

3981

OFFICE OF THE CUSTODIAN

JAPANESE SECTION

To be completed by persons of the Japanese race having property in any protected area. The proper administration of this property requires such persons to give full particulars as requested in this form.

PERSONAL INFORMATION

NAME: MIYAHARA Tautoma

HOME ADDRESS: 2323 W. 4th Ave., Vancouver, B.C.

REGISTRATION NUMBER 00610 SEX: Male AGE: 27

OCCUPATION: Cleaning and pressing. *House 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: None

MARRIED? Yes

NAME OF WIFE OR HUSBAND: Sumiko

ADDRESS OF WIFE OR HUSBAND: 2323 W. 4th Ave., Vancouver, B.C.

NAMES OF ANY LIVING CHILDREN: None

ADDRESS OF CHILDREN: None

AGE OF CHILDREN: None

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: 2323 W. 4th Ave., Vancouver, B.C. - 2 room construction - 1 room dry cleaning and pressing business - living quarters in back.
2. LANDLORD'S NAME AND ADDRESS: J.B. Allan, 510 Hastings W., Vancouver, B.C.
3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID: \$25.00 per month paid to April 15, 1942.
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: Drying and pressing machine, boiler, 2 sewing machines (1 electric - 1 treadle) Neon sign Approx. value \$500.00 - inside neon sign \$30.00, clothes cabinet, 2 screens, tables, chairs, carpet, irons, artificial palm tree. - will be stored in declarant's store 2323 W. 4th Ave., Vancouver, B.C.
2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS None
3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY None

4. INSURANCE CARRIED ON ABOVE PROPERTY: None
5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF OTHERS: None
6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom): None
7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts): None
8. BANK ACCOUNTS: None
9. LIFE INSURANCE: Sun Life Assurance Co., for \$1,000.00 - Beneficiary Mother Mitsui, Annual payment \$40.00 per year. 25 year endowment. Policy in owner's possession. Policy No. unknown.
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 11th day of April, 1942.

(Signature)

T. Miyahara

Charlotte Hilke

Witness

FOR DEPARTMENTAL USE

INFORMATION FROM R.C.M.P.

Date 19-4-43.

Our File No. 3981

Full Name MIYAHARA - Isutomu
(Surname in Block Letters)

Registration No. 60610 Male - Female (check) Age Oct. 25 - 1914

Former Address 2323 West 4th Ave. Vancouver B.C.

Date Evacuated 13-4-42 Naturalized - Canadian-Born - National (check)

Present Address New Denver B.C.

Married - Single (check)

Name of Wife NISHI - Sumiko - 00163

Name of Husband

Name of Mother (FURUKAWA) Mitsui Name of Father Ichisuke - (decd)
00776

Names of Children under 16

Requested by camp Registered with Custodian (Yes or No)

Additional Information roominghouse keeper.

*Transcribed
from
Winnipeg
R.C.M.P.
2079/46*

LIABILITY SUMMARY

File No. 10119

September 6, 1947.

Re: Tautoni MIYAHARA, Reg. No. 00610

This file reveals the following claims:

1. On April 15, 1942, E. MORI (Mrs. Kyumatsu MORI) Reg. No. 00696, File No. 10119, filed a claim in the amount of \$600.00 against Tautoni MIYAHARA. Mrs. MORI stated she had sold the Shashi Cleaners to MIYAHARA in 1941 and that a balance of \$600.00 was owing. In reply to our inquiry regarding the claim, MIYAHARA stated on May 21, 1942, that in regard to the claim, the agreement was to pay half of the sale price if the sale price was \$1,000.00 or less. This claim was again referred to MIYAHARA on August 4, 1943, and April 15, 1944, but no acknowledgment was received. On September 20, 1946, Mr. and Mrs. MORI were advised that we had been unable to obtain a reply from MIYAHARA in regard to the claim and that we would take no further action in this connection. MORI was given MIYAHARA's address and advised to deal direct.
2. On September 10, 1942, a statement covering outstanding rent for the premises on which MIYAHARA conducted his business was received from J. B. Allen. The unpaid rent covered the period from April 15, 1942, to May 29, 1942, and amounted to \$37.50. This account was paid on September 24, 1942, from MIYAHARA's account, creating a debit which was later compensated by proceeds received from the sale of MIYAHARA's chattels.
3. An account in the amount of \$6.00 was filed by Fred Walsh & Son for dismantling a steam press at 2343 West 4th Ave. This was paid from Protection Account and is mentioned in the summary for record purposes only.
4. An account of \$3.50 was filed by Haskins and Elliott for locksmith services. This was paid from Protection Account and is mentioned in the summary for record purposes only.
5. A claim in the amount of \$3.55 was filed by the B. C. Telephone Company. This claim was filed originally against E. MORI but as the period covered by the bill was following the sale of the business to MIYAHARA the claim was transferred to this file. This claim was referred to MIYAHARA and on July 26, 1943, the sum of \$3.55 was received from him in payment of this bill.
6. A claim in the amount of \$7.00 was filed by the Neon Sign Company for rent on window display. This claim was referred to MIYAHARA on August 4, 1943, and April 15, 1944, but no acknowledgment was received. Neon Sign Company was given MIYAHARA's address and advised to deal direct on September 6, 1947.

This file reveals no further liabilities.

This summary is certified to be in
accordance with information on file.

Francis May
September 6, 1947.

SIGNS SOLD
AND SERVICED

"See Our Signs Everywh

SMALLEST TO THE
LARGEST DISPLAYS

DAVID NEON

David Neon

OUTDOOR ADVERTISING

OFFICE AND FACTORY: 1025 MAIN STREET
VANCOUVER, B.C.

OFFICE OF THE CUSTODIAN
JAPANESE SECTION

RECEIVED

JUN 1942

Mr. Green,
Custodian of Property for Japanese Evacuees,
675 West Hastings St.,
Vancouver, B. C.

May 30th, 1942.

T. MIYAHARA 3981

Dear Sir:

In compliance with your request, and further to our telephone call yesterday, we enclose herewith a statement of account on the following Japanese customers.

(T. MIYAHARA)

H. Ohashi, proprietor of the store of Ohashi Cleaners at 2323 West 4th Avenue purchased an outdoor projecting sign outright, and owes nothing on this particular sign, but owes two months on the window display, which was rented at \$3.50 per month, making a total outstanding of \$7.00. As pointed out to you, we will remove the projecting sign and store the same free of charge for six months, with the understanding that we receive payment when this sign is sold.

T
MIYA-
HARA
3981

K. Iwama, proprietor of the Kitsilano Cleaners at 2218 West 4th Avenue rented a sign from us; the renewal of the same coming into effect in December 1939. At the time he vacated the premises he owed us \$90.00. The new people will not take over the obligation, and we look to the assets of K. Iwama to pay this debt. The balance of the unexpired portion of the contract is \$90.00. \$180.00 Total Indebtedness.

Mrs. J. Toida, proprietor of the State Cleaners at 2900 Main Street. At the time that these people vacated the premises they were in arrears on their maintenance contract of \$3.00 per month for four months, making a total outstanding of \$12.00. There is no further contract on this.

S. Asazuma operating under the name of Togo Cleaners at 2801 West Broadway. This party was indebted to our Company at the time of vacating the premises, in the sum of \$15.00. The balance of the unexpired portion of the contract is \$63.00. \$78.00 Total Indebtedness. *File 9432*

A. Yoshida operating under the name of Kewpie Cleaners at 346 Dunsmuir Street. At the time these people vacated the store at the above address, they were in arrears on their contract in the sum of \$27.00. The balance of the unexpired portion of this contract is \$156.00. \$183.00 Total Indebtedness

\$183.00

Pa 5474



THE GLITTER LIGHT GLASS BACKGROUND—PATENTED IN CANADA BY V. DAVID, NO. 382828

Mr. Green (continued)

S. Toho operating under the name of Burrard Cleaners at 500 Burrard Street. They have vacated the premises and are in arrears in the amount of \$7.04. The balance of the unexpired portion of this contract is \$81.90. *Total Indebtedness \$88.94*

T. Yamazaki operating under the name of Rapid Cleaners at 111 West Pender Street. This party has vacated the above premises and are in arrears on their contract in the sum of \$5.04. The unexpired balance of the contract is \$108.36. *Total Indebtedness \$113.40*

J. Matsui and I. Watanabe operating under the name of Rancho Hotel at 119 East Cordova Street. These people are in arrears on their contract in the sum of \$32.40, which is three months at \$10.80 per month. The balance of the unexpired portion of the contract is \$151.20. *Total Indebtedness \$183.60*

K. Iwata & K. Kuba operating under the name of Mode-O-Day at 413 West Hastings Street. The arrears on this contract is \$17.28, and the unexpired balance of the contract is \$99.36. *Total Indebtedness \$116.64*

We trust that we are in time in filing our claim on the above aliens, and appreciate your co-operation in bringing the same to our attention.

We are,

VMD/PMD

Yours very truly,

DAVID NEON LTD.

Manager

P. S. Still another of our Japanese customers who has vacated the premises, is Mrs. M. Sada operating under the name of Komei Rooms at 6 Water Street. The arrears on this contract is \$15.80, and the unexpired portion of the contract is \$88.56.

Total Indebtedness \$104.36

DAVID NEON LTD.

All extracted to appropriate files 17-6

3981

June 17th, 1942

Messrs. David Neen, Ltd.,
1025 Main Street,
Vancouver, B. C.

Dear Sirs:-

Re: MIYAHARA, Tsutomu & Other Japanese

Further to various telephone conversations with Mr. David, we now acknowledge your letter of May 30th.

