Name of Claimant HAYASHI, Eikichi Case 139

Custodian File 3385

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% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices: % of Total	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
					589		426.91				426.91

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	426.91

CASE NO: 139.

JAPANESE PROPERTY CLAIMS COMMISSION.

Vernon, B. C.,
February 16th, 1948.

IN THE MATTER OF THE CLAIM OF
EIKICHI HAYASHI.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 139.

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).

Vernon, B. C.,

February 16th, 1948.

IN THE MATTER OF THE CLAIM OF

EIKICHI HAYASHI.

PROCEEDINGS AT HEARING.

APPEARANCES:

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

A. WATSON, Esq.,	Secretary.
D.J. HANDFORD, Esq.,	Official Interpreter.
T.P. HORROBIN, Esq.,	Official Reporter.

MR. McMASTER: I think we will require the interpreter in this case, my lord. Could I have the claim form, please, Mr. Secretary?

EIKICHI HAYASHI, the claimant herein, being first duly sworn, testified through the Interpreter as follows:

DIRECT EXAMINATION BY MR. McMASTER:

Q Witness, is this your signature on the claim form and didyou swear that declaration?

A Yes.

MR. McMASTER: I file on behalf of my learned friend the Soldiers Settlement Board report as Exhibit 1.

(APPRAISAL REPORT MARKED EXHIBIT NO. 1).

Q Witness, did you instruct me to prepare for you a statement with regard to the lands for which you are making a claim? A: Yes.

Q Is this the statement? A: Yes.

Q Will you please sign it with your ordinary signature? Are the statements therein true to the best of your knowledge and recollection?

A Yes.

MR. McMASTER: I file that as Exhibit 2, my lord.

THE COMMISSIONER: Which statement is this?

MR. McMASTER: The statement re the farm property that was sold, my lord.

THE COMMISSIONER: Oh yes. This property is a small farm holding, is it?

MR. McMASTER: A small farm holding, my lord, without any buildings on it.

MR. HUNTER: Is the date of purchase 1945 or 1935?

MR. McMASTER: It should be 1935, m y lord. Thank you, Mr. Hunter.

(STATEMENT MARKED EXHIBIT NO. 2).

MR. McMASTER: My friend has drawn my attention, my lord, to the fact that in this statement the date of purchase should be February 20th, 1935.

THE COMMISSONER: Yes.

MR. McMASTER: This, my lord, is market garden land on Lulu Island, No. 1 Road, near No. 9 Road, about half a mile from Steveston and about ten miles from marketsi in Vancouver and New Westminster.

THE COMMISSIONER: It had been used by the claimant as a market garden?

MR. McMASTER: Yes, my lord. That is explained below. There are three acres which he purchased in 1935 for $1400.00, all cleared and cultivated but with no buildings. That would be at $465.00 per acre. He is now claiming $1500.00 as the value. He b built a bridge over the drainage ditch and erected a small shed. Now, he points out that he is a fisherman by trade or profession and after purchase of the property in 1935, in 1936 his wife operated the market garden and in 1937 she wasn't well so he rented it to a friend for $75.00 a year. He didn't try to sell it because he kept it for when he retired from fishing. The taxes were only $21.40 a year. He says it was a good piece of land and was well worth $500.00 an acre at least when it was sold. This man he put on the place in 1937 took sick in late 1940 and he didn't make any

arrangement for re-renting the premises prior to his evacuation. In the spring of 1943 the Custodian wrote him and asked him if he wanted to sell, but before he could reply he received advice it had been sold to the Soldiers Settlement Board.

My lord, I have an agreement for sale here. Perhaps if I just produce a copy of it, my learned friend might be satisfied without filing it. It establishes the sale.

THE COMMISSIONER: The purchase, you mean?

MR. McMASTER: Yes, my lord.

Q Witness, do you know Mr. Todwashi Kowasa?

A Yes, he knows him.

Q Did he have a farm on Lulu Island?

A Yes.

Q How far away from your farm was his farm?

