55908 [A2.1] Japanese Property Claims Commission

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
February 17, 1947

J-175

MEMORANDUM TO: Mr. W. P. J. O'Meara, K.C.,
Acting Under-Secretary of State

RE: Claims by Japanese Evacuees

I enclose herewith, for your information, copy of my memorandum of today addressed to the Minister in connection with the above.

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
February 17, 1947

J-175

MEMORANDUM TO: The Honourable Colonel C. Gibson, M.P.
Secretary of State

RE: Claims by Japanese Evacuees

The declaration of war with Japan on December 7, 1941, created the immediate need for control by the Custodian of Japanese enemy assets, and on December 18, 1941, an announcement was made in the Vancouver Press advising that the Custodian was taking control of property and businesses in Canada owned by persons residing in Japanese occupied or controlled territory.

The Defence of Canada Regulations provided for the arrest and detention of enemy aliens. The application of these Regulations as it concerned persons of the Japanese Race in Canada resulted in the internment, from time to time, of Japanese coming under this category.

By Government Notice, dated February 5, 1942, enemy aliens were required to leave the Protected Area and on February 26, this ruling was extended to include every person of the Japanese Race.

The establishment of a Protected Area was provided for by Order in Council P.C. 365, dated January 16, 1942. There were approximately 22,000 persons of the Japanese Race residing within the Protected Area, and to implement and direct the evacuation, Order in Council P.C. 1665, dated 4th March, 1942, was passed, establishing the British Columbia Security Commission under the Department of Labour, with wide powers in regard to the movement of all persons of the Japanese Race within and without this area.

Order in Council P.C. 1665, to which reference has been made, provided for the vesting and control by the Custodian, as a protective measure, of all property delivered up or which upon evacuation was left in the Protected Area. Certain exceptions were made in regard to fishing vessels, deposits of money, shares and other securities.

At a later date, P.C. 469, dated January 19, 1943, an enlargement was made in the interpretation of control and management to include, from the date of vesting in the Custodian, the power to liquidate or otherwise dispose of such property.

The Custodian was not at the outset concerned with fishing vessels, as immediately following the declaration of war, steps were taken by the Naval Service to bring into custody all fishing vessels owned by persons of the Japanese Race. The removal of a substantial part of the fishing fleet from active service prompted the Government to appoint a Committee for the purpose of returning these vessels to active fishing in the hands of fishermen other than of Japanese origin. Under the authority of the War Measures Act a special Committee known as the Japanese Fishing Vessels Disposal Committee was empowered by Order in Council P.C. 288, dated 13th January, 1942 (recommended by the Minister of Fisheries) to make such arrangements as would make it possible for the owners to freely negotiate for charters, leases or sale. The impounded vessels consisted of seiners, packers, trawlers, etc., and numbered 1137. It became evident that certain Japanese were determined to retain ownership, if possible, and in view of this, offers were received by the Committee and sales negotiated without the owner's consent. According to report, 950 vessels were sold for the sum of $1,406,055.89.

Memorandum to the Honourable Colonel C. Gibson, M.P.

By Order in Council P.C. 2647, dated 20th July, 1942, vessels remaining unsold as at August 1, 1942, were to be turned over to the Custodian. The Custodian took delivery of 238 vessels and completed the liquidation of these.

In my report to you under date of 3rd instant, I reviewed the work of the Custodian's Office in Vancouver and outlined the procedure followed relative to the establishment of independent Committees, one to supervise disposal of Greater Vancouver Properties under the Chairmanship of Mr. Justice Smith and the other to supervise the disposal of Rural Properties under the Chairmanship of His Honor Judge Whiteside. In this report, I pointed out that the Custodian had disposed of 1,607 parcels of real estate showing an appraised value of $2,292,624.25, and sales value of $2,411,285.00 - - excess of sales value over appraisal - $118,660.75; and also submitted Statement of Cash Realization of Evacuee Assets and Revenues amounting to $5,373,217.64.

On the 24th January, the Prime Minister issued a statement on Canadian Japanese Policy, in part, as follows:

"With respect to the property of persons of Japanese origin who were removed from the Pacific coast, and whose property was sold by the Custodian, the government is of the opinion that the sales were made at a fair price. In all cases a complete appraisal was made before disposition. The total of the prices secured is greater in aggregate than the total appraisal value.

To ensure, however, the fair treatment promised in 1944, the government is prepared, in cases where it can be established that a sale was made at less than a fair market value, to remedy the injustice".

Since that time, numerous enquiries have been received from Solicitors acting for Japanese, as well as many Japanese themselves, asking for information as to filing of claims and if proper machinery is to be set up for the hearing of same.

The type of claim in which this office is particularly interested relates to the liquidation of real and personal property left with the Custodian. We have pointed out that evidence already submitted indicates that the Japanese claimants feel that the losses they incurred went far beyond this. By reason of evacuation they were required to surrender their businesses and the positions in which they were employed and generally speaking, their chances of earning a livelihood were cut off. All such claims are based upon the economical loss caused by the results of evacuation. The consideration of claims of this nature would appear to be a matter of overall policy to be decided upon by the Government. Unless the scope of enquiry is confined to losses referred to in the Prime Minister's announcement, it is reasonable to suggest that claims will far exceed those referred to in the statement.

We are of opinion that while some claims may be made in regard to properties which this office has advertised and sold on the basis of valuation and with the approval of the Advisory Committees, generally speaking, the sale prices can be justified. We have pointed out, however, that the Government may need to face the fact that the valuations of the Soldier Settlement Board appraisers, which formed the basis of the sale to the Director, Veterans' Land Act, may have been below a value which might

Memorandum to the Honourable Colonel C. Gibson, M.P.

fairly have been placed upon these properties by other appraisers. The total Soldier Settlement valuation was $867,000.00. The original offer was for $750,000.00, and after negotiating, this was raised to $850000.00.

From the foregoing you will appreciate that Departments other than the Secretary of State will be interested in the setting-up of a Commission, if such a course is decided upon. We are of opinion that a Commission should be established and that the Japanese should be required to file with the Secretary of such Commission, a duly verified statement of their claim, disclosing all particulars. The Custodian's Office should be furnished only with copies of claims relating to sales of the property, both real and personal, in order that the Vancouver Office may be given an opportunity to review particular files and submit its defence.

It will be necessary to decide upon a policy in connection with chattels. As you are aware, there was a considerable amount of chattels left in the Protected Area which in the early days the Custodian was not able to protect due to the speed with which evacuation proceeded. The Government may wish to take the stand that the Custodian has exercised all reasonable care and that unless the personal property was actually disposed of by the Custodian, he will not be accountable for same. On the other hand, it may be considered that because the Japanese was required to be evacuated and leave his property with the Custodian, that he is entitled to receive a fair value for it, even if we are unable to account for its disposal.

Your attention has been called to a communication received from Messrs. Norris & MacLennan, Solicitors, Vancouver, asking for the names of all Japanese who had property.

We have no idea as to the amount which may be involved in settling claims, and it would appear that the cost of investigation will be considerable, but by proceeding somewhat as outlined above, the period of time during which any Commission might need to sit would be greatly reduced.

In the course of our interview this morning, mention was made of the fact that consideration should be given to the insertion of an item in the supplementary estimates to defray the costs, including compensation which may be allowed the Japanese.

L. T. WRIGHT
COUNSEL TO THE CUSTODIAN

KTW/JF
Encl.

Last [illegible]
Committee

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

506 Royal Bank Building,
Vancouver, B.C.

15th February, 1947.

Noted & returned

K. W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

I gather from your remarks when you spoke on the telephone in connection with Tamaki's claim that a recommendation is being made for the appointment of a Commission to consider the question of Japanese claims against the Government. You mentioned that the name of Judge Whiteside might be suggested and his inclusion on such a committee would I believe be very satisfactory from our point of view. It occurs to me, however, that as the recommendations which have been made by the Advisory Committee to the Custodian may form a part of the grounds of our defence, that the appointment of one of its members to a commission set up for the purpose of dealing with property claims might not be considered desirable.

After giving some thought to the whole matter of dealing with claims I am writing to suggest that the appointment of any commission at this time should receive very careful consideration.

On the basis of the statement made by the Prime Minister I take it that claims will in some way have to be considered. There may be a type of claim which is based upon the economic loss caused by the results of evacuation. The consideration of claims of this nature would appear to be a matter of overall policy to be decided upon by the Government and if this type of claim is to be entertained the establishment of a commission might be necessary.

The type of claim in which this office is particularly interested is in regard to those relating to the liquidation of real and personal property left in our custody. In this regard I am strongly suggesting that for the time being at least the appointment of any commission might be delayed.

I am of the opinion that, while some claims may be made in regard to properties which this office has advertised and sold on the basis of valuation and with the approval of the Advisory Committee, that generally speaking the sale prices can be justified, or at least the margin of

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

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FILE NO.....

K. W. Wright, Esq. 15th February, 1947

difference would not be great. I think, however, that the Government may need to face the fact that the valuation of the Soldier Settlement Board appraisers, which formed the basis of the sale to the Director, The Veterans' Land Act, may in most cases have been below a value which might fairly have been placed upon those properties by other appraisers.

In view of the present development I think I should draw to your attention that at the time the sale to the Veterans' Land Act was being considered by the Advisory Committee, three of its members, namely, Mr. McKenzie, Mr. Menzies and Mr. Yamaga inspected and reported on 17 properties taken at random from the list of properties included in the offer to purchase:

The results of that inspection appeared in the Minutes of the Committee meeting under date the 24th May, 1943, showing the following results:

Assessed Value	Advisory Committee's Valuation	Soldier Settlement Board's Valuation
$2,900.00	$5,400.00	$3,777.00
1,425.00	1,600.00	800.00
1,900.00	2,000.00	1,060.00
1,100.00	1,750.00	816.00
1,700.00	1,450.00	986.00
2,200.00	2,500.00	1,350.00
950.00	850.00	500.00
2,000.00	3,200.00	1,110.00
400.00)		
3,500.00)	4,400.00	3,610.00
3,729.00	4,000.00	2,085.00
1,400.00	1,750.00	1,100.00
1,050.00	950.00	988.00
1,000.00	950.00	1,222.00
1,100.00	1,100.00	727.00
1,200.00	3,500.00	2,723.00
2,700.00	3,550.00	3,278.00
2,865.00	4,150.00	2,100.00
$ 31,119.00	$4 3,100.00	$ 28,232.00

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15th February, 1947.

K. W. Wright, Esq.

It was noted that the valuation made by the Committee was approximately 50% above the Soldier Settlement Board's valuation.

The total Soldier Settlement valuation as shown on the list supplied was $867,000.-. The offer at that time was $750,000.- and after negotiating it was raised to $850,000.-, or approximately 2% less than the Soldier Settlement valuation, whereas on the basis of the Committee's appraisals of the 17 properties referred to above, the total valuation might have been over $1,250,000.-.

I am bringing this to your attention because I consider that in the event of any investigation, a Solicitor acting on behalf of a Japanese would likely submit to the Commission a valuation which he had obtained from some qualified appraiser and the Soldier Settlement valuation might be very seriously challenged.

Take the case of Suzuki in regard to which I recently reported and the present claim being made by Tamaki. The first thing that you have requested is to establish the soundness of the original appraisals on which these properties were sold.

The result as far as Suzuki was concerned at least indicated that some adjustment to the extent of a few hundred dollars might be required. In the case of Tamaki, while I am not reporting officially, it may be found that some of the buildings on this property were entirely left out in the Soldier Settlement appraisal and other buildings given a valuation which may not have been quite adequate.

If this is the result of a review made by such a person as Mr. Menzies, who at least is not unfavourable to our administration, it is quite evident that a Solicitor, acting on behalf of a Japanese, would be able to produce evidence in support of his contention that the property was sold at less than a fair market value.

I take it that you are aware of the concerted effort being made by and on behalf of the Japanese.

A letter on my desk today reads: "I hesitate to make any written statement for release or otherwise at the present time since the Co-Operative Committee for Japanese is conducting a nation-wide survey of property losses suffered by the Japanese race."

CANADA

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K. W. Wright, Esq. 15th February, 1947

In any case I would suggest that the Japanese in filing any claim would be required to support it with a list of the actual articles concerned. Here again this office would then be in a position to present the overall picture to Ottawa before deciding upon further action.

You may think that the above suggestion is in the nature of inviting claims. I am convinced, however, that if claims are entertained in any manner there will be a large number filed. The letter which we recently received from Messrs. Norris & MacLennan asking for the names of all Japanese who had property is an indication that Solicitors and others will encourage Japanese to file claims through them.

I am suggesting that in the first instance at least a claim from a Japanese direct to this office would be more desirable than bringing it up in review before a Commission and a great deal of publicity might be obviated.

In any case, if, after eliminating a certain number of claims by compromise settlement, there still remained somewho were not prepared to accept our offer we would at least be better prepared to substantiate our position before any Commission.

Apart from the amount which may be involved in settling claims, I am afraid the cost of investigation will be considerable, but by proceedding somewhat as outlined above, the period of time during which any Commission might need to act would be greatly reduced.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. J-175

Victoria Building,
7 O'Connor Street,
Ottawa, Canada.
February 15, 1947.

MEMORANDUM TO: Mr. W. P. J. O'Meara, K.C.,
Acting Under-Secretary of State.

Re: Japanese Claims

With further reference to my memorandum addressed to you under date of 10th instant, I wish to advise that George Tamaki, mentioned therein, addressed a letter to the Prime Minister which was, in turn, forwarded to Honourable Colonel Gibson by Mr. Robertson.

Tamaki claims that the Custodian sold assets for $2,884.29 which he considers were worth $17,327.30. Two parcels of real estate are included and our records indicate that both properties were included in the sale to the Director, Veterans Land Act. As soon as the correspondence was handed to me by Mr. Mathieu, I communicated with Mr. Shears, Director of our Vancouver Office, and instructed him to have Mr. Menzies make a valuation and also to call a special meeting of the Advisory Board in order that they might consider Tamaki's claim, as well as Mr. Menzies' report. Copies of the Minutes of the Board Meeting should reach us by the end of next week and will immediately be placed in your hands for presentation to the Minister.

Honourable Colonel Gibson made a pencil note to Mr. Mathieu asking for his views on the setting up of a Claims Commission. I reported to Mr. Mathieu that the matter had already been discussed with you and that it appeared desirable to meet with the Minister at an early date. I went so far as to advance the suggestion made to you that consideration be given to the appointment of a three-man Commission and that as it would be in the best interests of the Custodian, Judge David Whiteside might be appointed to the Commission.

Mr. Shears called me at my home last night in connection with an urgent problem, but there is no need to trouble you with the details for the reason that it was possible for me to give him the necessary instructions. We then discussed the matter of Japanese claims and Mr. Shears agreed that it would be reasonable to defer the setting up of a Commission until such time as more evidence is available.

We also agreed that the Minister might well consider the advisability of having the Japanese file their claims with the Vancouver Office and that a time limit might be fixed for filing. When all claims are in hand, the Government might then appoint a Board to review same on the understanding that the claimants would be given an opportunity to be heard through Counsel or otherwise. If this procedure is followed, the Office in Vancouver would have an opportunity to prepare whatever material is necessary in order to speedily inform the Board of all facts in connection with the individual cases. I think you will agree that this would save both time and expense.

I also feel that it is desirable to await Dr. Coleman's return before any final decision is reached, but believe that there is advantage to be gained by our giving careful thought to the whole situation before he returns.

I know from experience that the Japanese have exaggerated ideas as to the value of their holdings, and unfortunately many members of the legal profession are all too willing to support their demands for reasons which are apparent.

I have always maintained that it will be possible to satisfy a Commission that in the course of liquidation by the Custodian, the assets of the Japanese were not sacrificed. Allowing for some mistakes which were bound to occur, about the only vulnerable spot is that which relates to some of the properties sold to the Director, Veterans Land Act. Mr. Barnett, Director of Veterans Land Act in Vancouver, alleges that their valuations were fair and it must be borne in mind that their original offer of $750,000.00 for some 768 parcels was, as a result of our negotiations, increased to $850,000.00 and received Cabinet approval.

I asked Mr. Shears to turn the whole matter over in his mind and write me in the course of the next few days. A copy of his letter will go forward to you as soon as it arrives.

K. W. WRIGHT

KWW/JF

Not sent for reason that mtg was called in Minister's office prior to memo being typed & as a result new memo sent dated 17th Feb. 47

K W W

File for reference

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

506 Royal Bank Building,
Vancouver, B.C.

15th February, 1947

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO. 9518
8226

K. W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

Re: Fusumatsu and Shigetsugu Tamaki
River Road property sold to The
Director, The Veterans' Land Act

I have received your letter of the 12th instant concerning Mr. Tamaki's claim in regard to the sale of the above property to the Veterans' Land Act.

