55908 [L2.2] Japanese Property Claims Commission

Ottawa, April 30th, 1947.

The Honourable Humphrey Mitchell,
Minister of Labour,
OTTAWA, Ontario.

Dear Mr. Mitchell:

With reference to the document on claims by persons of Japanese race which is to be considered at Cabinet this morning, further discussions with Mr. Ranger, Secretary of the Cabinet Committee, and with Mr. Robertson of the Prime Minister's Office have indicated that an additional point should be brought forward for consideration which is not spelled out in the document circulated.

The alternative terms of reference in the document in reality are different wordings of the same basic approach, which is that claims shall be based upon the difference between market value at time of evacuation and moneys received from sale.

The other alternative, which I understand was considered in the Cabinet Committee and which is probably closer to the actual words used by the Prime Minister in his press release, is to base claims upon the difference between market value at time of sale and moneys received, taking into consideration, of course, deterioration through negligence, etc.

An alternative wording that might meet this point would be:

> "that the amount received by him for real and personal property vested in the Custodian was less than the market value thereof at the time of sale or that, by reason of the failure of the Custodian to exercise reasonable care in the custody of personal property which had been left in his control, it had been stolen or suffered deterioration or destruction, but no inquiry ...."

Yours sincerely,

J. R. Baldwin,
Assistant Secretary to the Cabinet.

MEMORANDUM
Office of the Prime Minister

Ottawa, April 25, 1947.

Referred from the Office of the Prime Minister to the Secretary of State.

G. J. Matte,
Private Secretary.

OFFICE OF THE
APR 26 1947
Secretary of State

wa, April 25, 1947.

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

Dear Mr. Brewin:

In the absence of the Prime Minister, I should like to acknowledge your letter dated April 21, under cover of which you forwarded copies of the reports of the Judiciary Committees in the House of Congress in the United States, with which you included the texts of proposed legislation concerning compensation for Japanese evacuees.

I shall hope to have an opportunity to bring your letter and its enclosures to the Prime Minister's attention after his return. In the interim your communication is being brought to the attention of the Secretary of State.

Yours sincerely,

(R. G. Robertson),
Secretary.

Cameron, Weldon & Brewin
Barristers & Solicitors

Sterling Tower
Toronto 1, Canada.

April 21, 1947

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

Re: Japanese Canadians

Dear Mr. Prime Minister:

I have been requested by the Co-operative Committee on Japanese Canadians to write to you once again in respect to the claims of Japanese Canadians for loss of property.

In your statement of January 24th you stated that in order to insure the fair treatment which had been promised in 1944, the Government would be prepared in cases where it could be shown that a sale was made for less than fair market value, to remedy the injustice.

The Secretary of State was good enough to give me an interview in which I put before him on behalf of the Co-operative Committee our suggestions for the appointment of a commission on the same lines as the Evacuation Claims Commission which is provided for in legislation put before the United States Congress by the United States Government.

When I communicated recently with the Under Secretary of State to discuss this matter further, I was informed that the matter was now before the Cabinet and for this reason I venture to write to you once again and to urge that not less should be done for the Japanese Canadians in connection with their claims than the Congress of United States and their government is preparing to do for Japanese Americans whose circumstances were similar to those of the Japanese Canadians.

Department of Secretary of State & Immigration, Metropolitan Building, Toronto, Ontario

We feel the responsibility on behalf of the Japanese Canadians themselves and many other organizations and individuals who have written to us and asked us about this matter, to urge the appointment of such a judicial commission as can fully investigate the facts.

No doubt you have received some representations from the various groups in regard to this matter, but in view of our discussions with the Secretary of State we have not encouraged any public agitation in this matter.

We should like to make it clear, however, that we believe that there are a very large number of people all across Canada who are taking a very keen interest in what is done about the property claims.

We venture to enclose a copy of the reports of the Judiciary Committees in the House of Representatives and in the Senate of the United States with their proposed legislation and with correspondence from the President, the Attorney General and the Secretary of the Interior in support of their legislation. We feel sure that what the President said in respect to the Americans of Japanese ancestry applies with equal force to Canadians of Japanese ancestry, and that your government will desire no less redress for the losses which they have sustained.

We hope that a statement may be made soon as to the government's intentions in this regard.

Yours sincerely,

(sgd) F.A. Brewin

FAB:HC
Encl.

J-175

April 23, 1947

MEMORANDUM TO: Dr. E. H. Coleman,
Under-Secretary of State

RE: Claims of Japanese Evacuees

I return herewith communication addressed to you by the Deputy Minister of Justice, under date of 22nd instant, together with a copy for your file, as I assume you will wish to hand the original to the Minister.

I also enclose copy of the draft Order in Council and you will note that the amendments, as suggested by Mr. Varcoe, have been incorporated.

Copies of this material have been forwarded to Mr. Raymond Ranger, Secretary, Privy Council Office.

K. W. WRIGHT

KWW/JF
Encl.

