Name of Claimant IWAMA, Genku Case 1192

Custodian File X1 790 SEE ALSO CASES 96 and 809

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	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	
			INCLUDED IN CASE NO. 809					

TOTAL RECOMMENDATION	

CASE NO: 1192

JAPANESE PROPERTY CLAIMS COMMISSION

Toronto, Ontario,

October 29, 1948.

IN THE MATTER OF THE CLAIM OF

GENKYU IWAMA

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

HIS HONOUR, JUDGE M. A. MILLER, SUB-COMMISSIONER.

Toronto, Ontario,

October 29, 1948.

IN THE MATTER OF THE CLAIM OF

GENKYU IWAMA

PROCEEDINGS AT HEARING

APPEARANCES:

K. A. CHRISTIE, ESQ., K.C.	appearing for the Dominion Government.
R. A. BEST, ESQ.	appearing for the claimant.

A. SMITH, ESQ.,	Secretary.
D. J. HANDFORD, ESQ.	Official Interpreter.
J. B. McGREGOR, ESQ.	Official Reporter.

GENKYU IWAMA, the claimant herein, being first duly sworn, testified through the interpreter as follows:

DIRECT EXAMINATION BY MR. BEST:

THE SUB-COMMISSIONER: This is the case where the bulk of the evidence has been heard in Moose Jaw, is it not?

MR. BEST: That is correct, your honour.

This is a claim for a cleaning and pressing business operated by 15 shareholders, and a man, Yamakami was president and Mr. Iwama was the secretary-treasurer. Unfortunately Mr. Yamakami is a resident of Alberta now, and Mr. Iwama and two or three other shareholders are resident in Ontario.

At the time the Royal Commission was announced there was a certain amount of correspondence between shareholders about this, but unfortunately they did not get together, not through any lack of will, but due to the fact that the Commission caught up to them in Lethbridge before they could get together.

Mr. Justice Bird heard the claim presented by Mr. Yamakami, and he, as president of the company, I believe had claimed for the entire business, although he admits he put into the company just $800. of the original $4100. capital. He claimed the whole thing individually, and according to the transcript of evidence, his idea was to make that claim and then distribute it among the shareholders.

I am informed by Mr. Iwama the Ontario shareholders weren't quite satisfied with that, and consequently they

decided Mr. Iwama, being treasurer of the company, and knowing more about it than any of the others, should also make a claim.

I think from the Custodian's standpoint it is purely a bookkeeping question as to where the money goes.

THE SUB-COMMISSIONER: Have they both claimed the same amounts?

MR. BEST: I am going to ask your honour's permission to amend the claim as filed by Mr.Iwama, because it totals $14,200, being broken down this way, $8200. machinery and $6000. for good will. The claim as presented before Mr. Justice Bird was $6500 for equipment and machinery, and $10,000. for good will. Obviously we will have to make them jibe and for that reason we are asking to amend the claim to a total of $16,500.

THE SUB-COMMISSIONER: What do you say to the suggestion, Mr. Christie?

MR. CHRISTIE: I think perhaps your honour, it is a good suggestion to file a transcript of the evidence. There is no use covering the same ground although there may be one or two questions I want to ask the claimant here.

THE SUB-COMMISSIONER: What do you think about amending the claim to make it the same as the claim out there?

MR. BEST: In view of the fact that Mr. Justice Bird heard this claim himself, your honour, I think it is the best thing to do.

MR. CHRISTIE: I suppose if it is subject to review by Mr. Justice Bird anyway, I don't think I have any serious objection.

MR. BEST: I think it is a qaestion of argument whether the claimants' have any claim for good will.

There is one further explanation I have, your honour, and that is this, that Iwama is the only other shareholder claiming apart from this man, and that is the reason his claim is for a half share. He admits he doesn't own a half share, he owns six of the 82 outstanding shares. As a matter of fact the way we have worded the claim is this:

> "The claimant, Mr. Genkyu Iwama is willing to be bound by the claim made by his partner, Mr. Shotaro Yamakami the evidence of which was presented before Mr. Justice Bird at Moose Jaw on April, 1948."

I have written in here that the claimant is claiming a half share, subject to the rights of the other shareholders.

THE SUB-COMMISSIONER: Why not say the claimant is claiming on behalf of himself and the other shareholders and not say anything about the proportion?

MR. CHRISTIE: There was some difficulty I believe out in Moose Jaw in trying to arrive at what shares each claimant had. I think originally it was claimed it was a 50-50 interest, and then someone else made a claim and said he owned a share in the business. It was later stated there were 7 shareholders, and then 15 shareholders. It might be well

to find out who are the shareholders, and what is their interest.

MR. BEST: The reason for the confusion was this, that Yamakami and Mr. Iwama, who, if I may say so, knows more about the business, since he was in fact the managing director, had decided that one or the other would claim for the whole business. Of course they are both only claiming on behalf of themselves and the other shareholders.

MR. CHRISTIE: Yes.

THE SUB-COMMISSIONER: That will appear clear from the record.

MR. BEST: I do not want the Custodian or the Commissioner to have the impression that this claimant or any others are trying to deceive anybody about it.

Now, Mr. Iwama, is that your signature?

A. Yes.

Q. Was that form prepared upon your instructions?

A. Yes.

Q. You swear the contents of it are true?

A. Yes.

(PERSONAL PROPERTY, BUSINESS, CLAIM FORM, MARKED EXHIBIT NO. 1)

Q. That reveals the good will of the business, and then as part of the same exhibit, is that your signature? A. Yes.

Q. Was that form prepared upon your instructions?

A. Yes.

Q. Do you swear the contents of that are true?

A. Yes.

Q. That is the other half of Exhibit 1, also being a personal chattels claim form, showing the valuation of $6500. for equipment and fixtures.

---See Exhibit no. 1.

MR. CHRISTIE: In filing that personal property claim, re good will; there is no claim at all being made for good will as such?

MR. BEST: Yes, there was. You see the figures on Iwama's original claim were these, $8200. rather than $6500. for machinery, fixtures and equipment, and $6,000. for the business, which, of course, is largely composed of good will. Now, since Yamakami estimated it at $6500. for fixtures and machinery, and $10,000. for the business, I am suggesting that we are more or less bound by those figures and we have made our claim conform with that.

MR. CHRISTIE: This business wasn't sold as a going concern, was it?