Acting on your request I have been in touch with Mr. Menzies and have asked him to inspect these properties in order that he may be in a position to make a first-hand report to the Advisory Committee, a meeting of which I will call as soon as possible. Mr. Menzies spoke on the telephone from his house where has has been confined for a short while on account of sickness and it may be a few days before he is able to make the required inspection, but he had promised to do so with as little delay as possible.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

File No. J-175

February 13, 1947

MEMORANDUM FOR MR. MATHIEU

RE: Japanese Claims for Property Losses

I return herewith communication addressed to the Honourable Colonel Gibson, M.P., by Mr. Robertson, under date of 10th instant, together with enclosures.

I telephoned Mr. Shears yesterday and advised him to follow the steps taken in regard to the investigation of Buck Suzuki's claim, i.e. have Mr. Menzies appraise the properties and report to the Advisory Committee and send us the Committee's findings in order that these may be forwarded to the Minister. This was confirmed by airmail letter which was sent out to Mr. Shears last night. He indicated that he would get in touch with Mr. Menzies forthwith and expected that the Board would meet early next week and we should have a full report on the matter by Wednesday or Thursday next.

Following a conversation with Mr. O'Meara, I sent him a lengthy memo dealing with the Prime Minister's statement on Japanese claims and reported the receipt of several communications from the Vancouver Office in regard to claims already filed. Incorporated in the memo was a letter from Messrs. Norris & MacLennan asking for a list of names of persons of the Japanese Race whose property had been sold. I pointed out that our instructions to Mr. Shears have always indicated that information regarding the administration of Japanese affairs should only be disclosed to the persons concerned and that I did not favour complying with the request which had been received from Norris & MacLennan. I also stated that in my opinion it would be advisable to meet with the Minister and discuss the general situation before issuing instructions to Mr. Shears.

You have now been asked as to your views on the advisability of setting up a Claims Commission. This is a matter which will require most careful consideration and might well be dealt with at the meeting referred to. Much will depend upon the scope of the inquiry. The Prime Minister says the government is prepared to remedy the injustice in cases where it can be established that property was sold at less than a fair market value. The Japanese, of course, claim that the losses they incurred went far beyond this. By reason of evacuation they were required to surrender their businesses and the positions in which they were employed and that generally speaking their chances of earning a livelihood were cut off.

As to the Commission which may be set up to deal with property losses, I have my own views which may be regarded as wide of the mark. My idea would be to have a three-man Commission and that His Honor Judge David Whiteside should be appointed to the Board of Inquiry. He is retired from the Bench and has a real and useful knowledge of the Japanese situation as a whole. He is unbiased and in all his work has delivered judgments that are sound in every respect. It may be said that he should not be appointed to review by reason of his past association with this office. My answer to that is that he would only be one member of the Commission of three and that the Custodian is entitled to have the protection which his knowledge would afford. I do not know whether the Minister or the Cabinet would entertain the suggestion, but in speaking with Mr. Shears yesterday I asked his views as to this and he not only concurred but stated that he hoped the suggestion would be favourably considered.

In the course of our conversation, Mr. Shears again asked when it would be possible for me to go to Vancouver and assist him in finding a solution to a number of problems where decisions have been deferred awaiting my visit, promised as far back as last November. I explained that it would be impossible for me to leave Ottawa until the Bill relative to continuing the Revised Regulations was well under way, but expressed the hope that this would be accomplished within the next 30 days and that I looked forward to seeing him sometime next month.

KWW/JF
Attach

K. W. WRIGHT

OFFICE OF THE PRIME MINISTER
CANADA

OFFICE OF THE
FEB 15 1947
Secretary of State

Ottawa,
February 13, 1947.

The Honourable Colin Gibson, K.C., M.P.,
Secretary of State,
O t t a w a.

My dear Gibson:

I am enclosing herewith a copy of a letter dated January 30th, which I received from Mr. F. A. Brewin, the Counsel for the Co-operative Committee on Japanese Canadians, together with my reply of today's date.

With regard to the method of handling claims for compensation concerning the disposition of property by the Custodian, I think it would be desirable if you could have a draft proposal prepared in your department, which could be considered shortly by the Cabinet Committee on the Japanese, or in Cabinet itself. Presumably it will be desirable to learn what claims are being made before determining the exact character of the machinery to review and settle them.

I feel that we may expect enquiries on this matter unless action is taken forthwith.

Yours sincerely,

W. L. Mackenzie King.

Ottawa,
February 13, 1947.

F. A. Brewin, Esq.,
Cameron & Brewin,
Barristers & Solicitors,
Sterling Tower,
Toronto 1, Ontario.

Dear Mr. Brewin:

As my secretary informed you by telephone, I duly received your letter of January 30th. I regret that the pressure of affairs at the opening of the session made necessary this delay in replying to you.

I was pleased to note the approval of the Co-operative Committee on Japanese Canadians with regard to my announcement of January 24th of government policy concerning persons of Japanese origin in Canada.

With regard to the two points which you mention in connection with my announcement, I would not agree that there is any necessary imputation against the loyalty of any particular person who left Canada among the 4,000 who have thus far gone voluntarily. My statement was that "among these were the Japanese whose deportation would have been necessary had they not gone voluntarily". This is not, of course, a suggestion that each and all of the 4,000 were of this type.

So far as the reference to the effect of Order in Council P.C. 7356 is concerned, my understanding is that there is some doubt as to the exact legal position under this order. You will observe that in my announcement I simply stated that the recent repeal would not affect whatever alteration in status might have resulted as a legal consequence of the Order during the period it was in effect.

With regard to your enquiry concerning the machinery that will be established to review claims for compensation in connection with the disposition of property by the Custodian, I may say that this matter is at present under consideration. I am asking the Secretary of State, Colonel Gibson, to have further information sent you in the near future.

Yours sincerely,

W.L.Mackenzie King

CAMERON & BREWIN
Barristers & Solicitors

Sterling Tower
Toronto 1, Canada.

30 January, 1947.

The Right Honourable W.L. Mackenzie King,
Parliament Buildings,
Ottawa, Canada.

Dear Mr. Prime Minister:

I wish to thank you for your letter of January 24th and to express the gratification which myself and my colleagues of the Co-operative Committee on Japanese Canadians feel in regard to your announcement.

I have discussed the matter with my colleagues and they have asked me to write to you and say that in the circumstances, they fully understood the reasons why it was not convenient to receive the delegation and that they agree with your view that a delegation is no longer required.

They have asked me, however, to call to your attention, one or two points in your announcement. Your announcement states that the Government is prepared in cases where it can be shown the sale of property was made at less than a fair market value, to remedy the injustice.

We are most anxious to learn what machinery it is proposed to set up to enable those affected to present their claims for compensation.

No doubt a commission similar to that which reviewed the loss of property of the Ukranian groups is contemplated. A great deal of information has already been secured by our Committee which indicates a substantial loss in certain cases.

We would be most anxious to discuss with the appropriate minister the information we have already secured,

and the type of machinery required to insure that the promise of fair treatment is implemented.

Next the Committee have asked me to call attention to the implied imputation in the announcement on 4000 persons of Japanese origin who have voluntarily left Canada and returned to Japan. The statement indicates that these 4000 persons, or at least some of them, are persons whose continued presence in Canada would be regarded as undesirable and who would have had to have been deported had they not gone voluntarily.

We wish respectfully to urge that any such imputation is not justified. No case of disloyalty or other ground for deportation has to our knowledge been proved against any of those concerned. The reasons impelling them to go voluntarily to Japan were reasons of family duty, despair of being able to re-establish themselves in Canada, and other similar motives, and in no way indicated disloyalty to Canada. We believe that they are as much entitled as anyone else to the presumption of innocence until they are proved guilty of some offence.

We believe that all those who left and who are Canadian citizens have the right if they are so minded, and if they have an opportunity, to return to Canada. We would thus respectfully ask that on the appropriate occasion, you should make clear that no imputation of disloyalty was intended to be cast on these 4000 persons.

We also noted a reference on page 3 of your statement to the effect that the repeal of Order-in-Council P.C. 7356 will not restore Canadian status to such persons who have already lost such status. It is our understanding that as no orders were made under P.C. 7355, that P.C. 7356 did not come into operation, and that no persons have lost their Canadian status by virtue of P.C. 7356.

As this matter may be of importance to the individuals concerned, we would be very glad if we could receive some clarification as to the Government's view of this matter.

Yours sincerely,

(sgd) F.A. Brewin

FAB:HC

AHM/M

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No.....

arrange meeting for Gentlemen, O'Meara

Ottawa, February 13th, 1947.

MEMORANDUM FOR THE HONOURABLE COLONEL C. GIBSON, M.P.,
SECRETARY OF STATE

Re: Japanese Claim from Mr. George T. Tamaki

I refer to your memo on the attached correspondence relative to the above claim.

As you know Mr. K. W. Wright, our Counsel, is fully familiar with the Japanese situation in Vancouver, and on asking him for a report in this particular case he immediately telephoned to Mr. Shears, our Director in Vancouver, instructing him to follow the steps taken in regard to the investigation of a similar claim from Buck Suzuki about which you now have a memorandum from us. Mr. Shears will immediately have Mr. Menzies appraise the properties, report to the Advisory Committee and send us the Committee's findings as quickly as possible. These instructions were confirmed by air mail last evening and it is expected that the Board will meet early next week, and a full report should reach here by Wednesday or Thursday next. As soon as this report is received we will place it before you.

You also ask for our views on the possibility of setting up a Claims Commission to consider claims referred to by the Prime Minister. So far we have received several letters and telephone calls asking what policy has been established and what procedure must be followed in placing claims of this nature before the Government.

In view of these enquiries Mr. Wright submitted to Mr. O'Meara a lengthy memorandum dealing with the Prime Minister's statement on Japanese claims, in which he refers to the several communications received here or by our Vancouver Office. Mr. Wright points out in this memo that our instructions to Mr. Shears have always indicated that information regarding administration of Japanese affairs should only be disclosed to the persons concerned and that we did not favour complying with the requests received from outsiders for the list of names of persons of the Japanese race whose property had been sold.

As for the advisability of immediately setting up a Claims Commission, I may say that I am reluctant to make a definite recommendation to you that a Commission be appointed immediately for the reason that it is a matter which will require most careful consideration. I feel, after discussing the matter with our Officers here, that it would be advisable to meet with you and discuss the general situation before making any definite recommendation. I also feel that the matter of appointing such a Commission should be deferred until the return of Dr. Coleman because he has more complete knowledge of the Vancouver situation.

-While-

AHM/M

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE
PLEASE REFER TO
FILE No.

Ottawa, February 13th, 1947.

MEMORANDUM FOR THE HONOURABLE COLONEL C. GIBSON, M.P.,
SECRETARY OF STATE

Re: Japanese Claim from Mr. George T. Tamaki

I refer to your memo on the attached correspondence relative to the above claim.

As you know Mr. K. W. Wright, our Counsel, is fully familiar with the Japanese situation in Vancouver, and on asking him for a report in this particular case he immediately telephoned to Mr. Shears, our Director in Vancouver, instructing him to follow the steps taken in regard to the investigation of a similar claim from Buck Suzuki about which you now have a memorandum from us. Mr. Shears will immediately have Mr. Menzies appraise the properties, report to the Advisory Committee and send us the Committee's findings as quickly as possible. These instructions were confirmed by air mail last evening and it is expected that the Board will meet early next week, and a full report should reach here by Wednesday or Thursday next. As soon as this report is received we will place it before you.

You also ask for our views on the possibility of setting up a Claims Commission to consider claims referred to by the Prime Minister. So far we have received several letters and telephone calls asking what policy has been established and what procedure must be followed in placing claims of this nature before the Government.

In view of these enquiries Mr. Wright submitted to Mr. O'Meara a lengthy memorandum dealing with the Prime Minister's statement on Japanese claims, in which he refers to the several communications received here or by our Vancouver Office. Mr. Wright points out in this memo that our instructions to Mr. Shears have always indicated that information regarding administration of Japanese affairs should only be disclosed to the persons concerned and that we did not favour complying with the requests received from outsiders for the list of names of persons of the Japanese race whose property had been sold.

As for the advisability of immediately setting up a Claims Commission, I may say that I am reluctant to make a definite recommendation to you that a Commission be appointed immediately for the reason that it is a matter which will require most careful consideration. I feel, after discussing the matter with our Officers here, that it would be advisable to meet with you and discuss the general situation before making any definite recommendation. I also feel that the matter of appointing such a Commission should be deferred until the return of Dr. Coleman because he has more complete knowledge of the Vancouver situation.

-While-

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No.....

While the Prime Minister stated that the Government is prepared to remedy the injustice in cases where it can be established that property was sold at less than a fair market value, the Japanese claimants feel that the losses they incurred went far beyond this. By reason of evacuation they were required to surrender their businesses and the positions in which they were employed, and that generally speaking their chances of earning a livelihood were cut off.

Mr. Wright in his report to me as to the Commission which may be set up to deal with property losses, expressed his own views that any Commission appointed should be a three man Commission on which His Honor Judge David Whiteside should be appointed to represent the Custodian's interests. Judge Whiteside is retired from the Bench and has a real and useful knowledge of the Japanese situation as a whole. He is unbiased and in all his work has delivered judgments that are sound in every respect. Mr. Wright states that it may be said that he should not be appointed to review present claims by reason of his past association with this office, but he feels that Judge Whiteside would only be one member of the Commission of three and that the Custodian is entitled to have the protection which his knowledge of this situation would afford. Mr. Shears, our Director, has also concurred in this and stated that he hoped the suggestion would be favourably considered.

I would suggest therefore that if you can find time to do so you meet Mr. O'Meara, Mr. Wright and possibly myself, for a general discussion on this situation pending the return of Dr. Coleman, to definitely decide the advisability of appointing such a Commission. From my experience with these matters in the past I feel that the Custodian should take all precautions necessary to protect his interest in such matters.

I feel quite confident that the steps taken in the administration of the Japanese affairs in Vancouver will fully justify the final action taken.

A. H. MATHIEU
Assistant Deputy Custodian.

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
February 12, 1947

J-175

F. G. Shears, Esq.,
Director,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

Re: Fusamatsu Tamaki - File 9516
Shigetsugu Tamaki " 8226

Dear Mr. Shears:

I have for acknowledgment your letter of the 6th instant, enclosing a letter and statement from George T. Tamaki and note that this is one of the parcels sold to the Director, Veterans' Land Act; also that in Mr. Anderson's opinion the prices were considerably below their actual value.

Herewith you will find copy of communication addressed to Colonel Gibson by the Prime Minister's Secretary, under date of 10th instant, together with the following:

1. Copy of letter addressed to George T. Tamaki by Mr. Robertson, under date of 10th instant.

2. Copy of communication addressed to the Prime Minister by George T. Tamaki, under date of 4th instant.

3. Copy of statement forwarded to the Prime Minister by George T. Tamaki with his letter of February 4, 1947.

I have been asked to submit a report to the Minister and would be obliged if you would follow the steps taken in regard to the investigation of Buck Suzuki's claim. Mr. Menzies should look at these properties and report to the Committee and it would be appreciated if you, in turn, would send us the Committee's findings, in duplicate.

It would also be advisable to make a full report to the Committee on S. Tamaki's file, 8226, as this covers a sale of fishermen's supplies, nets, etc., and let us have their comments on this case.

Miss Foy has already reported to you that I was absent from the office all last week on account of illness. A severe cold got a toe-hold and I was confined to bed up to Friday night and returned to the

J-175

office on Monday of this week, supposedly under Doctor's orders for part-time service. The accumulation of work, however, has necessitated my staying full time and I hope to get away with it.

Yesterday I made a report to the Minister in connection with several letters received from you, including the request from Messrs. Norris & MacLennan and suggested that we should meet and discuss the matter in order that you might be instructed with respect to the replies. The House is in session and this week the Minister is fully engaged in legislation relating to the Patent Office and I understand that he is going out of the city tomorrow night and I doubt if it will be possible to see him before Monday. If Messrs. Norris & MacLennan press you for an answer, you may only reply that the matter has been submitted to Ottawa and that you await instructions.

Please let me hear from you as soon as possible in regard to the Tamaki cases.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

...eu
...let me have a report
...is case. Also what are your
...ws on advisability of setting up of
... claim commission to consider claims
...referred to by the Prime Minister? C.G. 11/2/47"

OFFICE OF THE PRIME MINISTER
CANADA

Ottawa, February 10, 1947

Honourable Colonel C. Gibson, M.P.,
Secretary of State,
Ottawa, Ontario

Dear Colonel Gibson:

I am enclosing, herewith, the original of a letter dated February 4th which was received by the Prime Minister from a Mr. George T. Tamaki. It covers a statement of property losses on behalf of his father and brother.

I do not know what consideration has been given to the method that should be adopted to deal with claims for property losses under the policy announced by the Prime Minister on January 24th. In the circumstances, I am referring a copy of Mr. Tamaki's letter and statement to Mr. Mitchell, in view of the interest which the Department of Labour has in the general Japanese problem, as well as sending the original to you, in view of the fact that custodian matters come within your jurisdiction.

