Name of Claimant ARAKI, Manzo

Case 187

Custodian File 5417

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	

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 46%	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	
				75.00	34.50			34.50

TOTAL RECOMMENDATION	34.50

1540

CASE NO: 187

JAPANESE PROPERTY CLAIMS COMMISSION

Vernon, B.C.

April 21, 1948

IN THE MATTER OF THE CLAIM OF

MANZO ARAKI

PROCEEDINGS AT HEARING.

Original

CASE NO: 187

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 J.R. ARCHIBALD, SUB-COMMISSIONER)

10 Vernon, B.C.

April 21, 1948

IN THE MATTER OF THE CLAIM OF

MANZO ARAKI

PROCEEDINGS AT HEARING.

20: APPEARANCES:

D.S. McTAVISH, Esq.,	appearing for the Dominion Government.
R.J. McMASTER, Esq.,	appearing for the Claimant.

T.J. MARRION, Esq.,	Secretary to Vernon Sub-Commission.
G.N.R. UPTON, Esq.,	Official Interpreter.
G. HAMBLETON, Esq.,	Official Reporter.

30

MR. McMASTER: I would like to call Manzo Araki, Case, No. 187.

MANZO ARAKI, the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. McMASTER: Your honour, with respect to the claim herein I would like to refer to the claim for a building appearing on the first page of the claim form. This is one of the houses which some of the Japanese persons built on the property of Dunsmuir Collieries at Cumberland. The allegation of the company is disclosed in the custodian's file. At the time of evacuation their allegation was that these houses were built on the understanding that if the persons building them left the property of the company that they would have no further rights and that the buildings affixed to the land --

THE COMMISSIONER: You mean left the employ of the company?

MR. McMASTER: Well, the original arrangement that is alleged by the company is that if they left the employ of the company, they would lose any right to the buildings. However, by virtue of statute a number of years ago, the Japanese were prohibited from working underground in the mines and a large number of the persons living in these houses lost their employment with the company. The company, however, continued to receive ground rent from them and let them continue to reside thereon. The allega-

tion of the company to the Custodian apparently was that the Japanese had no title to the houses. Some type of settlement was made with the company on a salvage basis.

At Lytton we had a case of a storekeeper who had erected a store on the premises, and the claim with respect to that building was held in abeyance pending argument and further evidence as to the actual agreement between the company and the Japanese. The original agreement apparently goes back to some time in 1888 or 1890, and so far I have been unable to find any evidence as to what the agreement was, and therefore, I propose not to withdraw the claim in this case, but not to press it at this time pending the outcome of the case at Lytton. If it is found that that the Japanese did have some right to these building as a result of the outcome of that case, then we may wish to file evidence in such manner as the Commissioner may approve in this case concerning the building.

With regard to the chattel claim, I would ask leave to reduce the chattel claim on the wardrobe to $12.00, on the dresser to $25.00, and to make the claim with regard to the beds limited to two beds and the value $50.00 or a total claim of $87.00.

DIRECT EXAMINATION BY MR. McMASTER:

Q: Witness, did you instruct Mr. Leckie to prepare this statement with regard to your personal chattels with respect to which you are making a claim?

A: Yes.

MR. McMASTER: Would you ask him to sign it, please?

(Interpreted) (Witness complies)

Q: Are the statements contained therein true to the best of your knowledge and recollection?

A: Yes.

MR. McMASTER: I would ask to file that as Exhibit No. 1.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. McMASTER: Does my friend have the Custodian's claims analysis?

10

(Handed to Mr. McMaster)

I file on behalf of my learned friend the Custodians Analysis of Personal Property Claim as the next exhibit.

(ANALYSIS MARKED EXHIBIT NO. 2)

I would point out, with regard to the Custodians analysis, that he shows the three chattels claimed for as having been abandoned in one column, and in another column he shows that one bed and two mattresses were stolen from the house. Perhaps my friend at least is prepared to admit that the beds at least were stolen.

