

Custodian File 15356

REAL PROPERTY										
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village		Total	
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		
						% of Total	Amount	% of Total	Amount	% of Total
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			
							% of Total	Amount	% of Total	Amount
TOTAL RECOMMENDATION										00

CASE NO: 899

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

Winnipeg, Manitoba.

September 14th, 1948.

IN THE MATTER OF THE CLAIM OF

SUTEZO MIYANISHI

PROCEEDINGS AT HEARING

Original.

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1. REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

B E F O R E

(THE HONOURABLE MR. JUSTICE A.G. BUCKINGHAM, SUB-COMMISSIONER)
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Winnipeg, Manitoba.

September 14th, 1948.

IN THE MATTER OF THE CLAIM OF

SUTEZO MIYANISHI

PROCEEDINGS AT HEARING

20 APPEARANCES:

F.M.FERG, Esq., Appearing for the
 Dominion Government.

S.M.CHERNIAK, Esq., Appearing for the Claimant.

G.N.R.UPTON, Esq., Official Interpreter.

MARK H. PEARCE, Esq., Official Reporter.

S.Miyanishi
In Chief.

SUTEZO MIYANISHI, the Claimant herein, being
first duly sworn, deposed as follows:

DIRECT EXAMINATION BY MR. CHERNIAK:

Q Mr. Miyanishi, I show you a typewritten statement,
was this prepared in accordance with your instru-
ctions? A Yes.

Q $\frac{1}{2}$ And 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. CHERNIAK: Your Honour, I will file this as
EXHIBIT 1.

(PERSONAL CHATTEL STATEMENT, EXHIBIT 1.)

MR. CHERNIAK: When your Honour receives Exhibit 1
you will find, Sir, that these goods, for which
claim is made of \$100.00 is a bedroom suite, a
double bed and a child's crib. These goods were
not reported to the Custodian and from the Cust-
odian's file it would appear that the Custodian
did not inventory the goods and should that be
the case then we would abandon our claim. How-
ever, the goods were stored at the Continental
Daily News, in that building, along with many
other goods belonging to evacuees and the Cust-
odian no doubt went in there and took over the
goods and disposed of them some way or another.
It may be that these goods were disposed of by
the Custodian without the Custodian knowing that
they belonged to this claimant and it may be that

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S.Miyanishi.
In Chief.
Cr-Exam.

should the Custodian check his records now, they may locate the goods and apportion them. Should they do so our claim will stand. I have put this explanation in Exhibit 1 and with Exhibit 1 I am proving the necessary details and I am leaving it to the Custodian to inform the Commissioner in due course whether they have located these goods and if not our claim will therefore be dropped.

10 MR. FERG: It is submitted on behalf of the Government, Your Honour that the prices charged are unreasonable.

CROSS-EXAMINED BY MR. FERG:

Q I will show you a letter Mr. Miyanishi, is that your letter? A Yes.

MR. FERG: This letter, Your Honour is dated at New Denver, B.C., on November 27th, 1943 and reads "Dear Sir: In replying to your letter of Nov 15th I have no property of any kind remaining in protected area. I use to have few personal property but my wife disposed everything before she leave Vancouver.

20

And as you says you have information from R.C.M.P. that I owned an automobile, Yes I use to owned it, but before I go to road camp I sold to the fellow who work in Johnson Storage.

I guess this clear the matter what you want to know. Yours truly F.S.Miyanishi." I will file that as an Exhibit, Your Honour.

S.Miyanishi.
Cr-Exam.

MR. FERG:

Q I show you a yellow card, is that your signature?

A Yes, Sir.

MR. FERG: This is a card, Your Honour, containing information concerning the claimant with these words at the end "I certify that the above information is true and complete and state that I have no property of any kind whatsoever in any protected area in British Columbia."

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(YELLOW CARD, EXHIBIT 3.)

Q When did you store these goods that you are now claiming for? A October, 1942.

Q When were you evacuated from the protected area?

A March 15th, 1942

Q Did you go back to B.C. and pick up these goods?

A No.

Q Who stored them for you? A My wife.

Q Was she in the protected area?

A Yes, at that time.

20

Q And she stored them where?

A Continental Daily News

Q What arrangements did you make with them about the goods? A I tried to send over to Mr. A.G.Young.

Q You arranged with him to store the goods there?

A Not arranged, but he looked after these goods, this property, so I wrote a letter to him to send over.