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
April 23, 1947

J-175

Raymond Ranger, Esq.,
Secretary,
Privy Council Office,
315 East Block,
Ottawa, Ontario

Re: Claims of Japanese Evacuees

Dear Mr. Ranger:

Confirming our telephone conversation, I enclose herewith copy of communication addressed to the Under-Secretary of State by the Deputy Minister of Justice, under date of 22nd instant, together with draft Order in Council, as amended.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

in the Custodian pursuant to the above mentioned Orders, the amount received by him for such property was less than the market value thereof at the time of the evacuation of the owner, but no inquiry shall be made into claims in respect of any property for any loss that arose while the property was under the custody, control or management of any person, other than the Custodian, appointed by the owner thereof".

(4) Strike out the schedule.

The Under-Secretary of State,

COPY

EAD/CM

Please Address
THE DEPUTY MINISTER OF JUSTICE
Ottawa

Ottawa April 22, 1947

URGENT
BY HAND

152189

I have to refer to my letter of April 1st enclosing a draft Report to Council for the appointment of a Commissioner under Part I of the Inquiries Act to investigate claims made by persons of the Japanese race in respect of the disposition of their property.

In that draft I had set out the various types of claims as a schedule to the Order and I understand now that the only claims to be considered are those set out in items 2 and 4 (a) of that schedule.

I have been asked to prepare a revision of the draft I previously sent to you and accordingly I have the following suggestions to make:

(1) Strike out the second last recital and substitute the following:

"That by Order in Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order in Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian.

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that by reason of such disposition of their property they have suffered pecuniary loss".

(2) Strike out the first recommendation and substitute the following:

"1. That the Honourable . . . . . .be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into claims of any person of the Japanese race, who was resident in Canada on the day of this Order, that the amount received by him for real and personal property vested in the Custodian pursuant to the above mentioned Orders was less than the market value thereof at the time of the evacuation of the owner, but no inquiry shall be made into claims in respect of any property for any loss that arose while the property was under the custody, control or management of any person, other than the Custodian, appointed by the owner thereof".

(3) As an alternative to (2) above substitute the following:

"1. That the Honourable . . . . . .be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into claims of any person of the Japanese race, who was resident in Canada on the day of this Order, that, by reason of the failure of the Custodian to exercise reasonable care in the management or disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by him for such property was less than the market value thereof at the time of the evacuation of the owner, but no inquiry shall be made into claims in respect of any property for any loss that arose while the property was under the custody, control or management of any person, other than the Custodian, appointed by the owner thereof".

(4) Strike out the schedule.

"F. P. Varcoe"

Deputy Minister

The Under-Secretary of State,

OTTAWA

D R A F T

OTTAWA, April 1947

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to report as follows:

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27, 1942, it was provided that all property situated in any protected area of British Columbia belonging to any person of the Japanese race (except fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, 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 was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area, was unable to take with him, should be vested in and subject to the control and management of the Custodian as defined in the Regulations respecting Trading with the Enemy.

That by Order in Council P.C. 469 of January 19, 1942, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should 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.

That by Order in Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order in Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian.

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that by reason of such disposition of their property they have suffered pecuniary loss.

That it is deemed advisable to appoint a Commissioner under Part I of the Inquiries Act to investigate the said claims and to make recommendations with respect thereto.

The undersigned, therefore, has the honour to recommend:

1. That the Honourable . . . . . .be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into claims of any person of the Japanese race, who was resident in Canada on the day of this Order, that the amount received by him for real and personal property vested in the Custodian pursuant to the above mentioned Orders was less than the market value thereof at the time of the evacuation of the owner, but no inquiry shall be made into claims in respect of any property for any loss that arose while the property was under the custody, control or management of any person, other than the Custodian appointed by the owner thereof.

<u>ALTERNATIVE TO CLAUSE (1) ABOVE</u>

1. That the Honourable . . . . . .be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into claims of any person of the Japanese race, who was resident in Canada on the day of this Order, that, by reason of the failure of the Custodian to exercise reasonable care in the management or disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by him for such property was less than the market value thereof at the time of the evacuation of the owner, but no inquiry shall be made into claims in respect of any property for any loss that arose while the property was under the custody, control or management of any person, other than the Custodian, appointed by the owner thereof.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council advising as to the amount of compensation that in his opinion would be fair and reasonable.

3. That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence

and that all claims shall be in writing, verified by statutory declaration and filed in the office of the Custodian at Vancouver, British Columbia.

4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.

5. That the expenses of and incidental to the said inquiry be paid out of moneys appropriated by Parliament.

Respectfully submitted,

Secretary of State

DRAFT

SCHEDULE

Claims, filed by persons of the Japanese Race who were resident in Canada on the day that this Order came into force, that the compensation received for real or personal property left in the control of the Custodian at the time the owner was evacuated was less than the actual value of the property at that time. Provided that no claim shall be entertained for loss or depreciation of, or damage to such property while it was in the possession of a person, other than the Custodian or his Agent, to whom the property was delivered by the owner.