Yours sincerely,

"R. G. Robertson"

(R. G. Robertson)
Secretary

"MR. WRIGHT
For report please.
A.H.M.
12/2/47"

Ottawa, February 10, 1947

George T. Tamaki, Esq.,
1546 Montague Street,
Regina, Saskatchewan

Dear Sir:

The Prime Minister has asked me to acknowledge your letter of February 4th, written on behalf of your father and brother, and covering a statement of losses incurred by them in connection with property formerly held in British Columbia.

Your letter and the statement which it covered have been noted and will be kept in mind when these matters are under consideration.

Yours sincerely,

(R. G. Robertson),
Secretary

1546 Montague St.,
Regina, Sask.,
Feb. 4, 1947

To The Right Honourable,
William Lyon MacKenzie King,
Prime Minister of Canada,
Ottawa, Canada

Dear Sir:

I am writing on behalf of Mr. Fusamatsu Tamaki and Mr. Thomas Shigetsugu Tamaki, my father and brother respectively, who until May of 1942 were residents of New Westminster, British Columbia, and who carried on extensive farming and fishing operations there. Upon their evacuation in May of that year pursuant to government order, they left behind them fairly large holdings of real and personal property which were later disposed of by your Office of the Custodian (Japanese Evacuation Section).

I am enclosing herewith a comparative statement of the values of the real and personal properties left and reported with your Custodian's Office in Vancouver by my father and by my brother upon their evacuation, as compared to the actual amounts credited to them by that Office, which statement suggests that a glaring injustice has been committed in their case. I have also sent a copy of this statement to the Vancouver office of the Custodian.

In your statement on Friday, January 24 of this year you are reported as stating that in order to ensure fair treatment, your government is prepared in cases where it can be shown that sales were made at less than fair market values to remedy the injustice. I am therefore directing this communication to you in order that you might order a complete investigation of this matter, in view of the fact that we have to date received very little satisfaction or consideration from your officials in Vancouver.

Yours respectfully,

"Geo. T. Tamaki"

George T. Tamaki

GTT/nt
Encl.

COMPARATIVE STATEMENT OF VALUES OF
REAL AND PERSONAL PROPERTY - OFFICE OF
THE CUSTODIAN (JAPANESE EVACUATION SECTION)
S. Tamaki (File #8226)
F. Tamaki (File #9518)

	Value according to statement filed by evacuee, May 18/42	Credited by Office of Custodian
S. Tamaki (File #8226)		
1. Personal property - fishermen's supplies, nets, etc. as itemized in statement May 18, 1942	1,448.00	339.00
Balance $1,109.00		
F. Tamaki (File #9516)		
1. Real Property.		
a. Lot 4 of Lot 132 Gp. 2 Map 826 District of N.W. (25 acres-tax assessed value 1942 - $4,000.00)	11,575.00	2,020.00
b. Westerly portion of Lots 119,120, 121 of Lot 440 Gp. 2 Map 1133, District of N.W. (13.45 acres-tax assessed value 1942 - $870.00	1,012.50	264.00
c. Lots 1 & 7 of Lots 9 to 16 of N.E.¼ of S.24 Tp.4 Map 1121, District of N.W. (tax assessed value 1942 - $412.00)	500.00	92.00
2. Personal Property As itemized in statement of May 18, 1942	4,239.80	508.29
	17,327.30	2,884.29

Balance $14,443.01
Less value of goods shipped later 200.00
14,243.01
(not including 1936 ½ ton International truck in excellent condition credited by Office of Custodian for $354.77).

"G.T.T."

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO FILE No. J-175

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
February 10, 1947

MEMORANDUM TO: Mr. W. P. J. O'Meara, K.C.,
Acting Under-Secretary of State

RE: Japanese Claims

The Prime Minister's statement on Canadian Japanese Policy, issued on the 24th ultimo, was in part as follows:

"PROPERTY QUESTION

With respect to the property of persons of Japanese origin who were removed from the Pacific coast, and whose property was sold by the Custodian, the government is of the opinion that the sales were made at a fair price. In all cases a complete appraisal was made before disposition. The total of the prices secured is greater in aggregate than the total appraisal value.

To ensure, however, the fair treatment promised in 1944, the government is prepared, in cases where it can be established that a sale was made at less than a fair market value, to remedy the injustice".

This appeared in The New Canadian, a Japanese Newspaper published in Winnipeg. This newspaper carries headlines "GOVT. TO PAY INDEMNITY FOR PROPERTY LOSSES" - - "PROPERTY SURVEY REVEALS HEAVY EVACUATION LOSSES".

The Japanese Canadian Committee for Democracy has been conducting a survey since last December and the following appears as part of an editorial:

"A statement proposing to make good any injustices where such could be proved, however, is not in itself sufficient. It must be implemented by providing the machinery whereby the evacuees can present their claims easily and inexpensively. It must furthermore be expanded to include indemnification of losses sustained outside the jurisdiction of the custodian.

It is common knowledge that many persons disposed of their property in other ways than through the custodian. It is also known that many properties were lost or damaged before or during the time it was placed with the custodian. No doubt the JCCD survey will bring these cases to light.

In the United States, although goods placed with the custodian were not arbitrarily disposed of as it was done in Canada, the need is recognized for indemnification of evacuation losses. The original text of an indemnification bill which is expected to meet with Congress approval has been reprinted on page seven of this newspaper, and may serve as useful reference for the adoption of a similar measure in Canada".

I have a letter from Mr. Shears, Director of our Vancouver Office, under date of 5th instant, enclosing copy of a letter from R. A. Best, Barrister, Toronto, as follows:

"I am Solicitor for Mr. K. Nagata, of 96 Springhurst Avenue, in this city. Mr. Nagata has consulted me in regard to the sale of his property on the west coast by your office. He is particularly concerned about the price at which you sacrificed his greenhouse glass, and his tool-box, as well as his real property.

I understand from the Prime Minister's latest pronouncement on the subject,

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE
PLEASE REFER TO
FILE No.....

 February 10, 1947

MEMORANDUM TO: Mr. W. P. J. O'Meara, K.C.

that your office will be prepared to compensate Japanese Canadians, whose property was sold below a fair market value. I shall be obliged if you will inform me when the proper machinery for the hearing of these appeals has been set up, so that we may file our claim".

Mr. Shears asks for instructions.

We have a further letter, under date of 6th instant, enclosing the following from George T. Tamaki:

"I am writing on behalf of Mr. Fusamatsu Tamaki and Mr. Thomas Shigetsugu Tamaki, my father and brother respectively, with regard to the manner in which their properties have been handled by your office. We have from time to time requested a complete investigation of this matter in view of the fact that there have been evidence of great injustice.

In view of the Prime Minister's recent statement that the Government will remedy any injustice proved in the disposition of evacuee property, this is to request again that a full investigation be made of the disposition made of the real and personal properties of my father and of my brother. I am enclosing herewith a comparative statement of the value of the properties left behind and reported by them to you, as against the values which you have credited to their respective accounts based upon information you have submitted so far".

Today I received another letter from the Vancouver Office, enclosing copy of letter from Messrs. Norris & MacLennan, as follows:

"We would appreciate obtaining from you a list of the names of persons of Japanese origin and their present addresses, insofar as you know them, whose properties have been sold or otherwise disposed of through the office of the Custodian. If possible, we would like some indication on the list as to the persons who requested disposition of their property and the others who did not.

We are asking for this information at the request of the Japanese Property Owners' Association, whom we represent, in order that full details may be available for presenting losses claims to the Commission, which, we anticipate, will be set up by the Dominion Government in accordance with the announcement of The Right Honourable the Prime Minister.

If there is any charge for this information please let us know and we shall be pleased to remit".

Our instructions to Mr. Shears have always indicated that information regarding the administration of Japanese affairs should only be disclosed to the persons concerned. I do not favour complying with the request contained in the communication received from Messrs. Norris & MacLennan.

I think it is desirable to meet with the Minister and discuss the general situation before instructing Mr. Shears relative to the communications.

Your comments would be appreciated.

KWW/JF

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

Yes Mitchell
Please let me have
report on this case.
Also what our view is on
results of setting up claim commission
referred to by the Prime Minister!

OFFICE OF THE PRIME MINISTER
CANADA

OFFICE OF THE
FEB 11 1947
Secretary of State

Ottawa, February 10, 1947.

Honourable Colonel C. Gibson, M.P.,
Secretary of State,
Ottawa, Ontario.

Dear Colonel Gibson:

I am enclosing, herewith, the original of a letter dated February 4th which was received by the Prime Minister from a Mr. George T. Tamaki. It covers a statement of property losses on behalf of his father and brother.

I do not know what consideration has been given to the method that should be adopted to deal with claims for property losses under the policy announced by the Prime Minister on January 24th. In the circumstances, I am referring a copy of Mr. Tamaki's letter and statement to Mr. Mitchell, in view of the interest which the Department of Labour has in the general Japanese problem, as well as sending the original to you, in view of the fact that custodian matters come within your jurisdiction.

Yours sincerely,

(R. G. Robertson),
Secretary.

Mr. Wright
For report please
12/2/47

GTT/nt
Encl.

Ottawa, February 10, 1947.

George T. Tamaki, Esq.,
1546 Montague Street,
Regina, Saskatchewan.

Dear Sir:

The Prime Minister has asked me to acknowledge your letter of February 4th, written on behalf of your father and brother, and covering a statement of losses incurred by them in connection with property formerly held in British Columbia.

Your letter and the statement which it covered have been noted and will be kept in mind when these matters are under consideration.

Yours sincerely,

(R. G. Robertson),
Secretary.

George T. Tamaki.

GTT/nt
Encl.

1546 Montague St.,
Regina, Sask.,
Feb. 4, 1947.

To The Right Honourable,
William Lyon MacKenzie King,
Prime Minister of Canada,
Ottawa, Canada.

Dear Sir:

I am writing on behalf of Mr. Fusamatsu Tamaki and Mr. Thomas Shigetsugu Tamaki, my father and brother respectively, who until May of 1942 were residents of New Westminster, British Columbia, and who carried on extensive farming and fishing operations there. Upon their evacuation in May of that year pursuant to government order, they left behind them fairly large holdings of real and personal property which were later disposed of by your Office of the Custodian (Japanese Evacuation Section).

I am enclosing herewith a comparative statement of the values of the real and personal properties left and reported with your Custodian's Office in Vancouver by my father and by my brother upon their evacuation, as compared to the actual amounts credited to them by that Office, which statement suggests that a glaring injustice has been committed in their case. I have also sent a copy of this statement to the Vancouver office of the Custodian.

In your statement on Friday, January 24 of this year you are reported as stating that in order to ensure fair treatment, your government is prepared in cases where it can be shown that sales were made at less than fair market values to remedy the injustice. I am therefore directing this communication to you in order that you might order a complete investigation of this matter, in view of the fact that we have to date received very little satisfaction or consideration from your officials in Vancouver.

Yours respectfully,

Geo. T. Tamaki.

George T. Tamaki.

GTT/nt
Encl.

COMPARATIVE STATEMENT OF VALUES OF REAL AND PERSONAL PROPERTY - OFFICE OF THE CUSTODIAN (JAPANESE EVACUATION SECTION) - S. Tamaki (File #8226)
F. Tamaki (File #9518)

	Value according to statement filed by evacuee, May 18/42	Credited by Office of Custodian
S. Tamaki (File #8226)		
1. Personal property - fishermen's supplies, nets, etc. as itemized in statement May 18,1942	1,448.00	339.00
Balance $1,109.00		
F. Tamaki (File #9516)		
1. Real Property.		
a. Lot 4 of Lot 132 Gp.2 Map 826 District of N.W. (25 acres-tax assessed value 1942 - $4,000.00)	11,575.00	2,020.00
b. Westerly portion of Lots 119,120, 121 of Lot 440 Gp.2 Map 1133, District of N.W. (13.45 acres-tax assessed value 1942 - $870.00)	1,012.50	264.00
c. Lots 1 & 7 of Lots 9 to 16 of N.E.¼ of S.24 Tp.4 Map 1121, District of N.W. (tax assessed value 1942 - $412.00)	500.00	92.00
2. Personal Property. As itemized in statement of May 18, 1942	4,239.80	508.29
	17,327.30	2,884.29
Balance $14,443.01		
Less value of goods shipped later 200.00		
14,243.01		

(not including 1936 ½ ton International truck in excellent condition credited by Office of Custodian for $354.77).

S.T.T.

VIA AIR MAIL

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

506 Royal Bank Building,
Vancouver, B.C.

6th February, 1947.

K. W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

Enclosed please find copy of a letter dated February 5th just received from Messrs. Norris & MacLennan.

Would you suggest I reply stating that our instructions from Ottawa have always indicated that information regarding the administration of Japanese affairs should only be disclosed to the persons concerned, or upon their instructions?

The question of claims would appear to be a matter in which the initiative should be taken by the individual who considered there were grounds for complaint.

I do not think it would be advisable to suggest as a reason for non-compliance with this request that supplying the information would cause considerable work.

You will doubtless keep me informed as soon as possible regarding any decisions that are reached in connection with the consideration of claims.

Enclosed is a copy of The New Canadian dated February 1st, which gives considerable space to this question and the United States' plan for indemnifying evacuees.

In view of the fact that I have not answered Messrs. Norris & MacLennan's letter, your advice in regard to a suitable reply would be appreciated as soon as possible.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH
encl.

COPY

NORRIS & MacLENNAN,
Barristers At Law, Solicitors,
Notaries Public.

Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B.C.

February 5th, 1947.

The Custodian,
506 Royal Bank Bldg.,
Hastings & Granville Sts.,
Vancouver, B.C.

Attention Mr. Shears.

Dear Sir:

We would appreciate obtaining from you a list of the names of persons of Japanese origin and their present addresses, insofar as you know them, whose properties have been sold or otherwise disposed of through the office of the Custodian. If possible, we would like some indication on the list as to the persons who requested disposition of their property and the others who did not.

We are asking for this information at the request of the Japanese Property Owners' Association, whom we represent, in order that full details may be available for presenting losses claims to the Commission, which, we anticipate, will be set up by the Dominion Government in accordance with the announcement of The Right Honourable the Prime Minister.

If there is any charge for this information please let us know and we shall be pleased to remit.

Yours truly,

NORRIS & MacLENNAN,

Per: "J.A. MacLennan"

JAM/CW

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO. 9518
8226

506 Royal Bank Building,
Vancouver, B.C.

PRIVATE & CONFIDENTIAL

6th February, 1947.

K. W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

I wrote to you yesterday in reference to a request for the procedure that should be adopted in filing claims.

Today we received a letter and a statement from Geo. T. Tamaki, copies of which are enclosed. These were properties sold to the Veterans' Land Act and Mr. Anderson informs me that while the claim is altogether out of line, it is his personal opinion that the sale prices were considerably below their actual value.

As soon as you can give me some specific information regarding this matter of claims it will be appreciated so that we will know how to reply and deal with correspondence of this nature.

Yours very truly,

F. G. Shears,
Director.

FGS/PMH

encl.

C
O
P
Y

1546 Montague St.,
Regina, Sask.,
Feb. 3, 1947.

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

Dear Sir: Re Your Files #9518 and #8226.

I am writing on behalf of Mr. Fusamatsu Tamaki and Mr. Thomas Shigetsugu Tamaki, my father and brother respectively, with regard to the manner in which their properties have been handled by your office. We have from time to time requested a complete investigation of this matter in view of the fact that there have been evidence of great injustice.

In view of the Prime Minister's recent statement that the Government will remedy any injustice proved in the disposition of evacuee property, this is to request again that a full investigation be made of the disposition made of the real and personal properties of my father and of my brother. I am enclosing herewith a comparative statement of the value of the properties left behind and reported by them to you, as against the values which you have credited to their respective accounts based upon information you have submitted so far.

Yours truly,

"Geo. T. Tamaki"

George T. Tamaki.

GT/nt
Encl.

COMPARATIVE STATEMENT OF VALUES OF REAL AND PERSONAL PROPERTY - OFFICE OF THE CUSTODIAN (JAPANESE EVACUATION SECTION) - S. Tamaki (file #8226)
F. Tamaki (file #9518)

	Value according to statement filed by evacuee, May 18/42	Credited by Office of Custodian
S. Tamaki (File #8226)		
1. Personal property - fishermen's supplies, nets, etc. as itemized in statement May 18, 1942	1,448.00	339.00
Balance $1,109.00		
F. Tamaki (File #9518)		
1. Real Property.		
a. Lot 4 of Lot 132 Gp.2 Map 826 District of N.W. (25 acres-tax assessed value 1942 - $4,000.00)	11,575.00	2,020.00
b. Westerly portion of Lots 119,120, 121 of Lot 440 Gp.2 Map 1133, District of N.W. (13.45 acres-tax assessed value 1942 - $870.00)	1,012.50	264.00
c. Lots 1 & 7 of Lots 9 to 16 of N.E.¼ of S.24 Tp.4 Map 1121, District of N.W. (tax assessed value 1942 - $412.)	500.00	92.00
2. Personal Property. As itemized in statement of May 18, 1942	4,239.80	508.29
	17,327.30	2,884.29
Balance $14,443.01		
Less value of goods shipped later 200.00		
	$14,243.01	

(not including 1936 ½ ton International truck in excellent condition credited by Office of Custodian for $354.77).