MR. BEST: That is something I am prepared to argue if necessary. I think the transcript will reveal it was gone into pretty thoroughly at Moose Jaw. I am quite prepared to evince the evidence from the witness.

MR. CHRISTIE: I think after all this man at one time claimed a half interest, and I think my learned friend should ask him questions as to whether the business was sold as a going concern.

THE SUB-COMMISSIONER: They did go into the question of good will in Moose Jaw.

MR. BEST: Yes; I am quite prepared to go into it now, if my friend wishes.

THE SUB-COMMISSIONER: You put in the evidence you see fit, and Mr. Christie can cross-examine.

MR. CHRISTIE: This present witness was the general manager and might be able to go into it better than his partner in Moose Jaw.

MR. BEST: Mr. Iwama, you were the treasurer of the cleaning and pressing business which was formerly carried on in Vancouver by yourself and several other gentlemen, is that correct? A. Yes.

Q. And that business was known as the Victor Cleaners? A. Yes.

Q. And as I understand it, from the previous evidence which has been given before this Commission, this business was owned by about 15 men on a co-operative basis, all of whom were in the dry cleaning business, is that correct? A. Yes.

Q. And the scheme was that the actual cleaning and dying and pressing would be done by this Victor Cleaners and the various shareholders would operate their retail stores and take in the goods through their stores and ship it to the Victor Cleaners to have the work done, and then dispense it through their stores; is that correct?

A. Yes, it was a wholesale dry cleaning business.

Q. And prior to the purchase of this business by your cooperative it had been run as a retail dry cleaning establishment, I understand?

A. Yes.

Q. Well, then, when you took the business over you changed it from a retail to a wholesale cleaning

business, is that correct? A. Yes.

Q. Now, can you tell us exactly how many men had any interest whatever in this business?

A. Altogether sixteen.

Q. And there were 82 shares outstanding, of which you held six personally; is that correct?

A. Yes.

Q. How long had this business been operated by you and Mr. Yamakami and the others?

A. About six months before the evacuation.

Q. Were all the members of this cooperative operating the Victor Cleaners, Japanese-Canadians?

A. Yes.

Q. And they all operated retail businesses, did they? A. Yes.

Q. Was there any other wholesale firm amongst the Japanese-population of Vancouver, similar to your business? A. Yes, there was.

Q. A firm that would be running in opposition to yourself?

A. Yes, there were other wholesale concerns amongst the Japanese community but not particularly competitive with ours.

Q. Why wouldn't they be competitive; is there any particular reason?

A. It was more or less a matter of service, and we gave good service, and we used to keep our clients that way.

Q. Now, Mr. Yamakami, and for that matter yourself, have placed a rather high valuation on this

business aparat from the equipment and fixtures and machinery. Now, you say you were just in business about six months prior to the evacuation?

A. Yes, that is right.

Q. So you hadn't had a chance I do not suppose to have any balance sheet for the year, or declare any dividends in your business, had you?

A. No. It was winter time.

Q. I don't quite follow. Does he mean the end of the business year was in the winter?

A. We started in the fall so by the end of the year there was only a small amount of profit.

Q. In view of the fact that the evidence was gone into fairly completely at Moose Jaw, I don't think there are any further questions.

CROSS-EXAMINATION BY MR. CHRISTIE:

Q. What was your position with the firm?

A. I was treasurer.

Q. I think you told my learned friend that the business had only operated six months prior to the evacuation? A. Yes, about half a year.

Q. Then, how would you justify a good will valuation of $10,000.

A. We had finally succeeded in establishing this business after looking around and making inquiries for about ten years, and we reckoned the good will arising from a plant of that type, with that type of machinery, was worth about three times the cost of the equipment, three or four times the price of the equipment and machinery.

G. Iwama,
In chf.

Q. What were your net profits?

A. Even during the slack periods and after deducting all expenses there was a net profit of about $80. or $90. a week.

Q. Net profit? A. Yes.

Q. What salary did you receive as treasurer?

A. I didn't receive any salary as such.

Q. What salary did you receive as manager?

A. I didn't receive any salary up until the time of the evacuation.

Q. How did you earn your living during that period? A. I had my own store.

Q. Now, were there any other factors that you based this good will of $10,000 on besides the valuation of your equipment? A. Just about the time that we bought and installed the plant we had an offer from another competitive concern for $12,000, but as we had been trying to organize this for ten years we weren't interested in selling.

Q. Is he telling this Commission that within this six months period he had an offer to purchase this business?

A. Soon after we bought and installed this business and within the six months period we were offered $12,000. for it.

Q. Who made that offer? A. There was one privately owned company and there was another limited company.

Q. What were their names?

A. I have forgotten.

THE SUB-COMMISSIONER: Were these offers for this machinery and business alone or for this machinery and all the retail places too?

A. No, that was just for the Victor Company's machinery and equipment and place of business.

MR. CHRISTIE: Did you get the offers in writing? A. This was another member of the Japanese community who made the offer and he wished to enlarge his business and it was not in writing.

Q. Did the members of this company meet to consider the offer? A. That time there were only 7 members in the company and these 7 members considered it at that time and decided to refuse.

THE SUB-COMMISSIONER:

Q. Did the Victor company have any books or records of its meetings and what took place at them?

A. Yes, we did have records and such books but my own personal books and many of the company books were all together and at the time of the evacuation these were in the possession of my sister who lives in Cloverdale. They were left in the upstairs of her house and what happened to them after that I don't know.

MR. CHRISTIE: This estimate of $10,000 for the good will; was that your estimate or was it an estimate made at the meeting or was it Mr. Yamakami's estimate? A. It is Mr. Yamakami's estimate.

Q. Well, did he consult you in making this estimate? A. No.

Q. Do you agree with this estimate of $10,000 for good will? A. Yes, I think that is about the value.

Q. How many customers did you have?

A. About 27 or 28 stores.

Q. Now, have you any knowledge whether this business was sold as a going concern or not?

A. No, I don't know anything about that.

Q. Does he know who occupied the property after this equipment was sold?

A. No, I don't know.

Q. I produce a J.P. Form dated the 29th of May, 1942; is that your signature? A. Yes.

(J. P. FORM MARKED EXHIBIT NO. 2)

Q. That is all, thank you.

RE-EXAMINATION BY MR. BEST:

Q. Just one question, you told my friend you had 27 or 28 stores as customers. As I understand it there was 16 members of the cooperative all of whom operated stores -- do you mean in addition to the stores operated by the members you also had another 11 or 12 stores as customers? A. Yes, there were 27 or 28, including the 16 members.