20

MR. McTAVISH: One bed was stolen, your honour.

MR. McMASTER: One bed and two mattresses.

MR. McTAVISH: Yes, that is correct.

MR. McMASTER: I am producing from the Custodian's file, your honour, a letter dated September 28, 1943 purporting to be signed by Matt Brown, the Custodian's Agent from Cumberland, B.C., addressed to the Custodian's office, re this claimant, which reads as follows: (Reading)

30

Now, I would ask my friend if he could produce any document that shows that the wardrobe and the dresser were abandoned and one bed.

MR. McTAVISH: There doesn't seem to be anything on the file with regard to that, your honour.

MR. McMASTER: Perhaps in that case, your honour, I presume my friend will be adducing evidence to substantiate the claims analysis in that respect.

Q: Witness, did you have more than one wardrobe at these
10 premises that you left behind?

A: I had one wardrobe with a mirror.

Q: And that is the one with respect to which you are making a claim?

A: He says, something to hang clothes in, which means a sort of dresser or wardrobe.

Q: Yes. Well, did he have more than one?

A: Yes, he had one each; one wardrobe and one dresser.

Q: Yes. Well, now, did he have any more than those two, put the question that way, one wardrobe and
20 one dresser. A: I had one more.

Q: Yes. A: No, he didn't have any more.

MR. McMASTER: Your witness. I am sorry, I have one more question, Mr. McTavish.

Q: With respect to these things concerning which you are claiming, were they all left at your premises at Cumberland? A: Yes.

Q: Were they ever shipped to you or did you ever receive them? A: No.

30 MR. McMASTER: Your witness.

MR. McTAVISH: It is submitted, your honour, the prices claimed by the claimant are exhorbitant.

Q: With regard to the property at Cumberland, you paid ground rent for this property?

A: I paid a nominal rent of 50¢ every month.

Q: And when did you last pay rent on the property?

A: I paid rent up to 1936.

Q: When you evacuated the property, did you complete this J.P. form?

10 A: This is my signature.

MR. McTAVISH: I put this in as Exhibit 4.

(J.P. FORM MARKED EXHIBIT 4)

MR. McTAVISH: The J.P. form, your honour, lists the articles claimed by the claimant, it shows their value. The value of the wardrobe and dresser is that claimed by the claimant. It lists the value of four beds as $85.00.

No further questions, your honour, it is merely a question of value.

20 MR. McMASTER: No questions.

THE COMMISSIONER: Very good.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

Gadon Hambleton
G. Hambleton
Official Reporter.

I hereby certify the foregoing transcript purports to be an accurate record of the evidence adduced before me.

30 J. Archibald
SUB-COMMISSIONER.

CASE No 187

NOV 27 1947

NOTIFIED

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

5417

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

(1) NAME ARAKI (Print) Surname MANZO Given Name (RCMP) Reg. No. 09317

(2) Pre-Evacuation Address BOX 528 CUMBERLAND, B.C.

(3) Present Address BOX 14 ~~CUMBERLAND~~ WESTBANK, B.C.

(4) REAL ESTATE

(a) Street Address (if any) ..... City or Municipality, ... Province

(b) Legal description (lot number, block number, section number, etc.) .....

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

(i) ~~Farm~~
(ii) Residence NO LAND ~~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.) .....

(e) Fair market value at date of sale (estimate this to the best of your ability):

(i) Land - - - - - - - - - - - - - - - - $.....

(ii) Buildings - - - - - - - - - - - - - - - $ 1000.00

(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - - - - - - - - - - - $.....

(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - $.....

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

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 1000.00

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation
AT HOME CUMBERLAND, B.C.

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

(c) How stored or packed at time of evacuation
LEFT AS IT WAS

(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") MR. MATT BROWN CUMBERLAND, B.C.