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

506 Royal Bank Building,
Vancouver, B.C.

5th February, 1947.

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO FILE NO. 1362

K. W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

Re: Kenkichi NAGATA

We are just in receipt of a letter from Mr. R.A. Best, Solicitor at Toronto, copy of which is enclosed.

It may be desirable for you to instruct in regard to the type of reply which should be given to this and any similar correspondence which we receive.

Up to the present time there has been very little newspaper comment in Vancouver in regard to the Prime Minister's statement and no information has been given by this office.

This letter from Mr. Best is the first we have received specifically asking what procedure should be followed in regard to filing claims.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH
encl.

COPY

R. Alfred Best, B.A.,
Barrister, Solicitor
Notary Public, Etc.

Office: 15 Toronto Street,
Toronto 1, Canada

January 30, 1947.

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

Dear Sirs:

Re: Mr. Kenkichi NAGATA - Registration No.07490

I am Solicitor for Mr. K. Nagata, of 96 Springhurst Avenue, in this city. Mr. Nagata has consulted me in regard to the sale of his property on the west coast by your office. He is particularly concerned about the price at which you sacrificed his greenhouse glass, and his tool-box, as well as his real property.

I understand from the Prime Minister's latest pronouncement on the subject, that your office will be prepared to compensate Japanese Canadians, whose property was sold below a fair market value. I shall be obliged if you will inform me when the proper machinery for the hearing of these appeals has been set up, so that we may file our claim.

Yours very truly,

(signed) "R. A. Best"

B:R

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

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FILE No. .....

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
February 3, 1947

MEMORANDUM TO: The Secretary of State

FROM: K. W. Wright

RE: Property of Japanese Evacuees

Early in 1942, the Government of Canada decided to evacuate persons of the Japanese Race from an area in British Columbia, the boundaries of which were defined by Government Notice of February 27, 1942. To implement supervision and direct the evacuation from this area, Order in Council P.C. 1665, dated March 4, 1942, (copy attached) was passed, establishing the British Columbia Security Commission under the Department of Labour, with wide powers in regard to the movement of all persons of the Japanese Race, within and without the Protected Area. The Order in Council also provided for the vesting and control by the Custodian, as a protective measure, of all property delivered up or which upon evacuation was left in the Protected Area. (See Section 12).

The Regulation referred to was amended by Order in Council P.C. 2483, dated 27th March, 1942 (copy attached) and as amended, reads as follows:

"4. Regulation twelve is hereby rescinded and the following substituted therefor:

'12 (1) Subject as hereinafter in this Regulation provided, as a protective measure only, all property situated in any protected area of British Columbia belonging to any person of the Japanese race (excepting fishing vessels subject to Order in Council P.C. 288 of January 13th, 1942, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to an order of the Minister of Justice, or which is turned over to the Custodian by or on behalf of the owner, or which the owner, on being evacuated from the protected area, is unable to take with him, shall be vested in and subject to the control and management of the Custodian as defined in the Regulations Respecting Trading with the Enemy (1939); provided, however, that no commission shall be charged by the Custodian in respect of such control and management.

(2) The Custodian may, notwithstanding anything contained in this Regulation, order that all or any property whatsoever, situated in any protected area of British Columbia, belonging to any person of the Japanese race shall, for the purpose of protecting the interests of the owner or any other person, be vested in the Custodian, and the Custodian

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shall have full power to administer such property for the benefit of all such interested persons, and shall release such property upon being satisfied that the interests aforesaid will not be prejudiced thereby.

(3) For the purposes of the control and management of such property by the Custodian, the Consolidated Regulations Respecting Trading with the Enemy, (1939), shall apply mutatis mutandis to the same extent as if the property belonged to an enemy within the meaning of the said Consolidated Regulations".

Reason for Continuing

It is essential to continue this Section for the reason that approximately 50 parcels of real estate under control of the Custodian's Office in Vancouver, have yet to be sold.

In addition, approximately $1,000,000.00 has yet to be distributed by the Custodian to the Japanese now residing in various parts of Canada.

By Order in Council P.C. 469, passed on the 19th day of January, 1943 (copy attached), provision was made for liquidation and it is also necessary to continue the following:

"Wherever, under Orders in Council under the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, the Custodian has been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the protected areas, such power and responsibility shall be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell, or otherwise dispose of such property; and for the purpose of such liquidation, sale or other disposition the Consolidated Regulations Respecting Trading with the Enemy (1939) shall apply mutatis mutandis as if the property belonged to an enemy within the meaning of the said Consolidated Regulations".

Order in Council P.C. 7355, passed on the 15th day of December, 1945, (copy attached) provided for the vesting in the Custodian of the assets left in Canada by repatriated Japanese. Earlier reports to you revealed that all funds in the hands of the Custodian, amounting to $1,300,000.00, have been transferred to the Treasury, and the Department of Labour has arranged for all such funds to be transmitted to Japan through Washington

How much on hand? Re P 13-18 Ottawa report

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE
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Japan through Washington. The Department of Labour, however, seeks an extension of Order in Council P.C. 7355, including Custodian authority to vest assets left in Canada by Japanese, for the reason that they expect more applications will be received for voluntary repatriation.

The foregoing is a summary of legislation pertaining to the affairs of Japanese Evacuees, insofar as such legislation relates to the Custodian's Office. The fact that you do not expect me to furnish you with a complete account of Custodian stewardship in respect to Japanese assets is appreciated. I have a full understanding of Mr. Shears' feelings as he commented on Page 94 of his report of the 22nd of January, 1947, as follows:

"While this Report has run to considerable length I feel that it inadequately portrays a composite picture of the many varied problems with which the office has been confronted. The path which has been traversed was for the most part unknown and the light of previous experience shed but a dim ray on the steps that had to be taken".

You will enjoy reading this Report and will find much useful information therein.

At the end of last November, I made a brief report on the work of the Vancouver Office to Dr. Coleman. This has been amended to the extent of replacing information shown therein as of October 31, with returns as of December 31, 1946, and as amended, is as follows:

"You will remember that immediately after the proposed evacuation was announced, many Japanese started to sell their property at ridiculously low figures in fear of Government confiscation. Further exploitation of the Japanese was prevented when pursuant to Order in Council P.C. 1665, dated 4th of March, 1942, the Custodian took over the problem of administering the assets of approximately 23,000 people.

At the outset, may I recall the extreme difficulty experienced in dealing with the large number of substandard buildings and the vast quantity of inferior personal property which the Japanese possessed.

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What has occurred?

It being well known that the property belonged to Japanese, there were many cases of breaking and entering which resulted in thefts, e.g. plumbing and lighting fixtures, and it was impossible for the Custodian or the local police to give the necessary protection. In addition to this, there were a considerable number of fires.

The Custodian did not know how long the war would last, nor did he know whether the Japanese would ever be permitted to return to the Protected Area. It was therefore impossible to determine if there would be any equity if he continued to hold the properties during the enforced absence of the Japanese.

As a result of a year's experience, a report was made to a special committee of the Cabinet and the Custodian was instructed to proceed with the policy of liquidation. (P.C. 469, dated 19th January, 1943).

Two independent Committees were established. One is known as the Advisory Committee on Greater Vancouver Properties. The following members were appointed to the Board on the 8th of March, 1943: Honorable Mr. Justice Sidney Smith of the Appellate Court of B.C., Chairman; Alderman Charles Jones; Mr. Kishizo Kimura (resigned 20th of July,1943).

The other Committee is known as Advisory Committee on Rural Properties. The following members were appointed on the 15th of March, 1943; His Honor Judge David Whiteside, New Westminster, Chairman; Messrs. D. E. MacKenzie; J. J. McLellan; Hal Menzies; Yasutaro Yamaga. Mr. McLellan resigned almost immediately and Mayor W. Mott of New Westminster was appointed in his stead. Mr. Yamaga resigned on the 26th of May, 1943. Mr. MacKenzie died on the 11th of October, 1944.

The Custodian asked both Committees whether or not they would recommend liquidation. The members visited many Japanese properties and unanimously endorsed, with the approval of the Japanese members, a policy of liquidation. You are aware that both Japanese members shortly afterwards resigned and no new Japanese appointments were made.

The Committees were asked to report as to the method of liquidation and they recommended that Catalogues be prepared, listing the properties; that the properties be individually appraised by Agents approved by the Boards; that parcels be not sold for less than the fixed value and that public notices be published in the press calling for tenders. The policy, as outlined, was adopted. All offers for land have been referred to the Advisory Committees and their approval obtained before any have been accepted.

Insofar as the rural properties are concerned, a sale of 741 parcels was made to the Director, Veterans' Land Act, as the Government desired to acquire property for the purpose of rehabilitating returned men. The Advisory Committee recommended acceptance of the sale price eventually agreed upon.

Chattels have been sold on the basis of recommendations by the Committees, that is by public auctions conducted by licenced auctioneers, except in those cases where chattels were essential to the operation of farms, in which case the tenant or owner of the farm was given an opportunity to buy at an appraised value.

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The policy of liquidation has resulted in the Custodian paying out large sums of money to the Evacuees and paying debts on their behalf. In co-operation with the Department of Labour, Japanese Division, the Custodian releases such funds to Evacuees, still in Interior Housing Schemes operated by the Department, as are considered necessary. Where Evacuees have moved East from the Province of British Columbia, the Custodian releases the balance. Funds held for Evacuees, as of December 31st, 1946, amounted to $1,076,318.76.

Sales to December 31st, 1946, were as follows:

	SALES	APPRAISAL	SALES VALUE
Greater Vancouver	466	$ 915,600.00	$ 1,004,785.00
Rural	400	529,146.25	570,244.00
Veterans' Land Act	741	847,878.00	836,256.00
	1607	$ 2,292,624.25	$ 2,411,285.00

May I direct your attention to the fact that proceeds from sales, including farms sold to the Director, Veterans' Land Act, exceeded fixed valuations by $118,660.75.

STATEMENT OF CASH REALIZATION
OF EVACUEE ASSETS AND REVENUES

Fishing vessels & scows	$ 203,049.40
Fishing nets & gear	101,215.08
Cars	63,583.98
Trucks	94,540.63
Sundry Business assets	200,230.12
Household effects	255,968.76
Radios	17,049.64
Farm Equipment	15,995.08
Life Insurance	65,259.75
Securities	59,766.04
Accounts Receivable	150,901.03
Sundries	32,524.74
Veterans' Land Act	807,400.22
Real Estate Sales	1,689,103.48
Real Estate Income	503,397.35
Dividends from Securities	9,795.84
Rooming House rentals	33,362.36
Cash turned in by Repatriates	1,070,174.14
	$ 5,373,317.64

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The field for selecting the most efficient and experienced help was very limited and salary advances became available to many of our best members of staff by acceptance of other positions. The change of personnel was considerable and although our peak was 120 in November, 1942, the number of different persons employed up to the end of 1944 totalled 275. The staff has been greatly reduced and now numbers 30 and it is expected to reduce this to half the present number in the course of the next six months.

You will also note from Mr. Shears' Report that the cost of office space has been reduced from $1,000.00 per month to $500.00 per month.

Editorials have appeared in the press and much has been said about the losses of the Japanese. I have no doubt that more will be heard in the House. We have never alleged that no mistakes were made. Having regard for all circumstances, however, those of us who were responsible for the administration from the outset are confident that as, if and when inquiry is made, an account of good stewardship will be presented.

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encls.

Labour

P.C. 1665

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 4th day of MARCH, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS in view of the serious situation prevailing in the Province of British Columbia arising out of the war with Japan it is deemed necessary for the security and defence of Canada to take further steps for the evacuation of persons of the Japanese race from the protected areas in that Province;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, and under and by virtue of the powers conferred by the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the following regulations and they are hereby made and established accordingly:

Interpretation

1. (1) In these Regulations unless the context otherwise requires -

(a) "Commission" means the British Columbia Security Commission established under the provisions of this Order.

(b) "Minister" means the Minister of Labour.

(c) Other words and phrases shall have the same meaning as in the Defence of Canada Regulations.

.....

British Columbia Security Commission

2. (1) There shall be a Commission, to be known as the British Columbia Security Commission, which shall consist of three members, a Chairman and two Commissioners, who shall hold office during pleasure.

(2) The members of the Commission shall be appointed by the Governor in Council, on the recommendation of the Minister, and shall be paid such remuneration and allowances as may be fixed by the Governor in Council;

(3) Except as otherwise herein provided any act of the Commission shall require the concurrence of all members of the Commission.

(4) Where for any reason any member of the Commission is unable to act, the Minister may appoint temporarily a substitute member, upon such terms and conditions as he may determine.

(5) The headquarters of the Commission shall be at a place selected by it in the Province of British Columbia, and meetings of the Commission may be held at the headquarters, or at such other place in British Columbia or elsewhere, as the Chairman may decide.

(6) The members of the Commission shall take and subscribe an oath before any Superior Court judge in the Province of British Columbia, which shall be filed in the office of the Clerk of the Privy Council, and which shall be in the following form:

"I . . . . . solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as a member of the British Columbia Security Commission."

.....

3. The Commission may, with the approval of the Minister, make by-laws not inconsistent with the provisions hereof, for the direction, conduct and government of its business.

4. Every document purporting to be or to contain a by-law, order or other instrument of the Commission, and purporting to be signed by the Chairman, shall be evidence of such by-law, order or other instrument.

5. (1) The Commission may, with the approval of the minister, employ such professional technical and other officers, clerks and employees as it may deem necessary for the proper conduct of its affairs, and may, with the approval of the Governor in Council, fix their remuneration.

(2) The Commission may utilize the services of any officer, servant or employee of any department of the Government of Canada loaned by the Minister thereof.

6. (1) The Commission may enter into contracts, and hold property, real or personal, and shall be deemed to have the powers necessary to perform the duties assigned to the Commission, including all powers incidental to the performance of the said duties.

(2) The Commission may sue, and, with the consent of the Attorney General of Canada, be sued in its own name, in respect of its own acts, but such proceedings shall only be taken in the Exchequer Court of Canada.

(3) The Commission shall in all matters, including those relating to the responsibility of the members of the Commission for the acts of any servant or agent of the Commission, be deemed to be an agent of the Crown.

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7. (1) No transaction shall be entered into by the Commission involving an expenditure in excess of fifteen thousand dollars, except with the approval of the Governor in Council.

(2) No real property shall be purchased by the Commission except with the approval of the Governor in Council.

8. The Commission may enter into any arrangement with any department of the Government of Canada or of the Government of the Province of British Columbia for the use of or occupation of any Dominion or Provincial Crown Lands.

Advisory Committee

9. (1) There shall be appointed by the Governor in Council an Advisory Committee to the British Columbia Security Commission, to consist of not more than twenty members, to advise the Commission on all matters relating to the duties of the Commission.

(2) Meetings of the said Advisory Committee may be called by the Chairman of the Commission.

(3) Any member of the said Advisory Committee may be paid his actual reasonable disbursements incurred in connection with the performance of the work of the Advisory Committee.

Duties and Powers of Commission

10. (1) It shall be the duty of the Commission to plan, supervise and direct the evacuation from the protected areas of British Columbia of all persons of the Japanese race.

.....

(2) For the purpose of performing the duties aforesaid the Commission shall determine the time and order of the evacuation of such persons, the mode of transport and all matters relative to the placement of such persons.

(3) The Commission shall provide for the housing, feeding, care and protection of such persons in so far as the same may be necessary.

(4) A plan or plans for the evacuation and placement aforesaid shall be submitted to the Minister, and shall be put into operation by the Commission when approved by the Minister.

11. (1) The Commission shall have power to require by order any person of the Japanese race, in any protected area in British Columbia, to remain at his place of residence or to leave his place of residence and to proceed to any other place within or without the protected area at such time and in such manner as the Commission may prescribe in such order, or to order the detention of any such person, and any such order may be enforced by any person nominated by the Commission so to do.

(2) The Commission may make orders respecting the conduct, activities and discipline of any person evacuated under the provisions of these Regulations.

Custody of Japanese Property

Sec 12 Rescinded by Order 24/83 1/27/83 & replaced.

12. (1) As a protective measure only, all property situated in any portected area of British Columbia belonging to any person of the Japanese race resident in such area (excepting fishing vessels subject to Order in Council P.C. 288 of the 13th January, 1942, and deposits

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of money, shares of stock, debentures, bonds or other securities), delivered up to any person by the owner pursuant to the Order of the Minister of Justice dated February 26, 1942, or which is turned over to the Custodian by the owner, or which the owner, on being evacuated, is unable to take with him, shall be vested in and subject to the control and management of the Custodian as defined in the Regulations respecting Trading with the Enemy, 1939; provided, however, that no commission shall be charged by the Custodian in respect of such control and management.

