

<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		Sale Price	Total Award 125% of all Sale Prices:	
						% of Total	Amount		% of Total	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 & Recorded Now Missing		45% of amount in next preceding column		
						% of Total	Amount	% of Total	Amount	% of Total
REPOSSESSED										.00
<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 CHATTELS</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			
							% of Total	Amount	% of Total	Amount
TOTAL RECOMMENDATION										.00

IN THE MATTER OF THE "INQUIRIES ACT"
PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

THE HONOURABLE MR. JUSTICE H. I. BIRD - COMMISSIONER,

Vancouver, B.C.,

April 22nd, 1949.

CASE NO: 933

IN THE MATTER OF THE CLAIM OF
MUTSUO TERAKITA

PROCEEDINGS AT HEARING

APPEARANCES:

D. BRAIDWOOD, Esq., and J. A. MACDONALD, Esq.,	appearing for the Dominion Government;
R. J. McMASTER, Esq., and A. E. COBUS, Esq.,	appearing for the Claimant.

A. W. WATSON, Esq.,	Secretary,
TP.P. HORROBIN, Esq.,	Official Reporter.

MR. McMASTER: My lord, I would like to speak to Case No. 933, which was heard in Winnipeg, on the 22nd of September, 1948.

THE COMMISSIONER: By myself?

MR. McMASTER: Before Mr. Justice A. G. Buckingham, the sub-Commissioner.

10 There was a matter of an affidavit concerning a car, for which a claim had been submitted. That affidavit is now in my possession. I have given my friend a copy of it, and I would ask leave to file the affidavit.

THE COMMISSIONER: What is the effect of the affidavit?

MR. McMASTER: I gathered from the transcript that the claimant wasn't available on the date that the claimant's counsel presented the case. He had a statement from the claimant, and apparently the brother gave evidence on behalf of the claimant, but there was certain information that the brother could not give --

20 THE COMMISSIONER: Oh, I see.

MR. McMASTER: -- concerning the date of purchase, and where it had been purchased.

THE COMMISSIONER: Very well. I will direct that this affidavit be filed and marked as the next following exhibit in claim No. 933. It will be filed in the file of claim No. 933, Mr. Watson.

(AFFIDAVIT MARKED EXHIBIT NO. 933-10)

(Concluded).

30

I hereby certify the foregoing to be a true and accurate report of the said proceedings.

J. P. Hanolin
Deputy Official Stenographer

CASE NO. 933

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

Winnipeg, Manitoba,
22nd September, 1948.

IN THE MATTER OF THE CLAIMS OF

MUTSUO TERAOKITA

PROCEEDINGS AT HEARING

IN THE MATTER OF "THE INQUIRIES ACT"
PART 1. REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

SUB-COMMISSION

B E F O R E

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

Winnipeg, Manitoba,

22nd September, 1948.

IN THE MATTER OF THE CLAIMS OF

MUTSUO TERAOKITA

20

PROCEEDINGS AT HEARING

APPEARANCES:

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

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

S. Hirayama, Esq., Official Interpreter

30 Mark H. Pearce, Esq., Sr., Official Reporter.

MR. CHERNIACK: I would like to speak first to No. 134, the case of Terakita; in this case the claim is a small one, the claimant has been called away to Dryden, Ontario, and will not be back until some time after these hearings are over. I would like not to have to withdraw the case because he was called away, but it is obvious I cannot present as strong a case as I would like to in view of the fact he will not be present. There is an additional difficulty, that is, his original claim form was not signed before a Commissioner, due to the fact that he completed this while in the bush country where there were no Commissioners available and his undertaking at that time was to have it completed at the hearing. I would like to present the evidence and frankly I do not know how I can get it confirmed. The claim deals with an automobile and the circumstances surrounding it are peculiar and, I admit, not very advantageous to the claimant. Well, there is one feature I would like to press, just one for the Commissioner to decide and not a matter of fact. Now, that is my problem.

THE COMMISSIONER: You have someone who can give evidence regarding it?

MR. CHERNIACK: No. The way I feel about it, it is an automobile, we have the model of the automobile and I think my learned friend on his file has the serial number of it and there would be no difficulty in establishing a fair market value of a vehicle of that nature, if not that specific vehicle. I cannot give you information as to when it was purchased nor how

much was paid for it but if I can set up the claim, which will be substantiated from the Custodian's file, that there was a vehicle and give the serial number, I think a fair market value could be arrived at.