A A little over two miles.

Q Now you purchased this property from Mrs. Teijie Kobayashi. Who is her husband? What business was he engaged in when you were living at Lulu Island and purchased these premises?

A He was an insurance man.

Q And did he deal in real estate?

A He is not sure about that.

MR. McMASTER: Now I would ask, my lord, that my learned friend should produce, if there are any, any offers to purchase these premises and any letters to the claimant with respect to any offers to purchase the property.

THE COMMISSIONER: That is any offers made subsequent to

his evacuation?

MR. McMASTER: Yes, and prior to the Soldiers Settlement Board's sale.

THE COMMISSIONER: Incidentally when was this man evacuated?

MR. McMASTER: Q: At what date were you evacuated?

A In May, 1942.

MR. McMASTER: Your witness, Mr. Hunter.

MR. HUNTER: We submit, my lord, this property was sold for its fair market value. In answer to my friend's request, there is nothing on this file that would indicate that any other offers were received prior to the sale to the V.L.A. If there are any on the main file, we shall endeavour to produce them. I presume my friend would admit the assessed value for the year 1943 was $891.00?

MR. McMASTER: I think that is correct, my lord.

CROSS-EXAMINATION BY MR. HUNTER:

Q Mr. Hayashi, when you bought this property, you bought it for a market garden, did you?

A Yes.

Q And itwas in whatcondition at that time?

A It was good land.

Q Had it been used as a market garden prior to your purchase? A: Yes.

Q Now you weren't on the property after 1937, were you? A: No.

Q And your tenant gave it up at the end of 1940? That is correct, isn't it?

A Yes.

Q And the property wasn't used from that time on?

A No. He was intending to use it but he wasn't able to.

MR. HUNTER: That is all, thank you.

MR. McMASTER: My lord, with regard to the last point my friend was dealing with, I draw your attention to the Soldiers Settlement appraisal report.

THE COMMISSIONER: I wondered why you did not bring out some evidence on that. It is rather significant that he was evacuated in May, 1942, and the Soldiers Settlement Board reportof July 15th, 1942, shows that the condition of the land was very poor from the point of view of the state of cultivation.

MR. McMASTER: He stated, I think, in his statement, and also im his evidence, that after the renting of these premises to his friend and the friand ceasing to operate it, he didn't cultivate it himself or have a friend on it.

THE COMMISSIONER: The point is the tenant's cultivation must have been pretty inadequate?

MR. McMASTER: There is also the other possibility that by reason of the property not being attended to from December, 1940, until the spring of 1942, that it might well have become,as the appraiser states, in a very dirty state.

THE COMMISSIONER: That is to say it was not cultivated at all in 1941?

MR. McMASTER: That is correct, my lord.

THE COMMISSIONER: Nor subsequently?

MR. McMASTER: No, my lord.

THE COMMISSIONER: All right.

MR. McMASTER: My lord, dealing with the point my friend has raised, I would like to refer to page 2 of the appraisal report where he describes the land as level land, 10 to 12 inches of clay loam -- clay sub-soil -- and the appraiser says it is very dirty with weeds and no crops, and he values the land at $200.00 an acre; then I would ask -- I haven't it with me but I would ask your Lordship on that point to refer to the Kawasa case at Kamloops. I can give your Lordship the case number but I haven't it here.

You remember this man said he was about two miles away from Kawase, and Kawase had what the appraiser said was very good market land, very well cared for, and he appraised it at $750.00 an acre. I think that is significant, my lord. The Kawase case is case No. 68.

MR. HUNTER: I think we are almost getting into an argument on this poinrt.

MR. McMASTER: No, I am not arguing it. I am just drawing attention to it, my lord.

THE COMMISSIONER: Let us see how far it goes. I am afraid I did not note the valuation put in on the Kawase case.

MR. McMASTER: If my lord would be good enough to make a reference to the report in that case.

THE COMMISSIONER: The appraisal report is Exhibit 4.

