

8060

PERSONAL

Woodfibre, B. C.
OFFICE OF THE CUSTODIAN
JAPANESE SECTION

FILE No. 8060

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: TERAKITA, Mitsuo

HOME ADDRESS: 330 East Cordova St., Vancouver, B. C.

REGISTRATION NUMBER 07353 SEX: Male AGE: 23

OCCUPATION: Logger

(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: B. C. Pulp, Woodfibre, B. C.

MARRIED? No

NAME OF WIFE OR HUSBAND: _____

ADDRESS OF WIFE OR HUSBAND: _____

NAMES OF ANY LIVING CHILDREN: _____

ADDRESS OF CHILDREN: _____

AGE OF CHILDREN: _____

STATEMENT OF ALL REAL PROPERTY (Each parcel must be mentioned and particulars given)

1. LOCATION AND DESCRIPTION: None

2. BUILDINGS AND OTHER IMPROVEMENTS: _____

3. INSURANCE (Give particulars; state where policies are) _____

4. TAXES (Amount and where payable) _____

5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed) _____

6. OCCUPANCY AND LEASES (If vacant so state) _____

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: Lives in bunkhouse at Woodliffe, B. C.

2. LANDLORD'S NAME AND ADDRESS:

B. C. Pulp, Woodliffe, B. C.

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID:

by arrangement with above company

4. STATE WHEREABOUTS OF LEASE:

5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid)

6. IF FARM LAND, PARTICULARS OF CROPS SOWN:

STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS.

1 1937 Ford V-8 in custody of police

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR

CLAIM ON ANY SUCH PROPERTY.

7. STATE WHEREABOUTS OF TITLE DOCUMENTS.

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST.

9. IF FARM LAND STATE CROPS SOWN

4. INSURANCE CARRIED ON ABOVE PROPERTY: _____

5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF
OTHERS: _____

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom) _____

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts) _____

\$45.00 War Savings Certificates in owner's possession8. BANK ACCOUNTS: None9. LIFE INSURANCE: \$1500.00 Monarch Life Assurance Co., Vancouver, B. C.,
beneficiary mother (Imae), policy # unknown, premiums paid to
date, in owner's possession.

10. INTEREST IN ANY ESTATES OR TRUSTS: _____

11. SAFETY DEPOSIT BOX: _____

LIABILITIES:

1. PERSONAL DEBTS: _____

2. TRADE DEBTS: _____

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 5th day of May 1942.(Signature) M. DentiteW. C. Jensen
Witness

FOR DEPARTMENTAL USE _____

INFORMATION FROM R.C.M.P.

DATE Aug. 28/43

Our File No. 8060

Full Name TERAKITA, Mutsuo
(Surname in Block Letters)

Registration No. 07353 Male - Female
(Check) Age June 7, 1919

Former Address Box 40, Coombs, B. C.

Date Evacuated 29/6/42 Naturalized - Canadian-Born - National
(Check)

Present Address c/o Cox & Long Lbr. Co., Albreda, B. C.

☒ Married - Single
(Check)

Name of Wife _____

nee

Name of Husband _____

Name of Mother (SHIBAIKE) Amae #02893 Name of Father Otoksu - Dec'd

Names of Children under 16 _____

Requested by LF Registered with Custodian _____
(Yes or No)

Additional Information Logger. Car owned by 2 brothers YOSHIO & HIDEO they state.
This is incorrect. The car owned by Hideo & Yoshio was a Nash Lafayette Sedan. The car
shown on Mutsuo's JP is a 1937 Ford. This Ford is listed under car #150. FM

File No. 8060.

CLAIMS DEPARTMENT

August 9th, 1944.

Mutsuo TERAKITA - Reg. No. 07353

Pingle

CREDITORS:

NO CLAIMS ON FILE

BRD /DE

*Claims
closed
9-8-44
R*

MEMORANDUM

TO: FILE 8060

February 25, 1944

From: Specified Articles Department.

Re: Mutsuo TERAOKITA, Reg. 07353

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>APPRAISED VALUE</u>
Motor-Vehicle	Ford Standard Coupe Model 85, Engine No. A16905, Serial No. A16905 Registration No. 174877 Custodian No. 150	

This car was released to Rithet Consolidated Ltd. on October 27, 42.

AMOUNT OF LIEN: \$149.00

Lien Holder: Rithet Consolidated Ltd.