Mr. H. Chashi (Tsutomu Miyahara),
Cleaners at 2323 West 4th. We note that you will store the outdoor sign free of charge and if possible, get offers for its disposal. Such offers should be referred to us and if accepted, we shall then authorize payment to you of the \$7.00 outstanding on the window display.

We have noted the claims you are making against the other Japanese, set out in your letter of May 30th.

Yours truly,

R. P. Alexander
Assistant Manager

 HFG:IF

EXHIBIT No.

915-5

DATE

Sept. 16/48

FILLED BY

Crown

3981

June 18, 1948

David Neon, Ltd.,
1025 Main Street,
Vancouver, B. C.

Dear Sirs:

Re: MIYAHARA, Tsutomu #00610

On May 30, 1942, you wrote this office as follows:

"H. Ohashi, proprietor of the store of Ohashi Cleaners at 2323 West 4th Avenue purchased an outdoor projecting sign outright, and owes nothing on this particular sign, but owes two months on the window display, which was rented at \$3.50 per month, making a total outstanding of \$7.00. As pointed out to you, we will remove the projecting sign and store the same free of charge for six months, with the understanding that we receive payment when this sign is sold."

On June 17, 1942, we wrote in reply,

"We note that you will store the outdoor sign free of charge and if possible, get offers for its disposal. Such offers should be referred to us and if accepted, we shall then authorize payment to you of the \$7.00 outstanding on the window display."

Since then we have heard nothing from you regarding the sign. Would you kindly let us know if the sign has been sold or if it is still in your possession?

A stamped, addressed envelope is enclosed for your convenience in replying.

Yours truly,

F. Matheson,
Office of the Custodian.

/Fm
Enclosure

SIGNS SOLD
AND SERVICED

"See Our Signs Everywhere"

SMALLEST TO THE
LARGEST DISPLAYS

PACIFIC 5474

OUTDOOR ADVERTISING

OFFICE AND FACTORY: 1025 MAIN STREET
VANCOUVER, B. C.

June 22, 1948

Department of the Secretary of State
Office of the Custodian
506 Royal Bank Building
Hastings and Granville
Vancouver, B. C.

EVACUATION SECTION	
JUN 23 1948	
Rec'd	
File No.	3781
Ans.	
Returned	

Attention: Mr. F. Matheson

Dear Sirs:

This will acknowledge yours of June 18th regarding Japanese MIHAHARA, Tsutomu #00610 formerly operating under the assumed name of H. Ohashi the Ohashi Cleaners at 2323 West 4th Avenue.

It is regretted that so much time has elapsed and no remittance has been received from your department in connection with our letter of May 30, 1942, and that the file and correspondence have been removed from this office. The signs have apparently deteriorated to a valueless point and the storage costs have advanced to the stage where we have been taking a considerable loss on the transaction, resulting in the apparent discarding and cancellation of the transaction.

Regarding the last paragraph in your letter, this will now naturally enlighten you on the whole subject whereby the signs are not in our possession.

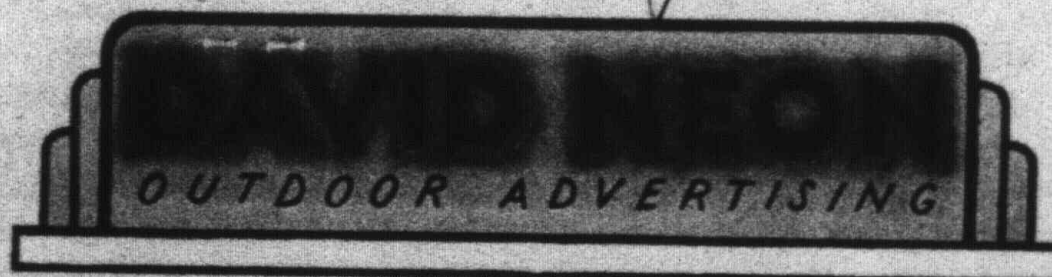
Yours very truly,

DAVID NEON LTD.

Per:

VICTOR M. DAVID, Manager

VMD/s



THE GLITTER LIGHT GLASS BACKGROUND — PATENTED IN CANADA BY V. DAVID, No. 362626

June 23, 1948

David Neen Ltd.,
1025 Main Street,
Vancouver, B. C.

Dear Sir: Re: Tautoma MIYAHARA, Ohashi Cleaners, 2323 W. 4th

Your letter of June 22nd, in regard to the outdoor projecting sign belonging to the Ohashi Cleaners, 2323 West 4th, has been received. While we do not find your letter entirely clear, we gather that the sign is no longer in your possession.

It is most unfortunate that you disposed of this sign without getting in touch with the Custodian. We would have been prepared to pay reasonable storage charges and to protect you in respect to the small sum of \$7.00 due you from Mr. Miyahara.

This sign was worth \$530.00 according to the owner, who has filed claim for recompense for its loss.

It is necessary that we have definite information regarding the disposition of this sign. Would you kindly let us know when the sign was disposed of and the manner of disposal?

A stamped, addressed envelope is enclosed for your convenience in replying.

Yours truly,

F. Matheson,
Office of the Custodian.

/fa
Enclosure

3981

~~CONFIDENTIAL~~

August 10, 1948

Mr. Victor H. David,
David Neen Ltd.,
1025 Main Street,
Vancouver, B. C.

Dear Sir:

Re: Tautou Miyahara, Ohashi Cleaners

No reply has been received from you to our letter of June 23rd in regard to the outdoor projecting sign belonging to Ohashi Cleaners.

This sign was placed in your keeping as security for the sum of \$7.00 which you claimed was owing to you. You did not supply this office with proof of the alleged debt. Mr. Tautou Miyahara did not acknowledge any indebtedness to you. Your claim has not been paid. You have not returned the outdoor sign to this office. You have given us no accounting for this valuable piece of property.

We must have an accounting for this property. Your immediate attention to this matter is requested.

Yours truly,

F. Matheson,
Office of the Custodian.

/FM

SIGNS SOLD
AND SERVICED

"See Our Signs Everywhere"

SMALLEST TO THE
LARGEST DISPLAYS

PACIFIC 8474

EVACUATION SECTION

Rec'd AUG 18 1948

File No.

Ans.

Referred

OUTDOOR ADVERTISING

OFFICE AND FACTORY: 1025 MAIN STREET
VANCOUVER, B. C.

August 16th, 1948.

R. Matheson, Esq.,
Office of the Custodian,
Dept. of the Secretary of State,
Japanese Evacuation Section,
506 Royal Bank Bldg.,
VANCOUVER, B.C.

Dear Sir:

Re Miyahara, Tsutsumi, Your 00610.

It is apparent that you are deeply concerned about the Japanese client mentioned in your letter of August 10th, which would appear to be a waste of Government's money and time, as the questions you ask in that letter are the same questions as you asked in your letter of June 18th, to which we replied in our letter of June 22nd.

We repeat -- we have no file nor any sign belonging to your client. This Company disclaims any knowledge of any such transaction with your client as you mention.

Yours truly,

DAVID NEON LTD.

VICTOR E. DAVID,
Manager.

VND+S.

OUTDOOR ADVERTISING

TRINITY 0965 - 1025 MAIN STREET

THE GLITTER LIGHT GLASS BACKGROUND - PATENTED IN CANADA BY V. DAVID, No. 302626

MEMORANDUM

August 18, 1948

Re: Tautou Miyahara, Reg. No. 00610, File 7981

This man operated the Ohashi Cleaners at 2323 West 4th Ave., Vancouver. Among the goods inventoried at this address by The London & Western Trusts Co., Ltd. on May 27, 1942, was an outdoor projecting neon sign.

May 30, 1942, David Neen Ltd. wrote Custodian as follows:

"E. Ohashi, proprietor of the store Ohashi Cleaners at 2323 West 4th Avenue purchased an outdoor projecting sign outright, and owes nothing on this particular sign, but owes two months on the window display, which was rented at \$3.50 per month, making a total outstanding of \$7.00. As pointed out to you, we will remove the projecting sign and store the same free of charge for six months, with the understanding that we receive payment when this sign is sold."

The original letter is on File Q/62 - filed under "E"

June 17, 1942, the Custodian wrote David Neen Ltd. confirming the arrangement re the removal and storing of this sign, and requesting that any offers to purchase be referred to the Custodian.

June 4, 1942, Crane Storage Co., Ltd. who had been instructed to pick up the goods at 2323 West 4th, wrote the Custodian: "To the best of our ability we picked up all the goods belonging to T. Miyahara as instructed, but we were not able to pick up an electric Neon sign."

Nothing was done about this sign from 1942 until June 18th of this year, when the claim of Tautou Miyahara was being dealt with. In the claim a value of \$500.00 is placed on this sign. On June 18, 1948 we wrote David Neen Ltd. inquiring about the sign.

June 22, 1948, David Neen Ltd. replied to our letter stating that the file dealing with this matter was not in their office, that we had not paid the account of \$7.00, that storage costs had been great, that the sign was no longer in their possession.

June 23, 1948, we wrote asking when and how the sign had been disposed of.

No reply was received and phone calls to their office produced no result.

August 10, 1948 we wrote: "This sign was placed in your keeping as security for the sum of \$7.00 which you claimed was owing to you. You did not supply this office with proof of the alleged debt. Mr. Tautou Miyahara did not acknowledge any indebtedness to you. Your claim has not been paid. You have not returned the outdoor sign to this office. You have given us no accounting for this valuable piece of property. We must have an accounting for this property."