Q. And each of the sixteen members operated one retail store apiece,did they? A. Yes.

Q. So that this Victor Cleaners was assured of business from at least 16 stores in any event?

A. Yes.

Q. And I suppose that was one of your considerations in calculating the good will -- that you had some business that you were sure of so long as these various members stayed in the business in any event? A. Yes.

Q. Now, is there anything else in particular about this business that you haven't told us, or that wasn't presented to the Commission by Mr. Yamakami that you want to tell us now?

A. The Toronto members, including myself, wish that if eventually an award is made as a result of this claim being put in, they do not wish the full amount to be awarded to Mr. Yamakami.

Q. I think that is something, when the award is made, the Custodian's Office will deal with.

MR. CHRISTIE: One question; where are all these merchants; what became of all these retail merchants that were members of this cooperative?

A. I don't know where all of them are.

Q. THE SUB-COMMISSIONER: Were all of them evacuated? A. Yes, but it is my intention to advertise in the newspapers and find out where they are.

Q. That is all, thank you.

I am filing as Exhibit 3 a transcript of the evidence taken at the Japanese Property Claims Commission, held in the city of Moose Jaw, Saskatchewan, on April 8th, 1948.

(TRANSCRIPT OF EVIDENCE MARKED EXHIBIT NO. 3)

(DISCHARGE OF CONDITION SALES AGREEMENT MARKED EXHIBIT NO. 4)

I think that concludes the filings, your honour.

It is submitted that this equipment and fixtures of this drying cleaning business were sold at their fair market value. It is submitted that the

value placed upon the good will is exorbitant.

(PROCEEDINGS ADJOURNED SINE DIE)

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

J. B. McGregor,
Official Reporter.

I, M. A. Miller, Deputy Commissioner, appointed to hear a Commission to investigate claims of Japanese Canadians for property loss, do certify the foregoing is a true copy of the evidence heard on the within claim.

M. A. Miller,
Deputy Commissioner.

#1192 - (considered along with Claims 96 and 809)

DEC - 2 1947

Case no 1196

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

XI. 790 Toronto

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

(1) NAME IWAMA (Print) Surname GENKYU Given Name (RCMP) Reg. No. 07127

(2) Pre-Evacuation Address 2218 - 4TH AVE. W. VANCOUVER, B.C.

(3) Present Address 137 BEVERLEY ST. TORONTO, ONT.

(4) REAL ESTATE

(a) Street Address (if any) 2046 - 4TH AVE. W. City or Municipality, VANCOUVER, B.C. Province

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

Brewin

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

(i) ~~Farm~~
(ii) ~~Residence~~ Type of business DRY CLEANING & DYEING
(iii) Business
(iv) ~~Any other type of property (describe)~~ Fr. Known as Victor Cleaners

(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.) ~~SHARE HOLDER~~ (6 SHARES OF 82) PART INTEREST

(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 receivable) - - - - - - - - - - - - - - - - $ $6000.00 BUSINESS / $8200.00 MACHINERY

(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - MY SHARE - 7.3% - OF - - - $ 14200.00

(v) Amount at which Custodian sold property and credited your account - - $ NO REPORT

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 1039.00

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation 2046 - 4TH AVE. W. VANCOUVER, B.C.

(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. _____ 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 $_____

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) - $ 1039.02

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

372 BAY ST. TORONTO, ONT.

(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, G. Iwama of the city
of Toronto in the county of York

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 Toronto)
in the county of York)
this 24th day of November)
A.D. 1947.)

GENKYO IWAMA

F. A. Brown 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.

_____

_____

_____

_____

IWAMA, Genkyu
(Claimant's Name)

PERSONAL PROPERTY
(Business)

EXHIBIT No. 1192-1
DATE OCT 29 1948
FILLED BY R A Beck

07127
Reg. No.

Type of BUSINESS	Location	Gross Turnover 1941	Average Mark Up	Net Income 1941	Estimated Value of Goodwill

Description of Stock-in-trade at evacuation (Attach inventory with cost prices)	Whether prices mentioned are wholesale or retail:	I PURCHASED THE BUSINESS				
		Date of Purchase	Price	Value Stock Date of Purchase	Value of Furniture equipment and Fixtures at date of purchase	Value of Goodwill at date of purchase:

The claimant Mr. Genkyu Iwama is willing to be bound by the claim made by his partner, Mr. Shotaro Yamakami the evidence of which was presented ~~gr~~ before Mr. Justice Bird at Moose Jaw on April, 1948.

Furniture equipment and fixtures acquired after purchases:

Description	Date Acquired	New or Used at Date Acquired	Price Paid	Condition when Evacuated:	Estimated value at date of Evacuation:

Summary of Claim Presented by Mr. Shotaro Yamakami.

Estimated Value of Goodwill	$10,000.00
Sold by Custodian	6--------
Claim	$10,000.00 as amended
Claimant's half-share -	$5,000.00 - subject to rights of other shareholders.

List of Accounts Receivable and Accounts collected by Custodian Attached:

Method of Storage and Arrangements Made at Time of Evacuation:

Additional comments, if any:

Genkyu Iwama
Signature

IWAMA, Genkyu
(Claimant's Name)

PERSONAL CHATTELS

EXHIBIT No. 1192-1
DATE OCT 29 1948
FILLED BY
R.A. Best

07127
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

The Claimant Mr. Genkyu Iwama, is willing to be bound by the claim made by his partner, Mr. Shotaro Yamakami the evidence of which was presented before Mr. Justice Bird at Moose Jaw, Saskatchewan on April 8, 1948.

Description of Storage of Goods:

General Statement as to Chattels not Described above:

Additional Comments, if any:

Summary of Claim presented by

Mr. Shotaro Yamakami

Estimated Value of Equipment and fixtures	$6,500.00
Sold by Custodian	2,100.00
	$4,400.00

Claimant's half-share - $2,200.00 Subject to rights of other shareholders.

Genkyu Iwama
Signature

1192 - 2

FORM "JP"

BUREAU HASTINGS PARK

FILE No. Oct 29 1948

EXHIBIT No.

DATE

FILED BY K.A. Christie

OFFICE OF THE CUSTODIAN

BUSINESS

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: IWAMA Genkyo

HOME ADDRESS: 258 Powell Street, Vancouver, B. C.