Q You wrote a letter to him and asked him to keep these goods for you? A No, I didn't ask

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S.Miyanishi.
Cr-Exam.

him, the Manager Of the Continental Daily News
he asked Mr. Young to look after them.

Q To look after them for you?

A No, everybody that stored their goods there.

Q There were other Japanese goods stored there?

A Yes.

Q Did you put a tag on these goods?

A Yes.

Q And your name too? A Yes, and serial
number.

10

Q That is your own registration number?

A That is right.

Q You are claiming \$100.00 for these articles; what
did you pay for the bedroom suite?

A I am not sure but over \$100.00.

Q When did you purchase it? A I am not sure,
but I put it on the paper, didn't I?

Q Do you remember, were the articles old or new?

A Quite new, yes.

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Q And can you tell me now when you purchased them?

A 1938 or something.

Q Well, you have in your claim the approximate date
of purchase, bedroom suite, 1941?

A 1941, that is one of the beds.

Q In 1941? A Yes, there is another one.

Q You have the double bed, do you remember when you
purchased that? A 1938.

Q And the baby's crib? A Yes.

Q When was your baby born? A I got lots of
babies.

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S.Miyahishi.
Cr-Exam.
Re-Exam.

Q You bought the crib when? A When did I say there?

Q 1940? A Something like that.

Q And you say you didn't report these things at all to the Custodian? A No, because there was lots of room around there and if they took it over they sold by auction.

Q You were afraid they would do that and for that reason you didn't report it to the Custodian?

10 A Yes.

Q And you thought that if you left them with the Continental News you could get possession of them yourself later on? A Yes.

MR. CHERNIAK: Reference was made to a Mr. Young and I am only doing this in the hopes of assisting the Custodian in locating these goods.

RE-EXAMINATION BY MR. CHERNIAK:

20 Q I show you a letter on the stationery of Albert H. Young, Barrister and Solicitor; was that letter received by you in 1945?

A Yes.

MR. CHERNIAK: I would like to file this as an Exhibit only in the hope that it will help the Custodian. It is a letter from Mr. Albert H. Young, Barrister and Solicitor, Vancouver, B.C., dated March 2nd 1945 and it reads as follows " Mr. S.Miyahishi, New Denver, B.C., Dear Sir:- I received your letter of February 26th, inquiring as to your bed frame, etc., stored in the Tairiku building. I

S.Miyanishi
Re-Exam.

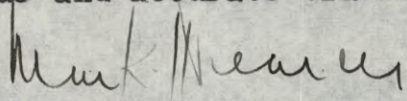
am sorry to inform you that it is now too late for me to do anything about your belongings. The Custodian's Office will only send to evacuees such effects as clothing, pictures, keepsakes, religious symbols, etc. All the other goods are sold by auction. Yours truly."

(LETTER, EXHIBIT 4.)

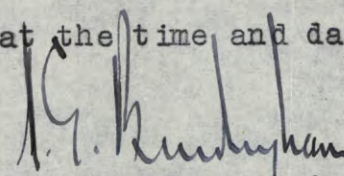
10 MR. CHERNIAK: That would indicate that these goods had been taken over by the Custodian and it maybe, by checking, that the Custodian could locate these goods.

(PROCEEDINGS ADJOURNED SINE DIE)

Certified to be a true and accurate transcript.


(MARK H. PEARCE)
OFFICIAL REPORTER

20 I, the undersigned Sub-Commissioner hereby certify that the foregoing 7 pages of typewritten matter contain a true and accurate record of the sub-commission held in the Law Courts Building, Winnipeg, Manitoba, at the time and date first above mentioned.


(SUB-COMMISSIONER)

(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")

Left in care of Albert H. Young, Barrister, 207 West Hastings St., Vancouver,
and I was advised by Mr. Young that they were sold by custodian.

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

- | | | |
|--|--------------------|---------------|
| 1. <u>Bedroom suite consisting of bed and bureau</u>) | Estimated Value \$ | _____ |
| 2. <u>1 double bed</u>) | Estimated Value \$ | <u>100.00</u> |
| 3. <u>1 baby's crib</u>) | 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 \$ 100.00

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) - - - - - \$ 100.00

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

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 Manitoba)
 TO WIT:)

I, Sutezo Miyanishi of the City _____
 of Winnipeg in the Province of Manitoba

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 Winnipeg)
 in the Province of Manitoba)
 this 13th day of November)

S. Miyanishi

A.D. 1947. [Signature]
 & BARRISTER AT LAW ENTITLED TO 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.

