perusing our index of claimants for whom we are acting, we find no reference to his name. We yesterday checked with Mr. Watson and it appears that he does not have any claim filed by this man. We are wondering whether Mr. Horita was under the impression that the letter which he wrote to you would constitute a claim.

We would respectfully suggest that you treat it as a claim and in the meantime, we will write a letter to Mr. Horita sending proper claim forms, advising him that if he wishes to make a claim, he must complete these forms and file them. If it is his intention to make a claim, he will then file proper claim forms which can be substituted for the letter.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per: *R. J. McMaster*

McM:MM

Send to  
our master  
on  
my letter,

P.O. Box 28,  
Grand Forks, B.C.  
Aug. 2, 1947.

Justice of Supreme Court Sir:

Congratulations of your appointment  
to Japanese Canadian's claims of investigation.  
I have been awaited this day for  
many years.

I believe our family was the  
most unhappy self supporting  
evacuated Canadian Japanese.

When we were at Vancouver  
I was the owner of large store of  
English Bay Tea Rooms at English Bay  
Summer time, and has been working  
La Belle Recreations winter months.  
When the war broke out we have  
to move way so soon there wasn't

2  
enough time to sell the store for good price, after long years of hard working and bought lots of equipment and the things for the store got to sell very cheap price.

Time of evacuation my former both of La Salle was very sympathized and recommended to sent our family to this place of Board Forks.

First thing we built our new house we have worked very hard to finish. It is fairly nice house on to owners land.

My boss Mr. L. Doan was single old man (just last year got new wife) and daughter with many children has been living but they were very poor (has lots of land). So first time when we moved we have even



3  
buy Bread, Butter or milk to help them out.

There wasn't much work then 22½¢ an hour, when there was any work. first year we spent over one thousand dollars and income was One hundred fifty dollars my self and my wife earned about fifty dollars. but there wasn't any pay day, after the crop sold. I have wrote to Security Commission then after already built our home. ever since has been getting paid so much some times.

Now its amount over thousand of dollars. <sup>(not wages)</sup> This Spring time he told us not able to keep up wages. we have to work another farmer. This place now

4  
getting well paid, but the house  
now living in its small room of  
cabin after leaving the our own  
built house, to live same place  
to other poor house.

I have been tried too much  
to Security Commission or any  
officials visited Grand Forks  
but I was the one of thousand  
families they did not care much  
only answer I was getting  
was to "Move to East." Yes, Sir.  
we wanted to go to anywhere  
unless some thing to fix our  
conditions here are some reason  
we not able to move to East

(1) I was the family recommended  
by my former manager in Vancouver  
(who has been writing often to me

(2) Built fire house here  
it is too much to loose after  
lost our fortune in Vancouver.

(3) Wanted to get our wages  
earned here after worked terrible  
hard.

Yes, sir, I dont blame those  
poor farmer wanted to get Japanese  
sheep labour, and tied down  
Mr. Doan brought few families  
and tried some more but I was  
the only one left till last he  
helped him out.

Now, I heard he rented  
house I worked so hard to built  
he is the one getting rent money  
since we move to Grand Forks  
Mr. Doan built very big barn  
and seed drying shed fixed his

6  
own house nice bought Tractor  
Potato digger etc. owns quite  
large lands.

He were thinking we were  
not guilty of anything The Government  
moved us way from coast.  
Don't you think it isn't fair  
we have to pay expenses of  
train fare freight? when we  
came to Grand Forks we have  
been paying School Board for  
our Canadian born children  
to pay five dollars each child  
for every month until last year  
I have two children. has been  
attending to Public School here  
has been costing fee of <sup>4</sup>/<sub>10</sub><sup>00</sup> every  
month.

He were one of well fixed  
Canadian born Japanese origin

7.  
but now, it is poor family  
unless you could help us out  
It is hard for us to move to  
city to establish our home.

Trusting me Sir, if you could  
us to any body I sure shall  
work hard and don't let any  
body down.

Will you please excuse  
for my poor expression and  
continues for writing some day  
I wanted meet you person Sir.

Most sincerely yours,  
H. Hoita,  
family.

P. O. Box 28,  
Grand Forks, B.C.  
Dec. 6, 1947

Mr. Justice H. L. Bird Sir:

Enclosed the letter I have wrote a few months ago when you are appointed Japanese Property claims Commissioner. I have been told it is not use to send the letter, but after all we have been tried hard to co-operate Canadian Government to work hard for farm in war time after we lost our business. We have sold our store with many thousand dollars worth of Furniture & Fixtures, and Equipment. We have never tried to sell it for at least \$3500<sup>00</sup>, but we did not have time to sold, only able to get \$1500<sup>00</sup>. I am not talking it big sir, you could find out by Mr. S. B. Lechtzler, manager of

LaSalle Recreation, who has  
been helped me when we sold the  
store of English Bay Tea Rooms,  
also the "Custodian" sold my  
fine "Radio" for only \$36.00. Now  
we never have Radio I could  
not afford to have even cheap  
Radio. I have now faced long  
Winter holiday again the farming  
season was over.

Most of many thousands Japanese  
people. they were provided by  
Government while war was on.  
Free of moved Expenses, house,  
Foods, clothing, woods, education  
of children. While Canadian  
born like myself have moved  
by our own expenses worked  
cheap in farm to help Government  
war efforts. In Public school  
we have two small children  
to attend to paid \$10.00 every  
month school fees.

It might not to write you  
this letter Sir, but, Dont you  
think you would pardon me  
for sending this letter and  
our family will appreciate  
very much if you could help  
some way Sir.

Most sincerely yours,  
K. Horita.