MR. McMASTER: Exhibit 4 in case No. 68, is it?

THE COMMISSIONER: That, perhaps, is a matter for cross-examination when the Soldiers Settlement Board appraiser is on the witness stand.

MR. McMASTER: I expect it will be, my lord.

THE COMMISSIONER: I do not know that you can pay very much attention to it now because, while on the face of it, it rather begs an explanation, we cannot furnish it in the absence of the appraiser.

MR. McMASTER: My lord, I wonder if I could have written into the transcript of this record the evidence given by Mr. Kobayashi in the Kawase case as to the value of lands on Lulu Island?

THE COMMISSIONER: Any objection, Mr. Hunter?

MR. HUNTER: I don't think so, my lord.

THE COMMISSIONER: Rather than go to the expense of re-typing, I will direct that the evidence in the Kawase case of Mr. Kobayashi as to valuation of lands in the Steveston area used for market gardening purposes be taken as read into this record. Is that all?

MR. HUNTER: I wonder if I could call to your Lordship's attention in this case the gross sale price was $589.00.

MR. McMASTER: That is all, my lord, thank you.

THE COMMISSIONER: Thank you, Mr. Hayashi.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

T. P. Horrobin

"T.P. HORROBIN"
Official Reporter.

Case #139 DEC 31 1947 NOTIFIED N

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 h

3385

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

(1) NAME HAYASHI (Print) Surname Eikichi Given Name Mr (RCMP) Reg. No. 02784

(2) Pre-Evacuation Address P. O. Box 77, Steveston, B. C.

(3) Present Address c/o Incola Hotel, Penticton, B. C.

(4) REAL ESTATE

(a) Street Address (if any) Municipality of Richmond, Steveston, B. C. City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.) Lot 8; Section 2; Block 3; North Range 7; West Map 963.

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

(i) Farm
(ii) ~~Residence~~
(iii) ~~Business~~
Type of business Farming
(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 - - - - - - - - - - - - - - - - - $ 1550.00

(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) - $ 1550.00

(v) Amount at which Custodian sold property and credited your account - - $ ~~550.48~~ 589.-

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 999.52

(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.	Received statement April 17th, 1945	Estimated Value $
2.	stating total amount to my credit $659.62	Estimated Value $
3.	Received cheque January 3rd, 1947 647.62	Estimated Value $
4.	Difference of 12.00	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 $ 12.00

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) - $ 1011.52

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

Greenwood preferred Nelson if necessary

(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, Eiichi Hayashi of the Municipality
of Penticton in the Province of BC

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 Municipality)
of Penticton)
in the Province of British Columbia)
this 23rd day of December)
A.D. 1947.)

E. Hayashi

A Commissioner for taking Affidavits within British Columbia

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.

_____

_____

_____

_____

BC-644-P
BC-2143-B

EXHIBIT NO. 139
DATE 16/2/48
FILED BY Hunter

BC/644-P
BC/2143-B

3285

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

Farm Appraisal Report

File No. J.L.519

Land Description Lot 8 of part of Sec.2, Blk.3N, Rge.7W, Map 963, N.W.D.

Containing 3.00 Acres

Owner's Name HAYASHI, Eikichi Post Office Address R.R.1, Steveston, B.C.

Nearest Rail Point Steveston or Branscombe, B.C.E.R. Distance ½ mile

Market Town Vancouver 10 miles, New Westminster 10 mi Distance

Church (give denomination) All denominations Distance 1-3 miles.

Nearest School Steveston Public School; High School Bridgeport. Distance ½ mile.

State how property was identified: Map and road check and one corner post located.

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

Property fronts on No.1 Road - paved.

Is this district a good one? Yes, some large dairy farms and small holdings.

Employment opportunity Fair at Eburne and Marpole industrial plants; also peat plants in season.

Predominating Nationality and religion: British, Protestant.