REGISTRATION NUMBER 07127 SEX: Male AGE: 48

OCCUPATION: Cleaner

(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: Self (Co-partner)

MARRIED? Yes

NAME OF WIFE OR HUSBAND: Kikuyo

ADDRESS OF WIFE OR HUSBAND: 258 Powell Street, Vancouver, B. C.

NAMES OF ANY LIVING CHILDREN: Hirotaka (M) Ririko (F)

ADDRESS OF CHILDREN: 258 Powell Street, Vancouver, B. C.

AGE OF CHILDREN: 12, 7

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

1. LOCATION AND DESCRIPTION: None

2. BUILDINGS AND OTHER IMPROVEMENTS: None

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

4. TAXES (Amount and where payable) None

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

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

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: 1 room in Rooming House at 258 Powell Street, Vancouver, B. C.

2. LANDLORD'S NAME AND ADDRESS: Mr. Ueno, 258 Powell Street, Vancouver, B. C.

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID: $8.00 per month paid to date.

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:

Declarant ownes in co-partnership a dry cleaner establishment at 2046 W. 4th Ave., Vancouver, B. C.

XX Cleaning & Pressing machines and miscellaneous valued at $14,000.00

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 Mr. S. Yamagami, 816 Broadway W. Vancouver, B. C. & Mr. Hick, Address unknown.

FORM "JP"

4. INSURAN

5. MORTGA

OTH

6. MONEYS

7. BONDS,

8. BANK A

9. LIFE IN

10. INTERES

11. SAFETY

LIABILITIES

1. PERSON

2. TRADE

I, the unde area as set out or other securi

I certify t every descript and indirect.

Dated thi

"P. Allin

FOR DEPAR

. C.

, Vancouver, B. C.

RE, FIXTURES,
EFFECTS:

TEREST IN, OR

adway W.

FORM "JP"

FILE No.

4. INSURANCE CARRIED ON ABOVE PROPERTY: $10,000.00 Fire Insurance
Name of company unknown.

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)
None

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)
None

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: None

2. TRADE DEBTS: None

I, the undersigned, hereby voluntarily turn over to the Custodian all my property in the protected area as set out above, excepting fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, if any.

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 23rd day of May 1942.

(Signature) "G. Iwama"

"P. Allin."
Witness

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

Date: March 2, 1949.

E. LeRoux
L.J.

EXHIBIT No. 1192-S
DATE OCT 29 1948
FILLED BY
K.A. Christie

CASE NO: 809.

JAPANESE PROPERTY CLAIMS COMMISSION.

Moose Jaw, Saskatchewan,
April 8th, 1948.

IN THE MATTER OF THE CLAIM OF
SHOTARO YAMAKAMI.

PROCEEDINGS AT HEARING.

P.G. Makaroff, Esq.

CASE NO: 809.

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).

10 Moose Jaw, Saskatchewan,

April 8th, 1948.

IN THE MATTER OF THE CLAIM OF

SHOTARO YAMAKAMI.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

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

P.G. MAKAROFF, Esq.K.C., appearing for the Claimant.

A. WATSON, Esq., Secretary.

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

D.H. COGHILL, Esq., Official Reporter.

30

THE COMMISSIONER: Which do we start with this morning?

MR. MAKAROFF: Would it suit your Lordship's convenience if we tried No. 9. There are two claims. This is claim No. 2.

THE COMMISSIONER: The same man?

MR. MAKAROFF: Yes.

THE COMMISSIONER: All right.

THE SECRETARY: Case No. 809, Shotaro Yamakami.

10 SHOTARO YAMAKAMI, the claimant herein, being first duly sworn, testified through the Interpreter as follows:

DIRECT EXAMINATION BY MR. MAKAROFF:

Q You are living in Moose Jaw now, are you?

A Yes.

Q You came from Vancouver? A: Yes.

Q And while there you were engaged in the dry cleaning business? A: Yes.

Q How many dry cleaning places did you have there?

A One plant and one store.

20 Q What was the name of the plant?

A Victor Wholesale Cleaners.

Q At 2046 West 4th Street, Vancouver, is that right?

A Yes.

Q You bought that place in 1941, is that right?

A Yes.

Q And you bought it from N. Wener?

A Yes.

THE COMMISSIONER: Are you referring to a business that you bought or a piece of real estate?

30 MR. MAKAROFF: Q: You bought the business; you didn't

buy the store? A: We buy the equipment.

Q You didn't buy the store and the lot?

A No, no.

Q You bought from M. Wener? A: Yes.

Q This is your option for it? (producing).

A Yes.

Q Whose name is that here? A: Mr. Wener.

Q And this? A: My name.

10 Q And you acquired an option to buy it by this document?

A Yes.

MR. MAKAROFF: We will put that in, my lord. It is dated October 11th, 1941, the option is until the 14th day of October, 1941.

(DOCUMENT MARKED EXHIBIT NO. 1).

Q Then Mr. Hicks rented the place to you, did he, the lot and premises? A: Yes.

Q You bought the equipment and the plant; all that was inside the plant, from Mr. Wener and Mr. Hicks

20 gave you the lease?

A Yes.

Q Is this the lease dated 20th October, 1941?

A Yes.

MR. MAKAROFF: I put that in as an exhibit.

(LEASE MARKED EXHIBIT NO. 2).

Q And you bought all the equipment and contents for $3500.00? A: Yes.

Q And were you alone in this deal or did you have associates and other people in it?

30 A I got it, and then I got partners to come in.

Q Howmany men came in with you?

A Fifteen.

Q Who were these other people? I don't mean that you should give me the names, but I want to know what business they were in. A: Cleaning and in the retail business.

Q Your object was to have this plant do all the work for the members joining in the purchase of this plant? A: Yes.

10 Q And the purchase price was $3500.00? Was that a fair price? Was it a bargain or did you get cheated on it?

A It was a bargain.

Q In your opinion what was the actual true market value of that plant as you bought it covered by that option at that time? How much was it worth?

A Oh, about $7000.00, anyway.

Q Would you have taken $4500.00 for it? Would you have sold it for $4500.00?

20 A No, I wouldn't have sold it.

Q Well then, how much didyou put in?

A I put in $800.00.

MR. MAKAROFF: I will just put in another document here.

Q On the 19th of March, 1942, where were you?

A In Vancouver.

Q What did you do with your cleaning plant that you bought from Wener at that time?

A March?

Q Yes. A: We shut down.