ALTERNATIVE CLAUSE

Claims, filed by persons of the Japanese Race who were resident in Canada on the day that this Order came into force, that the compensation received for real or personal property left in the control of the Custodian at the time the owner was evacuated was less than the actual value of the property at that time due to want of reasonable care in the control or disposition of the property by the Custodian or his Agent. Provided that no claim shall be entertained for loss of, or damage to such property while it was in the possession of a person, other than the Custodian or his Agent, to whom the property was delivered by the owner.

WELDON
~~MASON~~, CAMERON & BREWIN
BARRISTERS & SOLICITORS
Roy Weldon
~~XXXXXXX~~ A.J.P. CAMERON
F.A. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391
STERLING TOWER
TORONTO 1, CANADA

1947 APR 23 AM 9:32
UNDER SECRETARY OF STATE

April 21, 1947.

E. H. Coleman, Esq.,
Under Secretary of State,
Ottawa, Canada.

Dear Mr. Coleman:

Thank you for your letter of April 17th.

In view of your saying that the matter of appointing a Claims Commission to deal with claims by the Japanese Canadians is at present before the Cabinet, it did not seem necessary for me to bother you when I was in Ottawa. In any event I did not arrive until late in the afternoon.

Naturally we are most anxious to hear of further developments as we have constant inquiries of those who are interested across Canada.

Yours sincerely,

FAB:HC

PH

VIRTUE & RUSSELL

BARRISTERS, SOLICITORS
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE LETHBRIDGE, ALBERTA

April 18, 1947.

A. GLADSTONE VIRTUE, M.C., K.C.
WILLIAM STAFFORD RUSSELL, B.A., LL.B.

PLEASE REFER TO FILE NO. 3201

OFFICE OF THE
APR 21 1947
Secretary of State

Hon. Colin Gibson,
Secretary of State,
Ottawa, Ontario.

Dear Mr. Gibson:

Re: Canadians of Japanese origin

We thank you for your letter of April 14th which crossed our letter of April 13th.

We appreciate the fact that you are willing to give us an appointment for the week of May 4th, and if agreeable to you we will plan to meet you on Thursday, May 8th, at eleven o'clock in the morning. If it is necessary to have a second interview in order to give you complete information we shall be prepared to remain over until Friday, the 9th, and to meet you then at your convenience.

The writer plans to travel by T.C.A. and if there should be any delay due to air service will acquaint you at once of that fact by telegram.

Again thanking you, and looking forward to a privilege of discussing this matter with you, I am,

Yours sincerely,

AGV/mh

VIRTUE & RUSSELL

BARRISTERS, SOLICITORS
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE LETHBRIDGE, ALBERTA

April 17, 1947.

A. GLADSTONE VIRTUE, M.C., K.C.
WILLIAM STAFFORD RUSSELL, B.A., LL.B.

PLEASE REFER TO FILE NO. 3201

OFFICE OF THE
APR 18 1947
Secretary of State

Hon. Colin Gibson,
Secretary of State,
Ottawa, Ontario.

Dear Sir:

Re: Canadians of Japanese origin

We have an appointment to meet Premier Manning and some members of his Cabinet in Edmonton on Thursday, April 24th, with a view to making representations to enable the Japanese to remain in the Province of Alberta. If this permission is obtained from the Province of Alberta it will simplify the problem very considerably.

If at all possible, and if it meets your convenience, we would hope to be able to meet with you sometime during the period between May 7th and 10th if possible, and otherwise in the period between the 13th and 15th.

You realize, I am sure, that some six hundred families, including many children of public and High School age, are living in what are called Beet Workers' houses, which in many cases are nothing more nor less than converted out-buildings, without any sanitary conveniences of any kind.

If we can make arrangements to find a permanent solution so that these people may re-establish themselves we feel that it would be not only a humanitarian act but that it would be of great benefit to this part of Canada.

For these reasons we feel that a personal conference with you would be of very considerable advantage.

Thanking you, we are,

Yours truly,

VIRTUE & RUSSELL,
Per:

AGV/mh

Ottawa, April 17, 1947.

My dear Colleague:

We have two Cabinet Committees dealing with Japanese affairs, one dealing with controls over movement and residence of Japanese and the other with Japanese claims.

There is difficulty in securing full attendance at meetings and I consider that if the Committees were amalgamated, the subjects could be considered together and disposed of probably at one meeting.

The Committees are as follows:

JAPANESE CONTROLS		JAPANESE CLAIMS
Mackenzie		Mackenzie
Mitchell		Mitchell
Jean		Ilsley
Claxton		Gibson
Glen	additional	
Bridges	"	

I suggest the following as a Joint Committee, Mr. Abbott being added, as there will be considerable financial outlay in connection with the settlement of Japanese claims.

Mackenzie
Mitchell
Ilsley or Jean
Gibson
Glen
Bridges
Abbott

Yours sincerely,

e Rt. Hon. Louis St. Laurent,
Secretary of State for External Affairs,
OTTAWA, Ont.

ATM

Ottawa, April 17, 1947.

Dear Mr. Brewin,-

I have today received your letter of the 15th April.

I expect to be at my office during the regular hours on Saturday and will, of course, be very glad to see you if you find it convenient to call.

