Name of Claimant TERAKITA, Masao Case 551

Custodian File 4720

REAL PROPERTY

Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Total	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	

PERSONAL PROPERTY

Motor Vehicles		Boats and Boat Gear						
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Not Found & Recorded Now Missing	45% of amount in next preceding column	

NETS

Total award for Nets plus Sale Price	Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing	Percentage Total Award to Total Claim	Claim for Nets Sold Declared Not Found, & Recorded Now Missing	Apply % ratio to Claim	Deduct Custodian Sale Price	

MISCELLANEOUS CHATTELS

Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price	
								00

TOTAL RECOMMENDATION	00

CASE NO. 551

JAPANESE PROPERTY CLAIMS COMMISSION

Lethbridge, Alberta,
August 10th, 1948.

IN THE MATTER OF THE CLAIM OF
MASAO TERAKITA.

PROCEEDINGS AT HEARING.

The within transcript contains an accurate record of the evidence adduced before me.

L. H. Stock
Asst. Commissioner

Original.

CASE NO. 551.

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

JAPANESE PROPERTY CLAIMS COMMISSION.

B E F O R E

(HIS HONOUR JUDGE L.H. STACK, SUB-COMMISSIONER).

Lethbridge, Alberta,
August 10th, 1948.

IN THE MATTER OF THE CLAIM OF
MASAO TERAKITA.

PROCEEDINGS AT HEARING.

APPEARANCES:

G.E.A. RICE, Esq., K.C.,	appearing for the Dominion Government.
W.E. HUCKVALE, Esq.,	appearing for the claimant.

MISS LILLIE THOMAS,	Secretary.
D.J. HANDFORD, Esq.,	Official Interpreter.
S.R. HOWARD, Esq.,	Official Reporter.

Discussion.

THE SECRETARY: Case No. 551, Masao Terakita.

MR. HUCKVALE: This claimant will not be appearing, your Honour, but I want to make a statement with reference to his claim so that it can go on the record and come before Mr. Justice Bird. The claimant was an employee and also a shareholder of a limited company known as Cameron Lake Logging Company, Limited. At the date of his evacuation there had been two cheques due to him for wages by the Cameron Lake Logging Company, Limited, amounting to $400.00. He was also the legal and equitable owner of 50 shares of that company having a value, he claims, of $5,000.00. I am instructed that was their par value.

Now it appears that when he was evacuated there was against him on the books of the limited company an indebtedness of $1202.97. It appears that some of the shareholders in the company were Japanese nationals. The Custodian liquidated the company and there came into the Custodian's hands as such liquidator approximately $12,000.00. The Custodian was faced with this book entry against this claimant of $1202.97 and therefore set that entry off against any credit due to this man.

The claimant's story is that he had an arrangement with a man named, I had better spell it, S-h-i-u-c-h-i, the first name, and the last name is S-a-s-ak-i, who was the general manager of the company, and that arrangement was that the indebtedness of $1202. and some odd cents was to be for-

given and taken as an addition to salary. Unfortunately that write-off on the books of the company never came before the board of directors because of the confusion due to the evacuation.

Now I am not blaming the Custodian. He has got to go by what he finds on the books but I want to file for what it is worth a letter from this man Sasaki addressed to myself which points out that it was the intention of the company to forgive that indebtedness of $1200. odd dollars and it is possible that the Commissioner may make a recommendation with respect to this claim in any event.

(LETTER MARKED EXHIBIT NO. 1).

MR. RICE: It is sort of bending the rules of evidence a bit in letting this letter in as an exhibit.

MR. HUCKVALE: No, I mean I am not even suggesting it is evidence.

MR. RICE: A letter written by someone to someone that the claimant knows nothing about.

MR. HUCKVALE: The claimant knows the man who wrote it, and it was written to me, not to someone we don't know anything about.

THE SUB-COMMISSIONER: Oh, that is all right. The letter has been marked. The claimant is not appearing in this case, Mr. Huckvale?

MR. HUCKVALE: No, sir.

THE SUB-COMMISSIONER: All right.

MR. HUCKVALE: Within the strict rules of the reference, he has no claim here, I am quite free to admit that.