30 Q Did you make a deal with Mr. Hicks?

A Yes.

Q I show you a document here. Is that the document setting forth your deal with Mr. Hicks?

A Yes.

Q Dated the 19th of March, 1942?

A Yes.

Q You owed Mr. Hicks some money at that time?

A The money was in boilers.

Q Who put in the boilers? A: Hicks.

10 MR. MAKAROFF: I will file the document. It speaks for itself.

(DOCUMENT MARKED EXHIBIT No. 3).

Q Now, after buying this dry cleaning establishment, did you put any more capital into it, any more equipment or fix it up? A: Before the winter we had to fix it all up. We went from retail to wholesale.

Q How much money did you put into the plant repairing it and remodeling it?

20 A Pretty nearly $2000.00.

Q What do you mean "pretty nearly $2000.00"? $1900.00, $2000.00? A: Oh, about $2000.00 anyway.

THE COMMISSIONER: I should think you would know how much additional capital you put in.

MR. MAKAROFF: Q: Have you a record of how much you put in in remodelling and re-equipping it?

A There are no papers.

Q Where are your papers?

30 A We lost them all.

Q Do you remember anything that you did that was of a substantial amount in remodelling and equipping it? Can you tell us any items? Do you understand what I mean? Any big items that you did to that plant at the cost of $2000.00.

A Well, we have got to repair the machinery.

Q What did you do with that $2000.00? Can you tell us some of the things that you did with that $2000.00 investment into that plant?

10 THE INTERPRETER: A: All the machinery was old, and I had to make a number of repairs to the machinery. It would be $1000.00 for repairs, anyway. Then there were a number of alterations which had to be made in changing the business from retail to wholesale.

Q Did you take out partitions or put in partitions or put in counters, or what did you do?

THE WITNESS: A: I had to get a number of boxes for the clothes and one thing and another like that.

Q What do you mean "boxes"?

20 A When these things were cleaned they were put into boxes and sent out.

Q Tell us a about that approximate $1000.00 of repairing that you did. Did you pay that to one man or to several? A: Two or three people.

Q Now, I show you here a statement, that was prepared. Is that your signature? It is a statement of the personal property relating to your business.

MR. MAKAROFF: I think you have a copy, Mr. Hunter.

30 Q This was prepared on your instructions?

A Yes.

Q Is it correct to the best of your information, knowledge and belief? A: Yes.

MR. MAKAROFF: I would like to tender that, my lord.

(STATEMENT MARKED EXHIBIT NO. 4).

Q Did Mr. Hicks put in any more equipment or machinery there after he went into possession under that agreement that was just filed here?

A He don't put in anything.

10 Q After you signed that agreement?

A He put no money into repairingx after that.

Q Nothing new? A: No.

Q How much money did you put into the plant?

A $800.00.

Q Are there any other claims being made by any of your associates for any part or interest in this plant besides yourself, anybody else making a claim for this dry cleaning establishment?

A I don't know.

20 Q Let us take T. Onoto . Is he one of the partners?

A Yes.

Q How much did he put in? A: $600.00.

Q Do you know if he is making a claim?

A I don't know.

Q What about Iwamo, how much did he put in?

A $300.00.

Q Is he making a claim? A: I don't know.

THE COMMISSIONER: Q: Do you know if any of your partners

30 are presenting a claim to this Commission?

THE INTERPRETER: A: Iwamo and Onoto put one in.

THE COMMISSIONER: We have all these amounts shown in Exhibit No. 4.

MR. MAKAROFF: Perhaps my learned friend could help us in that respect. My understanding is there were only two other individuals presenting any claims to this property, Onoto and Iwamo.

THE COMMISSIONER: That can be found out. Certainly no claim has been presented before me up to date in relation to it.

10

MR. MAKAROFF: Q: On the back of this statement, that we have just put in evidence , personal property relating to business, we have a long list, a description of stock-in-trade at the evacuation and it says "prices on items new".

THE WITNESS: A: Yes.

Q Is that your valuation of these goods and chattels at the time of your evacuation, or was that the original cost price of the articles?

20

A That is the new price.

THE COMMISSIONER: New price as of what date?

MR. MAKAROFF: Q: New price when?

A Not when I bought it new.

THE COMMISSIONER: Interpreter, put the question to him. Are his figures on the back of Exhibit 4 the new price as at the year 1948? If not, at what time?

THE INTERPRETER: A: It is the new price for the year 1948.

MR. MAKAROFF: There must be a mistake there. When was this statement prepared? Have you the analysis

30

of personal property claim, Mr. Hunter?

MR. HUNTER: Yes.

MR. MAKAROFF: May I introduce that in evidence?

(ANALYSIS MARKED EXHIBIT NO. 5).

Q When did you put in a claim for this property?

MR. HUNTER: I find a memorandum that some of the others are making a claim, Onoto and Iwamo.

MR. MAKAROFF: Q: This is the price you put on when you first made a claim and that was in 1947, wasn't it?

10 A Yes.

Q And when ~~xxx~~ you were giving these prices at the time you made the first claim by saying that was the new price, you meant the price at the time that you made that claim? A: Yes.

Q Not at the time they were bought?

A No.

Q Let us go over a few of the larger items here. You have here the first item which is a boiler and oil burner and the value you place on that is

20 $1000.00. A: Yes.

Q And that was the price new? A: Yes.

Q If you had to replace it at the time you put in your claim in 1947? A: Yes.

Q The valuation placed on it by the Custodian was $125.00. That's the condition it was in when they took it. That would be in 1944 when they disposed of it, August 28th, 1944. They valued it at $125.00. Would you say that was a fair valuation of that machinery or not? A: No.

30 Q How much would you say it was worth at least?

A Oh, about $700.00.

MR. MAKAROFF: That is the $1000.00 item in the claim.

THE COMMISSIONER: He says it was worth $700.00.

MR. MAKAROFF: Q: You did some repairs to that machine?

A We fixed it up.

Q Let us go to the next big item here. Here is one not so big, No. 3, solvent tank. You value it at $150.00 and the appraiser says it is only worth $10.00. Is that a fair valuation?

10 A No.

Q How much would you say that solvent tank was worth in August, 1944, provided it wasn't wrecked after you gave up possession? A: $120.00, anyway. You have got to dig it in the ground.

Q It is in the ground, is it?

A In the ground.

Q It might not be worth much money if you had to take it out of the ground but for a going concern it was worth $120.00?