THE COMMISSIONER: You can put in the evidence from the Custodian's file.

MR. CHERNIACK: Yes, and I think it is sufficient for my purpose.

10 THE COMMISSIONER: With regard to the claim not being completed, you say he is unavailable here and will be unavailable up to the time we finish, but will be available after that?

MR. CHERNIACK: Yes.

THE COMMISSIONER: After you put in your evidence here obtained the Custodian's file and before the adjournment, you could have same completed and sent to the Commission.

20 MR. CHERNIACK: I could possibly do better than that and make out an affidavit showing the particulars of purchase.

THE COMMISSIONER: That is about all you can do.

30 MR. CHERNIACK: Yes, your honour. Well, to put myself on record, this is a claim for a 1937 Ford V-8 Coupe and if I could file my learned friend's analysis, it will give greater detail as to the model. On behalf of my learned friend I tender as Exhibit 1 the Custodian's Analysis. This Analysis indicates the license, serial number, and itemizes that the car was in fair condition when turned over to the Royal Canadian Mounted Police, if my learned friend has the

Royal Canadian Mounted Police Receipt.

MR. FERG: Yes.

(Custodian's Analysis, EXHIBIT 1.)

MR. CHERNIACK: I will tender as Exhibit 2 the Royal Canadian Mounted Police Receipt, dated April 7, 1942.

(Royal Canadian Mounted Police Receipt, dated April 7, 1942, EXHIBIT 2.)

MR. CHERNIACK: Description and condition of the vehicle as there appears in fair condition, speedometer reading, broken. Five tires, serial number is A16905. I might say any information I have about this motor is obtained from the Custodian's file. I haven't interviewed this claimant but from the file I have learned the following information and I would ask my learned friend to check it so I do not make any mistakes. The claimant reported the car in his J.P. Form of May 10, 1942, that is confirmed by Exhibit 1. On May 8, 1942, a letter was sent from a firm of Bailiffs to the Custodian indicating that the claimant owed \$149.00 on this vehicle. Now, it would appear from the files, that is the Custodian's file, that the claimant turned his car over to a Mr. Williams, who is a member of the Victoria police force and transferred the car to him.

MR. FERG: Would you indicate the date of transfer?

MR. CHERNIACK: If I have it. Yes, March 13, 1942. That is also in Exhibit 1. The Bailiff acting on behalf of the owners of the conditional Bill of Sale seized the car while in Mr. William's possession and appointed him Sub-Bailiff. Subsequently, and my learned friend can advise your honour as to the date of this, the car

was turned over on April 7, 1942, to the Royal Canadian Mounted Police by the brother of the claimant, the claimant already being in a road camp. I should point out the car was turned over to the Royal Canadian Mounted Police a month prior to the J.P. Declaration Form. Now, after certain correspondence with the vendors of the conditional Bill of Sale and the Bailiffs acting on their behalf, the Custodian turned the car over to the Bailiffs, or to the vendors, and that closed their file. Now, our contention is this, your honour, that the claimant was taken from Vancouver Island and sent to a road camp and before doing that he attempted to put the car out of the reach of the Custodian and that must be admitted. He turned it over to Mr. Williams and transferred the car to him, but the subsequent dealings with the car show clearly that this was not an actual transfer for consideration from letters on file which indicate that Williams was holding the car for Terakita and there is a letter from a solicitor, James M. Campbell, to the Custodian, dated February 9, 1943, where there is the indication that Williams will pay the balance due on this note on behalf of Terakita. In any event, our contention is that the Custodian knew that that was a fictitious transfer. The Custodian had actual possession of this vehicle and the Custodian then turned it over to the vendors in the conditional Agreement for Sale. Now, from the first letter which the Custodian received from the Bailiffs, there is no indication that the Custodian attempted to find out how much was owing on

the car. The first letter informed him it was \$149.00. It is our contention that the Custodian should have ascertained on behalf of the claimant, as the Custodian did in many other claims, work on behalf of the claimant and in spite of the claim should have ascertained the amount owing, appraised the vehicle, should have ascertained about selling same and should have paid the amount of the balance. Now, we have had cases like this and I am quite satisfied it wasn't worth more than \$150.00 and since the Custodian had the actual possession of the vehicle, and in other cases elected to set aside transfers which were as obviously fictitious as this one was, the Custodian was in possession of the vehicle and could have readily set aside the transfer or obtained my learned friend's consent thereto, could have sold the vehicle for the best possible price and paid for the balance due. Instead of that, they turned the vehicle over to the vendors and we do not know to what extent the vendors, under the Bill of Sale, profited on this transfer of the vehicle but there is a letter on the Custodian's file, dated February 18, 1943, in which the Custodian replied to the letter from J.M. Campbell, to which I referred, and I would ask my learned friend to produce it. This letter, dated February 18, 1943, from the Custodian to Mr. J.M. Campbell, Barrister, all it refers to is the fact that the firm Rithet Consolidated released the Custodian from any claims they might have against them and in return received the vehicle, and the letter goes on to say the Custodian has no further

