

Name of Claimant YAMANAKA, Sadakichi

Case 40

Custodian File 5482

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		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 & 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 CHATELS											
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				
400.00	89.35	26.80	22.34%	546.00	121.97			148.77			
TOTAL RECOMMENDATION											148.77

CASE NO: 40.

JAPANESE PROPERTY CLAIMS COMMISSION.

Lytton, B. C.,

January 15th, 1948.

IN THE MATTER OF THE CLAIM OF
SADAKICHI YAMANAKA.

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)

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Lytton, B.C.,
January 15th, 1948.

IN THE MATTER OF THE CLAIM OF
SADAKICHI YAMANAKA.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

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

A. WATSON, Esq.,	Secretary.
D.J. HANFORD, Esq.,	Official Interpreter.
G. HAMBLETON, Esq.,	Official Reporter.

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S. Yamanaka,
In Chief.

MR. McMASTER: My lord, before proceeding with this case,
I think I ought to say that this man did not have
legal advice in preparing his claim. It appears
possible that he may have a claim with respect
to the sale of his boat; apparently it is a situa-
tion not dissimilar to the one we dealt with yes-
terday. Until I get full information, I am not
able to advise him. I would therefore ask leave,
in the event of counsel advising him that he has a
proper claim with respect to his boat, to amend the
claim at a later date and to have him appear and
give evidence in respect to it.

THE COMMISSIONER: You had better treat that as a
separate claim. I will give you leave to file
another claim if you are so advised.

MR. McMASTER: Yes, that is what I proposed to do, my
lord.

SADAKICHI YAMANAKA, the claimant herein,
being first duly sworn, testi-
fied through the Interpreter
as follows:

DIRECT EXAMINATION BY MR. McMASTER:

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

A Yes.

Q With respect to your claim for chattels, did you
ask Mr. Leckie to prepare this form for you and
give him the information that appears on there?

A Yes.

Q Would you be good enough to sign the form, please?

30 A (Witness complies).

S. Yamanaka,
In Chief.

Q Are the statements contained in that form true to the best of your knowledge and recollection?

A Yes.

MR. McMASTER: Exhibit 1, my lord.

(STATEMENT MARKED EXHIBIT NO. 1).

MR. McMASTER: I would ask my learned friend to produce an inventory dated December 26th of goods which were found by the Custodian belonging to this man. (Handed to Mr. McMaster).

10 Q Did you receive this document from the Custodian's office? A: Yes.

Q December 26th, 1947, is the date on the document. Is that your signature on the document?

A Yes.

Q Are the chattels that are shown in that document your property -- were they your property?

A Yes.

Q Did you leave those chattels in your house at Steveston at the time you were evacuated?

20 A Yes.

Q As shown in the form that we filed as Exhibit 1?

A Yes.

Q Since your evacuation have you ever received any of those chattels? A: He has had his icebox sent to him.

Q He had his icebox sent to him. Does that appear on here? A: It does

not appear on the list but it was actually sent.

30 Q Is that the frigidaire that is described on this

S. Yamanaka,
In Chief.

list that was rented to Mr. Tommy Sterling?

A That is the item.

Q With the exception of the icebox which you say you received, the frigidaire, are the items appearing in that list the items that you are claiming for as having been sold at less than a fair market value?

A: Yes.

MR. McMASTER: I file that as an exhibit, my lord.

(LIST MARKED EXHIBIT NO. 2).

10 MR. McMASTER: I would ask my friend to produce the auction sale report. (Handed to Mr. McMaster).

Q Now you refer in your statement, witness, to "I have now been shown a list of such articles--" that is, the articles that the Custodian sold. "--and I consider that the prices obtained were far below a fair market value for the same". Can he advise me as to whether it was the auctioneer's report that he saw, or the claim analysis which the Custodian had produced to his counsel?

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A: In the claims list.

Q The claim analysis that the Custodian had produced?

A: Yes.

MR. McMASTER: Has my friend a copy to file?

MR. HUNTER: Yes.

MR. McMASTER: I will file the claim analysis, my lord.

(CLAIM ANALYSIS MARKED EXHIBIT NO. 3).