I should, however, state that the proposal of appointing a Commission to deal with any claims by persons of the Japanese race is presently before the Cabinet. It is not, therefore, at present a departmental matter. I know from the Secretary of State that it is expected that a decision will be reached in the reasonably near future but I am not informed as to when any announcement will be made.

Yours sincerely,

E. H. Coleman
Under Secretary of State.

F. A. Brewin, Esq.,
Messrs. Cameron & Brewin,
Sterling Tower,
Toronto 1, Ont.

J-175

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

Raymond Ranger, Esq.,
Secretary,
Privy Council Office,
315 East Block,
Ottawa, Ontario

Re: Claims of Japanese Evacuees

Dear Mr. Ranger:

Confirming our conversation of today, I enclose herewith six additional copies of the following:

1. Letter addressed to the Under-Secretary of State by the Deputy Minister of Justice, under date of first instant.

2. Report to Council for the appointment of a Commissioner.

3. Memorandum to the Special Cabinet Committee on Claims by Japanese Evacuees, dated March 27, 1947.

Further copies will be sent you tomorrow.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
April 16, 1947

J-175

Raymond Ranger, Esq.,
Secretary,
Privy Council Office,
East Block,
Ottawa, Ontario

Re: Claims of Japanese Evacuees

Dear Mr. Ranger:

Confirming our telephone conversation, I enclose herewith six copies of the following:

1. Letter addressed to the Under-Secretary of State by the Deputy Minister of Justice, under date of first instant.

2. Report to Council for the appointment of a Commissioner.

3. Memorandum to the Special Cabinet Committee on Claims by Japanese Evacuees, dated March 27, 1947.

Additional copies will be handed you prior to the meeting tomorrow.

This material is being forwarded for the reason that the Minister desires to bring the matter of Japanese Claims before the Cabinet Committee on Japanese Problems at the meeting to be held tomorrow morning at 10:30.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

MASON, CAMERON & BREWIN
BARRISTERS & SOLICITORS
Roy Weldon
XXXMASONX A.J.P. CAMERON
F.A. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391
STERLING TOWER
TORONTO 1, CANADA

1947 APR 17 AM 9:15
UNDER SECRETARY
OF STATE

April 15, 1947.

E. H. Coleman Esq.,K.C.,
Under Secretary of State,
Ottawa, Canada.

Dear Mr. Coleman:

The writer will be in Ottawa on Saturday and would like to either telephone you or see you for a few moments in connection with the proposed Japanese Canadian Claims Commission.

Since I interviewed the Minister and yourself, we have had a great many inquiries as to when we may expect some further action from the Government, and we are naturally extremely anxious to be able to satisfy them, and all possible steps are being taken in regard to the claims.

Yours very truly,

F.A. Brewin.

FAB:HC

Ottawa, April 14, 1947.

Dear Mr. Virtue:

I have received your letter of the 3rd of April concerning the claims of Japanese evacuees and understand that you propose coming to Ottawa during the week of May 4th.

If you will communicate with my office after you arrive I will be glad to arrange an appointment.

Yours very truly,

A. G. Virtue, Esq., M.C., K.C.,
c/o Messrs. Virtue & Russell,
Barristers, etc.,
LETHBRIDGE, Alberta.

p

April 9, 1947

J-175

MEMORANDUM TO: Dr. E. H. Coleman,
Under-Secretary of State

RE: Claims of Japanese Evacuees

I return herewith communication from the Deputy Minister of Justice to you, under date of first instant; also draft report to Council and two copies.

The report is in form as settled during conferences with Mr. E. A. Driedger of the Department of Justice.

K. W. WRIGHT

KWW/JF
Encl.

DRAFT

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

The undersigned has the honour to report as follows:

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27, 1942, it was provided that all property situated in any protected area of British Columbia belonging to any person of the Japanese race (except fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, 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 was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area, was unable to take with him, should be vested in and subject to the control and management of the Custodian as defined in the Regulations Respecting Trading with the Enemy.

That by Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should 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.

That during the war fishing vessels belonging to persons of the Japanese race were impounded and by Order in Council P.C. 288 of January 13, 1942, a committee on the disposal of Japanese fishing vessels was established and was empowered, inter alia, to make such arrangements as would make it possible for the owners of such detained vessels freely to negotiate for sales of such vessels.

That pursuant to the above mentioned Orders, real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that they have suffered pecuniary loss by reason of such disposition of their property and also by reason of their

evacuation from the protected areas of British Columbia.

That it is deemed advisable to appoint a Commissioner under Part I of the Inquiries Act to investigate the said claims and to make recommendations with respect thereto.

The undersigned, therefore, has the honour to recommend:

1. That the Honourable . . . . . .be appointed a Commissioner pursuant to the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada,1927, to inquire into the claims set out in the Schedule hereto of persons of the Japanese race for pecuniary loss sustained by them by reason of their evacuation from the protected areas of British Columbia and the management and disposition of their real and personal property and to report his findings to the Governor in Council.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council advising as to the amount of compensation that in his opinion would be fair and reasonable.