interest in the car and any future correspondence should be addressed to Rithet Consolidated.

(Copy of letter dated February 18, 1943, EXHIBIT 3.)

MR. CHERNIACK: There is one further letter from this firm, Rithet Consolidated, to the Custodian, dated March 11, 1944, and addressed to the Department of the Secretary of State, and there is one paragraph here which I found interesting and that is the statement of Rithet Consolidated:

10 " There was never any intention to furnish you with a statement, as there was no call for further correspondence between us after Mr. Read released the car, in accordance with the terms of our release of your interest, which release you have on your file.

" May we suggest that you inform the subject individual to correspond with us direct, should he wish any information. What we wish to convey is that you have no interest in the matter, and there is no point in cluttering your files as an intermediary between the parties concerned."

20

In other words, they refused to tell the Custodian what they received out of the sale of that car.

(Letter dated March 11, 1944, EXHIBIT 4.)

MR. FERG: Your honour, it is rather regrettable and places me in a position of not being able to cross-examine this claimant, but it is submitted that the motor car in question, having been transferred on the 13th of March, 1942, to one Albert Williams, that being prior to the evacuation of the claimant, and prior to his completing the J.P. Form, which was completed on the

30

5th of May, 1942, that he placed this vehicle in the possession and in the custody and control/^{of} another person and therefore the Custodian is no longer responsible. I will admit this, that from the record, the Custodian in carrying out his general duties did interest himself in this particular transaction but, nevertheless, the position is, and the position that the Custodian has taken apart from interesting himself in the disposition of the vehicle, that the property after the 13th of March, 1942, didn't belong to the claimant but belonged to Albert Williams. I will put in for the record the record of the registration of this vehicle and a letter from the Motor-Vehicle Branch, Victoria, dated March 17, 1944, which sets out the record of the transfer of the vehicle claimed by the claimant.

(Letter dated March 17, 1944 from the Motor-Vehicle Branch, Victoria, EXHIBIT 5.)

MR. FERG: I would also like to put in a copy of a letter from the Custodian to the Rithet Consolidated Limited, Victoria, dated July 18, 1942, and I submit under the circumstances that the claim is not one that comes within the terms of reference and any further defence to be presented in this case on behalf of the Custodian will be adjourned to the main hearing at Vancouver. There is another copy of a letter I would like to put in, a letter from the Custodian to Mr. Albert Williams, dated June 1st, 1942.

(Letter dated July 18, 1942, to Rithet Consolidated Limited, EXHIBIT 6.)

We had access to this file but no longer is it in our possession.

MR. FERG: We are putting in documents subject to being proved at the proper time and I am ready to produce any document Mr. Cherniack chooses, whether it is relevant or not.

(Letter from Rithet Consolidated Limited,
dated July 21st, 1942, EXHIBIT 8.)

10 MR. FERG: In connection with these letters that are produced from the Custodian's file and about which my learned friend commented as to their being evidence enough, these are letters which we could obtain on cross-examination of the Custodian and they no doubt will be proven at the adjourned hearing, when we examine the Custodian and obtain any letters they have received. It is on that basis we file these letters now. There is a letter from Rithet Consolidated to the Custodian, which is a lengthy letter, but there is one short sentence that I would like to read into
20 the record. This letter is dated July 21, 1942, and is filed as Exhibit 8.

" Immediately before the last Easter holidays Williams informed them that Terakita would be in their office to settle the balance owing on our lien, and they had a call from a Japanese stating that he was only a friend, but that Terakita would arrive in town the next day to settle the account. Immediately after the Easter recess they discovered that Williams had left for the East during the holidays and they were
30 then informed by his sister that her brother had

" conversations with certain Japanese, who told him they had turned the car over to the Custodian. Our Bailiffs further stated that in their first interview with Williams he informed them that Terakita had transferred the car over to him for the duration of the war, at which time the car was to be returned, but their final investigation satisfied them, that while Terakita had signed a transfer of license in favour of Williams, it was just a blind to mislead the Custodian, and that Williams never had possession of the automobile, or any intention of purchasing it."

