Name of Claimant TAHARA, Rinzo Case 91

Custodian File 5453

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: % of Total	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
					1237		971.50				971.50

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	
495	118.75							118.75

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	
326.00	124.35	37.30	38.14%	105.50	40.23			77.53

TOTAL RECOMMENDATION 1167.78

CASE NO: 91.

JAPANESE PROPERTY CLAIMS COMMISSION.

Kamloops, B.C.

May 7th, 1948.

IN THE MATTER OF THE CLAIM OF

RINZO TAHARA.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 91.

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1. REVISED STATUTES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(HIS HONOUR JUDGE J. R. ARCHIBALD, SUB-COMMISSIONER)

Kamloops, B.C.,

May 7th, 1948.

IN THE MATTER OF THE CLAIM OF

RINZO TAHARA.

PROCEEDINGS AT HEARING.

APPEARANCES:

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

J. R. COLLEY, Esq.,	Secretary to Kamloops Sub-Commission.
MRS. I. C. SMITH,	Official Interpreter.
MRS. M. TONKS,	Official Reporter.

MR. McMASTER: The next case is No. 91, - 123 on the original list.

RINZO TAHARA, the Claimant herein, being first duly sworn, testified through the Official Interpreter, as follows:

MR. McMASTER: In this case Your Honour, I would ask leave to reduce the claim for the real property to $3500.00, crediting the Custodian with $1237.00, leaving a net claim of $2263.00 and I would ask leave to amend the personal property claim to $850.00. The truck was sold by the Custodian for $475.00 and to amend the claim for furniture and fixtures to $431.50. The chattels of the Claimant were sold by the Custodian for $124.35 and the details of the chattels claimed for will appear in the exhibits filed on behalf of the Claimant.

Q Witness, did you instruct Mr. Leckie to prepare this statement with regard to the real property with respect to which you are claiming and is that your mark on the statement?

A Yes.

Q And the contents of that statement are true to the best of your knowledge and recollection?

A Yes.

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

(STATEMENT MARKED EXHIBIT No. 1).

Q This property is situated about two miles from Whonnock, B.C.? A Yes.

MR. McMASTER: I would ask leave to file on behalf of my learned friend the Farm Appraisal Report of the Soldier Settlement Board, with respect to this property.

(FARM APPRAISAL REPORT MARKED EXHIBIT NO. 2)

I might refer to Exhibit No. 1. The property was a farm of about six and a half acres, five and a half acres were in crop. It was purchased about 1929 for $500.00 and according to the statement the property at that time was all bush. The Claimant has set forth the improvements he has made to the land, clearing, drainage, fencing and digging the well and the planting of fruit trees. He also sets forth the various buildings which he erected on the land, showing the date of erection and the cost and comments that there was electric light in all the buildings but the garage. With regard to the Appraisers report he states that the new house was seven years old in 1942, not eighteen as the as the Appraiser states; the garage was seven years old, and not ten, and the buildings were all in quite good condition and repair when he was evacuated. He refers to the fact that at the time of evacuation he leased the property for $574.00, including the 1942 crop and eight cords of firewood. He says that the property was well located and that the soil was very good for growing small fruits and he states that the property was worth at least $3500.00 when it was sold by the Custodian.

Q Witness, did you instruct Mr. Leckie to draw this

statement with regard to your personal chattels, including your 1939 light delivery International truck? A Yes.

Q And is that your mark on the document? A Yes.

Q And are the contents of that document true, to the best of your knowledge and recollection?

A Yes.

Q And did you instruct Mr. Leckie to mark in ink on this copy of the Custodian's Analysis of Personal Property Claim the respective amounts you are claiming for the items which appear in the third column?

A Yes.

Q Do those values shown there represent your estimate of a fair sale price of those chattels at the time of evacuation?

A I don't think it was a fair price.

MR. McMASTER: I am referring to the figures which he instructed Mr. Leckie to put on there. Are those his estimate of a fair price, not what the custodian put on there.

INTERPRETER: (Interpreting)

A Yes.

MR. McMASTER: I would ask to file the Statement with the copy of the Analysis of Personal Property Claim form, marked as shown in the evidence, as the next exhibit, Your Honour. Before handing it to the Secretary I would draw your attention to the fact that on the form is set forth a summary showing the total claim for the truck and various chattels totaling $1281.50, showing credit to the Custodian

for items claimed which total $599.35, leaving a net claim of $682.15. Some of the articles which were sold by the Custodian with respect to which the Claimant is making no claim, Mr. Leckie has circled those items sold at auction and carried those over into the column showing credits to the Custodian. There is only one place where confusion might possibly arise and that is where Mr. Leckie shows - dining room suite and sideboard, total $20.00. It is shown separately on the Custodian's list of prices as Sideboard, $2.00, Dining Room Suite, $18.00. I do not know whether my learned friend wants me to file on his behalf the Analysis.

MR. McTAVISH: I think it would be only fair to clear up the confusion in Exhibit No. 3.

MR. McMASTER: I submit Exhibit No. 3, is quite clear. I will file on behalf of my learned friend the Analysis of Personal Property Claim.

(STATEMENT AND COPY OF ANALYSIS MARKED EXHIBIT NO. 3.)