(2) Subject as hereinafter provided, and for the purposes of the control and management of such property, rights and interest by the Custodian, the Regulations respecting Trading with the Enemy, 1939, shall apply mutatis mutandis to the same extent as if such property, rights and interests belonged to any enemy within the meaning of the said Regulations.

(3) The property, rights and interests so vested in and subject to the control and management of the Custodian, or the proceeds thereof, shall be dealt with in such manner as the Governor in Council may direct.

Departmental Assistance

13. All departments and agencies of the Government of Canada shall assist the Commission by lending to the Commission such personnel and by furnishing such medical aid, hospitalization, food, clothing, transportation, use of land, buildings, equipment, utilities and other supplies and services as are available, and may be required by the Commission, and in particular, but without restricting the generality of the foregoing, there shall be furnished to the Commission,-

.....

(a) assistance by the Royal Canadian Mounted Police in the compiling of information concerning the persons to be evacuated under these Regulations in the segregation and concentration of such persons and in the maintenance of public security in respect thereof,

(b) assistance by the Department of Transport in the transportation of persons evacuated under these Regulations.

(c) assistance by the Department of National Defence by furnishing personnel to advise on and assist in the housing, feeding and clothing of persons evacuated under these Regulations.

(d) assistance by the Department of Munitions and Supply in advising upon and entering into contracts or other arrangements to provide housing, food, supplies and services for such persons.

(e) assistance by the Royal Canadian Mounted Police and/or the Department of National Defence in the protection of persons evacuated under these Regulations and in the maintenance of public security in respect thereof.

(f) assistance by the Department of Labour in establishment of work camps and in providing employment, and in particular in the absorption of evacuated persons in the Canadian Japanese Construction Corps constituted by Order in Council P.C. 1271 of February 17th, 1942, or in the work camps established under Order in Counsil P.C. 1348 of February 19th, 1942, or in any other activity in which such persons can be employed without prejudice to the public safety or the safety of the State, outside the protected areas in British Columbia.

Provided, however, that notwithstanding the provisions of these Regulations any minister responsible for the administration of any of the departments or agencies of the Government shall have the right to determine whether or not any item of assistance requested can be made available.

Expenses

14. All expenses or costs incurred by the Commission or by any department or agency of the Government of

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Canada in connection with the enforcement or administration of these Regulations shall be payable out of moneys appropriated by Parliament to carry out measures deemed necessary in consequence of the existence of a state of war.

Offences

15. Every person who contravenes or fails to comply with any of these Regulations or any order or by-law made under any of these Regulations shall be guilty of an offence, and liable, on summary conviction, to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment.

16. Nothing contained herein shall be construed to limit or derogate from the powers conferred on any authority other than the Commission by the Defence of Canada Regulations or any other statute or law.

A.D.P. Heeney

Clerk of the Privy Council.

P.C. 2483

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 27th day of MARCH, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council P.C. 1665 dated March 4th, 1942, the British Columbia Security Commission was established for the purpose of planning, supervising and directing the evacuation from the protected areas of British Columbia of all persons of the Japanese race and for such purpose was empowered to determine amongst other things all matters relative to the placement of such persons;

AND WHEREAS it is represented to the Minister of Justice that it is desirable to provide that any plan with regard to the placement of such persons be limited to making provision for the temporary placement only of such persons during the continuation of the state of war now existing and that the authority of the Commission should include power to vary or amend any placement order;

AND WHEREAS recommendations have been made to the Minister of Justice by the British Columbia Security Commission to the effect that a greater degree of protective control over persons of the Japanese race and the property of such persons be provided for than was provided by the Order establishing the Commission, above referred to;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, R.S.C., 1927, is pleased to amend the Regulations established by Order in Council P.C. 1665 dated March 4th, 1942, as follows:

1. Regulation one is hereby amended by adding thereto the following paragraph:

"(bb) 'Person of the Japanese race' means any person of the Japanese race required to leave any protected area of British Columbia by Order of the Minister of Justice under Regulation 4, as amended, of the Defence of Canada Regulations (Consolidation) 1941."

2. Regulation ten is hereby amended by adding thereto the following paragraphs:

"(5) Any such plan or plans shall make provision for the temporary placement only of such persons during the continuation of the state of war now existing.

"(6)/

"(6) The Commission's authority relative to the placement of persons shall include power to vary or amend any placement order."

3. Regulation eleven is hereby amended by rescinding paragraph two thereof and substituting therefor the following:

"(2) The Commission may make orders respecting the conduct, activities and discipline of any person of the Japanese race who is within any protected area or who is ordinarily resident within any protected area but who has left or leaves such area after February 5th, 1942."

4. Regulation twelve is hereby rescinded and the following substituted therefor:

"12(1) Subject as hereinafter in this Regulation provided, as a protective measure only, all property situated in any protected area of British Columbia belonging to any person of the Japanese race (excepting fishing vessels subject to Order in Council P.C. 288 of January 13th, 1942, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to an order of the Minister of Justice, or which is turned over to the Custodian by or on behalf of the owner, or which the owner, on being evacuated from the protected area, is unable to take with him, shall be vested in and subject to the control and management of the Custodian as defined in the Regulations Respecting Trading with the Enemy, (1939); provided, however, that no commission shall be charged by the Custodian in respect of such control and management.

"(2) The Custodian may, notwithstanding anything contained in this Regulation, order that all or any property whatsoever, situated in any protected area of British Columbia, belonging to any person of the Japanese race shall, for the purpose of protecting the interests of the owner or any other person, be vested in the Custodian, and the Custodian shall have full power to administer such property for the benefit of all such interested persons, and shall release such property upon being satisfied that the interests aforesaid will not be prejudiced thereby."

"(3) For the purposes of the control and management of such property by the Custodian, the Consolidated Regulations Respecting Trading with the Enemy, (1939), shall apply mutatis mutandis to the same extent as if the property belonged to an enemy within the meaning of the said Consolidated Regulations."

Certified to be a true copy.

A. D. P. Heeney,

Clerk of the Privy Council.

Order in Council revoking P.C. 5523, dated 29th June, 1942 and P.C. 6885, dated 20th July, 1942 - transfer to the Custodian of the property of persons of the Japanese race evacuated from the protected areas of B.C.

P. C. 469

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 19th day of JANUARY, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL -

WHEREAS by Order in Council dated 29th June, 1942, (P.C. 5523) amended by Order in Council dated 4th August, 1942, (P.C. 6885) Regulations were made imposing certain duties and responsibilities on the Director of Soldier Settlement of Canada in relation to agricultural lands owned by persons of the Japanese race ordinarily resident in the protected areas of British Columbia;

AND WHEREAS the Secretary of State reports that the appraisals of lands contemplated by the said Order in Council as amended have been made and that it is the opinion of the Minister of Mines and Resources, to whom the Director of Soldier Settlement of Canada reports under the said Order in Council as amended, that the said Order in Council as amended, should be revoked;

That by Order in Council, dated 20th July, 1942, (P.C. 6247) it was provided that on and after the 1st August, 1942, all unfinished business of the Committee under the Chairmanship of the Honourable Mr. Justice Sidney A. Smith of Vancouver, appointed by Order in Council of 13th January, 1942, (P.C. 288) in respect of vessels or equipment vested in the Custodian under the said Order should be transferred to the Custodian, and the Custodian was vested with all vessels and equipment which had not been disposed of under the supervision of the said Committee;

That since the transfer was effected, question has been raised as to the authority of the Custodian to deal with unfinished business of the said Committee in relation to vessels or equipment disposed of prior to the 1st August, 1942, and it is expedient to remove any doubts in this respect;

That by Orders in Council relating to the property of persons of the Japanese race evacuated from the protected areas of British Columbia, the Custodian has been vested with the responsibility of controlling and managing property belonging to persons of the Japanese race who have been evacuated from the protected areas, except deposits of money, shares of stock, debentures, bonds or other securities or other property which

the owner on being evacuated from the protected areas was able to take with him; and

That the evacuation of persons of the Japanese race from the protected areas has now been substantially completed and that it is necessary to provide facilities for liquidation of property in appropriate cases.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State, concurred in by the Minister of Mines and Resources, the Minister of Pensions and National Health, the Minister of Labour and the Minister of Fisheries, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:

1. Order in Council, dated 29th June, 1942, (P.C. 5523) and amending Order in Council dated 4th August, 1942, (P.C. 6885) are hereby revoked.

2. Paragraphs numbered 3 and 4 in Order in Council dated 20th July, 1942 (P.C. 6247) are hereby rescinded and the following are substituted therefor:

3. The Custodian may, where he considers it advisable so to do, liquidate, sell or otherwise dispose of any such vessel or equipment on such terms and conditions as he deems advisable; and any agreement entered into or document executed by the Custodian on or after August 1, 1942, and prior to the date of this Order, purporting to be an agreement for, or to be, a transfer, conveyance or other disposition of any such vessel or equipment or of any right, title or interest therein is hereby given full legal validity, force and effect as if the Custodian had full power to enter into such agreement or to execute such document, and as if such vessel or equipment or such right, title or interest therein, as the case may be, had been vested in the Custodian, at the time of the entry into such agreement or the execution of such document.

4. Without restricting the generality of the powers hereinbefore conferred, all unfinished business of the said Committee is hereby transferred to the Custodian and shall be deemed to have been so transferred as on and from the 1st August, 1942.

Wherever, under Orders in Council under the War Measures Act, Chapter 206 of the Revised Statutes of

Canada/

Canada 1927, the Custodian has been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the protected areas, such power and responsibility shall be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell, or otherwise dispose of such property; and for the purpose of such liquidation, sale or other disposition the Consolidated Regulations Respecting Trading with the Enemy (1939) shall apply mutatis mutandis as if the property belonged to an enemy within the meaning of the said Consolidated Regulations.

Certified to be a true copy.

A.D.P.Heeney

Clerk of the Privy Council.

Order in Council re deportation of Japanese.

P.C. 7355.

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS during the course of the war with Japan certain Japanese nationals manifested their sympathy with or support of Japan by making requests for repatriation to Japan and otherwise;

AND WHEREAS other persons of the Japanese race have requested or may request that they be sent to Japan;

AND WHEREAS it is deemed desirable that provisions be made to deport the classes of persons referred to above;

AND WHEREAS it is considered necessary by reason of the war, for the security, defence, peace, order and welfare of Canada, that provision be made accordingly;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, concurred in by the Secretary of State for External Affairs, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make and doth hereby make the following Order,-

- O R D E R -

1. In this Order, unless the context otherwise requires:

(a) "deportation" means the removal pursuant to the authority of this Order of any person from any place in Canada to a place outside Canada;

(b) "deported" means removed or sent from Canada pursuant to the authority of this Order;

(c) "Minister" means the Minister of Labour;

(d) "request for repatriation" means a written request or statement of desire, to be repatriated or sent to Japan.

2./

2. (1) Every person of sixteen years of age or over, other than a Canadian national, who is a national of Japan resident in Canada and who,

(a) has, since the date of declaration of war by the Government of Canada against Japan, on December 8th, 1941, made a request for repatriation; or

(b) has been in detention at any place in virtue of an order made pursuant to the provisions of the Defence of Canada Regulations or of Order in Council P.C. 946, of the 5th day of February, 1943, as amended by P.C. 5637, of the 16th day of August, 1945, and was so detained as at midnight of September 1st, 1945;

may be deported to Japan.

(2) Every naturalized British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan: Provided that such person has not revoked in writing such request prior to midnight the first day of September, 1945.

(3) Every natural born British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan; Provided that such person has not revoked in writing such request prior to the making by the Minister of an order for deportation.

(4) The wife and children under sixteen years of age of any person for whom the Minister makes an order for deportation to Japan may be included in such order and deported with such person.

3. Subject to the provisions of section 2 of this Order, a request for repatriation shall be deemed final and irrevocable for the purpose of this Order or any action taken thereunder.

4. The Minister may

(a) make orders for the deportation of any persons subject to deportation;
(b) take such measures as he deems advisable to provide or arrange for the deportation of such persons, and for their transportation, detention, discipline, feeding, shelter, health or welfare, pending their deportation;
(c) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Order;
(d) subject to the approval of the Governor in Council, employ such officers and other employees as are necessary to assist him in carrying out this Order and fix their remuneration;
(e) authorize from time to time any person to exercise on his behalf any power vested in him under paragraph (b) of this section.

5. An order for deportation made by the Minister shall be in force and effect from the date of the order.

.....

6. (1) Any person for whom an order for deportation is made or who, having made request for repatriation, is proceeding to Japan without the issue of such an order, shall be entitled, in so far as circumstances at the time permit

(a) at or immediately prior to the time of his deportation from Canada, to purchase suitable foreign exchange to the extent of any money in his possession or standing to his credit in Canada or advanced to him by the Minister pursuant to section seven and to take such foreign exchange out of Canada with him;
(b) to deposit any money in his possession or standing to his credit in Canada with the Custodian of Enemy Property, who shall provide such person with a receipt therefor and purchase foreign exchange therewith, and transfer the same, less transfer charges, to such person whenever reasonably possible following upon his deportation;
(c) at the time of his deportation to take with him such other personal property belonging to him as may be authorized by the Minister;

and the Foreign Exchange Control Board shall do such things and issue such permits as may be required to implement these provisions.

(2) Where real or personal property of a person who has been deported to Japan or who, having made a request for repatriation, has proceeded to Japan without the issue of an order for deportation, has not been sold or otherwise disposed of prior to departure such real and personal property shall, as of the date of deportation of such person, be vested in the Custodian of Enemy Property, who shall sell the same as soon as in his opinion it is reasonably practicable to do so, and in the meantime he may take such measures as he deems proper for the care, maintenance and safeguarding of such property, and the net proceeds realized from such sale, after the deduction of reasonable charges of handling shall be placed to the credit of such person and dealt with as provided in paragraph (b) of subsection (1) of this section.

7. (1) The Minister may at or immediately prior to the time of departure advance to or for a person who is being deported to Japan or who, having made a request for repatriation, is proceeding to Japan without the issue of an order for deportation, an amount in suitable foreign exchange equivalent to the following:

(a) Where such person is sixteen years of age or over and does not possess at least two hundred dollars, the difference between the amount he possesses and two hundred dollars which shall be paid to such person;

(b) Where such person has one or more dependents under sixteen years of age and does not possess at least two hundred dollars together with a further amount computed on the basis of fifty dollars for each such dependent, the difference between the amount he possesses and the total of two hundred dollars and the amount so computed, to be paid to such person.

(2) Any amount advanced as provided for in subsection (1) of this section shall be recoverable from the person to whom it is paid, from any money to the credit of such person with the Custodian of Enemy Property.

.....

8. (1) The Minister may make arrangements with any department or agency of the Government of Canada to assist him in carrying out the provisions of this Order.

(2) The Department of National Defence shall provide any military guard personnel which may be required in carrying out the provisions of this Order.

(3) The Commissioner of the Royal Canadian Mounted Police shall give all assistance which may be required of him by the Minister in the carrying out of the provisions of this Order.

9. Any person for whom an order for deportation is made and who is detained pending deportation or who is placed under restraint in the course of deportation by virtue of any order or measure made or taken under Section 4 of this Order shall, while so detained or restrained, be deemed to be in legal custody.

10. Any person who resists or obstructs or attempts to resist or obstruct any peace officer or other person from carrying out his duties with respect to any order made pursuant to the provisions of this Order shall be guilty of an offence against this Order.

11. Any person who contravenes or omits to comply with any of the provisions of this Order or any order made or given pursuant thereto is guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

12. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Order and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

GENERAL

13. The costs involved in the administration of this Order shall be paid from the amounts allotted from the war appropriation to the Department of Labour for Japanese administration.

A.D.P. Heeney,

Clerk of the Privy Council.

MEMORANDUM TO: Mr. A. H. Mathieu,
Assistant Deputy Custodian.

Will you be good enough to let the Minister have information as soon as possible indicating what regulations have to be continued under the War Measures Act dealing with the Custodian's handling of Japanese property in B.C., to "complete the liquidation and distribution of Japanese property in B.C."

W. O. Davis,
Private Secretary.

January 23, 1947.

Excerpts from Report of F. C. Shears dated 22nd January, 1947.

Re: Repatriation and Deportation of Japanese from British Columbia.

REPATRIATION

About the middle of July 1943 ~~we~~ The Court was informed of the possible repatriation of a number of Japanese who had applied to the Spanish Government Authorities for this purpose. The final list contained sixty-one names. Arrangements were made for the assembly of these people in Winnipeg and we supplied The Western Trust Company, the Agents of the Custodian in that City, with all information we had regarding available cash and property under our control. Each adult was allowed to take from Canada $333.- in the form of $300.- U.S. funds. The balance of their assets vested in the Custodian and their accounts and files were transferred to the "Enemy Section" of the office records. This group sailed on the "Gripsholm" from New York on September 2nd, 1943 en rout to Mormugao, Portuguese East India.