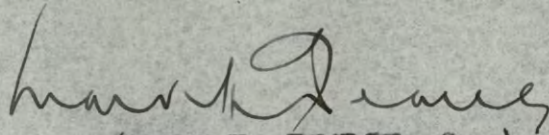
10

Under the circumstances our contention is that the Custodian should have acted as I have outlined before. I will also file letter from James M. Campbell to the Custodian, dated February 9, 1943.

(Letter dated February 9, 1943, EXHIBIT 9.)

(PROCEEDINGS ADJOURNED SINE DIE)

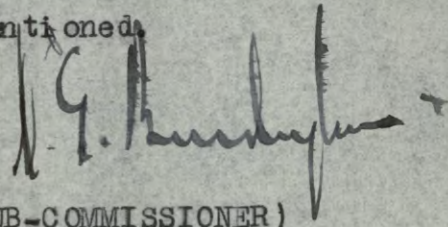
Certified to be a true and accurate transcript.



(MARK H. PEARCE, Sr.)
OFFICIAL REPORTER.

CERTIFICATE

I, the undersigned Sub-Commissioner hereby certify that the foregoing 11 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)

Case 933

DEC - 5 1947

Case # 933

IN THE MATTER OF a Commission to Investigate Claims of Japanese Canadians for Property Losses.

TO: The Commissioner,
Office of the Custodian,
Royal Bank Bldg.,
Vancouver, B.C.

ACKNOWLEDGED

8060

wpf

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

(1) NAME TERAKITA MUTSUO (RCMP) Reg. No. Unknown
(Print) Surname Given Name

(2) Pre-Evacuation Address 330 Cordova Street East, Vancouver, B.C.

(3) Present Address 699 1/2 Burrows Avenue, Winnipeg, Manitoba.

(4) REAL ESTATE

(a) Street Address (if any) N/A
City or Municipality Province

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

N/A

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

- (i) Farm
- (ii) Residence Type of business N/A
- (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 - - - - - \$ Nil
- (ii) Buildings - - - - - \$ Nil

(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) - - - - - \$ Nil

(v) Amount at which Custodian sold property and credited your account - - - \$ Nil

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

(5) PERSONAL PROPERTY

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

Hastings Park, Vancouver, B.C.

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)

(c) How stored or packed at time of evacuation

(d) In whose care was property left at date of evacuation by the claimant. (This question refers to the terms of reference which exclude claims where the property was lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian appointed by the owner of the property. It involves some definite arrangement whereby you appointed someone to take care of the property and such person accepted the responsibility of so doing. Unless such an arrangement was made the question should be answered "in no one's care")

CUSTODIAN

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

1.	Automobile - 1937 Ford Coupe, Engine No. A16905,	Estimated Value \$	
2.	Model 85, Weight 2630, Reg. #174877	Estimated Value \$	650.00
3.		Estimated Value \$	
4.		Estimated Value \$	
5.		Estimated Value \$	
6.		Estimated Value \$	
7.		Estimated Value \$	
8.		Estimated Value \$	
9.		Estimated Value \$	
10.		Estimated Value \$	

TOTAL CLAIM FOR PROPERTY LOSS \$ 650.00

N.B.—If you cannot list all the items here prepare a separate list with values set out opposite each item and attach it to the form. The item "personal property" includes shares, bonds, mortgages, loans, notes and all other forms of property not included in real estate.

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - - - - - \$ 650.00

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

N.B.—This Declaration must be sworn before a Commissioner, Notary Public or other person entitled to take declarations. All lawyers are qualified to do so.

DOMINION OF CANADA)
 Province of Manitoba)
 TO WIT:)

I, Mutsuo Terakita of the City
 of Winnipeg in the Province of Manitoba.

DO SOLEMNLY DECLARE THAT:
 The information set out in the form above is true and correct to the best of my knowledge, information and belief and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act".

DECLARED before me at the City)
 of Winnipeg)
 in the Province of Manitoba)
 this day of November)
 A.D. 1947.)

Mutsuo Terakita

A Commissioner &c.