Further Information: This car was turned in by Mitsuo TERAOKITA, Reg. 07336 (Driver-not owner). The owner is shown on the RCMP Exhibit Report as Mutsuo TERAOKITA, Combs, B. C. Letter, dated February 21, 1944, from Mitsuo TERAOKITA, seems to imply that he had an interest.

There is no record that the Lien Holder remitted any monies received from the sale of this car.

gm

ROYAL CANADIAN MOUNTED POLICE

Detachment 150

Seizure No. FOR USE WHEN APPLICABLE

EXHIBIT REPORT

Detachment File No.
Sub-Division File No.
Division File No. **R269-8-13-3**
Headquarters File No.

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

RE: **Mutsuo TERAKITA Coombs B C**
NAME OF FILE

On **April 7 1942**, I **Goodfellow K E**
MEMBER'S NAME

Came into possession of the following goods by:-

SURRENDERED UNDER O.I.C. PG. 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. MAKE & MODEL SERIAL NO. ENGINE NO. SPEEDOMETER READING CONDITION	90-930 Ford Standard Coupe 37 A16908 broken Fair	TIRE NUMBERS 8
EXTRA EQUIPMENT	Nil	
DESCRIPTION & CONDITION VERIFIED	appears in fair Condition	
Signature of Owner Japanese Registration No. 07336 Driver not owner 07336 Handed over to representative of Custodian whose signature in receipt thereof appears hereunder <i>[Signature]</i> "Custodian"		
DATE:	933-2 April 7/42.	
EXHIBIT No.	Sept 22/48	
DATE	1942	
FILLED BY	Crews	
		<i>[Signature]</i> SIGNATURE OF MEMBER SUBMITTING REPORT

Thompson & Binnington Limited

BAILIFFS

ROYAL TRUST BUILDING
625 PENDER STREET WEST
VANCOUVER, B.C.

May 8th. 1942

Custodian of Enemy Property
Royal Bank Bldg.
City

Attention Mr. Read.

Dear Sir:- Re M. Terakita-1937 Ford Coupe Ser. #AI6905 Lic. 90-930

The above party bought the above car and financed same under Conditional Bill of Sale with the Rithet Consolidated Ltd. Victoria, B.C.

On March 3rd. 1942 the Rithet Consolidated issued a Warrant directed to us to repossess the car, Terakita then being in arrears with his payments.

We could not locate the car or Terakita, but on March 13th. 1942 received word from the Motor License Branch at Victoria, that the car had been transferred by Terakita to A. Williams of 4606 Nanaimo St. Vancouver, B.C.

Upon receipt of this information we immediately contacted Mr. Williams, this interview took place on March 16th. 1942. Mr. Williams informed us that he was on the Vancouver Police Force, and that he had made arrangements with Terakita to buy the car, and requested us to give him a week to get the matter settled, we agreed to this extension and signed him up as our Bailee.

The matter was not settled within the week as agreed, but Williams kept asking for further extensions on the grounds that he was waiting for Terakita to come to Town.

We finally lost patience and went out to Williams house to bring in the car, and we were informed by his sister that he had left for the East the day before, had been called up by the Air Force, we questioned her about the car and she stated she had overheard a telephone conversation that the car had been turned over to the Custodian of Alien Property.

We would appreciate if you would let us know as soon as possible if you have the car in your possession, also the car now being registered in the name of Williams, does it effect your powers in handling same.

There is a balance of \$149.00 now outstanding.

Yours truly,
THOMPSON & BINNINGTON LTD.

per

[Signature]

File
M.B.-W.T.

412-A
Legal Section.

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

Mr. Albert Williams,
4806 Mainline St.,
Vancouver, B. C.

Dear Sir:

Re: Ford Coupe, Car No. 150.

In view of the fact that the above noted car is licensed 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. Head.

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

/MS

EXHIBIT No 933-7
DATE Sept 22/48
FILED BY 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

EXHIBIT NO.

933-6

DATE

Sept. 22/48

FILLED BY

Craw

RITHEI CONSOLIDATED LIMITED
Finance - Insurance - Shipping
Mortgage Loans

933 - 8

EXHIBIT NO. _____
DATE _____
FILED BY _____
Sept 22/48
Claimant

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 our possession, as Custodian.

