

15356

FILE NO. 15356

C.V. 1 SECTION

DEC 3 1943

OFFICE OF THE CUSTODIAN
JAPANESE SECTION

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

NAME: Chope Frank Iutezo MiyawakiHOME ADDRESS: 477 Powell St. Van. B.C. REGISTRATION No. 11257SEX: male AGE: 40 MARRIED? yesOCCUPATION AND EMPLOYER: Salesman. Slater Stewart Ltd.NAME OF WIFE OR ~~HUSBAND~~: Samiko Miyawaki ADDRESS: 477 Powell St.NAMES OF LIVING CHILDREN: Aiko ADDRESS: " "DATE: 8 Sept. 14/44 Junzo ADDRESS: " "FILLED BY: Crown Ken ADDRESS: " "

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

Dated this 27 day of November 1943.(Signature) S. S. Miyawaki

WITNESS

J. H. [unclear] S. [unclear]

INFORMATION FROM R.C.M.P.

Date Sept. 30/43

Our File No. NIR 15356

Full Name MIYANISHI, Frank Sutezo
(Surname in Block Letters)

Registration No. 11287

Male - Female
(check)

Age Mar. 25/1903

Former Address 2636 Oxford St, City
477 Powell " "

Date Evacuated Mar. 15/42 Naturalized - Canadian-Born - National
(check)

Present Address New Denver, B.C.

Married - Single
(check)

Name of Wife ¹⁰⁸⁸⁵ (NISHIZAWA) Tamiko

Name of Husband -

Name of Mother nd (MASUDA) Ritsun Name of Father Sutehichi (dead)

Names of Children under 16 (Japan) Aiko (F) 2/1/38
Junzo (M) 21/12/39
Ken (M) 22/10/41

Requested by E.C.T. Registered with Custodian (Yes or No)

Additional Information Salesman Owner of
Car Lic. 143623 Sold before evacuation

personal.

(Information supplied by Ins. Co.)

LIFE INSURANCE

Name

Mrs.
Miyanishi Sutezo - ~~4 years~~
New Democrat - BC

File No.

NR.

Reg. No.

Company

Monarch Live

Agency

Vancouver

Policy No. 99005

Premium - \$ 38.25

Payable: Annually, Semi-annually or monthly

Month

June

Day

11

REMARKS:

Letter sent 7/10/43

New Denver, B.C.

EVACUATION SECTION
200 27/43.

Rec'd DEC 3 1948

File No.

Ans.

X.M.C.

Referred

Dear Sir:

I'm replying to your letter of Nov 11th. I have no property of any kind remaining in protected area. I use to have few personal property but my wife disposed everything before she leave Vancouver.

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

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

Yours Truly.

J. S. Miyawaki

EXHIBIT No. 899-2
DATE Sep 8 14/48
FILED BY Crown

Albert H. Young
Barrister and Solicitor
Notary Public

899 - 4
EXHIBIT NO.
DATE Sept 14/48
FILED BY Claimant

Vancouver, B. C.

Canada.

March 2, 1945

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

Dear Sir:-

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

Yours truly,

"A.H.Young"

AHY:H

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

December 9th 1948

M. J. S. S. S.

EVALUATION SECTION	
Rec'd	MAR 12 1948
File No.	15356
Ans.	W.R.
Referred	Dusenbury

TS & B. Schultz Co.

unipeg. Man.

March 8/48

Dear Sir:

I received your letter of Feb 10th regarding about my claim.

I didn't receive any statement of account at all. So will you please send me copy of statement of all information regarding to the valuation made for the custodian of my personal property?

Truly Yours.

E. Miyamoto

Reg. 11287

File 15356

15316
1256

March 16, 1948.

Mr. Sutezo MIYANASHI,
Reg. No. 11287,
15 1/2 B. Schultz Street,
Winnipeg, Manitoba.

Dear Sir:

Your letter of March 8, 1948, has been handed to us for reply, and in view of your letter of November 27, 1943, in which you state that you have no property of any kind remaining in the Protected Area, there can be no statement of account in your name.

No real or personal property belonging to you came under the control of the Custodian.

Yours truly,

C. H. Reed,
Office of the Custodian.

CHR/fm

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.

15356

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

(1) NAME MIYANISHI Sutezo (RCMP) Reg. No. 11287
(Print) Surname Given Name

(2) Pre-Evacuation Address 2656 Oxford Street, Vancouver, B.C.

(3) Present Address 75 1/2 Schultz St., 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 _____
(iii) Business _____
(iv) Any other type of property (describe) _____

(d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) _____

(e) Fair market value at date of sale (estimate this to the best of your ability):

- (i) Land - - - - - \$ _____
(ii) Buildings - - - - - \$ _____
(iii) If business, put value on business as going concern
(including land and buildings, tenancies, chattels,
fixtures, stock-in-trade, goodwill and accounts re-
ceivable) - - - - - \$ _____
(iv) Total value (if you cannot give separate values for lands and buildings just
fill in total value) - - - - - \$ _____
(v) Amount at which Custodian sold property and credited your account - - - \$ _____

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

(5) PERSONAL PROPERTY

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

Continental Daily News, 135 Cordova St., Vancouver, B.C.
(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)
in building