N.B.— THIS FORM FULLY COMPLETED AND SWORN BEFORE A COMMISSIONER SHOULD BE MAILED BY REGISTERED MAIL TO THE COMMISSIONER, c/o THE OFFICE OF THE CUSTODIAN, ROYAL BANK BLDG., VANCOUVER, B.C. BEFORE NOVEMBER 30th, 1947. IF YOU CANNOT MAIL IT BEFORE THIS DATE SET OUT BELOW REASONS FOR THE DELAY.

Camp 78,
Pidgeon Timber Company,
NEYS, Ontario,

November 29th, 1947.

W H

The Commissioner,
Office of the Custodian,
Royal Bank Building,
VANCOUVER, B. C.

Dear Sir:

Due to the fact that I live in a remote place where transportation facilities are poor, I am unable to have my claims sworn before a Notary Public or Commissioner for Oaths.

I am therefore enclosing my claims form without having them sworn as required in your notice.

I respectfully request that you accept my claims for your consideration on condition that I have my claims duly sworn at the time of the hearing.

Yours truly,

Mutsuo Terakita
Mutsuo Terakita.

MT:HH
Encs.

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE NO. 8060

EXHIBIT No. _____

NAME TERAKITA, Mutsuo

REG. No. 07353

	DATE	INVENTORY	DETAILS OF CLAIM	SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
	DECLARATION	TAKEN BY		AUCTION	TENDER &c		

1 1937 Ford V-8 in custody of police.

37 Ford Standard Coupe, License # 90-930 Serial A16905 Speedometer - broken Fair condition. 5 tires. Car turned in by Mutsuo TERAKITA, Reg. No. 07336.

Automobile - 1937 Ford Coupe, Engine No. A16905, Model 85, Weight 2630, Reg. #174877.

650.00

EXHIBIT No. 933-1
 DATE Sept. 22/48
 FILLED BY Clament

Summary of Claim
 Goods for which Jap

E No. 8060

EXHIBIT No. _____

CASE No. _____

G. No. 07353

VENUE _____

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
AUCTION	TENDER &c							

RCMP Exhibit No. 150-vehicle surrendered by M.Terakita, driver, not owner, Apr. 7/42.

Ltr. May 8/42, Thompson & Binnington Ltd., Bailiffs-car bought under Conditional Bill of Sale. March 3/42 Rithet Consolidated issued Warrant to repossess, Terakita being in arrears with payments.

March 13/42 car transferred from Mutsuo Terakita to Albert Williams.
See ltr. July 21/42-Rithet Consolidated Ltd
Oct. 27/42 car released from custody to Rithet Consolidated Ltd.

See Ltrs. March 11/44 & June 13/44.

Summary of Claim
Goods for which Japanese claims \$650.00 transferred by claimant prior to declaration of May 5/42. Repossessed by lien-holder to whom claimant was in arrears at time of transfer.

Matheson
June 22/48

ROYAL CANADIAN MOUNTED POLICE

EXHIBIT REPORT

EXHIBIT No. 933 - 2
DATE Sept 22/48
FILED BY Crown

Detachment File No.
Sub-Division File No.
Division File No. E269-G-13-3
Headquarters File No.

Detachment
Sub-Division
Division (E)
Date April 7 1942

Re: Mutsuo TERAOKITA Coombs, B. S.

On April 7 1942, I Goodfellow K.E.

Came into possession of the following goods by:-

SURRENDERED UNDER O.I.C. PC. 1486

State Briefly Authority, Etc., whether by search warrant, etc.

No. of Pkgs.	Capacity or size	Description of contents Details to be given in full
--------------	------------------	--

LICENSE NO.	90-930	TIRE NUMBERS	5
MAKE & MODEL	Ford Standard Coupe 37		
SERIAL NO.	A16905		
ENGINE NO.	"		
SPEEDOMETER READING	broken		
CONDITION	Fair		

EXTRA EQUIPMENT Nil

DESCRIPTION & CONDITION
VERIFIED appears in fair Condition

"M. Terakita"
Signature of Owner
Japanese Registration No. 07336 Driver not owner 07336

Handed over to representative of
Custodian whose signature in receipt
thereof appears hereunder

"K. Goodfellow" "for Custodian"

DATE: April 7/42.

"K. Goodfellow"
Signature of member submitting report.

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

Date: January 21, 1949.

E. J. Cass
J. J.

933 - 3

EXHIBIT No. _____
DATE.....Sept 22/48
FILED BY Crown

G/96

18th February, 1943.

James M. Campbell, Esq.,
Barrister & Solicitor,
Mission, B. C.