When the Japanese situation developed we issued a warrant to the local Bailiff here, Mr. Lowman, 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-

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,

RITHET CONSOLIDATED LIMITED

"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. L. B. [Signature]



RITHET CONSOLIDATED LIMITED

FINANCE · INSURANCE · SHIPPING
MORTGAGE LOANS

PLEASE ADDRESS
ALL COMMUNICATIONS
TO THE COMPANY

TELEPHONE
GENERAL ... 5-1722
FINANCE ... 5-1811
INSURANCE 5-0822

VICTORIA B.C.

OFFICE OF THE CUSTODIAN
JAPANESE SECTION

RECEIVED
SEP 4 1942

September 3rd, 1942.

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

YOUR FILE NO. 412-F.

FORD COUPE - A/C 28-76 - ENGINE NO. A.16905.

Dear Sir:-

Your last communication of August 4th, was to the effect that you had that day communicated with Mr. Williams, and we are wondering if you have been successful in securing a reply.

Inasmuch as you have decided to recognize Mr. Williams as the registered owner of the automobile, how do you account for the fact that you continue to treat this automobile as a Japanese car, and hold it in your custody? It seems to us that either one or the other decision must apply. That is to say, if you consider it to be Japanese property, you are prepared to release it to us or satisfy our lien, and secondly, if it is the property of Mr. Williams then it should be open to us to obtain possession by lawful seizure, under the Conditional Sales Act, in default of payment.

We appreciate that you have a very arduous duty to perform in handling these automobiles, and it is not our wish to add to your burdens, but we would like to have the matter settled as the car naturally is depreciating in value more rapidly by standing idle than if in normal use. Then again, we also have a duty to perform for our client, for whom the contract was originally discounted, in order to protect his investment as well as our own.

An early reply will be appreciated.

Yours truly,

RITHET CONSOLIDATED LIMITED.

John Conkle
Manager.

LMC/B

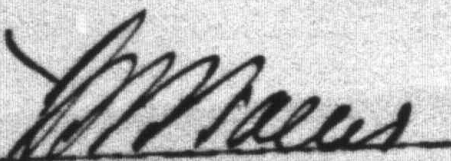


DEPARTMENT OF THE SECRETARY OF STATE
OF CANADA

TO WHOM IT MAY CONCERN

KNOW ALL MEN BY THESE PRESENTS that Rithet Consolidated Limited, in the City of Victoria, in the Province of British Columbia, for value received, doth hereby remise, release and forever discharge the Custodian, appointed pursuant to regulations established by P.C. 3959 as mended, his deputies, servants, agents and representatives of and from any and all causes of action, claims and demands whatsoever which the said Rithet Consolidated Limited as principal or as agent, bailee or representative or otherwise howsoever may or might have for or by reason of any seizure, custody, possession, control, holding or keeping by the Custodian or by any one acting on his behalf of the motor vehicle Numbered: Licence - 90-930, Serial - A16905, Make - Ford Standard Coupe.

DATED this twenty-seventh day of October, A. D., 1942.


Witness


RITHET CONSOLIDATED, LIMITED
MANAGER

JAMES M. CAMPBELL
Barrister Solicitor
Notary

EXHIBIT No. 933 - 9
DATE Sept 22/48
FILED BY Claimant

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. TERAOKA 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 TERAOKA.

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

"J. M. Campbell"

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. Brown
J. H.

0/96

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 corres-
pondence should be addressed to Rithet Consoli-
dated Limited, Victoria, B. C.

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

Yours faithfully,

M. Sullivan,
Specified Articles Department.

MS/mf

EXHIBIT NO.

933-3

DATE

Sept. 22/48

FILLED BY

Krown

Vancouver, B.C.
Feb. 21/44

Office of the Custodian
506 Royal Bank Bldg.
Vancouver, B.C.
Dear Sir:

EVACUATION SECTION	
Rec'd	FEB 25 1944
File No.	2242
Ans.	
Referred	Matheson

I am enquiring about
a car bought in my brother's name (at Vancouver).
The name is Milton Teakate, number 07353.
The car is a 1937 Ford coupe (black). The
license was in the name of - former policeman
of Vancouver who I think is now in the air force.
My brother and I loaned him this car which
accounts for the license being in his name.

I surrendered this car to the custodian in the
spring of 1944 at Hastings Park. I was listed as
the driver when I signed the papers.