20 A Yes.

Q Here is another item, No. 4, Tumbler-Beaver laundry type, you valued it at $800.00 new and the appraiser values it at $225.00. Is that a fair valuation?

A No.

Q How much would you say that was worth?

A $650.00.

Q There is a large washer here, Beaver laundry, $1200.00? A: Yes.

Q What valuation would you put on that? How much

30 would you think it was worth in 1944 if it wasn't

damaged or wrecked? A: $1000.00.

Q How old is it, do you know?

A I buy the whole equipment altogether.

Q How old was it when you bought it?

A About five years old.

Q They value it at $125.00. Do you think that is fair? A: No.

Q Here is a small washer, Beaver laundry, the small one, No. 6. You value it at $500.00. How much was it

10 worth when you gave it up? A: $400.00.

Q How much would it be worth in 1944, two years after? It wasn't new when you gave it up.

A Well, another two years, $350.00.

Q It is valued at $175.00 here. Do you think that is a gift? A: Yes.

Q Here is a D.C. extractor. What is that?

A It extracts a gas.

Q You valued that at $800.00? A: Yes.

Q How much was it worth in August, 1944?

20 A Oh, about $650.00.

Q How old was that, do you know?

A Oh, about five years old.

Q There is a 7½ horsepower motor, item 16, $400.00, and it was valued at $125.00. Is it just one or is it 7 half power motors?

A One big motor, 7½ horsepower.

THE COMMISSIONER: In Exhibit No. 4, it reads "motors".

THE WITNESS: 7½ horsepower, one motor.

MR. MAKAROFF: Q: And you say it was worth $400.00?

30 A Yes.

Q How much was it worth in August, 1944, in your opinion?

A Oh, about $300.00.

Q In the small room there were tubs and wiring and an air conditioned blower, which you valued at $400.00. The wiring at $150.00, and the tubs at $200.00. Now, in August, 1944, they say all those three items were only worth $30.00. How much do you think they were worth in August, 1944?

A About $500.00.

10 THE COMMISSIONER: That is items Nos. 17, 18 and 19, all taken together are worth $500.00.

MR. MAKAROFF: I might say, my lord, that the valuation of those items had been reduced in the claims. They were originally valued at $9655.50. That was the value new and the value is placed in this claim now at $6500.00.

THE COMMISSIONER: Not on Exhibit No. 4, Exhibit No. 4 still claims the $9655.50.

MR. MAKAROFF: On the face of it, total claim is made

20 for $6500.00.

Q To continue with those items, Mr. Yamakami, here is item No. 28, safe, Grodie McCulloch , and you valued it new at $350.00. How much do you say that safe would be worth in the month of August, 1944? A: About $275.00.

Q A safe doesn't depreciate very fast.

A Pretty good whether new or old.

Q Would you say that $80.00 was a fair price for it in 1944? A: Not enough, no, no.

30 Q Another item here, pipes and valves, $100.00.

Would you say $10.00 was a fair valuation of those things in August, 1944?

A A pretty tough price.

Q How much do you think they were worth?

A About $80.00.

Q What kind of pipes and valves were these?

A Jenkins valves, expensive valves.

Q Are they attached to the fixtures? What are they used for? A: A gas goes

10 right through those pipes.

Q And they last a long time? A: Yes.

Q They value them in 1944 at $10.00. That isn't a fair valuation? A: No.

Q Dry room here, item 40. What is it?

A A dry room to dry the clothes.

Q Was this a building? A: No, a box.

Q A compartment? A: Yes.

Q It is a fixture? A: Yes.

Q How much was it worth in August, 1944?

20 A About $80.00.

Q There isn't much depreciation on that?

A No.

Q Not like in machinery? A: No, no.

Q Here is Hoffman presss machine, $850.00.

A Yes.

Q Item No. 41. How much do you think that machine was worth in August, 1944? A: Oh, about $650.00.

Q $300.00 wouldn't be enough? A: No.

30 Q We have a picture. Is that the same kind of machine?

A No.

MR. HUNTER: I think if Mr. Makaroff is going to give the evidence, he should go in the box.

MR. MAKAROFF: I understood that the rules of evidence weren't going to bother his Lordship very much.

THE COMMISSIONER: It is just as well not to push it too hard. It is the witness' statement I want to get.

MR. MAKAROFF: Q: Here is a caustic tank. What is it?

A Like a big bowl.

10 Q Is there machinery in it or is it just a big bowl?

A Just a big barrel or tank.

Q The price of it was $100.00?

A Yes.

Q What would the price of that be in August, 1944?

A $80.00.

Q Would $5.00 be enough for that machine?

A No, no.

MR. MAKAROFF: Incidentally these items, as I construe the claim, are not claimed for separate and apart

20 from the business. That is, it is part of the equipment.

THE COMMISSIONER: I appreciate that.

MR. MAKAROFF: It goes to make up the valuation he places upon the whole business and plant.

Q Now you were running this as a wholesale cleaning plant. Is that right? A: Yes.

Q What sort of a business were you doing in dollars and cents? Were you making money? Was it a profitable business, or were you losing money?

30 A Making pretty good.

Q What do you mean, pretty good?

A We got about $350.00 a week, and I had 36 customers.

Q These customers are retail cleaning places?

A Yes.

Q Were you busy? A: Yes, pretty busy.

THE COMMISSIONER: Q: When you name a figure of $350.00 a week, do you mean that was your total income?

A Gross income.

MR. MAKAROFF: Q: And about what part of that would be overhead expense? A: Expense about $200.00 a week.

Q So you would be making about $150.00 a week?

MR. MAKAROFF: This property was sold as a going concern, was it?

MR. HUNTER: I think so.

MR. MAKAROFF: Q: How much would you think your goodwill in that business was worth apart from the value of this equipment? How much more would you want for the business if you were selling it as a going concern? A: Oh, about $10,000.00.

THE COMMISSIONER: Q: You have been in business for one year? A: Not quite one year.

Q How do you justify a goodwill valuation of $10,000.00 developed in one year?

A Well about $9000.00 a year is the amount we make.

Q You were making a net, $9000.00 a year?

A A gross, $9000.00 a year.

Q $9000.00 was the gross, is that what you said? Don't overlook the fact that you already told me you were netting $150.00 a month.

A No, $150.00 a week.

THE COMMISSIONER: I am sorry.

MR. MAKAROFF: Also, my lord, there is this to consider, they had steady customers. Goodwill is acquired in that way. At least 16 retailers sending in their business, that is definitely steady customers and they built that up to 30.