Dear Sir: Re: Ford Coupe, Licence 90930 -
 M. Terakita and A. B. Williams

We acknowledge receipt of your letter of February 9th with reference to the above noted vehicle.

Since writing to Mr. Williams on August 3rd, 1942, the car in question, upon receipt of certain undertakings signed by Rithet Consolidated Limited, was released to that Company in consideration of their lien.

The Custodian has no further interest in this car and therefore, any future correspondence should be addressed to Rithet Consolidated Limited, Victoria, B. C.

We trust that you will convey this information to Mr. Williams and that same will be found satisfactory.

Yours faithfully,

M. Sullivan,
Specified Articles Department.

MS-mf

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

Date: January 21, 1949.

E. LeBasse
J.H.

Sept 22/48

DATE _____

FILED BY _____

Crown

RITHET CONSOLIDATED LIMITED

Finance - Insurance - Shipping
Mortgage Loans

VICTORIA, B.C.

March 11th, 1944.

The Department of the Secretary of State,
506 Royal Bank Building,
VANCOUVER, B. C.

EVACUATION SECTION	
Rec'd.	<i>Mar 13, 1944</i>
File No.	_____
Ans.	_____
Referred	_____

NOS. 2242 & 8060, MUTSUO TERAKITA.

Dear Sirs:-

We have your of February 25th, advising that you have received a letter form the above named with respect to his automobile.

This matter was disposed of by the writer with your Mr. Edgar Read, who no doubt is now back in Ottawa.

There was never any intention to furnish you with a statement, as there was no call for further correspondence between us after Mr. Read released the car, in accordance with the terms of our release of your interest, which release you have on your file.

May we suggest that you inform the subject individual to correspond with us direct, should he wish any information. What we wish to convey is that you have no interest in the matter, and there is no point in cluttering your files as an intermediary between the parties concerned.

Yours very truly,

RITHET CONSOLIDATED LIMITED.

"L.M. Corke"

L.M. Corke
Manager.

LMC/B

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

Date: January 21, 1949.

E. La Rose
J. J.

EXHIBIT No.	
DATE	Sept 22/48
FILED BY	Crown

MOTOR-VEHICLE BRANCH

Your File No. 8060

VICTORIA

Subject MVR #174877.
Mutsuo Terakita.

March 17, 1944.

In reply quote file No.
MVR #174877.

F. Matheson, Esq.,
Specified Articles Department,
Dept. of the Secretary of State,
Office of the Custodian,
Japanese Evacuation Section,
506 Royal Bank Bldg.,
Vancouver, B. C.

EVACUATION SECTION	
Rec'd.	Mar 18, 1944
File No.	8060
Ans.	
Referred	Matheson

Dear Sir:

I am in receipt of your letter of the 14th instant and in reply wish to advise the following:-

On March 13, 1942, Ford Std. Coupe, 1941 licence #22-163, was transferred at this office, from the name of Mutsuo Terakita, Coombs, B. C. to Albert Williams, 4606 Nanaimo St., Vancouver, B. C.

On November 10, 1942, this motor-vehicle was transferred at the Motor Licence Office, Vancouver, from the name of Albert Williams to Rithet Consolidated Ltd., Victoria, B.C.

On the same date, it was again transferred from Rithet Consolidated Ltd. to Clifford Hawthorne, 3335 Archimedes St., Vancouver, B. C.

On August 5, 1943, it was transferred from the name of Clifford Hawthorne to J.M. Brown Motor Company Ltd., Vancouver, B. C. under 1943 licence #81-926.

On August 10, 1943, it was transferred from the name of J.M. Brown Motor Company Ltd. to Clifford Hawthorne, 3335 Archimedes St., Vancouver, B. C.

On February 7, 1944, it was transferred from the name of Clifford Hawthorne to Edward B. Dueck, 1995 Kingsway, Vancouver, B. C., in whose name it is still registered.

Yours truly,

"Geo. A. Hood"
GEO. A. HOOD,

Inspr. O/C Motor Branch
for Commr. of Prov'l Police.

/RS

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.
Date: January 21, 1949.

E. Johnson
dy

EXHIBIT No. _____
DATE _____
FILED BY _____

Sept 22/48

Crown

412 - D
Legal Section.

506 Royal Bank Bldg.,
Vancouver, B. C.
July 18, 1942.

Rithet Consolidated Ltd.,
Victoria,
B.C.