DEPORTATION

In March 1945 we were advised by Mr. G. W. McPherson regarding a policy designed to encourage any Japanese desiring to do so, to ask for repatriation. According to officials of the Department of Labour, Japanese Division, many requests had been made to the Spanish Consular Authorities, acting as the Protecting Power in Canada for the Japanese Government, and also to the Department of External Affairs, expressing a desire to be repatriated during the war. The Department of Labour conducted a survey and secured signed applications from those desiring to return to Japan. Applications were signed by;

2923 Japanese Nationals
1461 Naturalized Canadians
2460 Canadian born
which together with 3503 dependent children
made a total of 10347 Seventy percent of whom were at that time residing in Interior Housing Settlements in British Columbia. At this time an increased effort was also made by the Department of Labour to encourage those still residing in Interior Housing Settlements to distribute themselves more evenly across Canada. Considerable criticism came from some sections of the public asserting that a degree of pressure had caused many Japanese to sign the Department of Labour application. We understand from that Department that by August 15th, 1945, the day of the Japanese surrender, 112 persons had requested cancellation of the application they had signed, but that over two thousand subsequently applied for cancellation.

Order-in-Council P.C. 7355 (copy attached) dated December 15th, 1945 authorized the Department of Labour to make necessary arrangements for repatriation of:

Nationals who requested repatriation.

Naturalized Canadians who requested repatriation and did not revoke prior to September 1st, 1945.

Natural born Canadians who requested repatriation and who did not revoke prior to signing of order for deportation.

From this time very close co-operation was maintained between the Japanese Division and this office in regard to this matter. The Order-in-Council provided for the deposit of money in the possession of the Japanese requesting repatriation or standing to his credit in Canada, with the Custodian, for the purchase of suitable foreign exchange and the transfer of same to such Japanese whenever reasonably possible.

Conferences were held between the Officials of the Treasury Department, the Japanese Division and this office and very satisfactory working arrangements agreed upon. The accounts of all those desiring repatriation where checked and a record made of the balance available for each Japanese, and designated as a "free balance". Members of our staff together with representatives of the Treasury and Japanese Division travelled to various centres and Mr. Good, the Comptroller of our Department, received the cash, securities, War Savings Certificates, Life Insurance policies for which cash surrender value was required and information regarding Bank Balances or other assets. Special receipts were given to the Japanese signed by Mr. F. G. Coburn on behalf of the Department of Finance stating that the credit would be transferred to the United States Government for remittance in Yen and payable to the Japanese holding the receipt, subject to the approval of the Supreme Commander for the Allied Powers and to Japanese currency regulations. The Order-in-Council also provided that where a person sixteen years of age or over did not possess at least $200.- the difference between the amount he possessed and the $200.- was advanced by the Treasury; an additional amount of $50.- was granted for each dependent. Provision was made in the Order-in-Council for any amount advanced to be recoverable from any credit with the Custodian. Officials of the Department of Labour and the Treasury were cognizant of the fact that money was being transferred to one member of a family so that the other members would secure the basic amounts of $200.- or $50.- as the case might be and this amount would not be recoverable as those particular members of the family had no credit with the Custodian in their own name.

A summary of cash turned in is as follows:

Dates	New Money	"Free Balance" in our books.	TOTAL
May 7 to June 15	605,577.49	68,113.10	673,690.59
June 25 to Aug.1	203,484.93	84,260.14	287,745.07
Aug. 30 to Oct.1	120,767.42	12,789.92	133,557.34
Dec. 21 to Dec.24	147,801.75	5,897.65	153,699.40
	$1,077,631.59	171,060.81	1,248,692.40

The itinery followed at which the above cash was received was:

May 7 to June 15 - Tashme, Greenwood, Lemon Creek, Slocan, New Denver and Vancouver.

June 25 to Aug. 1 - Tashme, Lemon Creek, Slocan, New Denver, Greenwood, Tashme and Vancouver.

Aug. 30 to Oct 1. - Lemon Creek, Slocan, Grand Forks, Greenwood, Vancouver.

There have been five sailings from Vancouver as follows:

May 31st, 1946	- "Marine Angel"	668 persons
June 17th, 1946	-"General Meigs"	1106 "
Aug. 2nd, 1946	& "General Meigs"	1377 "
Oct. 2nd, 1946	- "Marine Falcon"	523 "
Dec. 24th, 1946	- "Marine Falcon"	290 "
Total number returnd to Japan		3964

In addition to provisions in Order-in-Council P.C. 7355 relative to cash available at the time of departure for Japan, property not sold or otherwise disposed of, such as real and personal property, vested in the Custodian and after liquidation the proceeds were to be available for transfer whenever reasonably possible.

No Real Estate which remained unsold was owned by any Repatriate and we are glad to report that household effects and chattels which they owned and were using at the time of deportation, were all disposed of by themselves prior to sailing.

The proceeds of personal assets which have been realized since their departure consisted of:

$ 408.83	Income Tax Refunds
1,500.06	Redemption value of Victory Bonds & War Savings Certificates.
8,443.14	Cash surrender value of Life Insurance Policies
4,056.03	Bank Balances transferred
332.41	Unpaid wages collected
3,965.55	Proceeds received after deportation from property previously sold.
$18,706.02	

Remittance of Evacuee Balances.

It has always been the understanding of this Department that credit balances were held in trust for payment to the evacuee owner when required. Several thousand Japanese residing in Interior Housing Settlements were, however, receiving maintenance. In order that the British Columbia Security Commission might have a proper understanding of the ability of Japanese applying for relief to maintain or partially maintain themselves, statements of the assets of individual Japanese have been supplied to the Security Commission for their guidance. Correspondence in regard to the release of funds by the Custodian was originally carried on between the Honourable Norman McLarty and the Honourable Humphrey Mitchell. Conferences also took place between Mr. George Collins, at that time Commissioner for Japanese Placement, and myself and the matter was also brought under review by a Royal Commission under the Chairmanship of Dr. Jackson who were enquiring into the conditions and treatment of Japanese under the supervision of the Security Commission. The policy which was agreed upon and which has been followed with minor changes in detail is that:

(a) Upon the request of any Japanese residing outside of Interior Housing Settlements this office was prepared to remit the total amount available at his credit, concurrent advice being given to the Security Commission.

(b) Remittances to Japanese residing in Interior Housing Settlements were made in such amounts and at such times as the Security Commission recommended, the cheque payable to the Japanese and our covering letter to him being forwarded through the Security Commission. In many cases agreement was reached for a stated regular monthly remittance to be forwarded.

It was our understanding that as a matter of general policy of the Department of Labour a sum of $260.- for each adult and $50.- for each dependent was to be retained for purposes of rehabilitation. As far as this Department was concerned, however, we were guided by the requests of the Japanese Division in regard to amounts to be remitted or held.

ATM

Ottawa, January 16, 1947.

Dear Sir,- re: H45130 - Goro Suzuki
430 E. Cordova St.,
Vancouver, B.C.

Following the receipt of your letter of the 12th ultimo, I had communication with our Vancouver office to ascertain the status of the property which had been owned by Goro Suzuki. I am attaching a memorandum of the record relating to this case.

You are, of course, aware that under directions of the Government the Custodian had to dispose of these small holdings. This was done on the advice of an Advisory Committee. A very considerable number of parcels, I think nearly 800, were sold to the Director of the Veterans Land Act.

Yours sincerely,

E. H. Coleman
Under Secretary of State.

T. D. Anderson, Esq.,
Assistant General Secretary,
The Canadian Legion of the B.E.S.L.,
P. O. Box 657,
O t t a w a .

File No. J-9

December 16, 1946

MEMORANDUM FOR DR. COLEMAN

1946 DEC 17 AM 9:21

UNDER SECRETARY OF STATE

RE: H45130 - Goro Suzuki,
and Lot 8 of the NE¼ of Section 36,
Twp. 4, Map 1186, New Westminster District

The above property was one of the parcels included in the sale to the Director, Veterans' Land Act.

On March 5, 1946, an inquiry concerning the sale of this property was forwarded through the Department of National Defence, Army, Ottawa. This matter was referred to Mr. Shears of our Vancouver Office and we have on file a report ~~from him~~, as follows:

"Goro Suzuki registered his affairs with the Custodian on the 18th April 1942 declaring ownership to the above real estate. Search in the Land Registry Office confirmed that this property was registered in his name free of encumbrance.

I note he is in possession of Certificate of Title for this property but, as you are aware, upon registration or evacuation the interest of Japanese in real estate in the protected area vested in the Custodian and transmission into the name of the Secretary of State was made by the Registrar.

A report on our file indicates that this property comprised 6.67 acres all overgrown and bush except for 8 fruit trees and on which there existed a one storey house 16 x 20 containing three rooms unoccupied and that this building and also a woodshed and garage were all in very poor condition. The value for assessment was $500.- and the annual taxes $8.13.

This property was included in arrangements made with the Director of the Veterans' Land Act for the purchase of a group of lands in the Fraser Valley district. These properties were sold to the Veterans' Land on the basis of appraisal, the property in question being valued at $280.-

The following adjustments were required, namely:

Taxes	$ 9.34	
Legal expenses	15.00	
Certificate of Encumbrance	1.00	
Registration	3.00	$28.34

and there remains a net credit in this account of $251.66. This amount is available to Suzuki at any time.

As your correspondence indicates, Suzuki received notification of this sale. At a later date he wrote in reference to same stating:

> "I do not wish to sell it as I hope to go back to it when I return from overseas".

As you are aware this would be a matter of policy over which we have no control".

Since Mr. Suzuki is a returned veteran, we would suggest that he contact the Director, Veterans' Land Act, in connection with this matter.

The letter received from The Canadian Legion of the British Empire Service League, dated December 12th, 1946, is returned herewith.

Mr. Wright

Can Jor obtain a report on this so that I may prepare an answer to this letter.

E.H.C.

14/12/46

OFFICE OF THE CUSTODIAN
RECEIVED
DEC 16 1946
PASS TO.....
TRANSFER TO.....
ANS'D BY | FILE

P. O. BOX 657
CABLE ADDRESS: CANLEG

December 12th, 1946.

Dr. E. H. Coleman, K.C.,
Deputy Custodian of Enemy Property,
Secretary of State Department,
Victoria Building,
7 O'Connor Street,
O t t a w a.

Re: H45130 - Goro Suzuki,
430 E. Cordova St.,
Vancouver, B.C.

Dear Dr. Coleman:

The above-mentioned is a veteran of World War II. He apparently feels that he has a claim on certain property now in the hands of the Custodian of Enemy Property, described as Lot 8 of the Northeast Quarter of Section 36, Township 4, Map 1,186, in the District of New Westminster, B.C.

It would be appreciated if we might be advised whether or not Suzuki has any legal claim on this property.

Yours sincerely,

T. D. Anderson,
ASSISTANT GENERAL SECRETARY.

TDA:CM

1946 DEC 14 AM 9:19
UNDER SECRETARY OF STATE

HIS MAJESTY THE KING
Patron-in-Chief of the British Empire Service League

Grand Patron
HIS EXCELLENCY FIELD-MARSHAL THE RIGHT HONOURABLE THE VISCOUNT ALEXANDER OF TUNIS, G.C.B.
GOVERNOR-GENERAL OF CANADA

Grand President
LT.-GENERAL SIR RICHARD TURNER, V.C., K.C.B., K.C.M.G., D.S.O.

Dominion Honorary Presidents
LT.-COL. JAMES McARA, V.D. MAJOR-GENERAL THE HON. L. R. LaFLECHE, P.C., D.S.O.
BRIG.-GENERAL ALEX. ROSS, K.C., C.M.G., D.S.O., V.D.
VICE-ADMIRAL PERCY NELLES, C.B., R.C.N. AIR MARSHAL W. A. BISHOP, V.C., C.B., D.S.O., M.C., D.F.C.

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Dominion President
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Dominion Chairman
A. E. MOORE, ESQ.

Dominion Vice-Chairman
LT.-COL. LUCIEN LALONDE, O.B.E, E.D.

Dominion Honorary Counsellor on Education
LT.-COL. THE HON. WILFRED BOVEY, O.B.E., LL.D., D.LITT.

Dominion Second Vice-President
CAPTAIN A. D. PIPER

Dominion Third Vice-President
G/C A. WATTS

General Secretary
J. C. G. HERWIG, ESQ.

The Canadian Legion OF THE British Empire Service League

DOMINION COMMAND
OTTAWA. CANADA

P. O. BOX 657
CABLE ADDRESS: CANLEG

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Yours sincerely,

T. D. Anderson.

T. D. Anderson,
ASSISTANT GENERAL SECRETARY.

TDA:CM

1946 DEC 14 AM 9:19
UNDER SECRETARY OF STATE

ATM

DEPARTMENT OF THE SECRETARY OF STATE
OF CANADA

OFFICE OF THE
OCT 30 1946
Secretary of State

Ottawa, October 29, 1946.

Dear Mr. Martin,-

Mr. Burbridge today handed me the attached report, which I am sure will be of interest to you. It impresses me that he made a very comprehensive study of the situation in Washington.

Yours sincerely,

E. H. Coleman

E. H. Coleman
Under Secretary of State.

The Honourable Paul Martin, K.C.,
Secretary of State,
O t t a w a .

AHM/L

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No.....

Ottawa, October 28th, 1946.

BY HAND

MEMORANDUM for MR. EMERSON

Attached you will find copy of the Report made by Mr. Burbridge as a result of his Washington trip.

The Minister at our last interview instructed me to hand you a copy of this Report so that you may send it down to him at New York.

A. H. MATHIEU
Assistant Deputy Custodian

Ottawa, Canada.

October 25, 1946.

MEMORANDUM TO THE CUSTODIAN:

RE: JAPANESE REPARATION - AND UNITED STATES ORGANIZATIONAL SET-UP TO DEAL WITH CLAIMS.

I am pleased to give you the following report on information I obtained on my recent trip to Washington as a result of interviews with officials of the Canadian Embassy and with various officers of the United States Government, particularly of the State Department and the Office of the Alien Property Custodian. The main purpose of my trip was to obtain complete information on:

(a) Progress made to date by the Far Eastern Commission and its difference sub-committees on Far Eastern problems arising from the defeat of Japan and especially the question of Japanese reparation in so far as it does or may affect Canada and assets vested in the Canadian Custodian.

(b) The organizational set-up of the United States Government to deal with reparation claims generally and domestic claims for compensation in particular. In view of the recent decision of Cabinet which directed that the Department of the Secretary of State, Custodian's Office, assume the responsibility for the domestic handling of all matters pertaining to reparation from enemy countries and moreover that the Custodian's Office recommend at the appropriate time, in co-operation with the Inter-Departmental Committee on Reparation, a policy for dealing with claims filed by Canadian citizens and residents in respect of loss or damage suffered as a result of the war, it was felt that it would be very useful to study the organization in the United States Government which was dealing with the same problem in that country.

(c) Specific reparation problems and questions which presently confront the Inter-Departmental Committee on Reparation and its difference sub-committees. The Department of External Affairs was anxious that I inquire from the appropriate United States Government departments the methods and manner with which they deal with similar problems.

I must say that every member, both of the Canadian Embassy and the State Department with whom I had any contact, was very courteous and extremely co-operative, and most anxious to divulge any information which was considered to be of interest or assistance to Canada. It is my general impression that the problems confronting the Canadian Government are similar and at times identical to those confronting the United States Government.

I also think that a close liaison should be kept between this office and the Claims Division of the United States State Department, particularly with regard to any notices advertising for claims, press releases and the formulation of policy generally. In view of the splended co-operation already shown by the State Department, I feel that this office should reciprocate to the fullest extent and that an arrangement might be made whereby there could be a mutual interchange of draft press releases, notices and formulated policies before they are oficially released or approved in either country. With your approval, it is my intention to pursue this matter.

In this report I shall endeavour to summarize information gathered on (a) and (b) above and mention is made only to matters which in my opinion have direct bearing on the work of this office. I have already reported verbally to the Department of External Affairs on information received concerning (c) above.

A. PROGRESS MADE BY FAR EASTERN COMMISSION

You will recall that the Potsdam Agreement of July, 1945, in which the United Kingdom and the United States took part, and which was agreed to by China and later subscribed to by Russia, dealt principally with the terms of surrender to be exacted from Japan. Later, in December, 1945, the Big Four Foreign Ministers, in the Moscow Agreement, agreed upon the establishment of the Far Eastern Commission. The terms of reference given to this Commission, in a general way, indicated that the Commission was to formulate policies to effectively carry out the terms of surrender agreed upon at Potsdam. The Far Eastern Commission was subsequently organized, with headquarters at Washington. Eleven countries, including Canada, are represented on the Commission. The Commission meets weekly, and the policies it formulates are made known to the United States Government, which organ in turn supplements the policies in the form of directives to General McArthur, who is the Supreme Commander of the Allied Powers (SCAP) in full charge of the occupation of Japan.