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

1. WARDROBE — Estimated Value $ 35.00
2. DRESSER — Estimated Value $ 50.00
3. 3 BEDS — Estimated Value $ 75.00
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 $ 160.00

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) - $ 1160.00

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

(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, Manzo Araki of the District
of Westbank in the Province of British Columbia

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 Kelowna)
in the Province of British Columbia)
this 22nd day of November)
A.D. 1947.)

M. Araki

C.H. Jackson
Notary Public in & for the Province of 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.

MANZO ARAKI
(Claimant's Name)

PERSONAL CHATTELS

09317
Reg. No.

Description of Major Items (and particularly of goods lost, stolen or destroyed)	Approximate Date Purchase	New or Used When Purchased	Price Paid	Condition when Evacuated	Estimated value at Date of Evacuation
1 Wardrobe	1940	new	35.00	good	25.00
1 Dresser	old			useable	12.00
1 Double steel bed (spring + mattress)	1939	used	60.00	good	35.00
1 Double steel bed (spring)	old			usable	15.00
				Total claim	87.00

EXHIBIT No.
DATE
FILLED BY

Description of Storage of Goods: Stored in my house at Cumberland, B.C. House locked and key left with Matt Brown, custodian's representative at Cumberland.

General Statement as to Chattels not Described above:

All shown above.

Additional Comments , if any:

I have estimated the value of the above articles at their market value at the time of evacuation.

M. Araki
SIGNATURE

EXHIBIT No. 187-1
DATE 21 April 1948
FILLED BY
Claimant.

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No 5417 EXHIBIT No.

REG. No. 09317

NAME ARAKI, Manzo

DATE	INVENTORY	DETAILS OF CLAIM		SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO AI
DECLARATION Apr.17/42 EVACUATION ?	TAKEN BY Matt Brown DATE Sept. 21/42			AUCTION	TENDER &c			
At Cumberland, B.C., Jap. Town #5, House No. 102. 1. Stove - $75.00 2. Kitchen Cabinet $5.00 3. dresser - $12.00 4. Wardrobe - $25.00 5. Beds (4) - $85.00 6. Sink - $ 7.00 7. Bathhouse, Woodshed - $150.00 8. Kitchen utensils - $180.00 9. Chairs (7) - $ 8.50 10. Table - $ 5.00 11. Dresses - $150.00 12. Books - $75.00 13. Heater - $15.00 14. Coal heater - $25.00 - - - - - - 15. Sewing Machine $126.00 at Miss Nora Forest, Courtenay, B.C. 16. Rifle - $60.00) 17. Shotgun - $35.00) at Cumberland Court House.	1. House #102, #5 Jap. Town, Cumberland, B.C.- in poor condition. All goods of value shipped May 24/42, namely:- 2. 3 boxes bulk effects 3. 1 trunk 4. 1 sewing machine 5. 1 carton effects 6. 1 wash tub effects. Balance of effects of little value and left in boarded up house.	House 1,000.00 Wardrobe 35.00 Dresser 50.00 3 Beds 75.00 $ 1,160.00 Recap of Claim: $1,000.00 payment (salvage value) $25.00 110.00 abandoned 50.00 theft $1,160.00						

EXHIBIT No. _____ CASE No. _____

VENUE _____

ENDER &c	SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD		REMARKS
							25.00	Payment from land-owner, estimated salvage value.
				35.00				
				50.00				Apart from goods shipped, nothing removed from house by Custodian.
				25.00	50.00			1 Bed, 2 mattresses stolen from house, see
				110.00	50.00		25.00	ltr. Oct. 4/43.

Report, Sept.21/42 - Matt Brown
House on Canadian Collieries "D" Ltd. property.
No ground rent paid since July, 1928.

All goods of value shipped to B.C.S.C. on May 24/42.
"All effects of very little value are left in house which is boarded up. I may state that the value this party has on his house and goods is out of all reason. This house is in poor condition."

Macleson
March 24/48

EXHIBIT No. 187-2
DATE 21 Apl 48
FILED BY Brown

EVACUATION SECTION
Rec'd SEP 30 1943
File No.
Ans.
Referred Green

P.O. Box 431,
Cumberland, B.C.
Sept 28/43.