Dear Sirs:

Re: A/C 28-76, 1937 Ford
Standard Coupe, Serial & Engine No. A. 16905

I am in receipt of your letter of the 6th
instant.

In view of the circumstances, the Custodian
would be in favour of releasing the motor vehicle in question
to you, upon completion of certain undertakings by Mr. Williams,
as this car is legally registered in his name.

I will be glad to hear from you further after
you have communicated with Mr. Williams.

Yours faithfully,

Edgar T. Read.
General Manager
of
The Custodian's Office in
Vancouver, B. C.

/ms

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

Date: January 21, 1949.

E. LaBasse
J. H.

933 - 7

EXHIBIT No. _____
DATE _____
FILED BY Crown

412 -A
Legal Section.

501 Royal Bank Bldg.,
Vancouver, B. C.
June 1, 1942.

Mr. Albert Williams,
4606 Nanaimo St.,
Vancouver, B. C.

Dear Sir:

Re: Ford Coupe, Our No. 150.

In view of the fact that the above noted car is licenced in your name, it is held at Hastings Park at your own risk, and the Custodian will not accept further responsibility for this vehicle.

Would you be kind enough to call at this office in order that the necessary forms may be signed to release this car.

Your courteous and prompt attention to this matter will be greatly appreciated.

Yours faithfully,

Edgar T. Read.

(For G.W. McPherson)
Authorized Deputy of the Secretary
of State and/or Custodian.

/MS

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

Date: January 21, 1949.

E. L. [Signature]
[Signature]



RITHET CONSOLIDATED, LIMITED

FINANCE · INSURANCE · SHIPPING
MORTGAGE LOANS

PLEASE ADDRESS
ALL COMMUNICATIONS
TO THE COMPANY

TELEPHONES:
GENERAL . . . G-1722
FINANCE . . . E-1811
INSURANCE E-6622

VICTORIA, B. C.

July 21st, 1942.

Attention Mr. Read.

The Office of the Custodian,
Department of the Secretary of State,
506 Royal Bank Building,
VANCOUVER, B.C.

YOUR FILE 412-D, LEGAL SECTION.
A/C 28-76, 1937 FORD STANDARD COUPE, SERIAL AND
ENGINE NO. A.16905.

Dear Sir:-

We acknowledge yours of July 18th, advising that you are now in favour of releasing the above automobile upon completion of certain undertakings by Mr. Williams. Unfortunately this is not possible, as we have no knowledge of the whereabouts of Williams.

In order that you may have a clearer understanding of the circumstances of this case, we propose to give you an outline of our investigations leading to the discovery of the car in your possession, as Custodian.

When the Japanese situation developed we issued a warrant to the local Bailiff here, Mr. Dowman, for seizure of this automobile, as the Japanese purchaser, Terakita, was then, to the best of our knowledge, residing up Island. The local Bailiff failed to find the automobile, but found conclusive evidence that Terakita had removed with the car to the Mainland.

The matter was then referred by us to our Vancouver Bailiffs, Messrs. Thompson and Binnington Limited, who, in the course of their investigation, discovered that Terakita had transferred his license to one Williams, with whom they finally made contact. At that time the latter was on the Vancouver Police Force, and our Bailiffs had no reason to assume otherwise than that Williams intended to pay for the car immediately and take lawful possession.

We have before us the Bailiffs' letter of April 17th, wherein they describe fully their efforts to secure a definite under-

EXHIBIT No

932-8

DATE

Sept. 22/48

FILLED BY

Clament

Office of the Custodian (Cont'd.)

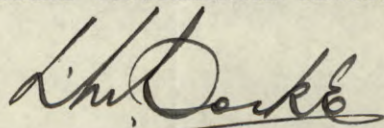
standing with Williams. Immediately before the last Easter holidays Williams informed them that Terakita would be in their office to settle the balance owing on our lien, and they had a call from a Japanese stating that he was only a friend, but that Terakita would arrive in town the next day to settle the account. Immediately after the Easter recess they discovered that Williams had left for the East during the holidays and they were then informed by his sister that her brother had conversations with certain Japanese, who told him they had turned the car over to the Custodian. Our Bailiffs further stated that in their first interview with Williams he informed them that Terakita had transferred the car over to him for the duration of the War, at which time the car was to be returned, but their final investigation satisfied them, that while Terakita had signed a transfer of license in favour of Williams, it was just a blind to mislead the Custodian, and that Williams never had possession of the automobile, or any intention of purchasing it.