In Japan, there is also another body known as the Allied Council with headquarters at Tokyo. The Allied Council is composed of four members, representing China, the United Kingdom, the United States and the U.S.S.R. Before acting on any directives received from the United States Government, General McArthur is supposed to consult and obtain the approval of the Allied Council. In practice, I am lead to believe that the Allied Council is very often by-passed by the Supreme Commander.

The Far Eastern Commission has the following committees, on each of which Canada is actively represented:

(1) Reparations Committee
(2) Economic and Financial Affairs Committee.
(3) Constitutional and Legal Reform Committee
(4) Strengthening of Democratic Tendencies Committee
(5) War Criminals Committee
(6) Aliens in Japan Committee
(7) Demobilization and Demilitarization Committee
(8) Steering Committee.

Mr. Pearson, former Canadian Ambassador to Washington, was the Canadian Delegate to the Far Eastern Commission. Messrs. Hebert and Collins, along with Dr. Patterson, all of the Canadian Embassy, represent Canada on each of the above committees. With the exception of Committees Nos. (3) and (5), all the others are now active and meet at least once a week. I am told that the work of Committee No. (3) has been pretty well completed and that Committee No. (5) has not yet been called upon to do very much.

During my stay in Washington, I attended a meeting of the Far Eastern Commission, and also sat in with the Canadian representative on a number of different committee meetings. My general impression is that a great deal of thinking and work is done in these various committees and voluminous reports and papers are prepared by delegations from difference countries, but there seems to be a feeling of frustration at all the meetings, including those of the Commission, due primarily, I gather, to the attitude assumed by Russia, and the reluctance of that country to recognize the Commission's jurisdiction over Japanese external assets. I shall have more to say on this later on in this report. Some of these committees have accomplished a great deal of useful work. Their reports usually take the form of a recommended policy on some particular aspect of the Commission's work. This policy is then presented to the Commission

for further discussion and approval. In so far as the Custodian's Office is concerned, it appears to be that we would be most directly concerned with the deliberations of Committees Nos. (1) and (6). Mr. Hebert is Canada's representative on the first and Mr. Collins represents Canada on the second of the committees.

Generally speaking, to date the Commission has made very little progress, which is mainly due, I think, to the following two factors:

(a) The dual position of the United States Government, first as a member of the Far Eastern Commission, and as such its responsibility to share in the formulation of occupation policies, and secondly as chief occupying power, and as such, her obligation to implement the Commission policy decisions in the form of directives to General McArthur. I was given to understand privately that General McArthur is rather difficult to deal with and he is rather reluctant to accept any policy decisions emanating from the Commission, which would in any way restrict or alter his own programme of occupation. In other words, the United States Delegation is disinclined to share freely and fully with other members of the Commission, the responsibility for the formulation of any policy which it suspects might in any way prove unacceptable to SCAP. There seems to be a tendency on the part of the United States Delegate to shield the Supreme Commander against Far Eastern Commission pressure.

(b) The second factor hindering progress is the general attitude adopted by Russia. That country steadfastly refuses to recognize the right of the Commission to deal with Japanese external assets, maintaining that the Commission has authority only to deal with assets within Japan proper. It appears that the reason for the Russian stand is that she has already seized over two billion dollars worth of plant and equipment from Manchuria and transported it to Russia, maintaining that this must be considered loot or war booty and is not to be part of the general reparation pool to be allocated to the various Allied Powers. On the other hand, Russia insists that she is entitled to share in any other reparation assets available in Japan proper. The United States maintains that the assets already seized in Manchuria and elsewhere by Russia should be a charge against her share of the general reparation pool. The United States has the support of all the other participating governments on this stand.

Up to the present time, the Commission has succeeded in agreeing upon and adopting only two definite policies. The first policy deals with the establishment of a programme providing for the interim removal of a certain number of basic Japanese industries. I am told that this policy was largely influenced by an extensive report prepared by Mr. Pauley, who carried out a thorough investigation shortly after the surrender of Japan. (Reference: FEC-059, FEC-059/1, FEC-059/4, FEC-059/6, FEC-059/13, FEC-059/15, FEC-059/21). This decision of policy, although not final, provides for an interim removal programme which, regardless of the final decision as to the peace-time level of Japanese economy, may still be carried out. In other words, the interim removal programme agreed upon has designated certain categories of Japanese industrial capacity which will be definitely in excess of industrial potential necessary for peace-time Japanese economy, regardless of what decision might be reached at a later date as to the level of that economy.

No removal of any plant and equipment has yet been authorized. Neither have any lists of such plant and equipment been publicized by any country with a view to inviting bids. The Commission feels that before such a removal programme can be carried out, it will be necessary to determine the allocation share of each participating government. This share cannot be determined until agreement is reached on the question of Japanese external assets. With the exception of Russia, all participating governments are very anxious to have a general reparation conference held to determine this and a number of other important issues. I shall have more to say about this conference further on.

The second policy adopted by the Commission is one pertaining to the restitution of identifiable looted property (Ref. FEC-011/12). In a general way, this policy provides for the return of such property. According to this policy, the looted property is to be returned to the Government of the claimant for transmission to him. Moreover, the property should be claimed by and returned to the Government within whose territory the property was situated prior to removal. It follows that any Canadian claims for the return of looted property should be made through the Government of the country in which the property was situated, and not necessarily through the Canadian Government.

The work of the Reparations Committee, as already indicated, seems to have been frustrated by Russia's attitude. Again, the allocation of repration shares to the various countries cannot be considered until an agreement is reached on external assets. Moreover, the Commission cannot formulate plans for removal, other than on an interim basis, until a decision of policy is reached on the level of the economic life which will be allowed Japan. Notwithstanding these difficulties, this Committee has nevertheless covered considerable ground work with reference to interim reparations, restitution of Allied property and the establishment of criteria for the selection of plants for removal which will facilitate the work of whatever body is finally set up to deal with the reparation problem.

The United States is now taking the initiative to call a general reparations conference independently of the Commission, and is prepared to proceed with such a conference, regardless of whether or not Russia participates. In this connection, it is interesting to observe how such a conference would coincide with the terms of reference given to the Commission, also keeping in mind the veto power possessed by Russia. However, the United States delegation feels that it is quite within the scope of the authority given to the United States Government as the occupying power, to call such a conference. They maintain that in cases of urgency and emergency, the United States has very wide authority in order to effectively carry out the terms of the Potsdam agreement and to take all steps necessary to the effective occupation of Japan. In other words, the United States Government considers that it has sufficient power granted to it under the Potsdam Agreement to make all decisions (not conflicting with any Potsdam decisions), bearing on the administration of Japan as long as the Far Eastern Commission has not formulated policies to the contrary. Present tentative plans are that such a conference will be called early in November, in Washington. As already indicated, all countries represented on the Commission, with the exception of Russia, agree informally with the United States plan. Moreover, at this stage, all countries are inclined to agree that Japanese external

assets in each country will be maintained by that country as a charge against the general reparation pool similar to the German set-up. Russia, of course, does not agree to this.

The Economic and Financial Affairs Committee has already completed a great deal of preparatory work on the following questions: reduction of Japanese war potential; assured production capacity level; short period controls to relieve world shortage; the determination of the peaceful needs of Japan and the level of economy to be allowed to the Japanese people, as well as agreement concerning conditions which are to govern the work of the Inter-Allied Trade Board.

One of the Committees which has accomplished the most work is the Constitutional and Legal Reform Committee, which was for a time under the chairmanship of the Canadian representative, Mr. Norman, and later, Mr. Collins. This Committee succeeded in having the Commission formulate provisions within the consitution itself, which provided, among other things, that sovereign power shall rest with the Japanese people, that the Prime Minister and the majority of his Cabinet shall be chosen from among the people's representatives, that the Cabinet shall be wholly civilian in nature, that there shall be a universal adult suffrage, and that the property of the Imperial household, including hereditary estates, shall belong to the State, The Commission also suceeded in establishing its right to scrutinize all implementing legislation as it is drafted in the future.

The work of the other committees has not progressed sufficiently to warrant comment here. Moreover, the nature of the work in these committees does not seem to have direct bearing on this office, but of course indirectly at least, will affect Canada's position in the general reparation problem.

B. UNITED STATES ORGANIZATION SET-UP HANDLING CLAIMS

As of October 14, 1946, the Office of the Alien Property Custodian in the United States ceased to be an independent Government agency. On that date, the President announced that the Alien Property Office would become a division of the United States Department of Justice. The new head of the Division is Mr. Donald C. Cook. Mr. John W. Cutler is acting General Counsel of the Division. It is now estimated that the property seized by the Alien Property Custodian is valued at nearly $500.000.000. Also under control are 45,000 patents and 500,000 copyrights. It is estimated that there is about $140,000.000 worth of property still to be vested. Of seized enemy interests in 414 business enterprises, 30 have been sold, 3 returned to former owners, 46 completely liquidated, 251 are in liquidation and 84 continue to operate as going concerns.

Unlike the existing set-up in Canada, claims in the United States are completely divorced from the Office of the Alien Property Custodian and are under the jurisdiction of the State Department. There is a special branch in that Department which deals with all types of claims (including peace-time claims, as well as claims in the form of reparation or compensation for loss or damage suffered as a result of the war) directed to the attention of the Government.

The following State and Justice Department officials are either directly or indirectly concerned with the functions of the Claims Branch. These men are also the officers of the Department which is chiefly responsible for the formulation of policy:

(1) Mr. Bennett Boskey, Division of Economic Security Controls, Department of State, 1818 "H" Street, Washington.

(2) Mr. Donald C. Cook, Acting Head of Office of Alien Property, Department of Justice, National Press Building, 14th and "F" Streets, Washington.

(3) John Ward Cutler, Acting General Counsel to Office of Alien Property (same address as that of Mr. Cook).

(4) Mr. M.F. Kresky, Chief Economic Adviser to Office of Alien Property (same address as that of Mr. Cook).

(5) Benedict English, Director of Claims Branch, State Department, Walker Johnston Building, 1734 New York Avenue, Washington.

I had lengthy interviews with each of these men, spending most of my time with Mr. English, who is not only heading the Claims Branch, but also initiates the formulation of policy with respect to claims.

Up to the present, the United States Government has taken no positive steps to advertise for claims with a view to paying compensation. Advertisements have been published asking for information on property losses suffered by American citizens in Italy, Bulgaria, Roumania and Hungary. The Press release asked all United States nationals to furnish brief statements regarding their losses in those countries. I was told that this information was requested solely for the use of the American Delegation at the Paris Peace Conference, and that the Government made no commitment whatever with respect to compensation.

Some private bills (I believe eight in number) were introduced during the last Session of Congress. These bills, dealing with the payment of compensation claims, were so poorly worded and were so local in character and scope, that they were eventually shelved by Congress. The State Department is now contemplating the drafting of a Settlement of War Claims Act similar to their Act of 1928, for introduction at the next Session of Congress, which begins early in 1947. No active steps have yet been taken in the preparation of this bill, but considerable research and study is being devoted to its subject matter.

(1) POLICY

From my numerous interviews, I gathered that American thinking is in no way uniform, but the majority of officials seem to be in agreement on the following major points of policy:

1. THAT claims should first be advertised for before recommending a statement of policy for approval by the United States Government. The majority feel that the Government would want to know the nature and scope of the problem before approving a definite policy. Nevertheless, they also feel that advertising would be a dangerous procedure before a policy had been established.

2. THAT compensation payments should be made solely out of the liquidation of assets seized and reparation assets received. This would necessitate compensation on a pro rata basis, considering the fact that claims greatly exceed assets held and reparations likely to be received.

3. THAT a priority among claims should be established and that possibly heading the priority list would be claims for personal injury. They are very vague in their thinking on this problem.

4. THAT only claimants who are United States nationals at the time the claim arose are to receive any consideration. This will exclude all refugee claimants and unnaturalized American residents.

5. THAT claims for property losses in liberated countries should be the subject of special bilateral agreements between the United States Government and the Government of the country concerned similar to the United States - France Agreement recently concluded, which provides that "The French Government will accord to American nationals who have suffered damage to their properties in France, through causes originating in the war, compensation equal to that payable to French nationals having the same types and extent of losses." This applies on a reciprocal basis to French nationals suffering property losses in the United States. The State Department does not think that Resolution 3 of the Unanimous Resolutions attached to the Paris Reparations Act is sufficient to cover such losses.

6. THAT claims of companies and corporations are to be considered on a corporate, rather than on an investment basis. The Americans feel that from an administrative point of view, it is much easier to consider a claim filed by a company rather than by individual shareholders, and that it is the company's responsibility to look after the interests of its shareholders.

7. THAT in the case of a wholly American owned plant incorporated in enemy territory, the United States would be prepared to consider claims of American shareholders in the enemy company. Moreover, the United States will consider a claim of an American corporation owning over 50% of the stock in an enemy company, but they are not sure whether they would consider a claim if the American holding was less than 50%. (It appears that after the last war, the British did not entertain claims of British nationals in foreign corporations, but they did entertain claims of corporations incorporated in Britain, regardless of the nationality of the stockholders.) For instance, if a United States owned shipping company, incorporated in England, suffered any loss due to German submarine warfare, the British considered the claim to be that of a British national and was prepared to pay compensation.

(2) INTERNAL OPERATION OF BRANCH

There is no Claims Register kept in the State Department similar to the Register kept by the Canadian Custodian. Each claimant is given a separate file only, and a designated serial file number depending upon the nature of his claim and the country against which it is made. All claims for property losses in Germany, for instance, are in a special group of files. A similar arrangement exists for claims against Italy, France, etc.

When a claimant makes an inquiry, his letter is immediately given a new file. The correspondence is then handled by members of the Legal Adviser's Office, each member of that office having the responsibility of dealing with certain specific classes of claims. For instance, one person handles routine letters seeking protection of property and letters in which the claimant endeavours to ascertain the status of his property in enemy territory. Another officer deals with correspondence covering property losses in the European sector. Another deals with property losses in the Eastern theatre. Other members of the Division are assigned the task of making inquiries and keeping up to date on claims and compensation legislation and restitution of property legislation, which is being enacted in the different countries of the world, so that United States citizens might be advised of all facilities available to them either for the protection or compensation of their property. The Branch feels that by keeping abreast of such legislation, the claims against the dollar assets held by the United States might possibly be greatly reduced. Other members of the Division make a special study of the nationalization legislation, which is now being enacted in some European countries, with a view to seeing that the property of American citizens in those countries is not discriminated against and that the American citizen is informed of the proper steps to take for the presentation of any claim he might care to make. He is also advised of the extent of his rights for compensation.

When a claim is first brought to the attention of the State Department, the Claims Division immediately takes steps to see that the claimant files his claim in the proper manner and the claim complies with the Department's requirements. For this purpose, a special mimeographed memorandum depending upon the nature of the claim is enclosed with the Department's letter. This memorandum outlines the information required, the manner in which it should be presented and the general form in which the claim should be prepared. There are no special forms for completion similar to the Custodian's Form "C".

It is the experience of the Claims Division that in about ninety percent of the cases, the claim has to be returned for further information or corrections. When the Division finally considers the claim to be properly completed, it is filed and the claimant advised accordingly. The claimant is also told that, pending the establishment of tribunals to adjudicate such claims, the filing in no way commits the Government as to the ultimate disposition of the claim and that no guarantee can be made as to when or how any compensation will be paid.

If the nature of the claim indicates that the claimant requests protection of his property or inquires concerning the status of his property situated in enemy territory, the Department's reply contains the mimeographed instruction hereto attached marked "A".

If the correspondence indicates that the claimant seeks information concerning an estate in enemy territory, there is enclosed the mimeographed instruction hereto attached marked "B".

If the claim is concerned with a bank deposit in enemy territory, there is enclosed the mimeographed instruction sheet hereto attached marked "C".

If the claim concerns a mortgage, there is enclosed the mimeographed instruction sheet hereto attached marked "D".

If the claim is concerned with the loss of or damage to property, whether it be real or personal, the Department's reply is accompanied by the mimeographed instruction attached hereto marked "E".

If the claim is concerned with personal injury or loss of like, the Department's reply is accompanied by the mimeographed instruction attached hereto marked "F".

(3) STEPS TAKEN FOR PROTECTION OF PROPERTY BELONGING TO AMERICAN CITIZENS AND SITUATED IN ENEMY TERRITORY

When a claim indicates that an American citizen either desires protection to his property in an enemy country or inquires concerning the status of his property there, and when his claim is finally approved as indicated above, it is then sent to the representative of the State Department attached to the United States delegation on the Allied Control Council in Berlin. This official then transmits the claim to the United States Military Headquarters for the Occupying Forces. The headquarters, in turn, send the claim to the appropriate property control office of the territory where the particular property is located. I was told that a reciprocal arrangement exists in the three Western Zones of occupation. The officers attached to the Military Government of each Zone conduct the actual investigation. For instance, an American investigator would not be allowed to carry out the work of investigating the British or French Zones of occupation, but the work would be undertaken by the officers of those particular Governments. In principle, the same arrangement is supposed to exist with the Russians, but in practice, little co-operation is extended in that Zone.