THE COMMISSIONER: I simply put it to him and if he is standing on his $10,000.00 goodwill, I must accept his evidence. I may say I am not greatly impressed.

MR. MAKAROFF: That is a matter of opinion, of course, but I do suggest in all earnestness this seems to be a genuine claim; the amount is a matter of opinion, but it seems to me this was a business that he bought very recently, and on the face of it it looks as if it was prospering.

THE COMMISSIONER: I gather from Exhibit 1 that his predecessor had failed because the sale was carried out under the Bulk Sales Act. No doubt the claimant had business connections that his predecessor probably did not have.

MR. MAKAROFF: Your Lordship will recall the witness stated the first thing that they did was to convert it. Evidently this wasn't a very suitable location for retail trade and his predecessor had carried on retail trade.

Q What was Mr. Wener doing there?

A Operating the plant retail.

Q Is that a good place for retail?

A Pretty good.

Q He went bankrupt, I understand?

A He owed somebody money and said he couldn't run anymore.

Q Retail business has a lot of competition?

A Yes.

Q How were the times before 1941? Were they as good as after?

A Pretty good.

Q Was business as good before 1941 as it was after

10 1941?

MR. MAKAROFF: Interpreter, please put that question to him.

THE INTERPRETER: A: It was good in 1941 when I bought it.

THE COMMISSIONER: There is this factor you must take into consideration, that these customers were all persons of his own race and undoubtedly will all have been evacuated at the same time so that the customers will have disappeared immediately upon the evacuation. However, I have noted his estimate

20 of goodwill.

MR. MAKAROFF: Your witness, Mr. Hunter.

MR. HUNTER: It is submitted the property was sold for its fair market value.

THE COMMISSIONER: It was sold as a going concern, was it?

MR. HUNTER: The equipment was sold to one person, my lord, operating on the premises. I don't think it was in operation at that time.

X THE COMMISSIONER: The purchaser may or may not have

30 carried on a business of the same character as th

claimant had carried on. In other words, was the purchaser conducting a wholesale dry cleaning business?

MR. HUNTER: I couldn't say, my lord.

MR. MAKAROFF: My information is that it fell into the hands of one Shone who rented the other premises that the witness owned also and that he was carrying on both places in much the same way as they had been run before.

THE COMMISSIONER: No doubt I will have evidence on that feature from the Government side later on.

MR. HUNTER: The appraisal was made by auctioneers and appraisers on August 28th, 1944, and they appraised the equipment at $2,071.35. In reply to an inquiry from the Custodian and by a letter dated November 23rd, 1944, Mr. Thompson of that firm states, (reading). I would tender thosetwo as onex exhibit, my lord.

(DOCUMENTS MARKED EXHIBIT NO. 6).

MR. HUNTER: By a bill of sale dated the 10th of January, 1945, the equipment was sold by the Custodian to Harry Dowbiggin and James Simkin.

THE COMMISSIONER: Had the business been in continuous operation up to that time?

MR. HUNTER: I cannot state definitely, my lord, although I believe it had been.

MR. MAKAROFF: What was it sold for?

MR. HUNTER: The price is $2100.00, my lord. These two people are described in the style as carrying on the business under the firm name of Aristocratic Wholesale Cleaners.

THE COMMISSIONER: That would indicate they are carrying on a business of the same character as the claimant.

MR. HUNTER: Do you wish this bill of sale filed?

THE COMMISSIONER: Yes, Exhibit No. 7.

(BILL OF SALE MARKED EXHIBIT NO. 7).

CROSS-EXAMINATION BY MR. HUNTER:

Q Mr. Yamakami, were you the only active one in the business?

10 THE COMMISSIONER: I am afraid he doesn't understand you. Will you put the question, Mr. Interpreter?

THE INTERPRETER: A: I was the manager. There were other shareholders but they didn't take any part in the business.

MR. HUNTER: Q: That Mr. Omoto who put in $600.00, did he take any part in the business?

A No, he looked after his own retail business.

Q Was he in the cleaning and pressing business?

A He was doing cleaning and pressing and also tailoring.

20 Q But he understood this type of business pretty well, didn't he? A: Yes.

Q And he would be pretty interested in the financial end of it? A: He was interested but not over and above a general running of the business.

Q He would have a fairly accurate picture of the profits, wouldn't he? A: I hadn't told him anything about the profits at the time I was evacuated.

Q Wasn't he getting his share of the profits?

30 A They left without paying their bills and when they

left they left everything up to me to look after. They went without paying their bills at the time of evacuation.

Q Had you ever made any distribution of the profits to the shareholders? A: No.

THE COMMISSIONER: Q: You say Omoto didn't know whether the business had been successful or unsuccessful, is that correct? A: He did not know intimately.

Q Did he know what profits you were making weekly?

10 A About a month, anyways, before that he knew all about it. He knew about a month of the profits, generally speaking.

Q He knew how much you were making a month?

A Generally speaking.

THE COMMISSIONER: I understood him to say that he knew of the profit position of the firm up until the last month. Will you ascertain whether I have misunderstood him? That is, he was aware of the profit situation up until the month of September,

20 but didn't know what the position was in October.

THE INTERPRETER: A: No, he didn't.

Q Am I correct in assuming Omoto knew what the profits were up until the month of September?

A He didn't know until September, 1942.

Q What did he know? A: The books for 1941 were shown to Omoto.

MR. HUNTER: Q: So that if he places a valuation on the business, he would have a fairly accurate idea of its value, is that correct?

30 A No, he would only have a general picture of the

business. He wouldn't have an intimate knowledge of the whole affair.

Q What do you say of his valuation? He values it as a going concern of $740.00.

A I think it is cheap.

MR. MAKAROFF: He seems to be emphatic.

THE COMMISSIONER: I take it you refer to a claim of Omoto to be heard.

MR. HUNTER: Yes, at Kamloops.

10 THE COMMISSIONER: Mr. Interpreter, I would like you to explain to the claimant that Mr. Hunter's statement in respect to Omoto is founded on a claim which Omoto has made to be considered by this Commission. Will you find out from him if he understands the explanation now made to him? I want to be sure he clearly understands the force of Mr. Hunter's statement before he steps down.

THE INTERPRETER: My lord, he says Omoto not being in possession of the books or anything of that sort

20 does not accurately know what the value of the business is.