Mr. H.F. Green,
Protection Dept.,
Office of the Custodian,
Japanese Evacuation Section,
Vancouver, B.C.

Dear Sir:-

RE: ARAKI File # 5417

Kindly find enclosed letter received from the above party asking us to ship the articles mentioned in their letter on to them. "The two good mattresses they ask for are gone. On June 13/42 this house was broken into and I complete bed taken away and probably other articles. The mirror they also ask for cannot be found. Enclosed also find Police report covering same.

We have 2 old mattresses of theirs in # 5 storage hall which we could send along to them."

Awaiting your remarks and instructions.

Yours truly

Matt Brown.

Matt Brown.
Custodian Agent.

MB/MAB
Encs.

EXHIBIT No. 187-3
DATE 21 April 1948
FILLED BY Claimant

FORM "JP"

FILE No. 5417.

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 INFORMATION

NAME: ARAKI Manjo

HOME ADDRESS: Cumberland, B.C. Japanese Town No. 5

REGISTRATION NUMBER 09317 SEX: Male AGE: 57

OCCUPATION: Watchman

(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: S. Sasaki.

MARRIED? Yes.

NAME OF WIFE OR HUSBAND: Natsuko. File 6308 - No claims on file 10-11-49 EA

ADDRESS OF WIFE OR HUSBAND: as above.

NAMES OF ANY LIVING CHILDREN: Kinoe (M)

Tamiko (F)

Kaname (M)

ADDRESS OF CHILDREN: as above.

AGE OF CHILDREN: 13, 12, 10.

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

1. LOCATION AND DESCRIPTION: None

2. BUILDINGS AND OTHER IMPROVEMENTS: Cumberland, B.C.

Japanese Town, No.5.

Dwelling House. Cost $1,200.00.

3. INSURANCE (Give particulars; state where policies are) None

4. TAXES (Amount and where payable) Taxes paid by the Cumberland Lake Lumber Co. Ltd., Cumberland, B. C.

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

6. OCCUPANCY AND LEASES (If vacant so state) None

EXHIBIT No. Ex 187-4

DATE 21 April 1948

FILED BY Crown

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: None

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: None

9. IF FARM LAND STATE CROPS SOWN None

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: None

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:

At Cumberland, B.C. Japanese Town No.5., House No.102.

Household Furniture and Personal Effects as per attached list.

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

and indirect.

Dated this 17

M. Wright

Wi

FOR DEPARTMENTA

Sewing Machine $26.00 Miss Nora Foresh,
Courtenay B.C. ✓ Shipped

Stove	$75.00
Kitchen Cabinet	5.00
Dresser	12.00
Wardrobe	25.00
Beds (4)	85.00
Sink	7.00
Bathhouse, Floodded	150.00
Kitchen Utensils	180.00
Chairs (7)	8.50
Rifle	$60.00 Cumberland
Shotgun	35.00 Court House
Table	5.00
Dresses	150.00
Books	75.00
Heater	15.00
Coal Heater	25.00

Cumberland B.C. No. 5 House #102

FORM "JP" FILE No.

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)
$80.00 DuncanMac Alister, R.R.#1, Courtenay, B. C.

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)
$10.00 War Savings Certificates, in the owner's possession.

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: To Iwasa $65.00. ($65.00)) All reside at
Nakano $80.00.) Hastings
Matsubuchi 45.00.) Park, City.
Cl 42.39-1 Cumberland Electric $40.00, Cumberland, B.C.
Dry Goods. MacKinnon $20.00, Cumberland Station, Cumberland, B.C.
Matt. Brown 20.00, owns a Grocery Store at Cumberland, B.C.

2. TRADE DEBTS: None

REMARKS: None

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 17th day of April. 1942.

(Signature) Mango. Aoki

M. Wright
Witness

FOR DEPARTMENTAL USE