Describe Fencing and its condition: Nil. Value $

Water supply: City water available at $2.00 a month. Value $

BUILDINGS ON FARM

BUILDINGS	DIMENSIONS	MATERIAL	HEIGHT	ROOF	AGE	Foundation	REPAIR	VALUATION
HOUSE	x	NO HOUSE						
	x							
Shed	6 x 18	Rough boards	7'	Shgle.	10	Mud sills	Poor	Nil
BARN	x							
	x							
BARN	x							
	x							
GRANARY	x							
	x							
	x							
	x							
	x							

Electric light available.

Total present day value $

Total Value Buildings add to farm $

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

$

Describe the basement and chimneys:

No. rooms downstairs? Upstairs? How finished

Are buildings painted? Condition of paint

Distance from nearest bush

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
3.00	3.00 acres Level	10" to 12" clay loam.	Clay	Very dirty with weeds; no crops.	$200.	$600.00

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

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 $600.00

Total added by buildings to value of farm $ nil

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

Total value of farm $600.00

Describe condition of farm commenting on tillage, length of time unoccupied or partly occupied:
No work done on place this year and ground very weedy and Canadian thistles are bad.

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

Noxious weeds: Canadian thistles, couch, sorrel and daisy bad.

Give approximate detail and amount of all annual taxes and names of Taxing Authorities: Corporation of the Township of Richmond.
Land assessed at $891.00
Improvements, nil. 1942 taxes $21.40. include dyke and drainage taxes.

Date: 14th July, 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 11th day of July 19 42.

Inspector's Signature "L. B. PLUMBLY"

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

Farm Appraisal Report

HAYASHI, Eikichi.

Remarks: This holding is well located on No.1 Road close to school and transportation facilities. Electric light is available. There are no buildings on the holding and land is in a very dirty state; no work has been done on it this year. Land appears to have been used for market garden crops and has been left in ridges, and weeds have a good hold and Canadian thistles are bad.

(FOR ORCHARD LANDS ONLY)

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

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

$

$

$

$

$

$

$

$

$

Total $

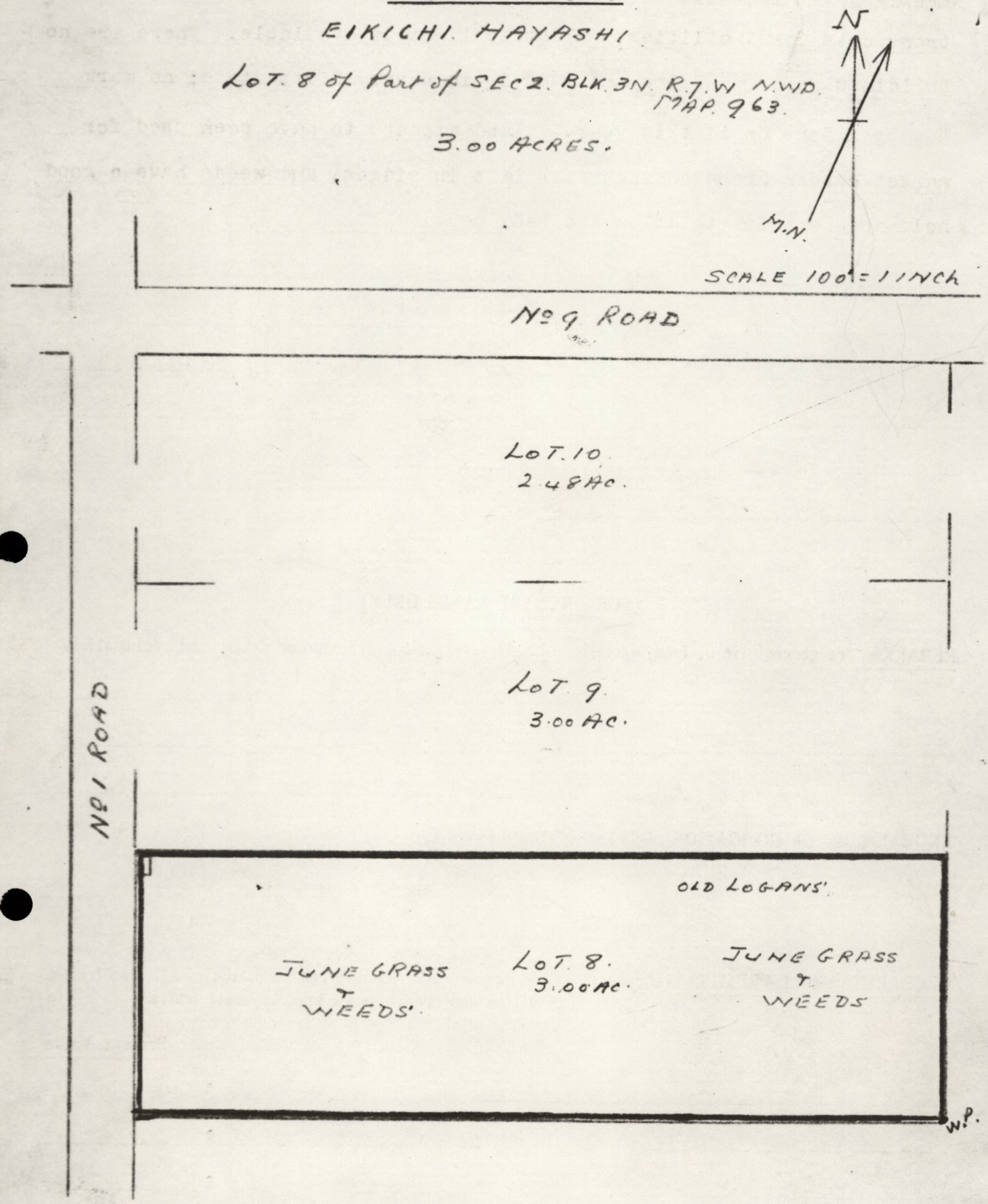
Amount fruit trees add to value of farm $