THE COMMISSIONER: That is all as long as he understands.

MR. HUNTER: I think it is entirely a question of value.

THE COMMISSIONER: Any re-examination?

MR. MAKAROFF: Not on that point. I have this other claim to take up.

THE COMMISSIONER: Just before we leave this, it is not clear to me just what is Yamakami's interest in this business. He had an $800.00 interest in

30 a business capitalized at how much?

MR. MAKAROFF: The original investment of $3500.00 according to the witness' testimony and an additional expenditure of $2000.00 and then he states that the equipment was sold to him on an under valuation of $1000.00. That is the actual investment would be $5500.00, but he states that the purchase was at least $1000.00 under the true value, and he puts that claim at $6500.00. That is the capitalization.

10 THE COMMISSIONER: He had an investment of $800.00, in Exhibit No. 4 apparently there was an investment by these partners of $4105.00, so that this man would have an 8/41st interest in the business.

MR. MAKAROFF: He had 8/41st of the business.

RE-DIRECT EXAMINATION BY MR. MAKAROFF:

Q You put $800.00 into this business for repairs and everything? A: Just $800.00, my share.

Q Did you put back any of the earnings of the business

20 for repairs or anything like that?

THE COMMISSIONER: How could that change the situation?

MR. MAKAROFF: This is the original investment, I take it, and then they operated the business and he says they made extensive repairs.

THE COMMISSIONER: He at no time has said that he made a greater contribution than the capital of $800.00. It would be contributed equally.

MR. MAKAROFF: That is true. I was thinking of the quantum more than the percentage.

30 THE COMMISSIONER: His interest is 8/41st.

MR. MAKAROFF: Q: That is right, is it, Yamakami, you put in $800.00 and everybody altogether put in $4100.00? A: Yes.

Q What are these other boys going to do; are they going to get their share or are you undertaking to pay them? Are you representing the other boys excepting Omoto and Iwama? Do you want all the money to come into your hands and you divide it up, or what do you suggest?

10 MR. MAKAROFF: If he is representing the rest of them, it might be important.

THE COMMISSIONER: You may have noticed in Exhibit 6 upon the sale of the business, the Custodian distributed two-thirds of the proceeds to the claimant here, one-third to Iwamo. Apparently these other partners received nothing.

MR. MAKAROFF: Q: Did you receive any money from the Custodian? A: No.

Q Did you return it or was it not sent to you?

20 A No.

Q They held it? A: Yes.

MR. HUNTER: I presume it would be a book entry.

THE COMMISSIONER: In any case you have not received any money from the proceeds of the business?

THE WITNESS: I don't get anything.

THE COMMISSIONER: All right.

(ADVERTISEMENT MARKED EXHIBIT NO. 8).

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

30 Certified a true and accurate transcript.

"D.H. COGHILL"
Official Reporter.

EXHIBIT No.
DATE Oct 29 1948
FILED BY K.A. Christie

DISCHARGE OF CONDITIONAL SALE AGREEMENT

WHEREAS by agreement dated the 20th day of October, 1941, M. Wener sold under a Conditional Sale Agreement to Shotaro Yamakami and Yoneyuki Watanabe the machinery and equipment used by him in connection with the carrying on of a dry cleaning establishment at 2046 West 4th. Avenue in the City of Vancouver, B. C.

AND WHEREAS the interest of the said Yoneyuki Watanabe has been transferred to and vested in Genkyu Iwama:

AND WHEREAS by Assignment, dated the 19th day of March, 1942, the said M. Wener did assign all his right, title and interest in the machinery and equipment referred to Daniel Hicks:

AND WHEREAS there is due and owing under the said agreement to M. Wener and assigned to the said Daniel Hicks the sum of $1079.18 and there was due and owing as of the date of the assignment the sum of $45.00 by way of rent:

AND WHEREAS by agreement, dated the 19th day of March, 1942, the said Daniel Hicks and Shotaro Yamakami and Genkyu Iwama fixed the said amount as being the proper amount due and agreed that the said Daniel Hicks would by allocation of rents consider all interest maturing under the said contract to be duly paid:

AND WHEREAS the said agreement provided that the Daniel Hicks would give to the said Shotaro Yamakami and Genkyu Iwama possession of the said premises at the expiration of two years, together with a period of six months following notification of their intention to terminate the said lease:

AND WHEREAS Shotaro Yamakami and Genkyu Iwama are persons of the Japanese race and their interest in the said agreement has vested the Secretary of State acting in his capacity as Custodian pursuant to the provisions of Order-in-Council P. C. 1665 dated the 4th day of March, 1942 and the amendments thereto, and the applicable provisions of the Revised

Regulations Respecting Trading with the Enemy (1943):

AND WHEREAS the said Daniel Hicks has released the said Shotaro Yamakami and Genkyu Iwama from all covenants and conditions in the said agreement contained in respect of rental:

AND WHEREAS it has been agreed that the Custodian will release the said Daniel Hicks from all covenants and conditions in the said agreement in respect to possession:

AND WHEREAS the Custodian of Alien Property has paid to the said Daniel Hicks the said sums of $1079.19 and $45.00:

NOW THEREFORE THIS INDENTURE WITNESSETH, the Secretary of State acting as Custodian by his duly authorized Deputy hereby releases the said Daniel Hicks from all covenants and conditions in the said agreement in respect to possession:

AND THIS INDENTURE FURTHER WITNESSETH, the said Daniel Hicks hereby agrees that the moneys due under the said agreement of October 20th, 1941, as assigned to him, have been fully paid and satisfied, and that the said in part recited agreement has not been further assigned; that he is the proper party entitled by law to receive the moneys due under the said agreement and that the said Conditional Sale agreement is hereby discharged.

DATED at Vancouver, B. C. this 9th day of January, 1945.

WITNESS:

"Daniel Hicks"

"Margaret V. Mitchell"
as to signature Daniel Hicks

as to Signature Frank G. Shears
"Jean Foy"
509 Royal Bank Bldg.,
Vancouver, B. C.
Stenographer

"F. G. Shears"
(F. G. Shears)
Authorized Deputy of the Secretary of State and/or Custodian.

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.
Date: March 2, 1949

E. LeBasse
J.J.

DATED January 1945.

DANIEL HICKS

- to -

SHOTARO YAMAKAMI and GENKYU IWAMA

: :

RELEASE OF CONDITIONAL SALE
AGREEMENT.

: :

WHITE & MCFARLANE