3. That the Commissioner shall give public notice of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by Statutory Declaration and filed in the Office of the Custodian, Vancouver, B. C.

4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.

5. That the expenses of and incidental to the said inquiry be paid out of moneys appropriated by Parliament.

SCHEDULE

1. Claims that any real or personal property was sold,pursuant to the Orders hereinbefore referred to,at a price less than the market value thereof at the time of sale.

2. Claims that any real or personal property was sold,pursuant to the Orders hereinbefore referred to, at a price less than the market value thereof at the time of evacuation.

3. Claims for compensation for loss of revenue by reason of the sale,pursuant to the Orders hereinbefore referred to, of revenue-producing real or personal property.

4. Claims for compensation for loss of real or personal property by theft while such property was under the control and management of:

(a) The Custodian

(b) A person appointed for that purpose by the owner.

5. Claims for loss of life insurance policies by reason of failure to pay premiums directly attributable to the evacuation.

6. Claims for loss of income directly attributable to the evacuation.

Secretary of State

VIRTUE & RUSSELL

BARRISTERS, SOLICITORS
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE LETHBRIDGE, ALBERTA

A. GLADSTONE VIRTUE, M.C., K.C.
WILLIAM STAFFORD RUSSELL, B.A., LL.B.

PLEASE REFER TO FILE NO.

OFFICE OF THE
APR 8 1947
Secretary of State

3rd April, 1947.

HON. COLIN GIBSON,
Secretary of State,
OTTAWA, C A N A D A.

Dear Mr. Gibson: RE: CLAIMS OF JAPANESE EVACUEES.

Please accept my thanks for your letter of March 26th.

We are glad to know that the Government has been giving consideration to this matter.

The Thirty-four Hundred Japanese who are still in Southern Alberta feel that the matter is of sufficiently great importance to them that they would like to have a spokesman meet with you personally and present their own views, and at the same time hear the views of yourself and the other members of the Government in this respect.

The loss suffered by these thousands of Canadian Japanese will amount to some millions of dollars, and because of that fact, and also because of the human considerations involved, I believe that you will feel that the matter warrants a personal hearing.

At the present moment we are waiting to hear from Premier Manning who is fixing a date when he will receive a delegation with regard to allowing these Canadian Japanese to remain in the Province of Alberta. In all probability Premier Manning will see us sometime before the 16th of April. As soon as this aspect of the matter has been cleared up we would like, if possible, to make arrangements to meet you and other members of the

Hon'l Colin Gibson,
Secretary of State,
Ottawa, Canada.

3rd April, 1947

Cabinet in Ottawa.

Would some date in the week beginning May 4th be convenient for you?

Thanking you again for your consideration in this matter, I am,

Yours sincerely,

A. G. Virtue.

V/L

April 2, 1947

J-175

MEMORANDUM TO: Dr. E. H. Coleman,
Under-Secretary of State

RE: Claims of Japanese Evacuees

It occurs to me that you may wish to show the enclosed "New Canadian" to the Minister.

I have marked a Commission article, appearing on Page 1, as well as the Editorial on Page 2.

The draft report to the Special Committee of the Cabinet, submitted for the Minister's signature, discloses that 6,617 Japanese reside in Ontario and that Japanese in Canada number 20,814.

According to the Editorial, the survey conducted by the Japanese Co-operative Committee revealed that the owners in the Toronto area claim losses in excess of $1,000,000.00.

K. W. WRIGHT

KWW/JF
Encl.

COPY

EAD/CM

DEPARTMENT OF JUSTICE, CANADA

Ottawa April 1, 1947

152189
Your File No. J-175

I have been asked to prepare a draft Report to Council for the appointment of a Commissioner under the Inquiries Act to investigate claims made by persons of the Japanese race in respect of the disposition of their property and also in respect of claims for loss resulting from their evacuation from the protected areas of British Columbia.

I understand that as a matter of policy the Government has not yet decided upon the types of claims that will be admitted; I have, therefore, set out in the schedule the complete list of claims. The schedule can then be amended in accordance with Government decisions on policy.

Encl.

"F. P. Varcoe"

Deputy Minister

The Under Secretary of State

O T T A W A

1942, a committee on the disposal of Japanese fishing vessels [illegible] and was empowered, inter alia, to make such arrangements as would make it possible for the owners of such detained vessels freely to negotiate for sales of such vessels.

That pursuant to the above mentioned Orders real and personal property of [illegible] made

COPY

OTTAWA, April ,1947

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to report as follows:

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27, 1942, it was provided that all property situated in any protected area of British Columbia belonging to any person of the Japanese race (except fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, 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 was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area, was unable to take with him, should be vested in and subject to the control and management of the Custodian as defined in the Regulations respecting Trading with the Enemy.

That by Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should 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.

That during the war fishing vessels belonging to persons of the Japanese race were impounded and by Order in Council P.C. 288 of January 13, 1942, a committee on the disposal of Japanese fishing vessels was established and was empowered, inter alia, to make such arrangements as would make it possible for the owners of such detained vessels freely to negotiate for sales of such vessels.