(c) How stored or packed at time of evacuation
tied together

(over)

Name of Claimant **NIYANISHI, Satoko**Case **899**Custodian File **15396**

<u>REAL PROPERTY</u>										
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 Amount	Sale Price	Total Award 125% of all Sale Prices % of Amount		
<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	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
TOTAL RECOMMENDATION										00

Defence Brief

WINNIPEG
14 Sept. 48

Sutezo MIYANISHI

File No. 15356

Case No. 899↑

PERSONAL PROPERTY CLAIM

1. Chattel Claim

\$100.00 Ex. 899 - 1

These goods never came into the custody of the Custodian. On Master File #11391 there are 3 lists of names of persons whose goods were stored at Continental Daily News, 135 Cordova St., Vancouver, and claimant's name does not appear on any one of them. These lists were furnished by:

- (a) Mr. F. Field of P.S. Ross & Sons dated 19 May 42.
- (b) Y. Iwasaki dated 28 May 42.
- (c) G.B. Spain (Custodian Staff) dated 27 Jan. 43.

Mr. A.H. Young who had the keys of the premises informed us by phone 3 Jan. 48 that claimant's name did not appear on his list of goods stored on the premises.

Exhibits 2 & 3 claimant stated (dated 27 Nov. 43) he had no property in the protected area. See Trans. page 4 lines 10-21 where he claims his wife stored the goods in October 1942 in the Continental News premises.

On checking his wife's file #10885 (the wife has made no claim) there is a J.P. form dated 19 June 42 on which she declared at 477 Powell Street, Vancouver, B.C., 1 bedroom sink, 1 double bed, 2 baby beds and various other goods. There is a copy of a letter on file #10885 by Mr. G.B. Spain of Custodian Staff dated 3 Nov. 42 to Mrs. Miyanishi to the effect that when he called at the given address he was informed that Mrs. Miyanishi had "sold or otherwise disposed of her goods prior to evacuation". See also letter from claimant dated 27 Nov. 43 stating "wife disposed of everything before she leave Vancouver". Ex. 899 - 2.

Mr. A.H. Young states definitely that the Miyanishi's names do not appear on any list of his of persons having stored goods at the Continental Daily News and in any case he made it quite clear to all persons storing goods there that they did so at their own risk.

CASE NO. 592

IN THE MATTER OF THE "INJURIES ACT"

PART 1. REVISED STATUTES OF CANADA 1957. CHAPTER 92

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

B E F O R E

(THE HONOURABLE MR. JUSTICE A.G. BUCKINGHAM, SUB-COMMISSIONER)
10

Winnipeg, Manitoba.

September 14th, 1949.

IN THE MATTER OF THE CLAIM OF

SHIRO MIYANISHI

PROCEEDINGS 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.

MARK H. FRANCE, Esq., Official Reporter.

30

S. Miyamichi
In Chief.

SUENEO MIYAMICHI, the claimant herein, being
first duly sworn, deposed as follows:

DIRECT EXAMINATION BY MR. CHENGLAK:

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

Q And is that your signature?

A Yes.

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

A Yes.

MR. CHENGLAK: Your Honour, I will file this as
EXHIBIT 1.

(PERSONAL CHATTEL STATEMENT, EXHIBIT 1.)

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

S. Miyanishi.
In Chief.
Or-Room.

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

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

CROSS-EXAMINED BY MR. FERG:

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

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

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

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

(LETTER, EXHIBIT 2.)

MR. FERG:

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

A Yes, Sir.

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

10

(YELLOW CARD, EXHIBIT B.)

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

Q When were you evacuated from the protected area?

A March 15th, 1942

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

A No.

Q Who stored them for you? A My wife.

Q Was she in the protected area?

A Yes, at that time.

20

Q And she stored them where?

A Continental Daily News

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

Q You arranged with him to store the goods there?

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

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

30

S. Miyazaki.
Gr-Exam

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

Q To look after them for you?

A No, everybody that stored their goods there.

Q There were other Japanese goods stored there?

A Yes.

Q Did you put a tag on these goods?

A Yes.

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

Q That is your own registration number?

A That is right.

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

A I am not sure but over \$100.00.

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

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

A Quite new, yes.

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

A 1938 or something.

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

A 1941, that is one of the beds.

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

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

Q And the baby's crib? A Yes.

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

S. Miyahishi.
 Cr-Exama.
 Re-Exama.

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

Q 1940? A Something like that.

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

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

10

A Yes.

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

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

RE-EXAMINATION BY MR. CHERNIAK:

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

20

A Yes.

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

30

S. Miyazaki
Re-Exam.

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

(LETTER, EXHIBIT 4.)

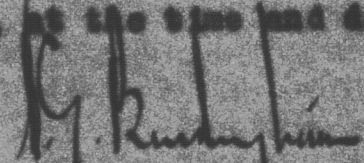
MR. CHERNIACK: That would indicate that these goods had been taken over by the Custodian and it maybe, by checking, that the Custodian could locate these goods.

(PROCEEDINGS ADJOURNED SINE DIE)

Certified to be a true and accurate transcript.


(MARK H. PEARCE)
OFFICIAL REPORTER

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


(SUB-COMMISSIONER)