Q Now on the claim analysis, witness, the Custodian shows quite a number of goods which were abandoned by him, included are the electric

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S. Yamanaka,
In Chief.

washer, the sewing machine, child's sewing machine, heavy cast cookstove,-- you might just read him that list if you would be good enough, Mr. Interpreter.

(List interpreted).

Were any of these goods damaged or in poor condition the last time you saw them so as not to make them saleable?

A No, apart from normal use they were not damaged.

10 THE COMMISSIONER: Well I take it then, Mr. Interpreter, the witness means by that last answer that the goods shown as abandoned in Exhibit 3, at the time of evacuation were all in good condition subject to their having been in use for some time, is that the situation?

THE INTERPRETER: Yes.

MR. McMASTER: Q: Witness, in your claim form you set out certain values opposite each article to which you refer? Do those values which you have set forth represent what you consider would have been a fair market value at the time you were evacuated?

20 A Yes.

Q Witness, assuming that the goods were in the same condition at the date of sale as the date on which you were evacuated, would you also say that those values that you set forth would fairly represent the market value at the date of sale?

30 A Yes, he thinks they are reasonable.

S. Yamanaka,
In Chief.

MR. HUNTER: He thinks what?

THE INTERPRETER: He thinks they are reasonable.

MR. McMASTER: Q: What have you to say with respect to the values that are shown on this claims analysis, that is, the prices shown on this claims analysis of the goods that were sold by the Custodian? Would you refresh his memory as to what some of those prices were? It is the second column which shows the sale price.

10 THE INTERPRETER: The whole list?

MR. McMASTER: No, just a few of them will do, I think.

(List Interpreted).

A He thinks they are very low prices.

Q In the list which the Custodian sent to you, Exhibit No. 2, there is an item described as "six wooden cases, dishes," and in your claim for them you refer to "six sets heavy dishes". Are those items the same or is there some difference between them?

20 A He is not sure what is referred to by "six wooden cases of dishes", but he knows that he left six sets of dishes.

Q Did he have them packed in separate containers?

A No, they were in one box.

MR. McMASTER: I would point out, my lord, in this case the claims analysis apparently doesn't deal with two items in the claim which I believe are on the inventory which the Custodian took, the six sets of heavy dishes and the one
30 bundle of pots and pans. Perhaps the Custodian

S. Yamanaka,
In Chief.
Cross-Exam.

can advise as to whether those have been abandoned or what became of them, six sets of heavy dishes and one bundle of pots and pans. I am also instructed by my client, my lord, to abandon his claim with regard to the marine compass, \$40.00, that is shown on the inventory as having been in the possession of the Navy and not in the possession of the Custodian. He has no personal knowledge whether it was or not. Your witness,
10 Mr. Hunter.

CROSS-EXAMINATION BY MR. HUNTER:

Q Mr. Yamanaka, you believe these to be fair prices which you had set opposite your claim, but have you any knowledge of what some of the items were selling for at the time?

A No, he has no personal knowledge.

THE COMMISSIONER: He has no personal knowledge.

THE INTERPRETER: He has no personal knowledge.

20 MR. HUNTER: My lord, we shall have to adduce evidence later, which we hope to do, but since my friend has abandoned the claim for the compass, we might also add that our information is that the blow torch was also part of the equipment on the boat and taken over by the Navy.

MR. McMASTER: Does that appear on the inventory,
Mr. Hunter?

MR. HUNTER: I don't think so. Yes, it is there.

MR. McMASTER: I am sorry, my lord, that appears
30 as being taken by the Navy, and I would just

S. Yamanaka,
Cross-Exam.

like to ask my client about it.

Q I understand from Mr. Hunter, and it shows on this inventory, witness, that in addition to the compass the blow torch was taken by the Navy. On your instructions we have abandoned your claim with regard to the compass. Are you prepared to abandon the claim with regard to the blow torch?

A: Yes, he is willing to abandon the claim.

10 MR. McMASTER: I will apply for leave, my lord, to do that.

MR. HUNTER: I think that is all, my lord.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

Gordon Hambleton

"G. Hambleton"
Official Reporter.