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that they have suffered pecuniary loss by reason of such disposition of their property and also by reason of their

evacuation from the protected areas of British Columbia.

That it is deemed advisable to appoint a Commissioner under Part I of the Inquiries Act to investigate the said claims and to make recommendations with respect thereto.

The undersigned, therefore, has the honour to recommend:

1. That the Honourable. . . . . be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the claims set out in the Schedule hereto of persons of the Japanese race for pecuniary loss sustained by them by reason of their evacuation from the protected areas of British Columbia and the management and disposition of their real and personal property and to report his findings to the Governor in Council.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council advising as to the amount of compensation that in his opinion would be fair and reasonable.

3. That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by statutory declaration and filed in the office of the Custodian at Vancouver, British Columbia.

4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.

5. That the expenses of and incidental to the said inquiry be paid out of moneys appropriated by Parliament.

SCHEDULE

1. Claims that any real or personal property was sold pursuant to the Orders hereinbefore referred to at a price less than the market value thereof at the time of sale.

2. Claims that any real or personal property was sold pursuant to the Orders hereinbefore referred to at a price less than the market value

thereof at the time of the evacuation of the owner.

3. Claims for compensation for loss of revenue by reason of the sale pursuant to the Orders hereinbefore referred to of revenue-producing real or personal property.

4. Claims for compensation for loss of real or personal property by theft while such property was under the control and management of

   (a) the Custodian, or

   (b) a person appointed by the owner to control and manage such property.

5. Claims for loss of life insurance policies by reason of failure to pay premiums directly attributable to the evacuation of the policy-holder.

6. Claims for loss of income directly attributable to the evacuation.

Respectfully submitted,

Secretary of State.

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

1947 MAR 31 PM 2:14

March 31, 1947

UNDER SECRETARY OF STATE

MEMORANDUM TO: Dr. E. H. Coleman
Under-Secretary of State

RE: Claims of Japanese Evacuees

We enclose herewith two copies of Memorandum to the Special Cabinet Committee on Claims by Japanese Evacuees, and you will note that the changes, as suggested, have been made.

Will you kindly submit a copy of this memorandum to the Minister.

K. W. WRIGHT

KWW/JF
Encl.

File

9/4/47

ATM

MEMORANDUM

FOR THE SECRETARY OF STATE :

I am sure you have in mind that if in the discussion on the Second Reading of Bill 22 there is reference to the future policy affecting persons of the Japanese race removed from the defence areas, it should be pointed out that any powers of the Custodian to deal with the property of these persons are not covered by Bill 22 but by Bill 104, which deals with the Orders in Council relating to the Japanese situation generally.

E. H. Coleman
Under Secretary of State.

Ottawa, March 28, 1947.

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

March 28, 1947

MEMORANDUM TO: Dr. E. H. Coleman
Under-Secretary of State

RE: Claims of Japanese Evacuees

We enclose herewith two copies of Memorandum to the Special Cabinet Committee on Claims by Japanese Evacuees and you will note that the changes, which were suggested, have been made.

Will you kindly submit a copy of this memorandum to the Minister.

K. W. WRIGHT

KWW/JF
Encl.

March 27, 1947

MEMORANDUM TO THE SPECIAL CABINET COMMITTEE ON CLAIMS BY JAPANESE EVACUEES

The type of claim in which the Custodian is particularly interested relates to the liquidation of real and personal property left in the Protected Area of British Columbia. Representations made indicate 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 economic loss caused by the results of evacuation. Unless the enquiry is strictly confined to claims of the nature mentioned in the Prime Minister's announcement of January 24, 1947, it is reasonable to suggest that claims put forward will go beyond those referred to in the statement. In support of this, I attach copy of a Questionnaire which, I understand, is being used by the Japanese Canadian Committee for Democracy in their survey.

Apart from demands for compensation covering economic and personal property losses, claims may be made in regard to parcels of real estate which the Custodian advertised and sold on the basis of valuation and with the approval of the Advisory Committees.

At a meeting of the Special Cabinet Committee on Claims by Japanese Evacuees held in the Privy Council Chamber on Monday, March 24, 1947, it was agreed that it would be advisable to appoint a Commissioner under Part I of the Inquiries Act to recommend the amount, if any, which, in his opinion, should be granted to any Japanese claimant.

The following are matters to be considered in reaching decisions as to the scope of such inquiry:

1. Real Estate - The difference between the sale price and fair market value. It is altogether likely that the Japanese idea of value will not coincide with the market value, but in my opinion, a properly established market value should be the only basis for claim in this connection.

The inquiry should be on the basis set out in Section 47 of the Exchequer Court Act, as follows:

"47. The Court, in determining the amount to be paid to any claimant for any land or property taken for the purpose of any public work, or for injury done

to any land or property, shall estimate or assess the value or amount thereof at the time when the land or property was taken, or the injury complained of was occasioned".

Is this the understanding as to the scope of the inquiry?

2. Real Estate Depreciation - The possibility of the market value having decreased at the time of sale due to depreciation of the property after the Japanese were evacuated.