August 16, 1948, David Neen Ltd. replied:

"It is apparent that you are deeply concerned about the Japanese client mentioned in your letter of August 10th, which would appear to be a waste of Government's money and time, as the questions you ask in that letter are the same questions as you asked in your letter

(OVER)

"of June 15th, to which we replied in our letter of June 22nd.

"We repeat - we have no file nor any sign belonging to your client. This company disclaims any knowledge of any such transaction with your client as you mention."

Since the sign appears to have been removed before Crane Storage went to remove the goods from 2323 West 4th in June, 1942, and David Neon Ltd. did not reply to our letter of June 17, 1942, outlining the arrangement made with David Neon Ltd. for the removal and storing of this sign, it is evident that David Neon Ltd. did remove the sign. The letter of June 22, 1942 indicates that the sign was removed and stored by them. We do not quite understand the final sentence of the letter of August 16, 1942 therefore.

Master File 3981 and Claim File of Tautomu Miyahara are being sent to Winnipeg. Except for the letter on G/68 none of the correspondence will be available for a few weeks.

Apart from the fact that the sign was an outdoor projecting sign, we have no information regarding it. The David Neon Ltd. letter of May 30, 1942, indicates that the sign was saleable. An outdoor projecting sign would probably be fairly large. It does not appear to be an article that would be swept out with rubbish or easily mislaid.

G. Macdonald

15th October, 1948.

TO: File #3981
FROM: J. Cuning
RE: NEON SIGN

The writer visited Mr. David of David Neon Ltd. at his office on Main St. in Vancouver this date in regard to the neon sign which he removed from 2323 - 4th Ave. N., Vancouver -- formerly the premises of T. Miyahara operating as Ohashi Cleaners.

Mr. David admitted that the sign had been removed and stored by him, but that it had been disposed of or junked during the period 1942 to date.

I advised David that Miyahara was claiming \$530.00 compensation for the sign and he produced to me the original Conditional Bill of Sale from which I have noted the following insertions and extracts:

- a) The sign purchased in Sept. 1935 by Ohashi at a cost of \$324.00. This sum including a monthly service charge of \$3.24 for a period of three years.
- b) The sign was fully paid for by August or September of 1938.
- c) Clause 8 of the Bill of Sale contracted the purchaser to pay an amount of \$3.24 for a further period of 5 years -- the vendor to service the sign monthly on that basis for a period of 5 years.

On David noting item 'c' above, he immediately stated that Miyahara had not paid the \$3.24 for the 5 year period, and then proceeded to subtract from the original price of \$324.00 the service charge of \$3.24 for the first three year period, subtracting from this the \$3.24 per month for the 5 year period, then subtracting 20% per annum for depreciation. The ~~sum~~ balance herequoted by David was in his estimation the fair market value of the sign.

I suggested to David that he submit all particulars re purchase and contract in affidavit form to this office, together with copies of the Conditional Bill of Sale and customer receipt forms for the monthly service charge as exhibits thereto.

David finally agreed to forward a letter to this office providing us with the information as above and attaching photostatic copies of all agreements and customer receipts.

JC/..

J. Cuning
J. Cuning

3981

29th October, 1948.

ATTN. Mr. David

David Neon Ltd.,
1025 Main St.,
Vancouver, B.C.

Dear Sirs,

On 15th October, 1948 the writer had the pleasure of conferring with your Mr. David in re the Ghashi Gleaners' sign which your company removed from the premises situate at 2323 W. 4th Ave., Vancouver, B.C.

At the time of the writer's call, Mr. David stated that he would forward all information at his command to this office, attaching photostatic copies of all agreements and customer receipts.

As the completion of the Custodian defense at the current Royal Commission is being held up pending receipt of the above information, may this office be advised please of the present status of the case at your earliest convenience.

Yours truly,

J. Cuning
J. Cuning
OFFICE OF THE CUSTODIAN

JG/..

3981

February 1, 1950.

David Neon Ltd.,
1025 Main St.,
Vancouver, B. C.

Dear Sirs:

Attention: Mr. David

Re: Teutomu MIYAHARA - Case 915 - Neon Sign

This matter has been the subject of correspondence and interview for the past few years.

You may be aware that the Government provided an opportunity for persons of the Japanese race to file claims before Commissioner, Justice Henry Bird. The Commissioner, after hearing evidence on this case has concluded that Mr. Miyahara is entitled to receive the value of this sign, and this matter has come to me for attention.

Previous correspondence indicates that the sign was fully paid for and that you also undertook to store the sign free of charge, pending securing an offer for its purchase.

While your correspondence states that the sign was "apparently discarded", you will appreciate that this Government department cannot accept this as a basis for ignoring the fair value of the sign. In the claimant's opinion, the value was \$530.00. However, the ruling of the Commissioner is that \$300.00 should be paid and in order to bring this matter to a conclusion, we are requesting that if you are unable to return the sign the sum of \$300.00 be remitted to this office in favor of "The Custodian".

Your personal attention is asked in regard to this matter in order that in our report to the Commissioner and to the authorities at Ottawa, there will be no outstanding liability against your firm.

Yours truly,

F. G. Shears,
Director.

FGS/CN

3981

February 28, 1950.

Messrs. Locke, Guild, Lane, Sheppard & Rule,
Barristers & Solicitors,
470 Granville St.,
Vancouver, B. C.

Attention. Mr. Sheppard

Dear Sir:

Re: MIYAHARA (Obashi Cleaners)

I am enclosing our office memorandums of August 18th and October 15th, 1948 and my recent letter to David Neon of February 1st. This will I think, sufficiently set out the facts of the matter in question. No answer has been forthcoming to this letter or to the promise referred to in the last paragraph of the Memorandum of the 15th of October.

We would be glad if you will write a letter in as severe terms as you think desirable, in a further effort to obtain some value for this sign.

You are aware that our policy has been to refrain from taking legal action, but a letter as solicitors on our behalf will we hope, produce some results.

As indicated in my letter to David Neon, in view of the recommendation which the Commissioner will be making in this particular case, the Government will be faced with a payment of \$300.00 on the basis that this sign which was left in the Protected Area by the evacuee has not been accounted for by the Custodian at its fair market value.

Will you kindly send us a copy of your letter to David Neon Ltd. As a matter of interest, we understand that Mr. David is the party who purchased the "Chelohain" which was recently grounded in the Burrard Inlet.

Yours truly,

F. G. Shears,
Director.

FOS/GN
Encls. 3.

3981

April 17, 1930.

Messrs. Locke, Guild, Lane, Sheppard & Yale,
Barristers & Solicitors,
470 Granville St.,
Vancouver, B. C.

Dear Sir:

Attention, Mr. Sheppard

Re: Mirshara (Chachi Cleaners)

You informed us on March 16th that you had written to David Neon Ltd. in regard to the sign, and that you would try to have a personal interview with Mr. David at your convenience. We would be glad if you will report the present position of this matter.

You will understand from our letter of February 28th that if you are not able to obtain a settlement, it is not likely that we would proceed further, but we had hopes that you might obtain at least a compromise settlement.

In any case, we would be glad of your advice.

Yours truly,

F. G. Shears,
Director.

FCS/CH

LOCKE, GUILD, LANE, SHEPPARD & YULE

Barristers & Solicitors

C. K. GUILD, K.C. (MAN) F. A. SHEPPARD, K.C. (BARR.)
W. B. LANE R. L. YULE
E. G. LOCKE J. R. YOUNG

703 Rogers Building

Vancouver B. C.

March 16th, 1950.

Rec'd	March 17
File No.	3981
By	
Initials	<i>[Signature]</i>

Office of the Custodian,
506 Royal Bank Building,
Hastings and Granville Streets,
VANCOUVER, B.C.

Attention Mr. F.G. Shears

Dear Sirs:-

Re : Miyahara (Ohashi Cleaners)
Your file No. 3981

We have today written to David Neon Ltd. about the sign. Apparently there is some evidence that the sign was taken by them as the taking was admitted to J. Cuming, according to his memorandum. We have demanded payment of \$530.00 the amount of the claim.

There may be some difficulty collecting even although the claim could be proved. David, the Manager, seems to be the type who succeeds in getting his company into trouble of one kind or another, according to our information. At the time he bought the "Chelohsin" we understand it was David who bought it, not the Company, and he was assigning Bills Receivable as a means of raising funds by way of loan. That speculation has turned out well but we do not think it will add to the Company's assets, but rather to his personal assets.

We have written David and if we can get an interview we will bear in mind not only bringing an action against the Company but also against David personally.

Yours truly,

LOCKE GUILD LANE SHEPPARD & YULE,

Per:

FAS/EB

LOCKE, GUILD, LANE, SHEPPARD & YULE

Barristers & Solicitors

C. K. GUILD K.C. (MAN) F. A. SHEPPARD K.C. (BANK)
W. B. LANE K. L. YULE
E. C. LOCKE J. R. YOUNG

703 Rogers Building

Vancouver B.C.

September 9th, 1950.

Rec'd	Sept 11/50
File No.	
Ans.	J. G. Shears
Related	

Attention Mr. Shears

Office of the Custodian,
506 Royal Bank Bldg.,
675 West Hastings Street,
VANCOUVER, B.C.

Dear Sirs:-

Re : Miyahara (Ohashi Cleaners)
File No. 3981

We have taken up with David Neon Ltd., your claim of \$300.00, the value of this sign. The suspicion is, you will recall, that David sold it and thought nothing would be said of it. Now he takes the position that he took down the sign and stored it, and as it was of no value he threw it out; further that it was thrown out after it had ceased to have any value, and in the meantime he has acquired an account for ten years storage. You can understand the years of storage vary according to the time he tells about it. We have not pointed out to him that he wrote to you saying he would store it free for six months and receive payment when the sign was sold. He refuses to pay but will let us have final word next week.