From the foregoing you will see the utter impossibility of us being able to secure any undertaking, of any kind, from Williams, and we doubt very much if such were possible, whether it would have any bearing on the subject.

We hope, after you have given the above information your consideration, that you will agree, considering the circumstances, to the release of the automobile to us at the earliest possible date.

Yours truly,

RITHEE CONSOLIDATED LIMITED.


Manager.

LMC/B

JAMES M. CAMPBELL
BARRISTER SOLICITOR
NOTARY

EVACUATION SECTION	
Rec'd	FEB 10 1943
File No.	Int 412 P
Ans.	
Referred	912

Mr. Read

MISSION CITY, B. C.

February 9th. 1943

The Custodian
Japanese Evacuation Section
506 Royal Bank Bldg.,
Vancouver, B.C.

Your File 412 - F

Dear Sir:-

Re Ford Coupe, Licence 90930 (1942)
M. TERAKITA and A. B. Williams

Williams has just brought to me yours of August 3rd. last with enclosures regarding the above Coupe which he obtained from TERAKITA.

Williams is in the R.C.A.F. and has been transferred from and to several points and has only just arrived home for a few days leave. He gives this as the reason for the delay.

Your letter refers to the fact that it was your desire to turn the car over to Ritchet Consolidated for the amount owing to them which Williams believes was in the neighbourhood of \$150.00 last year. He advises that he will pay this amount or the balance which is owing and take over the car. Can you arrange this?

Yours faithfully

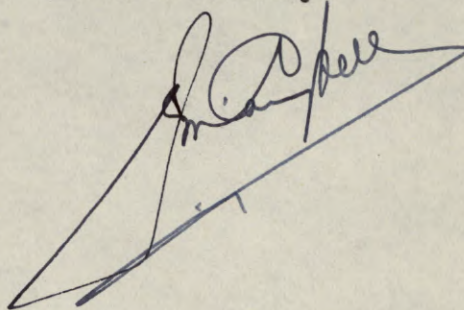


EXHIBIT No.

933-9

DATE

Sept. 22/48

FILLED BY

Clairmont

EXHIBIT No. 933-10
DATE 22 April 1949
FILED BY R. J. McManis

CASE NO. 933

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1. REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

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

IN THE MATTER OF THE CLAIM OF

MUTSUO TERAOKITA

I, MUTSUO TERAOKITA of the City of Winnipeg, in the Province of Manitoba, make oath and say as follows:

1. I am the claimant in the within claim.
2. The claim is for a 1937 Ford V8, Coupe, Engine Number A16905, Model 85, Serial Number 174877.
3. I purchased this automobile in the Fall of 1938 in the City of Nanimo in British Columbia for approximately \$700.00.
4. From the date of purchase until March, 1942 I used this automobile for pleasure only and kept it in very good condition.
5. I believe that the fair market value of this vehicle in the Spring of 1942 would be about \$500.00.
6. In February, 1942, I went to work for the Pulp Mill at Woodfibre, British Columbia and because no arrangements had been made by the Government to protect our goods, in March, 1942, I transferred the ownership to a friend named Williams.
7. Actually, however, the automobile was left in the care of my brother, Mitsuo Terakita, and in April, 1942, when he was about to be evacuated, I instructed him to turn over the car to the R.C.M.P. in accordance with Government instructions.

SWORN before me at the City of Winnipeg, in the Province of Manitoba, this 24th day of January, A.D. 1949.

)
) M. Terakita
)
)
)
)

[Handwritten signature of J. K. O'Connell]

A Notary Public
and for the Province of Manitoba.

EXHIBIT No. 933-
DATE 22 April - 1949
FILED BY J. K. O'Connell

Case No. 933
IN THE MATTER OF THE "INQUIRIES ACT"
Part 1 REVISED STATUTES OF CANADA 1927
CHAPTER 99
JAPANESE PROPERTY CLAIMS
COMMISSION BEFORE

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

IN THE MATTER OF THE CLAIM
OF
MUTSUO TERAKITA

MUTSUO TERAKITA

IN THE MATTER OF THE CLAIM OF

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

JAPANESE PROPERTY CLAIMS COMMISSION

STATE OF CANADA, REVISED STATUTES OF CANADA 1927, CHAPTER 99

IN THE MATTER OF THE "INQUIRIES ACT"

CASE NO. 933



Office of the Sub-Commissioner
Japanese Property Claims Commission
Ottawa, Ontario