MR. SHEARS: For the purpose of the record, sir, if I

might make this statement: Counsel for the Japanese claimant referred to some of the shareholders being Japanese nationals. That may or may not have been true. But the point is that this particular company, the majority of the shareholders in it were residents of Japan.

MR. HUCKVALE: That is what I meant by Japanese nationals.

MR. SHEARS: I just want to bring to the attention of the Commission that they were Japanese nationals residing in Japan.

MR. HUCKVALE: That is what I meant.

MR. SHEARS: A majority of these shareholders were resident in Japan and as such were termed to be enemies of this country and therefore this property was taken over by the Crown.

MR. HUCKVALE: I am not disputing that statement at all. I meant residents of Japan when I said Japanese nationals.

MR. RICE: But what I would like to say, your Honour, is that all of these companies of this kind were taken over by the Crown and in this case the company having been taken over by the Crown as having been in the hands of Japanese, that the claimant is not entitled to anything. The claim of the claimant at the most would be one-seventh of $12,000.00 which is approximately $1700.00 less the $1200.00 that he owed the company. That is all he would be entitled to, if it was found that he should get something out of this.

MR. HUCKVALE: My whole point is that it was the

intention of the company to forgive that indebtedness and they never got around to doing it officially.

MR. RICE: I think if the whole company is taken over, there is no valid claim by him. It would be just as if he had shares in a ship that was taken over, he would have no claim whatever.

THE SUB-COMMISSIONER: Well, this is a claim that I think should be considered.

MR. RICE: Yes, the Commissioner will consider it.

(Concluded)

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

"S.R. HOWARD"
OFFICIAL REPORTER.

NOV 22 194 Case No. 551

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

4720

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

(1) NAME TERAKITA (Print) Surname MASAO Given Name (RCMP) Reg. No. 07340

(2) Pre-Evacuation Address c/o Cameron Lake Logging Co. Ltd., Hilliers, British Columbia

(3) Present Address General Delivery, Raymond, Alberta.

(4) REAL ESTATE

(a) Street Address (if any) nil 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 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 Safety deposit box of Cameron Lake Logging Co. Ltd., Pacific Bldg., Vancouver, B. C.

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

(c) How stored or packed at time of evacuation In safe

(over)

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

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

1.	Value of 50 shares of Cameron Lake Logging Co.Ltd., which were seized by Custodian and disposed of	Estimated Value $ $5000.00
2.		Estimated Value $
3.		Estimated Value $
4.	Two cheques issued by Cameron Lake Logging Co. Ltd., to Claimant for wages - cheques seized by Custodian.	Estimated Value $ 400.00
5.		Estimated Value $
6.		Estimated Value $
7.		Estimated Value $
8.		Estimated Value $
9.		Estimated Value $
10.		Estimated Value $

TOTAL CLAIM FOR PROPERTY LOSS $ 5400.00

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) - $ 5400.00

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

(b) Do you require the services of an interpreter at the hearing? Yes or no Yes

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

DOMINION OF CANADA)
PROVINCE of ALBERTA)
TO WIT:)

I, Masao Terakita of the
of Raymond, in the Province of Alberta,

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 Lethbridge)
in the Province of Alberta)
this 17th day of November)
A.D. 1947. A.E. Hale)

Masao Terakita
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.

136 Oak Park Avenue,
Toronto, Ontario,
March 6, 1948.

Mr. Huckvale,
Barristers,
Lethbridge, Alberta.

Dear Sir:

I am writing on behalf of Mr. Masao Terakita, formerly the superintendant of Cameron Lake Logging Co. Ltd., regarding his claim of $400.00 back wages to the Custodian of Vancouver B. C. His claim was considered invalid because he owed the company $1200.00. However, the claimant believes that he is justified in asking for his wages for while being employed by the company for his first three years, his wages of $100 a month was insufficient to support his family and so the company advanced him the necessary money for existance. There was an understanding that if conditions improved his debt would be cancelled subject to directors meeting's approval. Shortly before the start of the war with Japan, I, being the manager of the company, thought I would settle this account at the Director's Meeting but due to war the meeting never materialized. As a result that account is still outstanding in the books. I

I would appreciate it very much if you could help Mr. Terakita settle his claim to his satisfaction.

Yours truly,

Shinchi Sasaki

EXHIBIT No. 551-1
DATE Aug. 10/48
FILLED BY W. L. Huckvale