(Claimant's Name)

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
bedroom suite consisting of bed & bureau	1941	new	over \$100	good)	100.00
1 double bed	1938	new	over \$60	good)	
1 baby's crib	1940	new	15.00	good)	

Description of Storage of Goods: Stored at Continental Daily News, 135 Cordova St. Vancouver, B.C. and not reported to Custodian.

General Statement as to Chattels not Described above: If these goods were not found by Custodian my claim will have to be withdrawn. If however the Custodian can find some trace of it (and I must leave it to him to check his records and advise the Commissioner) then my claim can stand. I feel that the fair market value of these items at date of evacuation was at least \$100.00.

Additional Comments, if any:

EXHIBIT NO.

899-1

DATE

Sept. 14/48

FILLED BY

Claimant

S. Miyanishi

Signature

EXHIBIT 899 - 2

DATE Sept 14/48
FILED BY

Crown

EVACUATION SECTION	
Rec'd	<i>Dec 3/43</i>
File No.	
Ans.	<i>S. M. C.</i>
Referred	

New Denver, B. C.

November 27/43

Dear Sir:

In reply to your letter of Nov 15th I have no property of any kind remaining in protected area. I use to have few personal property but my wife disposed everything before she leave Vancouver.

And as you says you have information from R.C.M.P that I owned an automobile, yes I use to owned it, but before I go to road camp I sold to the fellow who work in Johnson Storage.

I guess this clear the matter what you want to know.

Yours truly,

"F.S.Miyanishi".

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.

December 9th 1948

F. S. Miyanishi

FORM J-1

EVACUATION SECTION

Rec'd DEC 3 1948

File No. _____

Ans. Dnc

**OFFICE OF THE CUSTODIAN
JAPANESE SECTION**

FILE NO. 15356

EXHIBIT No. 899-3

DATE Sept 14/48

FILED BY

Crown

To be completed by persons of the Japanese race having no property in any protected area.

NAME Chape **Frank Sutezo Miyanishi**

HOME ADDRESS: 477 Powell St. Van. B.C.

REGISTRATION No. 11287

SEX: Male

AGE: 40

MARRIED? Yes

OCCUPATION AND EMPLOYER: Salesman

Slade & Stewart Ltd

NAME OF WIFE OR HUSBAND: Tamiko Miyanishi

ADDRESS: 477 Powell St

NAMES OF LIVING CHILDREN: Aiko "

ADDRESS: " "

Junzo "

ADDRESS: " "

Ken "

ADDRESS: " "

I certify that the above information is true and complete and state that I have no property of any kind whatsoever in any protected area in British Columbia.

Dated this 27th day of November 1943.

(Signature) F.S.Miyanishi

WITNESS: "F. Nagasugi" "S. Soga" I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.
December 9th 1948 m. scoble

Albert H. Young

Barrister and Solicitor
Notary Public

OFFICE: 1009 DOMINION BANK BUILDING
207 WEST HASTINGS STREET

PHONE: MARINE 2825

Vancouver, B.C.,

Canada

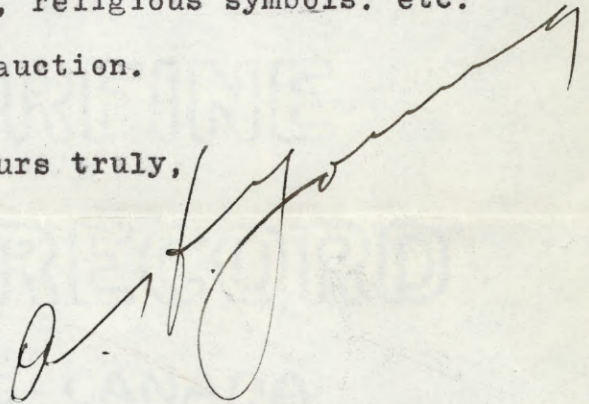
March 2, 1945.

Mr. S. Miyanishi,
New Denver, B.C.,

Dear Sir:-

I received your letter of February 26th, inquiring as to your bed frame, etc., stored in the Tairiku building. I am sorry to inform you that it is now too late for me to do anything about your belongings. The Custodian's Office will only send to evacuees such effects as clothing, pictures, keepsakes, religious symbols. etc. All the other goods are sold by auction.

Yours truly,



AHY:H.

EXHIBIT No. 899-4
DATE Sept. 14/48
FILLED BY Claimant