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CLAIM LISTS. Yamanaka,
Custodian File NO. 5482*sale*
main

3 only Chest Drawers:	1 Teak finish	\$60.00
	1 Mahogany finish	50.00
	1 Fir finish	30.00
1 only Dresser		25.00
1 only Oil Heater		35.00
2 only Table model Gramophones		58.00
1 Electric Washer		100.00
1 Wringer for above		5.00
1 Sewing Machine (Childs)		7.00
1 Clothe Basket, containing Dishes		50.00
1 Box Dishes, and kitchenware		80.00
1 Ropes & Block		30.00
1 Iron Cot with Mattress		12.50
1 Mahogany Table with Electric Hotplate		20.00
3 Boxes Figures (Festibal Dolls.)		12.00
2 Packs of WOOL		5.00
2 Mirrors		5.00
1 Kitchen Scale		1.50
~~1 Marine Compass (to Navy)~~	~~40.00~~	} <i>abandoned</i>
~~1 Blowtorch~~	~~6.95~~	
6 Sets Heavy Dishes		12.00
1 Bde Pots and Pans		10.00
1 Only Cook Stove. (Heavy Cast)		75.00
1 Heater Stove		25.00
3 only Steel Bed		45.00

CLAIM LIST (Cont'd).

3 Springs for above	36.00
3 Mattress for above	30.00
5 Only Kitchen CHAIR	5.00
1 Stromberg Carlson Electric RADIO	100.00

Total Personal Property Claim \$970.95

40

\$930.95
6 95

\$924.00

EVACUATION SECTION	
DEC 30 1942	
F. No. _____	
L. No. _____	
Referred _____	

Name: YAMANAKA, Sadakichi

File: 5482

Reg.No: 04276

EXHIBIT No. 40-7
 DATE 15 Jan 1948
 FILED BY R. J. Wemaster.

CHATELS

- 3 Chests drawers ✓
- 1 Dresser with mirror ✓
- 1 Oil heater ✓
- 2 Table gramophones ✓
- 1 Wringer ✓
- 1 Small sewing machine
- 1 Clothes basket dishes
- 1 Box dishes
- 1 Large coil rope & blocks
- 1 Iron cot & mattress
- 1 Small table & stove
- 3 Boxes figures
- 2 Packs
- 2 Mirrors
- 1 Small scale ✓
- 1 Compass (Taken by Navy)
- 1 Blowtorch " " "
- 6 Wooden cases dishes
- 1 Bdle. pots & pans

Left in the House

- 1 Cook stove ✓
- 1 Heater
- 3 Iron beds
- 3 Springs
- 3 Mattresses
- 5 Chairs
- 1 Old fashioned washer

✓ * 1 FRIGIDAIRE (GENERAL ELECTRIC) RENTED TO MR. TOMMY
 STERLING, 195 W. 39TH AVE. VANCOUVER, B.C.

sold. * (1 TEN TUBE RADIO (STROMBERG CARLSON) } IN CUSTODY OF
 ✓ * 1 SIX " RADIO (BATTERY SET, VICTOR) } J. W. KELLY PIANO CO. LTD.
 VANCOUVER, B.C.
 THROUGH RIVER RADIO CO.
 STEVESTON, B.C.

This represents all my chattels in the restricted area of
 British Columbia.

Date: DECEMBER 26TH 1942 Signed S. Yamanaka

Please sign and return one copy to this office.