This car was financed by the Rithet Consolidated
Ltd. and was not fully paid off.

Kindly let me know if this car has been sold
and if so kindly send to above address whatever my
brother and I have from the sale so we are interested
in money.

Hoping that you will look into this
matter - I remain

Yours truly
Milton Teakate
(07353)

2242 & 8060

February 25, 1944.

Rithet Consolidated Limited,
Victoria, B. C.

Dear Sirs:

Re: Mutsuo TERAOKITA, Reg. 07353
and 1937 Ford Coupe, Reg. #174877

Your company held a lien on the above-indicated car. Under this lien, the car was released to your company on October 27, 1942, at which time, we understand, you had a purchaser for this car.

We do not appear to have received any further communications from your company in respect to this vehicle, and would be pleased to receive your statement.

The car was appraised at a value of \$350.00. The amount of your lien was \$149.00.

A letter just received from the above-named man would indicate that he has had no information from your company.

Would you kindly give this matter your attention, so that we may reply to Mr. Terakita?

Yours very truly,

F. Matheson,
Specified Articles Department.



RITHET CONSOLIDATED LIMITED

FINANCE · INSURANCE · SHIPPING
MORTGAGE LOANS

VICTORIA, B. C.

PLEASE ADDRESS
ALL COMMUNICATIONS
TO THE COMPANY

EVACUATION SECTION	
Rec'd	MAR 13 1944
File No.	
Ans.	
Referred	
TELEPHONES GENERAL 2-1240 FINANCE 2-1211 INSURANCE 2-2022	

March 11th, 1944.

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

NOS. 2242 & 8060, MITSUO TERAKITA.

Dear Sirs:-

We have yours of February 25th, advising that you have received a letter from 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,

EXHIBIT NO. 932-4
DATE Sept. 22/48
FILED BY Crown

LMC/B

RITHET CONSOLIDATED LIMITED.


L. M. CORKE
Manager.

Address all communications to:
THE COMMISSIONER
British Columbia Provincial Police
(Motor-vehicle Branch)
Victoria, B.C.

TELEPHONE - EMPIRE 1111
LOCAL 386

Your File No. **8060**

MOTOR-VEHICLE BRANCH
VICTORIA

In reply quote File No. **MVR#174877.**

March 17, 1944.

SUBJECT: MVR#174877.
Mutsuo Terakita.

EVACUATION SECTION	
Rec'd	MAR 18 1944
File No.	8060
Ans.	
Referred	<i>Matheson</i>

sent to you

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.

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.

EXHIBIT NO.

DATE

FILLED BY

/RS

Yours truly,

GEO. A. HOOD
GEO. A. HOOD,

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

March 18, 1944

From: F. Matheson

Re: Mutsuo TERAOKA & Rithet Consolidated Ltd.

Attached are Motor Vehicle envelope #150, copy of car list giving appraised value of the 1937 Ford Coupe formerly owned by Mutsuo TERAOKITA, and File 8060.

Letter of March 17, 1944, from the Motor Vehicle Branch gives the history of this car. You will note that this car was transferred to Albert Williams on March 13, 1942.

This is the matter about which Mr. Good and I consulted you last week.

The car envelope and car list should be returned to Miss Corker.

{ Albert Williams Air Force Enlisted
 R. 157982 Apr 2. 1942
 { Tent of Kin. Sewardry BQ Wilfred Walter Williams
 (Father)
 Ex. policeman

8060, 2242

June 13, 1944.

Mr. Mitsuo TERAKITA,
Registration No. 07336,
Slocan City, B.C.

Dear Sir:

Re: 1937 Ford Coupe, and Mitsuo TERAKITA,
Registration No. 07353, File 2242.

Your letter regarding the 1937 Ford Coupe which you claim was bought in the name of your brother Mitsuo Reg. No. 07353, has been given consideration. Upon investigation it has been found that this car was transferred on March 13, 1942 to Albert Williams, 4606 Hannay Street, Vancouver. The vehicle was evidently transferred subject to the lien of the Rithet Consolidated Ltd., Victoria, to whom Albert Williams transferred it on November 10, 1942. On the same date it was again transferred from Rithet Consolidated Ltd., to Clifford Hawthorne, 3335 Archimedes Street, Vancouver, B.C. Since that date it has changed hands several times.