Yours truly,

LOCKE GUILD LANE SHEPPARD & YULE,

Per:

FAS/EB

STATEMENT

Phone Sey. 3323

1001 Denman St.,

VANCOUVER, B. C.

April 15th 1942

M

In Account With

Denman Tailors & Cleaners

Cleaning, Pressing and Dyeing
Alterations a Speciality

To whom may it concern to:-

I have sold Ohashi Cleaners
no 3323 W. 4th Ave. to J. Miyahara
on Nov 15th 1941.

We have not yet received
the balance of \$600.~ which he
promised to pay me last month.

So please forward \$600.~
to me when the deal is completed.

Yours truly

Harvey H. Mori.

1001 Denman St

Vancouver

No. 00696

~~Antonia~~

THE LONDON & WESTERN TRUSTS OF THE CUSTODIAN
COMPANY LIMITED JAPANESE SECTION
EXECUTORS AND TRUSTEES

RECEIVED
MAY 29 1942

455 HOWE ST.
VANCOUVER, B. C.
May 26th, 1942.

Re: Your File No. 3981.
re Tautomu Miyahara
Our File No. 6541/14

Office of the Custodian,
Japanese Evacuation Section
506 Royal Bank Building,
Vancouver, B. C.

Dear Sirs: Attn: C. L. Drewry.

Referring to your letter of the 30th ultimo regarding the forcible entry to premises at 2323 - West 4th Avenue, occupied by the above named evacuee, we now enclose account of Messrs. Haskins & Elliott for \$3.50 in connection with the above.

note enclosed to pay

As the landlord to the premises asked us to have the equipment removed we had The Crone Storage Co. Ltd., at your request, remove the equipment to the warehouse at 992 Powell Street, City, and we enclose herewith in duplicate a list of the articles now in storage. The Crone Storage Company employees did not have the necessary tools and tackle with them to remove the Neon sign outside, and the awning.

The writer telephoned Mr. Green of the Custodian's Office today and he suggested we leave the awning in place, and that we would be advised later regarding the Neon sign. We enclose herewith a copy of our letter to The Crone Storage Company.

Yours truly,

Jo. Harrison
Trust Department.

GH/ER
Enc.

*See R. Palmer's letter June 2
removed sign by them*

Your File No. 00610

Our File No. 6541/14

May 6, 1942
OFFICE OF THE CUSTODIAN
JAPANESE SECTION

RECEIVED
MAY 8 1942

Miyahara Teutomu
2323 W. 4th Ave.,
Vancouver, B. C.

Check Cleaning

Shaan

*Three Valley
Be*

1. This business is located in property on the north side of street and the second property West of Vine Street. A branch of the Safeway Stores is located on the corner of Vine Street and Fourth Avenue West. This business is located in good shopping district.
2. This property is located between the Safeway Store on the East and a small property used as a barber shop on the West. The evacuee tenant only.
3. The evacuee is in camp and we have been unable to locate his wife or mother, so consequently we are unable to give you any information regarding the evacuee's financial standing.
4. None
5. Refer to Item No. 3. We are advised by the landlord that the evacuee paid the rent up to the time he vacated premises.
6. As the evacuee was a tenant only, and we understand from the landlord that premises will be occupied shortly by a new tenant, it will be necessary to have effects of the evacuee, now in the premises, removed and stored. As the keys to the premises were lost, it was necessary to have a locksmith force the lock and the lock changed.
7. It will be necessary to remove and store equipment now in these premises, and would thank you to advise us as to the name of the storage firm with which you wish the equipment stored.

May 27th., 1942.

REFERENCE No. 6541/14
Tsutomu Miyahara

- 1 - Neon Sign (Inside window)
- 1 - Drying and Pressing Machine
- 1 - Boiler
- 3 - Rolls Linoleum
- 2 - Mirrors (In wooden Frames)
- 3 - Carton Coat Hangers
- 1 - Carton Sundry Kitchen Utensils
- 1 - Carton, Buttons, Buckles, and Sewing Supplies, etc.
- 4 - Cartons Calendars (Advertising)
- 4 - Cartons Clothing (Found in large Clothes Cabinet)
- 1 - Carton Sundry Tools, etc.
- 1 - Carton Account Books, Files, etc.
- 2 - Small Tables
- 1 - Electric Light Stand
- 1 - Electric Iron
- 1 - Carton Fur Clippings
- 1 - Small Counter
- 2 - Cartons Spools, etc. (Miscellaneous)
- 2 - Chairs
- 2 - Stools (Chair size)
- 1 - Ironing Board
- 6 - Advertising signs (For windows)
- 1 - Sewing Machine (Treadle)
- 1 - " " (Electric)
- 1 - Wrapping Paper Rack
- 2 - Screens
- 1 - Artificial Palm Tree
- 1 - Large Tailor's Table
- 1 - Small Clothes Cabinet (separate) ✓
- 1 - Large Clothes Cabinet ✓

(This cabinet was attached to wall and had to be taken apart in order to be removed.)

Note:- The above listed articles are now in storage at
992 Powell St., Vancouver, B. C.

The London & Western Trust Company Limited
Per. *Hamilton*



J. B. ALLAN

SUITE 814 STANDARD BANK BUILDING
510 HASTINGS STREET, WEST
VANCOUVER, B.C.

OFFICE OF THE CUSTOMER
JAPANESE SECTION

RECEIVED
SEP 19 1942

September 17th 1942.

F.G. Shears, Esq.,
Assistant Manager,
Evacuated Japanese Properties,
506 Royal Bank Bldg.,
VANCOUVER, B.C.

aut 2019

Dear Sir:-

In connection with the enclosed account I beg to say that as already advised your Department on the 4th of June last, our tenant was evacuated from the premises in question on April 15th and the keys taken over by your Department until such time as the chattels of the Japanese owner could be sold or otherwise taken care of.

In consequence of this, our store was vacant until the keys were returned to us on May 29th.

The enclosed account therefore is for rent which we were deprived of and we would be glad to receive payment of the account herewith.

Yours truly,

J. B. Allan & Son

JBA:MC
Encl.

J. B. ALLAN, J.P.

PHONE: MARINE 5627

ESTABLISHED 1903

OFFICE OF THE CUSTOMER

JANUARY 1942

RECEIVED
SEP 19 1942
396

810 HASTINGS STREET WEST

VANCOUVER, September 17th 1942.

BRITISH COLUMBIA

IN ACCOUNT WITH

J. B. ALLAN

(SUCCESSOR TO POUND & ALLAN)

ESTATE AND INVESTMENT BROKER, FIRE,
AUTOMOBILE AND BURGLARY
INSURANCE

File # 6541 - TSUTOMA MIYAHARA

Late Tenant - Premises 2323 West 4th Ave.

To Rent of 2323 West 4th Avenue, 1½
months from April 15th to May 29th
1942 at \$25.00 per month

\$ 37.50

PAID
Sept 28 1942

J. B. ALLAN & SON

Per *Mallon*

May 27th., 1942.

REFERENCE No. 6541/14
Tautoma Miyahara

- 1 - Neon Sign (Inside window)
- 1 - Drying and Pressing Machine
- 1 - Heater
- 3 - Rolls Linoleum
- 2 - Mirrors (In wooden frames)
- 3 - Carton Coat Hangers
- 1 - Carton Sundry Kitchen Utensils
- 1 - Carton, Buttons, Buckles, and Sewing Supplies, etc.
- 4 - Cartons Calendars (Advertising)
- 4 - Cartons Clothing (Found in large clothes cabinet)
- 1 - Carton Sundry Tools, etc.
- 1 - Carton Account Books, Files, etc.
- 2 - Small Tables
- 1 - Electric Light Stand
- 1 - Electric Iron
- 1 - Carton Fur Clippings
- 1 - Small Counter
- 2 - Cartons Spools, etc. (Miscellaneous)
- 2 - Chairs
- 2 - Stools (Chair size)
- 1 - Ironing Board
- 6 - Advertising signs (For windows)
- 1 - Sewing Machine (Treadle)
- 1 - " " (Electric)
- 1 - Wrapping Paper Rack
- 2 - Screens
- 1 - Artificial Palm Tree
- 1 - Large Tailor's Table
- 1 - Small Clothes Cabinet (separate)
- 1 - Large Clothes Cabinet

(This cabinet was attached to wall and had to be taken apart in order to be removed.)

Note:- The above listed articles are now in storage at
992 Powell St., Vancouver, B. C.

The London & Western Trust Company Limited

John A. M. Weller
Per _____

OFFICE OF THE CUSTODIAN
JAPANESE SECTION

RECEIVED

File No: 2281 OCT 13 1942

September 28, 1942

Name: Tsutomu MIYAHARA

Reg. No: 00610

INVENTORY OF CHATTELS AT
222 POWELL STREET, VANCOUVER, B. C.

- | | |
|-------------------|------------------------------|
| 1. large table | 19. 2 sleeve boards |
| 2. wardrobe | 20. 6 pictures |
| 3. cheese box | 21. 2 screens |
| 4. carton | 22. clothes hanger and parts |
| 5. " | 23. long table |
| 6. " | 24. clothes press |
| 7. " | 25. tank |
| 8. " | 26. sewing machine |
| 9. " | 27. sewing machine |
| 10. " | 28. table |
| 11. " | 29. 2 mirrors |
| 12. " | 30. small box |
| 13. " | 31. roll linoleum |
| 14. " | 32. roll linoleum |
| 15. small box | 33. roll linoleum |
| 16. palm | 34. 4 tiles |
| 17. floor lamp | 35. small table |
| 18. kitchen chair | |

This represents all my chattels remaining in any protected area of British Columbia.