Analysis of Personal Property Claim

Claimant: Sadakichi YAMANAKA

File No. 5482

<u>Article:</u>	<u>Amount:</u>	<u>Sold(suction)</u>	<u>Missing:</u>	<u>Never in our possession:</u>	<u>Suspense:(not sufficient information to show ownership)</u>
teak finish chest of drawers	\$60.00	\$5.25			
mahogany finish chest of drawers	50.00	3.00			
fir finish chest of drawers	30.00	2.50			
1 only dresser	25.00	4.00			
1 only oil heater	35.00	11.75			
2 only table model gramophone	58.00	5.25			
1 wringer for electric washer	5.00	3.00			
1 clothes basket containing dishes	50.00		0.85(basket)		this basket was transferred to Suspense-see below.
1 box dishes & kitchen-ware	80.00		12.10		
1 mahogany table with electric hotplate	20.00		0.25(table only)		
2 mirrors	5.00	1- 0.50		1	
1 kitchen scale	1.50	2.00			
1 Stromberg Carlson Electric Radio	100.00	40.00			
ropes & block	30.00			x	
3 boxes figures (festival dolls)	12.00			x	
2 packs of wool	5.00			x	
1 marine compass	40.00				x
1 blowtorch	6.95				x
1 iron cot with mattress	12.50				\$ 2.00
1 clothes basket containing dishes (see above)					0.85 (basket)

EXHIBIT No. 40-3
 DATE 15 Jan 1948
 FILED BY R. J. McMaster.

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Analysis of Personal Property Claim
Page 2.

Claimant: Sadakichi YAMANAKA

Article:	Amount:	Abandoned Goods:
electric washer	\$100.00	x
1 sewing machine (child's)	7.00	x
1 only cook stove (heavy cast)	75.00	x
1 heater stove	25.00	x
3 only steel bed	45.00	x
3 springs for above	36.00	x
3 mattress for above	30.00	x
5 only kitchen chairs	5.00	x

323 r

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NOV 29 1947

base 40

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

NOTIFIED

5482

Kamloops
Lillooet

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

(1) NAME YAMANAKA Sadakichi (RCMP) Reg. No. 04276
(Print) Surname Given Name

(2) Pre-Evacuation Address Steveston, B.C.

(3) Present Address LILLOOET, 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 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 - - - - - \$ _____
(iii) If business, put value on business as going concern
(including land and buildings, tenancies, chattels,
fixtures, stock-in-trade, goodwill and accounts re-
ceivable) - - - - - \$ _____
(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) - - - \$ _____

(5) PERSONAL PROPERTY

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

Own home at Steveston, 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 In a sealed (locked) room.

(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")

In Custodians' Care.

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

- | | |
|--|--------------------|
| 1. <u>CLAIM List on attached form.</u> | 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 \$ 970.95

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)) - - - - - \$ 970.95

- (6) (a) Place at which claimant prefers to be heard.
(Vancouver, Kamloops, Nelson, Lethbridge,
Moose Jaw, Winnipeg, Toronto or Montreal.)
- (b) Do you require the services of an interpreter
at the hearing? Yes or no YES.

KAMLOOPS, B.C.

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 British)
Columbia TO WIT:)

I, Sadakichi YAMANAKA of the Village
of Lillooet, County of Cariboo 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 Village)
of Lillooet, County of Cariboo)
in the Province of B. C.)
this 27th day of November)
A.D. 1947.)

S. Yamanaka
O. G. E. E. E.
A Commissioner &c A Stipendiary Magistrate
County of Cariboo

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.

Sadakichi Yamanaka
(Claimant's Name)

PERSONAL CHATTELS

EXHIBIT No. 40 - 1 04726
DATE 15 Jan 1948 Reg. No.
FILED BY R. J. McMaster.

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 Stromberg-Carlson electric radio	1931 or 1932	new	\$215.00	good	\$100.00
1 Electric washer	1927	"	\$240.00	good	\$100.00
1 gas stove (heavy cast iron)	1930	"	\$120.00	good	75.00
3 steel beds	7-10 yrs old	"	60.00	good	45.00
1 oil heater	1930	"	50.00	good	35.00

Description of Storage of Goods: Stromberg radio was in storage at Kelly's Piano in Vancouver and the RCMP obtained from there. All other articles were left in my house at Steveston. Doors were locked and nailed and windows nailed. Custodian removed from there but just how long after my evacuation I am not aware.

General Statement as to Chattels not Described above: all itemized and estimated values noted on list attached to my claim form.

Additional Comments, if any: I have never received an itemized statement from the custodian showing the prices received for my chattels which he sold at auction. However I have been shown a list of such articles and I consider that the prices obtained were very far below a fair market value for the same -

S. Yamanaka
SIGNATURE