Diagram of Property

EIKICHI HAYASHI

LOT. 8 of Part of SEC 2. BLK. 3N. R.7.W N.WD.
MAP. 963.

3.00 ACRES.



Following careful review of this appraisal report, it is my opinion that the present value is $ 600.00

Date 15th July 1942

"I. T. BARNET"
District Superintendent.

EIKICHI HAYASHI
(Claimant's Name)

REAL ESTATE
(Farm Land)

02784
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 Cultivated not planted Cultivated and not in crop List Crops Market Garden Land No 1 Road near No 9 Road Lulu Island 1/2 mile from Steveston 10 miles from markets in Vancouver & New Westminster	3 acres. all cleared + Cultivated	Feb 20 1935 Agt. of Sale	Mrs. T. Kobayashi	$1400.00 (at $465.00 per acre)	all cleared & cultivated	No buildings	$1500.00
Total	3 acres						

EXHIBIT No. 139/2
DATE 16/7/48
FILED BY Mc Master

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

Description	When Made	Cost
Bridge over wide drainage ditch.		

BUILDINGS

Type	Size	Finish	Date Built	Cost Material	Paid for Labour	Value of Own Labour	Allowance for Depreciation	Estimated Value
Shed	6'x12'	Frame	1935	$100.00		Don't recall		$50.00

Comments

I am a fisherman by trade. In 1935 & 1936 my wife operated the property as a market garden. In 1937 she was not well so I rented it to a friend for a nominal rental of $15.00 per year. (The taxes were only $1.40). I did not try to sell as I wanted to keep the property for when I retired from fishing. This was an excellent piece of land & I believe it was worth at least $500.00 per acre when it was sold.

My friend Mr. Senyo Terashima who rented it took ill and had to give it up in late 1940. I didn't get around to renting it again before evacuation.

In the spring of 1943, I believe, the Custodian wrote me & asked if I wanted to sell but before I could reply I received a duplicate that it had been sold to Soldier Settlement Board. or V.L.A.

Comments re Appraiser's report not covered by above information:

E Hayashi
SIGNATURE