Confirmed:

DATE: Oct. 5, 1942 SIGNED: Tsutomu Miyahara

Please sign and return one copy to the Custodian.

MSA

28-10-42.

{ N.B. also seen sign as per ours of
17-6-42
steam press has never been repaired }

Chattels Discarded by Auctioneer.

Invⁿ 3981 Miyahara T. June 117

1 Large Table

2 Small "s

1 Wardrobe

1 Clothes Hairer + Post

C O P Y
THOMPSON & BINNINGTON LIMITED

Auctioneers & Appraisers.

Royal Trust Building,
626 Pender St., West.
Vancouver, B.C..

September 24th. 1943.

Department of the Secretary of State,
Office of the Custodian,
Royal Bank Building,
City,

Attention Mr. Green

Dear Sirs:-

As per your request the writer personally inspected certain articles of Furniture stored in your Warehouse on Powell St., and had your Mr. Wills mark certain pieces with chalk, as being of no value.

These certain Articles are only cluttering your Warehouse, and if you could find some person who would remove same without cost to you, would advise accepting such offer.

Yours truly,

THOMPSON & BINNINGTON LTD.

per W.J.R. Thompson (signed)

M.B.-W.T.

CHattel SCHEDULE

File No. 3981

Sept. 24/46

RE: Tautomu MIYAHARA, Reg.No.00610

DECLARED BY MIYAHARA on April 11/42 at 2323 W. 4th Ave., Vancouver.	INVENTORY TAKEN BY LONDON & WESTERN TRUST on May 27/42	SOLD	OTHER DISPOSITION
Pressing machine	pressing machine	15/9/43	
boiler	boiler	15/9/43	
2 sewing machines	2 sewing machines	1-1/10/43	
		1-15/9/43	
clothes cabinet	2 clothes cabinets		1 missing
			1 discarded
2 screens	2 screens	15/9/43	
3 tables	3 tables	1-15/9/43	2 discarded
chairs	2 chairs	15/9/43	
carpet	linoleum	(15/9/43	
		(1/10/43	
neon sign	neon sign		removed by David Neen
irons	1 electric iron	14/12/45	
artificial palm	1 artificial palm	15/9/43	
<u>ADDITIONAL GOODS</u>			
<u>DECLARED April 24/42</u>			
coat hanger	coat hangers	14/12/45	some discarded
2 mirrors	2 mirrors	1-15/9/43	1 missing
paper & rack	1 rack & paper		missing
ironing board	1 ironing board	15/9/43	
counter	1 counter		not removed
lamp stand	1 lamp stand	1/10/43	
awning			not removed
2 lamp shades		1/10/43	
2 showcases			not found
	kitchen utensils		not found
	miscellaneous supplies	9/8/44	
	miscellaneous tools) one box	14/12/45	
	miscellaneous clothing) assorted		
	miscellaneous books) articles		
	2 stools		missing
	2 advertising signs (window)	15/9/43	

The above schedule is certified to be in accordance with the information on file.

Sept. 24/46

GBS:LEW

G.W. M. Lyman
G.B. Spain

NAME MIYAHARA, Tautomu (Mr.)

REGISTRATION NO. 00610

FILE NO. 3981

The following chattels were sold by public
auction at Vancouver, B.C. on September 15, 1943.

Electric Sewing Machine	\$102.00 - 1
Steam press, boiler & spray	120.00 - 1/2
Roll line	12.50 - 1
Roll line	6.00 - 1
Palm & Jardinere	2.25 - 1/4
Sawdust burner	1.00 - 1
Ironing board & sleeve board	0.75 - 10
2 chairs	0.75 - 1
6 Frames	0.50 - 1
Table	0.60 - 1
3 Screens	3.00 - 1/4
Mirror	2.60 - 1
Neon Sign	5.00 - 1

Total:	(Auctioneer's Fee: \$25.70	\$256.95
Less Expenses:	(Advertising: 8.90	\$ 57.19
	(Moving: 15.04	
	(Rents: 7.55	
Net Proceeds Credited:		\$199.76

Members of Custodian Staff Present. Mr. Wills.

Extracted from Auctioneering list No. 1.

Remarks.

NAME MIYAHARA, Tetsuo (nr.)

REGISTRATION NO. 00610

FILE NO. 3961

The following chattels were sold by public
auction at Vancouver, B.C. on October 1st, 1943.

Singer Sewing Machine

\$ 42.00 - 3

Standard Lamp

0.75 - 12 A

Linoleum

18.00 - 1 A

Total:

Auctioneer's Fee:

\$6.07

\$ 60.75

Less Expenses:

Advertising:

2.54

\$ 16.02

Moving:

3.91

Rent of Auction Hall:

3.50

Net Proceeds Credited:

\$ 44.73

Members of Custodian Staff Present. Mr. Wills.

Extracted from Auctioneering list No. 2.

Remarks.

NAME MIYAHARA, Tetsuo

REGISTRATION NO. 00610

FILE NO. 3981

The following chattels were sold by public
auction at 992 Powell St., Vancouver, B.C. on August 9th, 1944.

Back Saw

\$ 1.00 *misc*

Total

\$ 1.00

Less Expenses: { Auctioneer's Fee: 0.10
 { Advertising: 0.02
 { Moving: 0.05

\$ 0.17

Net Proceeds Credited:

\$ 0.83

Members of Custodian Staff Present. Mr. Wills.

Extracted from Auctioneering List No. Vancouver 29.

Remarks. *not stated*

NAME MIYAHARA, Tadamu

REGISTRATION NO. 00613

FILE NO. 3981

The following chattels were sold by public
auction at Vancouver, B. C. on December 14th, 1945.

Assorted box
Coat hangers

\$ 2.50 *total*
.30 - 6

Total

(Auctioneer's Fee \$.28

Less Expenses:

(Advertising .14

(Moving .22

Net Proceeds Credited:

\$ 2.50

\$.42

\$ 2.08

Members of Custodian Staff Present. Mr. Wills

Extracted from Auctioneering List No. Vancouver 57

Remarks.

THE LONDON & WESTERN TRUSTS OF THE CUSTODIAN
COMPANY LIMITED
JAPANESE SECTION

EXECUTORS AND TRUSTEES

RECEIVED
MAY 20 1942

455 HOWE ST.
VANCOUVER, B.C.
May 20th, 1942.

Your File No. 3981
Our File No. 6541/14
Re Tsutomu Miyahara

Office of the Custodian,
Japanese Evacuation Section,
506 Royal Bank Building,
Vancouver, B. C.

Dear Sirs:

Attn: C. L. Drewry.

Referring to your letter of the 30th ultimo we advise that a Mr. Geo. S. Trick, 4586 Elm Street, Vancouver, B. C., made us a cash offer of Five Hundred (\$500.00) Dollars for the equipment and goods stored in the pressing establishment of the above-named evacuee at 2323 West 4th Avenue.

This offer is for all goods as listed on Form "JP" with the exception of the two Neon signs, one outside the building and the smaller one inside. If this offer is favourable, we would thank you to advise us as soon as possible as Mr. Trick would like to have an early reply.

Yours truly,

Geoff Hamilton
Trust Department.

OH/ER

EXHIBIT NO. 912-6
DATE Sept 16/48
FILED BY Crown



CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W.D. NEIL, CANADIAN MARITIME TELECOMMUNICATIONS BOARD

24 RWD 40 NL VIA REVELSTOKE BC

THREE VALLEY BC MAY 21-

THE CUSTODIAN,

1056 NL

CARE OF HASTINGS PARK
VANCOUVER BC

CANNOT ACCEPT OFFER OF FIVE HUNDRED DOLLARS BUYER MUST TAKE
NEON SIGNS WITH EQUIVALENT PRICE ONE THOUSAND DOLLARS REGARDING MRS
MARIS CLAIM OF SIX HUNDRED DOLLARS AGREEMENT WAS TO PAY
HALF OF SALE PRICE IF ONE THOUSAND DOLLARS OR LESS

TSUTOMU MIYAHARA

1112PM

*Phone line to Mr. Hamilton
London Ontario. Inmate.
He will contact Mr. Jack.*

CLASS OF SERVICE	
Full Rate	
Day Letter	
Night Message	
Night Letter	
Day and Night Message	

Please mark an X opposite the class of service desired.

CANADIAN PACIFIC TELEGRAPHS

World Wide  Communications

CHECK

TIME FILED
STANDARD TIME

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

TSUTOMU MIYAHARA
JAPANESE WORK CAMP
THREE VALEYS B C

VANCOUVER B C

MAY 21 1942

WE HAVE OFFER OF FIVE HUNDRED DOLLARS CASH FOR CLEANING
EQUIPMENT AND GOODS DECLARED ON REGISTRATION FORM STOP
THIS DOES NOT INCLUDE NEON SIGNS ADVISE IF AGREEABLE TO
SALE ALSO CONFIRM IF MORI'S CLAIM OF SIX HUNDRED DOLLARS
IS CORRECT WIRE REPLY.

OFFICE OF CUSTODIAN

Charge to Office of Custodian
506 Royal Bank Building
Vancouver B. C.

3981

July 29th, 1943

Mr. Tsutomu MIYAHARA,
Registration No. 00610,
New Denver, B. C.