The Military authorities in the American Zone alone are now confronted with 63,000 property investigations. In order to relieve the military authorities of this onerous task,, steps are now being considered to have communications re-opened to the extent of allowing powers of attorney, etc., to be exchanged between residents of the United States and Germany, in order that American citizens might investigate their own claims through private channels.

This procedure, of course, applies only to American property situated in the European theatre. No similar arrangement has yet been made for investigations in the Far Eastern theatre of operations.

(4) CLASSIFICATION OF CLAIMS

It has already been indicated that the United States Government does not contemplate classifying various groups of claimants and that at least for the time being they are only prepared to consider claimants who were United States nationals at the time their claim arose. This applies equally to claims for compensation and those for restitution.

Although no classification has yet been made in the Claims Division's records with respect to the nature of the claims, the Division is now contemplating a general classification which it feels will be necessary for whatever tribunals or commissions might be established to adjudicate on these

claims. Present thinking would indicate that a general classification somewhat along the following lines might be made, each of the following categories appearing in order of importance.

(1) Claims arising out of World War I (those which have not yet been disposed of)

(2) Claims of merchant seamen, some of which were still being filed as late as 1938.

(3) Claims arising between World War I and World War II. (It appears that the bulk of such claims would be prewar debts.)

(4) Claims of persons owning German Government bonds or securities. (The expression "German Government" is not interpreted to extend to state, provincial or municipal bodies in Germany.)

(5) Claims arising out of World War II, which might be subdivided as follows:

(a) Property losses arising as a direct result of enemy action.

(b) Property losses arising as a result of Allied action (e.g. naval or aerial bombardment.)

(c) Personal injury or death claims.

(d) Claims of prisoners of war.

(e) Claims for work performed in an enemy country and for which no compensation was received.

(f) Claims of civilian internees (including maltreatment and property losses).

(g) Claims for loss suffered as a result of Reparation Removal (American investment in enemy industry or American creditors, etc.)

(h) Pension claims or American citizens against the German Government or a German corporation. (e.g. Americans before the war who contributed to a pension or compensation scheme of I.G. Farben while working with that firm in Germany and which pensions were never paid by reason of the war.

In addition to the above, I made inquiries concerning the attitude taken by the United States Government on the signing of the London Accord on German Patents. I was told that the nature of the Accord was made known to all the United Nations and neutral Governments which were not represented at the London Conference and that all the South American countries have indicated their willingness to sign. The Americans are very anxious to have Canada sign. I intend to report more fully on this matter to the special Patent Committee dealing with the recommendation to Cabinet as to whether or not Canada should sign the London Accord.

KJB:DI

K. J. BURBRIDGE

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"A"

REQUESTS FOR PROTECTION OF OR CONCERNING STATUS OF PROPERTY

The Department of State suggests to American citizens desiring information concerning, or the protection of, property located in enemy countries or countries which have been under enemy occupation, that they submit to it full information regarding their interests. The information should be prepared in the form of a sworn statement, in duplicate, and should include, in addition to any other facts regarded as pertinent:

1. A description of the property, its exact location, and means of identification.

2. The value of such property and the amount of any mortgage or other encumbrance thereon.

3. The nature and extent of any non-American interest in the property.

4. A brief statement explaining how, when, and from whom such property was acquired, and if by purchase, the price paid.

5. In case the property has been rented, the name, nationality and address of the person or institution by whom rentals have been or are being collected.

6. The name and nationality of the present occupant or person in possession of the property, if known.

7. All available information as to the fate of the property during the war.

8. The names, nationalities and addresses of the persons claiming ownership of the property and a statement showing how and when American citizenship was obtained; and, if acquired by naturalization, the number of each naturalization certificate should be given and the name and location of the court by which the certificate was issued.

The extent to which the Department may be able to render assistance in such matters will depend largely upon the co-operation of the interested individuals in supplying full information along the lines indicated. Such information should be supplied to the Department even though it may already have been furnished to the Treasury Department or a Federal Reserve Bank on the Treasury Department's form TFR-500 for the purposes of the census of foreign property holdings conducted by the Foreign Funds Control.

AB.

ESTATES

Although the Department of State is not yet in a position to indicate what procedures may eventually be adopted for the establishment of rights with respect to estates in enemy countries, or countries which have been under enemy occupation, or whether it may be necessary for persons seeking to assert such interests to take action on their own initiative before the appropriate authorities in the country where the estate is located, when such action may become practicable, it is suggested that American citizens supply detailed information to the Department. The information supplied should be in the form of a sworn statement, in duplicate, and should include in each case:

1. The name, nationality, and last known residence of the decedent and the date of his death. In the case of a person whose death is not established, as complete information as possible should be supplied.

2. An explanation as to whether the interest or potential interest passed by will or operation of law; what steps have been taken, if any, toward the administration of the estate, and the name, nationality and address of the executor or administrator.

3. The names, nationalities and addresses of all persons interested in the estate.

4. Any available information as to the possible seizure of assets belonging to the estate, by former authorities or occupying forces.

5. A complete inventory of the real and personal assets included in the estate and the values of such properties, their location and means of identification.

6. A statement as to how and when the person or persons seeking to establish rights in the estate acquired American citizenship and, if acquired by naturalization, the date and the number of each person's naturalization certificate, and the name and location of the court in which naturalized.

The extent to which the Department may be able to render assistance in such matters will depend largely upon the co-operation of the interested individuals in supplying full information along the lines indicated.

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BANK DEPOSITS

The Department of State understands that under present conditions the withdrawal of funds on deposit in enemy countries and the transfer of securities therefrom to this country is not now possible. It is unable to state what procedures may eventually be adopted to facilitate such transactions; however, it is suggested to American owners of such accounts and securities that they submit to the Department for possible future consideration a sworn statement, in duplicate, setting forth the following information:

1. The name and address of the bank in which the deposit was made or the securities are held.

2. The name or names in which the account or the securities now stand.

3. The number or symbol identifying the account or the securities, and a detailed description of the securities.

4. The amount of the deposit and the value of the securities.

5. The facts surrounding any seizure, sequestration, confiscation, or forced transfer of the account or the securities.

6. The facts, if known, as to the fate of the account or securities during the war.

7. The name, nationality and address of those persons claiming ownership; a statement as to how and when such persons acquired American citizenship; and, if acquired by naturalization, the date and the number of each person's naturalization certificate, and the name and location of the court in which naturalized.

The extent to which the Department may be able to render assistance in such matters will depend largely upon the cooperation of the interested individuals in supplying full information along the lines indicated.

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The Department of State is not aware of any means of enforcing or liquidating mortgages on property in enemy countries or countries which have been under enemy occupation, in the present circumstances. It is not now possible to state what procedures may be set up for the enforcement or liquidation of such interests, or whether the holders of such rights may find it necessary to take steps on their own initiative before the appropriate authorities in the country where the mortgaged property is located when such action may become practicable. The Department suggests to American citizens having such interests that they submit to it full informatiom, which may be of assistance in efforts to protect American interests. The informatiom should be prepared in the form of a sworn statement, in duplicate, and should include:

1. A description of the property on which the mortgage is secured, the value of the property and its exact locatiom.

2. The date, terms, original amount and balance due on the mortgage, together wich a reference identifying the record thereof.

3. A brief description of the transaction giving rise to the debt secured by the mortgage.

4. The name, nationality and address of the mortgagor.

5. Any available information as to the fate of the property and the mortgagor during the war.

6. A statement showing how and when American citizenship was obtained; and, if acquired by naturalization, the number of the naturalization certificate should be given and the name and location of the court by which the certificate was issued.

The extent to which the Department may be able to render assistance in such matters will depend largely upon the cooperation of the interested individuals im supplying full information along the lines indicated.

COPY: J.C.

"E"

SUGGESTIONS FOR PREPARING CLAIMS

For Loss of or Damage to Property--
Real or Personal

First: Claim should be prepared in form of sworn statement, in duplicate. It should contain in narrative form a clear chronological statement of the essential facts relating to:

a. Citizenship of claimant or claimants.
b. Full description of the property in question and its exact location when loss occurred.
c. Time and manner of acquisition of claimant's ownership of the property or other interest therein.
d. The action taken against the property which is considered as giving rise to a claim against a foreign government.
e. Identification of persons, officials, agency, or forces taking such action and dates the action was taken.
f. The nature and amount of damage resulting from action complained of.

Second: Statements of claimants in support of claims, even when under oath, must be corroborated by other evidence. Therefore, there should be attached to the sworn statement of claim, documentary evidence consisting of original documents or certified copies of originals, affidavits, etc., to support every essential allegation in the sworn statement. The documents filed as evidence should be numbered consecutively and cited by number immediately after the allegations in the sworn statement in support of which the documents are filed.

All evidence as well as sworn statement should be filed in duplicate.

Documents filed in other than the English language must be accompanied by authentic English translations.

If a claim involves losses in more than one country, a separate sworn statement of claim should be prepared with reference to damages sustained in each country.

Third: Nature of evidence required.

I. Nationality.

A. Of individuals.

1. If native-born:

Certified copy of birth certificate. If such certificate is unobtainable, and absence thereof is explained, claimant should furnish baptismal certificate or the affidavits of at least two persons (if affidavit of parent not obtainable) having personal knowledge of the facts, stating date and place of claimant's birth and basis of affiant's knowledge. Since citizenship of an American woman married prior to September 22, 1922 followed that of her husband, proof of the latter's citizenship must be furnished in such cases, together with a copy of the marriage certificate.

2. If naturalized;

Date and place of naturalization, designation of court and certificate number should be supplied.

Claimant should furnish same information to Immigration and Naturalization Service, Department of Justice, Philadephia, Pennsylvania, and request that Service to sent to the Department of State a statement concerning such naturalization. Claimants having had communications from this Department with respect to their claims should also inform the Service of the Department's file number indicated on such correspondence, and request the Service to refer to such file number when furnishing this Department with information regarding the naturalization.

B. Of American corporations, partnerships, or other forms of associations.

1. Certified copy of charter or articles of incorporation, and of amendments thereto.

2. Certified copy of partnership agreement, and of amendments thereto.

3. Proof of citizenship of officers and directors of corporations or of partners should be supplied in manner indicated under I-A above.

4. Affidavit of officer of corporation as to citizenship of stockholders in so far as known should be furnished.

II. Ownership of Property (or other interest therein).

1. Certified copy of deeds, extracts from property registers, contract of purchase or other muniment of title should be submitted.

2. If obtained by will, certified copy of the will and proof of admission to probate should be furnished.

3. If obtained by inheritance without a will, a certified record of judicial distribution of estate should be furnished.

4. Any other evidence of a pertinent nature.

III. Wrongful Acts Affecting the Property.

1. Certified copy of any decree or order interfering with claimant's ownership of the property should be supplied.

2. Affidavits of persons having personal knowledge of wrongful action with respect to the property, setting out fully nature and date of such acts and by whom taken, should be supplied also.

3. Any other documentary evidence to establish action taken, such as requisition order, receipts for property taken, etc. should be included.

IV. Proof of Damages Sustained.

1. Contracts, deeds, vouchers, etc., showing original cost of property to claimant, constitute valuable evidence.

2. Same with respect to nature and cost of subsequent improvements.

3. Proof of nature and amount of income derived from the property for several years preceding the acts complained of.

4. Value

4. Value of property at time of loss, including insured and tax valuations.

5. Extent to which depreciation has been taken into account in arriving at actual value.

6. Photographs, duly authenticated, where available, showing property and damage thereto.

7. Carefully itemized statement of losses sustained.

8. Affidavits of persons having personal knowledge of the property, the nature and amount of damages sustained and who are qualified to express reliable opinions as to the extent of damage.

9. Where a foreign currency enters into calculations mentioned above, the equivalent thereof in terms of U.S. currency should be stated, based upon the rate of exchange prevailing at the time in question. Final computation of loss should be made in U.S. currency at the rate of exchange in effect at the time the loss occurred.

10. Extent to which claimant has recovered through insurance or otherwise for property lost, destroyed, or damaged.

The foregoing should not be understood to comprehend all essential requirements in the preparation of a claim. The suggestions are offered simply as a guide for that purpose. Variation in the facts of particular cases may require special treatment and methods of proof. In general, all material allegations of a claimant must be supported by convincing evidence; otherwise, the claim may be disallowed for lack of proof.

A careful observance of these suggestions in preparing claims will facilitate, to a great extent, consideration of the claims by such agency as may be entrusted with that responsibility. It should be clearly understood that the responsibility for preparing their claims and obtaining appropriate evidence in support of allegations rests entirely wit the claimants.

In cases in which claimants are represented by an attorney, the latter should file a power of attorney evidencing his authority to act in such capacity.

Department of State,

December 20, 1945.

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SUGGESTIONS FOR PREPARING CLAIMS

For Personal Injury or Loss of Life

First: Claims should be prepared in form of sworn statement, in duplicate. It should contain in narrative form a clear chronological statement of the essential facts relating to:

a. Citizenship of the claimant. If the claim is based upon loss of life the citizenship of both the claimant and the deceased must be established.
b. The relationship of the claimant to the deceased in death cases.
c. Time, place, and circumstances under which the injury or death occurred, including the identity of persons, officials, or agencies causing the injury or death.
d. Nature and extent of damages sustained.

Second: Statements of claimants in support of claims, even when under oath, must be corroborated by other evidence. Accordingly, there should be attached to the sworn statement of claim, documentary evidence consisting of original documents or certified copies of originals, affidavits, etc., to support all material allegations in the sworn statement. The documents filed as evidence should be numbered consecutively and cited by number immediately after the allegations in the sworn statement in support of which the documents are filed.

All documents filed as evidence, as well as the affidavit of claimant, should be in duplicate.

Documents in other than the English language of which use is made, must be accompanied by authentic English translations.

Third: Nature of evidence required.

I. Nationality.

1. If native-born:

Certified copy of birth certificate. If such certificate is unobtainable, and absence thereof is explained, claimant should furnish baptismal certificate or the affidavits of at least two persons (if affidavit of parent not obtainable) having personal knowledge of the facts, stating date and place of claimant's birth and basis of affiant's knowledge. Since citizenship of an American woman married prior to September 22, 1922 followed that of her husband, proof of the latter's citizenship must be furnished in such cases, together with a copy of the marriage certificate.

2. If naturalized:

Date and place of naturalization, designation of court and certificate number should be supplied.

Claimant should furnish same information to Immigration and Naturalization Service, Department of Justice, Philadelphia, Pennsylvania, and request that Service to send to the Department of State a statement concerning such naturalization. Claimants having had communications from the Department of State with respect to their claims should also inform the Immigration and Naturalization Service of the Department's file number indicated on such correspondence, and request the Service to refer to such file number when furnishing this Department with information regarding the naturalizatiom.

II. Acts

II. Acts causing injury or death.

1. Affidavits of eye-witnesses to the Commission of the acts or of persons having personal and reliable knowledge of the circumstances surrounding the Commission thereof, and identifying as far as possible the responsible persons, officials, or agencies.

2. Any other evidence tending to support claimant's allegations with reference to the cause of the injury or death.

III. Proof of damages sustained.

1. Injury cases.

The evidence filed in support of a claim based upon personal injuries should establish in as convincing manner as possible the following:

a. The age of the claimant and his earning capacity at the time of injury.

b. Extent of medical and hospital expenses occasioned by the injury.

c. Extent of injuries and physical suffering resulting therefrom.

d. Loss of time from gainful employment.

e. Extent of temporary or permanent impairment of earning capacity.

f. Amount of insurance or other idemnity, if any, collected or payable on account of the injury.

2. Death cases.

Claims based upon loss of life should be supported by evidence to establish the following:

a. Age of deceased and of the claimant and the earning capacity of each.

b. Relationship of claimant to the deceased.

c. Extent of contributions made by the deceased toward support of claimant.

d. Expenses incurred by claimant in connection with the death of the deceased, such as medical and hospital care, etc.

e. Amount of insurance or other idemnity collected or payable by reason of death of the deceased.

The foregoing should not be understood to comprehend all essential requirements in the preparation of a claim. The suggestions are offered simply as a guide for that purpose. Variation in the facts of particular cases may require special treatment and methods of proof. For example, claims based upon alleged mistreatment of American nationals while in the custody of authorities of a foreign government, such as civilian internees or prisoners of war, should, of course, disclose clearly the nature of the treatment complained of, the place or places where it occurred and the duration of the period over which the mistreatment was suffered. All material allegations of a claimant

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must be supported by convincing evidence; otherwise, the claim may be disallowed for lack of proof.

A careful observance of these suggestions in preparing claims will facilitate, to a great extent, consideration of the claims by such agency as may be entrusted with that responsibility. It should be clearly understood that the responsibility for preparing their claims and obtaining appropriate evidence in support of allegations rests entirely with the claimants.

In cases in which claimants are represented by an attorney, the latter should file a power of attorney evidencing his authority to act in such capacity.

Department of State,

January 5, 1946.