This would apply chiefly to rural properties and possibly occurred in connection with the Fraser Valley Fruit Farms. It should be noted that the appraisal of these lands was, I believe, made in June of 1942, so that there would not have been an exceptionally long period in which depreciation would have taken place insofar as the actual land and buildings were concerned. Greenhouses quickly fall into disrepair and quite a disparity exists between the Japanese valuation and the amount at which some of this property has been sold.

Should the Commissioner be empowered to review claims arising out of depreciation?

3. Real Estate - Loss of Revenue - Some claims in connection with real estate may be based on the fact that after evacuation, the properties were leased and the income was more than sufficient to carry the overhead and this income was cut off by the sale of the property. The Japanese may claim that they were compelled to expend the capital derived from the liquidation of real estate in order to maintain their families in the Housing Centres and elsewhere.

Should the Commissioner be empowered to review claims falling within this category?

4. Chattels - The difference between the sale price and the market value of the goods actually sold. There are cases where losses were sustained by those who were operating businesses such as stores, dry cleaning plants, garages, shingle and rice mills, drug stores and rooming operations. In a number of cases, stock in trade, plant machinery and equipment were sold by the Custodian on the basis of valuation, but the matter of goodwill or the revenue bearing possibilities of these operations were lost to the Japanese. In addition to this, where the real estate did not belong to the owner of these types of busi-

nesses, dismantling, removing and re-assembling costs entered into the price which the purchaser was prepared to pay for such chattels and equipment.

Certain types of equipment in use by the Japanese were definitely old-fashioned and while capable of producing revenue in the hands of the Japanese, did not have a sale value equivalent to the Japanese idea of its worth.

Should the Commissioner be empowered to review claims of this type?

5. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage warehouses which belonged to the Custodian. This not only concerns household effects, but a certain amount of equipment, the main item of which is most probably that of fishing tackle. The matter to be considered is whether, the Custodian having exercised all reasonable care, there is any responsibility on the Government for shortages which have occurred for the reasons above mentioned.

Should the Commissioner be empowered to entertain such claims?

6. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage and under the control of Agents appointed by the Japanese.

Should the Commissioner be empowered to review claims for loss occasioned as aforesaid?

7. Fishing Vessels - These are referred to (Item 6) in the attached copy of the Questionnaire. In connection with fishing vessels, approximately 90% of these sales were negotiated by the Japanese themselves through the Japanese Fishing Vessels Disposal Committee. The boats which were sold by the Custodian were of the poorest type and dissatisfaction has been expressed in some cases in regard to the prices obtained.

Should the Commissioner be empowered to consider claims in respect to sales both by the Japanese Fishing Vessels Disposal Committee and the relatively small number of sales effected by the Custodian after the Fishing Vessels Disposal Committee had been disbanded?

8. Motor Vehicles - Automobiles are referred to (Item 7) in the Questionnaire, copy of which is attached. Complaints have been very considerable in regard to the prices obtained for cars and trucks.

By Government Notice, dated February 26, 1942, the Minister of Justice ordered the Japanese to deliver up motor vehicles, cameras, radios and firearms to the R.C.M.P., and a notice was published in the press requiring surrender by March 9, 1942. In the interval, many Japanese disposed of their cars at very low prices or by turning them over to friends. It was the opinion of the British Columbia Security Commission that it would not be desirable for Evacuees to be permitted to take their cars out of the Protected Area and as the majority of vehicles were stored at Hastings Park, not under cover, it was considered that due to rapid depreciation, liquidation was necessary. Independent appraisals were obtained on all vehicles and tenders equal to or in excess of the appraised price were accepted. It should be noted that these cars were sold at what was probably the poorest market in used car history. Apart from the Japanese vehicles, all used car dealers were heavily stocked and gasoline and tire shortages created a near panic situation and prices were cut as much as 50% on stocks in the hands of used car dealers.

Should the Commissioner be empowered to review claims within this category?

9. Life Insurance - There have been complaints that life insurance policies have had to be surrendered for cash value or allowed to lapse owing to insufficient earnings by the Japanese.

Should the Commissioner be empowered to entertain this type of claim?

10. Economic Losses - These are referred to in the attached copy of Questionnaire (Items 9 and 10). Due to war conditions, economic loss has been sustained by many citizens altogether apart from nationality and without the factor of evacuation. Business operations were curtailed in many instances due to lack of supplies, to say nothing of the economic disruption caused by enlistment in the forces, sometimes resulting in the supreme sacrifice of life itself. If consideration were to be given to the question of economic loss caused by evacuation, and such loss could be accurately established, this would not, in my opinion, of necessity be a justifiable claim.

Should the Commissioner be empowered to entertain claims coming within this category?

Reference has been made to the fact that a Commissioner should be appointed to consider the Japanese claims and in my opinion the Commissioner so appointed should be a person who holds, or has held, judicial office.

When the matter of the type of claims to which consideration should be given is determined, I recommend that advertisements be inserted in numerous newspapers, including The New Canadian, calling upon the Japanese to file their claims, duly

verified, and to address all such claims to the Office of the Custodian, 506 Royal Bank Building, Vancouver, B. C. This will afford the officials in the Custodian's Vancouver Office an opportunity to review files and assemble data which will be helpful to the Commission. A time limit should be fixed for the filing of such claims.