Dear Sir:-

We have received an offer from a Mr. Preston here of \$200.00 for your pressing machine. Would you be interested in selling at this price?

If you do not wish to sell, we can arrange to rent the machine at \$6.00 per month if you prefer this course.

You are at present under no obligation to take any action about the above proposals but please, in any case, be sure to let us know your wishes.

Yours truly,

H. F. Green
Protection Department

*Aug 17 43 is advised
Mr. Preston advised
no reply
Miyahara
H. F. Green*

HFG:IF

N.B.

G.B.S.

I have B.F. to you. Please follow up. Mr. Preston's number is MA. 7911

EXHIBIT NO. 915-7
DATE Sept 16/48
FILED BY Crown

EXHIBIT NO. 915-8
DATE Sept. 16/48.
FILED BY Claimant

TSUTOMU MIYAHARA

Register Card No.00610

Ohashi Cleaners
2323 4th Avenue West,
Vancouver, B.C.

LIST OF FURNITURES AND GOODS

Pressing Machine	\$400.00
Boiler	150.00
2 Sewing Machines	250.00
Neon sign	530.00
3 Tables	5.00
Coat hangers	6.00
2 Mirrors	20.00
Paper and rack	10.00
Linoleum	95.00
Ironing Board	1.50
Counter	5.00
Lamp stand	7.00
Palm Tree	5.00
Awning	20.00
2 Lamp shade	4.00
2 Show cases	10.00
2 Screens	2.00
Iron	<u>7.00</u>

Total \$1527.50

Mrs.T.Miyahara is residing at 398 Powell Street in care of Hotel World.
Any information regarding the above items please write to her there.

I certify that the above statement
is correct.

13th December 1948.

B. Phang
B4

3981

June 15th, 1942.

Mr. Tsutomu Miyahara,
Registration No. 00610,
Japanese Work Camp,
Three Valley, B.C.

Dear Sir:-

As you are aware, about the middle of last month we received an offer for the purchase of your business equipment at 2323 West 4th Avenue. We wired you in this connection but received your reply:

"Cannot accept offer of five hundred dollars buyer must take neon signs with equivalent price one thousand dollars regarding Mrs. Maris claim of six hundred dollars agreement was to pay half of sale price if one thousand dollars or less."

The party then interested refused to change his offer so that this matter fell through. As the equipment was in premises that you were occupying on a rental basis, it was necessary for same to be removed. This has now been done and the goods are now at a central storage at 992 Powell Street.

With regard to the Neon sign we have made arrangements with the Neon Sign Co. to remove and store this sign on our behalf. As they are interested in servicing such equipment there is the possibility that they may be in a position to find a purchase, in which case we would advise you. We are reporting the above facts to you so that you may be advised of the present disposition of your personal effects.

Yours truly,

FOS:EB.

Manager
Administration Department

3981

September 7, 1947.

REGISTERED

Mr. Tsutomu MIYAHARA,
Reg. No. 00610,
307 Saul Street,
Winnipeg, Manitoba.

Dear Sir:

Enclosed herewith is Custodian cheque in the amount of \$209.79. These funds represent the proceeds from the sale of chattels identified as your property, less the sum of \$37.50 in payment of rent of the premises at 2323 West 4th Avenue for the period from April 15, 1942, to May 29, 1942.

No funds remain to your credit with this office. No property identified as belonging to you remains under the control of the Custodian. Your account is therefore being closed.

Yours truly,

F. Matheson,
Office of the Custodian.

fm
enc. (1)

(Information supplied by Ins. Co.)

LIFE INSURANCE

Name MR. TSUTOMU MIYAHARA

File No. 3981

New Denver B.C.

Reg. No. 00610

Company Sun Life Insurance Co.

Agency Vancouver

Policy No. 2115680

Premium - \$ 40.45

Payable: ^X Annually, Semi-annually or monthly

Month June

Day 1st

REMARKS:

27

Letter sent 26/1/42

NOV 28 1947

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.

2981

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

- (1) NAME MIYAHARA Tsutomu (RCMP) Reg. No. 00610
(Print) Surname Given Name
- (2) Pre-Evacuation Address 2323 W 4th Avenue, Vancouver, B.C.
- (3) Present Address 307 Saul Street, Winnipeg, Manitoba
- (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 Dry Cleaning and Pressing
(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.) sole owner
- (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) - - - - - \$ _____
(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 2323 W 4th Avenue, Vancouver, 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 loose

(over)

Name of Claimant **MIYAHARA, Tetsuo**Case **915**Custodian File **7901**

<u>REAL PROPERTY</u>										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 % of Amount Total	Sale Price	Total Award 125% of all Sale Prices: % of Amount Total		
<u>PERSONAL PROPERTY</u>										
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			
<u>NETS</u>										
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
<u>MISCELLANEOUS CHATELS</u>										
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			
972.50	321.90	96.45	33.04%	550.00	181.72			300.00		
								278.17		
TOTAL RECOMMENDATION										578.17

3981

October 13th, 1950.

Mr. Tautomi MIYAHARA,
307 Saul St.,
Winnipeg, Man.

Dear Sir:

Re: Japanese Property Claims Commission

Case No. 915

We have received from the Co-Operative Committee
on Japanese Canadians, our form of Release which has been
executed by yourself covering the award recommended under
the above Claims Commission for the sum of ... \$578.17.

Cheque in your favour is enclosed for \$599.23
and we have paid the Co-Operative Committee .. \$ 18.94
for legal fees as authorized by you.

Yours truly,

F.G. Shears
Director

FCS/jc
1 encl.

Defence Brief

Tsutomi MIYAHARA

File No. 3981

Case No. 915

PERSONAL PROPERTY CLAIM

1. Chattel Claim

\$1527.50

(a) Goods valued by
claimant at \$972.50 Sold at auction \$321.50

Witness: Thompson & B., Auctioneers.
Wills, attended sale. ✓

(b) Goods valued at 10.00 Declared but not found.

London & Western Trust Co. Ltd. ✓

(c) Goods valued at 20.00 Lost, destroyed or stolen.

Inventoried but missing when goods
auctioned.

(d) Goods valued at 500.00 Stored

See correspondence on file with
David Neon Ltd. and Trans. 5 line 22
et seq.

(e) Goods valued at 25.00 Abandoned

Witness: W.J.B. Thompson ✓

Submission: That the goods sold were sold at their fair
market value and that the claim made for goods not found
or not accounted for, that the prices claimed are excessive
and unreasonable.

Trans. 12 lines 25 et seq. Claimant did not get an independent
valuation of the business before buying it. He just bought it
at a lump sum figure without specifying the value of any par-
ticular article. Trans. 15. Claimant has no idea of the age
or cost of any of the equipment which was second hand. He
did not have any fire insurance on the chattels.

CASE NO. 915

IN THE MATTER OF THE "INQUIRIES ACT"

PART I. REVISED STATUTES OF CANADA 1927. CHAPTER 92JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

BEFORE

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

10

Winnipeg, Manitoba.

September 16th, 1948.

IN THE MATTER OF THE CLAIM OFTSUTOMU MIYAHARAPROCEEDINGS AT HEARING

20

APPEARANCES:F.M. FERG, Esq., Appearing for the
Dominion Government.S.M. CHERNIAK, Esq., Appearing for the
Claimant.

- - - - -

G.M.R. Upton, Esq., Official Interpreter.

20

MARK H. PEARCE, Esq., Official Reporter.

T. Miyahara
In Chief.

TSUTOMU MIYAHARA, the Claimant herein,
being first duly sworn testified as
follows:-

DIRECT EXAMINATION BY MR. CHERNIAK:

Q Mr. Miyahara, I show you a typewritten statement,
was this prepared in accordance with your
instructions? A Yes.

Q Is that your signature?

A Yes.

10

Q Do you swear the contents to be true to the best
of your knowledge and recollection?

A Yes.

MR. CHERNIAK: I tender that as Exhibit 1, Your
Honour and on behalf of my learned friend I will
tender the Custodian's Analysis Sheet as Exhibit 2.

(PERSONAL CHATTEL STATEMENT, EXHIBIT 1.)

(ANALYSIS, EXHIBIT 2.)

MR. CHERNIAK:

20

Q Mr. Miyahara, I understand that the items in your
claim represent the fixtures of a business run by
you as a Dry Cleaning and Pressing business, is
that right? A Yes.

Q When did you buy this business?

A November, 1941.

Q Do you have any receipts for the purchase of
that business? A No, but I have got a
Japanese receipt.

Q Have you got it with you? A Yes.

30

Q These two receipts, are they for different parts
of the purchase price?

T. Miyahara.
in Chief.

A This was prior to purchase, this was the primary arrangements for the price and certain conditions.

Q Can you please read that to Mr. Upton and he can translate it for us? A \$100.00 on account received on behalf of \$1,700.00, total purchase price, and it is signed by Kain Matsui Mori and my name.

Q Is there a date? A November 14th, 1941.

MR. CHERNIAK: I will tender that as Exhibit 3,
Your Honour.

(RECEIPT, EXHIBIT 3.)

MR. CHERNIAK:

Q And can you read this receipt as well?

A This is receipt for \$1,100.00 payment on behalf of the total payment of \$1,700.00, with a balance unpaid of \$600.00.

Q Is there a date on that?

A November 19th, 1941.

MR. CHERNIAK: I tender that as Exhibit 4, Your Honour.

(RECEIPT, EXHIBIT 4.)

MR. CHERNIAK:

Q Now, this is a business carried on at 2323 West 4th Avenue, Vancouver? A Yes.

Q Did you have a lease on the place?

A One year lease.