No details of the transaction with Mr. Williams were supplied by your brother Mitsuo when he declared his property to the Custodian on May 5, 1942 and we therefore regret that this office is not in a position to pursue the matter further. The Rithet Consolidated Ltd. would no doubt supply you with further particulars if you write to them direct.

Mr. Williams, whose family address is c/o W.W. Williams, Dowdney, B.C., is reported to have enlisted in the Air Force in April 1942.

Yours truly,

A. G. McArthur,
Administration Department.

AGH:AS

MEMORANDUM

June 22, 1948

Re: Mutsuo TERAKITA, Reg. No. 07353, File 8060

See ltr. May 8/42 re Conditional Bill of Sale and warrant issued on March 3/42 to repossess car as payments were in arrears. Also of arrangements made with Williams to whom Terakita had transferred the car, March 13/42.

Vehicle surrendered by Terakita, April 7/42, was released by Custodian to Rithet Consolidated Ltd. (lien-holder) on October 27/42, and on November 10/42 was transferred from name of Albert Williams to Rithet Consolidated Ltd.

See ltrs. March 12/44 from Rithet Consolidated Ltd. and ltr. June 13/44 to Mr. Mutsuo Terakita.

Imachison

IN THE MATTER OF "THE INQUIRIES ACT"
PART I. REVISED STATUTES OF CANADA 1927, CHAPTER 92

JAPANESE PROPERTY CLAIMS COMMISSION

SUB-COMMISSION

REPORT

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

Winnipeg, Manitoba.

22nd September, 1948.

IN THE MATTER OF THE CLAIMS OF

MUTSUO TERAKITA

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. Pourse, Esq., Sr., Official Reporter.

MR. CHURCHACK: 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,
10 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
20 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. CHURCHACK: 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
20 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.

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

THE COMMISSIONER: That is about all you can do.

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 itemises that the car was in fair condition when turned over to the Royal
30 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 A15905. 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

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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 Hithet 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

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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. Reed 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

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.)

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June 1, 1942.

Dear Sir:

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

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(For G. W. McPherson)



MR. CHERNIACK: Yes, but once I am sure a certain type of letter is going in, I think the others should too.

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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 the record. This letter is dated July 21, 1942, and is filed as Exhibit 8.

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" 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

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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."

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

(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.

J. G. Humphreys

(SUB-COMMISSIONER)

9.10.49

IN THE MATTER OF THE "INQUIRIES ACT"
PART 2. 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: 935

IN THE MATTER OF THE CLAIM OF
MITSUO TERAKITA

PROCEEDINGS AT HEARING

APPEARANCES:

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

A. W. WATSON, Esq.,	Secretary,
T.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 follow-
ing 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).

I hereby certify the foregoing to
be a true and accurate report of
the said proceedings.
J. P. Hamilton
Deputy Official Stenographer

Exhibit
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

MITSUO TERAKITA

I, MITSUO TERAKITA 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 Nanaimo 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 H.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
)
)
)
)

A. G. Buckingham

A Notary Public
in and for the Province of Manitoba.

Defence Brief

Mutsuo TERAOKITA

File No. 8060

Case No. 933

Winnipeg, Manitoba
22nd September, 1949

Claim

1937 Ford Coupe

\$650.00

Car purchased under Conditional Bill of Sale. Mar. 3
1942, Rithet Consolidated issued warrant to repossess.

Mutsuo TERAOKITA, claimant, was unable to attend Hearing of his case.

Mr. Cherniack presented Terakita's case although he had never interviewed his client. Mr. Cherniack stated that although the Japanese had transferred his car prior to evacuation to a Mr. Williams, the Custodian knew that it was a fictitious transfer, and when the car was turned over to the R.C.M.P., the Custodian should have had it appraised and sold and paid the balance due to the Finance Company, rather than turn it over as he did to the Finance Company, Rithet Consolidated Limited. (See Trans. P. 6 Lines 2 -30)

Submission: "It is submitted that the motor car in question, having been transferred on the 13th 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 5th 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.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 in Vancouver."

(Trans P. 7 L 27 - P 8)

HA

Name of Claimant

TERAKIDA, Mitsuo

Case 922

Custodian File

8060

REAL PROPERTY											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			
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 & Recorded Now Missing	45% of amount in next preceding column				
REPOSSESSED											.00
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				
TOTAL RECOMMENDATION											.00