(ORIGINAL ANALYSIS MARKED EXHIBIT NO. 4)

I would ask my learned friend if he could produce receipt for the truck from Royal Canadian Mounted Police.

MR. McTAVISH: (Producing.)

Q Witness, I produce to you a receipt from Royal Canadian Mounted Police from the Custodian's file for a 1939 light delivery International truck, is that a copy of a receipt issued on delivery of your truck to the R.C.M.P?

A Yes.

R. Tahara,
In Chief.

MR. McMASTER: I would ask to file that as the next exhibit.

(RECEIPT OF ROYAL CANADIAN MOUNTED POLICE, DATED MARCH 4th, 1942, DESCRIBING THE VEHICLE IN QUESTION, SHOWING SPEEDOMETER READING 24096, AND CONDITION APPEARS GOOD, MARKED EXHIBIT NO. 5).

I might refer to Exhibit No. 3, Your Honour, which was a statement of personal chattels, details of purchase date and prices of certain of the items are shown there. The balance of the items will appear on the revised copy of the Custodian's Claims Analysis filed with that Exhibit. The Claimant states the articles for which he is claiming are entirely exclusive of any articles which he took with him at the time of evacuation or which were shipped to him afterwards. He states that his wife declared these articles and included other articles for which he is not claiming and he states he is the owner of the chattels for which he is claiming.

I am asking my learned friend to admit the truck was appraised for $525.00 and sold for $475.00.

MR. McTAVISH: It would appear to be correct.

MR. McMASTER: I would ask my learned friend to advise me if possible, to whom the truck was sold.

MR. McTAVISH: It was sold to R. C. Rumble on September 3rd. 1942.

MR. McMASTER: Have you any address for Rumble?

MR. McTAVISH: There is no address on the file.

MR. McMASTER: Could my learned friend advise me as to whether or not any tenders were received on this truck?

MR. McTAVISH: There is nothing on the file to indicate whether or not they were received.

MR. McMASTER: Perhaps my friend would be good enough to produce any tenders which the Custodian has, to Counsel in Vancouver.

MR. McTAVISH: Yes, Your Honour.

MR. McMASTER: Can my learned friend advise me whether any appraisal was made on the dining table and six chairs and sideboard, before it was sold.

MR. McTAVISH: There is no record of any appraisal.

MR. McMASTER: I would ask my friend to produce any appraisal, if one was made.

MR. McTAVISH: Yes, Your Honour.

MR. McMASTER: And can my friend advise me whether any appraisal was made on the sewing machine before it was sold?

MR. McTAVISH: There is no record of an appraisal on the file.

MR. McMASTER: Will my learned friend undertake to produce an appraisal if one was made?

MR. McTAVISH: Yes, Your Honour.

CROSS-EXAMINATION BY MR. McTAVISH:

It is submitted Your Honour, that the real property was sold for a fair market value. It is submitted that the truck claimed for was sold for a fair market value. It is submitted that the personal property was left by the Claimant in the custody of someone other than the Custodian, appointed by the owner. In that case the Custodian is not liable. It is submitted that the property that was sold was sold for a fair market value.

It is submitted that the prices claimed for the property that was not sold are exorbitant.

I would ask my learned friend to admit the assessed values of the real property claimed for, for the year 1943, - land being assessed at $400.00, and improvements $900.00.

MR. McMASTER: It appears to be correct, Your Honour.

MR. McTAVISH: Q Witness, I produce to you what is known as a J. P. Form, dated the 22nd. April 1942. Is that your signature on the J.P. Form?

A Yes.

Q I produce to you another J.P. Form, dated 11th May 1942. To your knowledge was that J.P. Form completed and signed by your wife and is that her mark?

A Yes.

MR. McTAVISH: I would ask to put in as the next exhibit, Your Honour, the J. P. Form of the Claimant dated 22nd. April 1942 and the Form dated 11th May 1942.

(J. P. FORMS MARKED EXHIBIT NO. 6)

Q Did you lease your property before you were evacuated?

A No I didn't

Q What date were you evacuated?

A I arrived here about the 30th or 31st. August.

Q In what year?

A I am not quite certain but I think it was 1942.

Q Was your wife evacuated at the same time as you were?

A Yes.

Q At the time you left your property did you request a Mrs. Lee to look after your goods and chattels

for you? A Yes.

Q Did you ever send to the Custodian a list of the articles which she shipped to you?

A I don't remember receiving any.

Q Did you ever at any time send to the Custodian a list of the articles received by you from Mrs. Lee.

A There was no communication with the Custodian so I didn't tell them when I received these things.

Q These articles were entirely under Mrs. Lee's control?

A I had left everything with Mrs. Lee but the things that were sent to me I kept them separate and asked her to send them to me.

Q And you never notified the Custodian of the articles you received?

INTERPRETER: He calls it a white person I suppose who had taken them from the house had told him the Custodian had given him leave to get the - - - key.

MR. McTAVISH: The question was did he ever send to the Custodian a list of the articles he received from Mrs. Lee?

INTERPRETER: (Interpreting)

A No.

RE-EXAMINATION BY MR. McMASTER:

Q You are not making any claim for any goods you received from Mrs. Lee, is that right?

A No, I am not claiming.

Q Your property was rented to some white person, that is the real property - the farm? A Yes.