MR. CHERNIAK: Exhibit 1, Your Honour, sets out that the Claimant had a lease for the premises from November 1st, 1941 to November 1st, 1942. It sets out further that he purchased the business

T. Miyahara.
In Chief.

as indicated by Exhibits 3 and 4 for \$1700.00 on November 19th, 1941.

Q How long then were you in business there?

A From November to April. From the 19th of November and I don't know the date in April.

Q The items for which you are making claim were all included in the purchase price of \$1,700.00 is that correct? A Yes.

Q Were all these items second hand when you bought them or were they new ones?

A Yes, second hand.

Q In what condition were they in?

A They were in good condition.

Q Now, what about the pressing machine and boiler, was that in good working condition?

A In good condition.

MR. CHERNIAK: It would be of interest to note, if my learned friend can tell us, when the Custodian closed up this business and moved the goods?

THE COMMISSIONER: Well, he says the items were sold by Auction in September and October, 1942, so the business must have been closed up at that time.

MR. CHERNIAK: Yes, but that is some 18 months after evacuation, Your Honour.

MR. FERG: Your Honour, I have on file a letter dated June 4th, 1942 - - -

MR. CHERNIAK: Your Honour, I have on file there was no inventory taken until September, 1942, can my learned friend correct that?

T. Miyahara,
In Chief.

MR. FERG: That is not correct, here is one dated May 27th, 1942, signed by the London and Western Trust Company Limited in which it is stated that the above list of goods are now in storage at 992 Powell Street, Vancouver, B.C.

MR. CHERNIACK: Your Honour, since this list was not on the file which I was loaned by the Custodian I would like to be able to compare it.

THE COMMISSIONER: All right.

10 MR. CHERNIACK: Your Honour, this inventory shown to me by my learned friend, dated May 27th, 1942, shows two items, namely, 1 small clothes cabinet (separate), 1 large clothes cabinet with brackets. This cabinet was attached to the wall and had to be taken apart in order to be removed. I would like to indicate to Your Honour that the Analysis Sheet, Exhibit 2 shows two showcases as having been declared not found. It seems to me that they should be in the column not accounted for or theft or abandoned, since they apparently were found by the London and Western Trust Company Limited. Your Honour will note a large item in relation to a Neon sign, \$500.00, saying 'not accounted for, theft, etc-etc.

20 THE COMMISSIONER: There is an explanation of that in the remarks column.

MR. CHERNIACK: Yes, I think we ought to ask Mr. Ferg to produce from his file, and I don't know that he has the letter, but there is some indication

6.
T. Miyahara,
In Chief.

10 on his file that it was turned over to the sign company early after evacuation and if there is such a letter, and I believe there is, I think it should be filed, this is a large item. Your Honour, my learned friend has produced from his file three letters which give the history of this large Neon sign. The first letter is dated June 17th, 1948, and is a copy of a letter from the Custodian to Messrs David Neon, Limited, 1025 Main Street Vancouver, B.C., "Dear Sirs:-

Re: MIYAHARA, Tadamasa & Other Japanese

Further to various telephone conversations with Mr. David, we now acknowledge your letter of May 30th.

Mr. H. Ohashi (Tadamasa Miyahara).

20 Cleaners at 2325 West 4th. We note that you will store the outdoor sign free of charge and if possible, get offers for its disposal. Such offers should be referred to us and if accepted, we shall then authorize payment to you of the \$7.00 outstanding on the window display.

We have noted the claims you are making against the other Japanese, set out in your letter of May 30th. Yours truly."

30 The next letter on file, Your Honour, is dated June 18th, 1948 and is addressed to David Neon Limited, 1025 Main Street, Vancouver, B.C. and is a copy of a letter from the Custodian.

7.
T. Miyahara,
In Chief.

"Dear Sirs:

Re: MIYAHARA, Tetsuo #22612

On May 30, 1942, you wrote this office as follows:

10 "M. Ohashi, proprietor of the store of Ohashi Cleaners at 2523 West 4th Avenue purchased an outdoor projecting sign outright, and owes nothing on this particular sign, but owes two months on the window display, which was rented at \$3.50 per month, making a total outstanding of \$7.00. As pointed out to you, we will remove the projecting sign and store the same free of charge for six months, with the understanding that we receive payment when this sign is sold."

20 On June 17, 1942, we wrote in reply, "We note that you will store the outdoor sign free of charge and if possible, get offers for its disposal. Such offers should be referred to us and if accepted, we shall then authorize payment to you of the \$7.00 outstanding on the window display."

Since then we have heard nothing from you regarding the sign. Would you kindly let us know if the sign has been sold or if it is still in your possession?

A stamped, addressed envelope is enclosed for your convenience in replying. Yours truly,"

30 Then there is a letter dated June 22nd, 1942 from David Neen Limited & it is to be noted, Your honour that the dates of these latter

B.

T. Miyahara.
In Chief.

19 two letters are subsequent to the filing of the Claimant's claim form. This letter is addressed to the Department of the Secretary of State, Office of the Custodian, 806 Royal Bank Building, Hastings and Granville, Vancouver, B.C. and it is for the attention of Mr. F. Matheson. "Dear Sirs: This will acknowledge yours of June 18th regarding Japanese Miyahara, Tutomu #00610 formerly operating under the assumed name of H. Ohashi the Ohashi Cleaners at 2525 West 4th Avenue.

20 It is regretted that so much time has elapsed and no remittance has been received from your department in connection with our letter of May 30th, 1942, and that the file and correspondence have been removed from this office. The signs have apparently deteriorated to a valueless point and the storage costs have advanced to the stage where we have been taking a considerable loss on the transaction, resulting in the apparent discarding and cancellation of the transaction.

Regarding the last paragraph in your letter, this will now naturally enlighten you on the whole subject whereby the signs are not in our possession. Yours very truly, David Neen Limited, Per Victor M. David, Manager."

(THREE LETTERS, EXHIBIT 5.)

MR. CHERNIAK: It appears, therefore, Your Honour, that from June 1942 when the Custodian arranged to store the sign, until June, 1948, the Custodian

20

T. Miyahara.
In Chief.

10 did absolutely nothing about the sign which was valued by the claimant at \$500.00. Now there is a letter on my learned friend's file dated May 20th, 1942 from the London and Western Trust Company, may I ask my learned friend to produce that letter. Your Honour, my learned friend has produced from the Custodian file a letter from the London and Western Trust Company to the Custodian dated May 20th, 1942, which reads as follows: "Dear Sirs, Attn: C.L. Drewry. Referring to your letter of the 30th ultimo we advise that a Mr. Geo S. Trick, 4506 Elm Street, Vancouver, B.C. made us a cash offer of Five hundred (\$500.00) Dollars for the equipment and goods stored in the pressing establishment of the above-named evasuse at 2325 West 4th Avenue.

20 This offer is for all goods as listed on Form "JP" with the exception of the two Neon signs, one outside the building and the smaller one inside. If this offer is favourable, we would thank you to advise us as soon as possible as Mr. Trick would like to have an early reply, Yours truly."

30 MR. CHERNIAK: Mr. Ferg has also produced a copy of a telegram to Tsutomu Miyahara, dated May 21st, 1942 "We have offer of five hundred dollars cash for cleaning equipment and goods declared on Registration form stop this does not include neon signs advise if agreeable to sale also confirm if

T. Miyahara,
In Chief.

Mori's claim of six hundred dollars is correct wire reply. Office of Custodian."

MR. CHERNIAK: Mr. Ferg has also produced a further telegram from Miyahara to the Custodian, dated May 21st saying "Cannot accept offer of five hundred dollars buyer must take neon signs with equivalent price one thousand dollars regarding Mrs. Maris claim of six hundred dollars agreement was to pay half of sale price if one thousand dollars or less."

MR. CHERNIAK: On behalf of my learned friend I will file that letter and these two wires as Exhibit 6.

(LETTER & TWO TELEGRAMS, EXHIBIT 6.)

Q Mr. Miyahara, you remember receiving a wire from the Custodian that they had an offer to sell all chattels on the premises except the Neon signs for \$500.00? A I remember that.

Q And you remember replying that you would sell everything for \$1,000.00?

A Yes.

Q Did you consider \$1,000.00 to be a fair market value of the goods at that time?

A At that time I was in the Road Camp and whilst I considered it too low an offer, I was in need of cash and I would have accepted \$1,000.00

Q Did you consider then that it was not a fair market value? A Yes.

MR. CHERNIAK: Your Honour, coming back to the Neon sign for a moment, I should have pointed out that the J.P. Declaration form itself, according

T. Miyahara.
In Chief.

to Exhibit 2, the Custodian's Analysis indicates that that Neen sign is worth \$500.00. I should have pointed that out to show that the Custodian knew the value the claimant set on it at the very beginning. One final thing is a letter on my learned friend's file, dated July 29th, 1943 from the Custodian to the Claimant setting out "We have received an offer from a Mr. Preston here of \$200.00 for your pressing machine. Would you be interested in selling at this price?"

If you do not wish to sell, we can arrange to rent the machine at \$6.00 per month if you prefer this course.

You are at present under no obligation to take any action about the above proposals but please in any case, be sure to let us know your wishes, Your truly." Then there is a pencilled notation on the side, Your Honour " August, 1943, Mr. Preston advised no reply from Miyahara."

(LETTER, EXHIBIT 7.)

THE COMMISSIONER: There was no reply?

MR. CHERNIAK: No. I am just showing this to show that an offer was received for a certain amount and that the Custodian sold the pressing machine and boiler anyway for \$120.00 whereas there had been an offer made of \$200.00 for the pressing machine.

THE COMMISSIONER: Did the Claimant receive that letter?

MR. CHERNIAK: I can ask him, Your Honour.

T. Miyahara.
In Chief.
Gr-Exan.

Q Mr. Miyahara, do you remember getting a letter from the Custodian asking if you wanted to sell your pressing machine for \$200.00?

A I don't remember getting this letter

Q Would you say that \$200.00 was a fair offer for the pressing machine?

A A little low.

MR. CHERNIAK: Thank you, Your Honour.

MR. FERG: It is submitted, Your Honour that the goods sold were sold at their fair market value and that the claim made for goods not found or not accounted for, that the prices claimed is excessive and unreasonable.

CROSS-EXAMINED BY MR. FERG:

Q Mr. Miyahara, you purchased this business as a going concern? A Yes.

Q When you purchased it; had you been in the dry cleaning business previous to purchasing it? A Yes, I was working at Kumatui Mori's Dry Cleaning Establishment for eight and a half months.

Q Is that all the experience you had in the dry cleaning business? A Yes.

Q Did you get an independent valuation of the business before buying it?

A No.

Q So that when you purchased it you just bought it at a lump sum figure without specifying the value of any particular article?

T. Miyahara.
Gr-Exam.

A Yes.

Q And how much would you estimate the actual value of the articles you purchased, that is the over all value, lump them altogether in that business set up as a going concern, what would you value the articles that you purchased?

A I should think in the neighborhood of \$1,700.00

Q Well, a certain amount of that \$1,700.00 that you agreed to pay for the business would be for good will, wouldn't it?

A At the time I purchased the property there was no question of good will, it was just a lump sum.

THE COMMISSIONER: The question of good will - the Commissioner has already made his decision with regard to the point which arises in this type of case to this effect "Where a claim is made for pecuniary loss sustained from sale at a price alleged to be less than the fair market value of real or personal property which property had been sold along with other assets of a going business, the sale having been made of the business as a going concern, evidence may be led of value of goodwill alleged to attach to the said property. Evidence of value of goodwill is not admissible except in such circumstances." So it would seem from that that whether or not the purchase price included goodwill is relevant in this matter. If he did pay part of that for goodwill he can make a claim for it.

T. Miyahara.
Gr-Exam.

MR. FERG: Do you take that view of it Your Honour?

MR. CHERNIAK: I haven't the benefit of this document, Your Honour.

THE COMMISSIONER: Here is my copy, section 9 at the bottom of the page.

MR. FERG: That is only in the case of a business sold as a going concern, the claimant hasn't that here. They are claiming for chattels which were the property of the claimant used in that business, but they are claiming \$1,700.00 for chattels alone and I submit, Your Honour that I can get evidence that he is basing his value on the purchase price of the business.

MR. CHERNIAK: That is not so, we are giving all the information of how much he paid.

MR. FERG: What proportion of that \$1,700.00 would be goodwill and if goodwill, it should be deducted from the claim, I contend, because the Custodian did not sell this business as a going concern, apparently the business was closed up, the claimant was evacuated and the chattels were removed to storage and sold that way.

THE COMMISSIONER: Yes, that is true, it wasn't sold as a going concern.

MR. FERG: So I submit, Your Honour - - -

THE COMMISSIONER: I understand the situation now, I think you can go ahead.

MR. FERG:

Q When you purchased this business did you approach

T. Miyahara.
Gr-Exam.

the vendor or did the vendor approach you?

A Mori said that he would sell the business and I was interested and I purchased it.

Q Did Mori name the figure of \$1,700.00?

A At first Mori put a price of \$1,800.00 on it.

Q And what was your offer?

A I offered \$1,700.00

Q How long did it take you to make the bargain?

A I think about three or four days.

10 Q Did you make a list of the chattels and equipment that was included in the business and put a price on them? A No.

Q In other words you just paid a lump sum price, you didn't go into any details as to the value of any of the particular or various articles?

A Yes.

Q Was anything said about the cost of the Neon signs? A Mr. Mori told me that he had paid \$500.00 for the outside sign.

20 Q When had he paid that for it?

A I don't know.

Q Was anything said about the pressing machine, the cost of it? A No.

Q Anything said about the boiler?

A No.

Q Have you any idea of the age of the swing machine? A I don't know.

Q And have you any idea of the age of the pressing machine?

30 A I don't know.

T. Miyahara
Gr-Exam

Q Have you any idea what the pressing machine cost? A No.

Q Nor the sewing machine?

A No.

Q Nor the boiler? A No.

Q Have you any idea what the Neon sign cost?

A No, I don't know.

Q Was this Neon sign made up especially for the particular cleaning business you had bought?

10 A Yes, it was made purposely for that business.

Q What was the name? A Ohashi Cleaners

Q And you carried on business under the same name? A Yes.

Q You continued it as Ohashi Cleaners?

A Yes.

Q Now on May 21st, 1942, you telegraphed to the Custodian in answer to a telegram he had sent to you? A Yes.

20 Q Wherein he intimated to you that he had an offer of \$500.00 for the business excluding the Neon Signs, now your reply was "Cannot accept offer of five hundred dollars buyer must take neon signs with equivalent price one thousand dollars", did you mean by that that you would sell the business, equipment and Neon signs for \$1,000.00? A No.

30 Q What did you mean? A I meant by that that I would sell the Neon Sign for \$500.00 and the rest of the business for \$1,000.00 or the whole for \$1,500.00

T. Miyahara.
Gr-Exam.

Q Also included in the same telegram you gave a reply to the Custodian about Mari's claim of six hundred dollars "Agreement was to pay half of sale price if one thousand dollars or less", what did you mean by that?

A I meant by that that Mari's, who had a claim of \$600.00, if the sale price was \$1,000.00 or less I was only to pay Mari \$300.00

Q Did you have an agreement with Mari to that effect? A Yes.

Q When was that agreement made?

A At the time I was evacuated to the Road Camp.

Q In other words your agreement with Mari was that in the event the business was sold for \$1,000.00 he would reduce his price \$300.00?

A Yes. At that time Mari was at the Road Camp and I made that arrangement with Mrs. Mari

Q Has Mari been paid his \$600.00 to this day?

A No

Q When you took over this business you took over Mr. Mari's customers? A Yes.

Q And these Customers continued to deal with you?

A Yes, I think so.

Q Was this a good business?

A I think it was a good business.

Q Were you busy? A Yes.

Q Did you have any help or did you do it all yourself? A My wife helped me

THE COMMISSIONER:

Q How long had Mari been in business before you

T. Miyahara.
 Cr-Exam.

Q purchased it? A I don't know.

Q How long had you known Mari?

A For the eight months in which I was working for him.

MR. FERG:

Q Did you have any fire insurance on the chattels and the business? A No, I didn't have any.

MR. FERG: That is all, Your Honour.

20

MR. CHERNIAK: Your Honour, may I ask my learned friend what attempts the Custodian made to obtain ~~possessions~~ ^{an appraisal} of these larger items included here, what attempts the Custodian made to sell these goods by tender or as a going concern or in any other way other than being put up on the auction block as indicated here?

MR. FERG: Your Honour, I have examined the file and there is no record of an appraisal or sale by tender.

20

MR. CHERNIAK: Or advertised for sale?

MR. FERG: Yes - No - the goods were advertised in the usual way for auction.

MR. CHERNIAK: This will, of course, be discussed at the adjourned hearing, Your Honour, as to the method best used to get the proper fair market value of these goods, as to whether an auction of this nature is the proper way of doing it or not.

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RE-EXAMINED BY MR. CHERNIAK:

T. Miyahara,
Re-Kam,

Q Mr. Miyahara, I show you a typewritten statement which lists the goods and values as they are set out in your claim; can you tell the court who prepared that and when it was prepared? A This list including prices was prepared by myself, including what I considered the fair price for the different articles.

Q Individually? A Yes.

10

Q On what basis did you fix these prices, did you consult anybody or was it all your own estimate? A Those were my own ideas of prices.

Q And when was this list prepared?

A I think before I went to the Road Camp.

Q In any event it would have been in the Spring of 1942? A Yes.

Q I see on this list, it is a carbon copy, and there is pencil writing 'Custodian's Office, 506 Royal Bank Office, Vancouver, B.C. - do you know whether you sent a copy of this to the Custodian's office?

20

A I think my wife sent a copy.

MR. CHETONIAK: Could my learned friend advise the Court as to whether or not he has any record of the Custodian having received the original of this?

MR. FERG: Yes, Sir, 24th April, 1942, the Custodian marks the document as having been received.

30

T. Miyahara
Re-Exam.

MR. CHERNIACK: Possibly we had better file the document received by the Custodian since it bears the receipt stamp.

THE COMMISSIONER: I don't think it helps in any way, this witness has sworn that he doesn't know anything about values.

MR. CHERNIACK: Your Honour, our contention will be that the Custodian having received a copy of this list in April, 1942, it became incumbent on the Custodian in 1942 to look into this, rather than to take it away, store it somewhere, leaving it lying there and then putting it up on the auction block.

THE COMMISSIONER: Very well.

(LIST OF GOODS, EXHIBIT 8.)

MR. CHERNIACK: Thank you Your Honour.

(PROCEEDINGS ADJOURNED SINE DIE)

20

Certified to be a true and accurate transcript.

Mark H. Pearce
(MARK H. PEARCE)
OFFICIAL REPORTER

I, the undersigned Sub-Commissioner hereby certify that the foregoing 20 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.

A. G. Burdick
(SUB-COMMISSIONER)

20