I am informed that the distribution of Japanese in Canada at November 30, 1946, was as follows:

British Columbia	6,981
Alberta	4,262
Saskatchewan	503
Manitoba	1,193
Ontario	6,617
Quebec	1,210
Nova Scotia	1
New Brunswick	10
Prince Edward Island	6
Yukon and Northwest Territories	31
Total	20,814

Representatives of the Japanese have indicated that they desire to be heard in centres of the different provinces, but I am of opinion that it should be left to the Commissioner to determine where such hearings are to take place.

It is very probable that thousands of claims will be filed, but very improbable that the vast majority could be substantiated in a Court of Law. The Japanese have inflated ideas as to the value of their assets and doubtless their claims will be grossly exaggerated.

It is very difficult to estimate the amount that will be required to meet the claims and defer the expenses of the Commission. At all events, it appears necessary to insert an item in the supplementary estimates in order to provide funds.

Secretary of State

CLAIM FOR DAMAGE

1. Current value of land at the time of evacuation . . $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed . . $_____

2. Current value of buildings and other improvements with the lot, at the time of evacuation . . $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed . . $_____

3. Current value of personal property at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed . . $_____

4. Current value of machinery at the time of evacuation . . $_____

   Value of the above, at which the Custodian sold without my consent. . $_____

   Difference in the values, to be claimed . . $_____

5. Current value of fishing boat, at the time of evacuation . . $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed . . $_____

6. Current value of fishing apparatus at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed . . . $_____

7. Current value of automobile at the time of evacuation . . $_____

   Value of the above, at which the Custodian sold without my consent . . $_____

   Difference in the values, to be claimed . . $_____

8. Expected four years income from farming, industry, trade, forestry, fishing, and etc., after evacuation . . $_____

   Annual Income received after the evacuation . . $_____

   Difference in the Income, to be compensated . . $_____

9. Expected four years wage from labour, after the evacuation . . $_____

   Annual wage received, after the evacuation . . $_____

   Difference in the wages, to be compensated . . $_____

10. Other Claims:-

The undersigned therefore has the honour to recommend that Your Excellency in Council be pleased to order as follows:

1. The Honourable ..... is hereby appointed a Commissioner under the Inquiries Act to inquire into the claims set out in the Schedule hereto of persons of the Japanese race for pecuniary loss sustained by them by reason of their evacuation from the protected areas of British Columbia and the management and disposition of their real and personal property.

2. The Commissioner shall examine into each claim and make a report to the Governor in Council advising as to the amount of compensation that in his opinion would be fair and reasonable.

3. The Commissioner shall give public notice in such manner as he deems advisable of the time and place for the filing of claims and for the hearing of evidence.

4. The Commissioner is authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistance as he may deem necessary or advisable.

SCHEDULE

1. Claims that any real or personal property was sold at a price less than the fair market value thereof at the time of sale.
2. Claims that any real or personal property was sold at a price less than the fair market value thereof at the time of evacuation.
3. Claims for compensation for loss of revenue by reason of the sale of revenue-producing real or personal property.

4. Claims for compensation for loss of real or personal property by theft.
5. Claims for loss of life insurance policies by reason of failure to pay premiums directly attributable to the evacuation.
6. Claims for loss of income directly attributable to evacuation.

Copy for the information of the Secretary of State.

Ottawa, March 27, 1947

Mr. A. G. Virtue,
Virtue & Russell,
McFarland Building,
Lethbridge, Alberta.

Dear Mr. Virtue,

This has reference to your letter of March 19th, regarding previous correspondence in the matter of Japanese.

As the subject matter of your letter related to the matter of compensation, it was referred to the Secretary of State for his attention. This will explain the reason why your letter was not acknowledged from this Department.

I am accordingly sending your further letter along to the Secretary of State.

Yours sincerely,

AE/VC

West Block,
Ottawa, Ontario
March 26, 1947

A. C. Virtue, Esq.,
Messrs. Virtue & Russell,
Barristers,
McFarland Building,
Lethbridge, Alberta

Re: Claims of Japanese Evacuees

Dear Mr. Virtue:

A copy of your letter of the 5th instant, relative to the above, has been received from the Minister of Labour.

A Committee of the Cabinet was recently selected and requested to consider matters arising out of the disposal of property of Japanese Evacuees. The Committee met last Monday and after discussion, agreed to defer decisions pending examination of a report now being prepared.

Your suggestion that a Commission be set up in Southern Alberta, in order to hear claimants in person, is noted and this will be brought to the attention of the Committee.

I also note and appreciate your offer to have a small delegation visit Ottawa for the purpose of discussing the whole matter. I doubt the wisdom of putting your clients to this expense for the reason that material before us appears to cover the problem very fully.

Thanking you for your co-operation in this matter, I remain,

Yours very truly,

Secretary of State

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

March 26, 1947

MEMORANDUM TO: Mr. W. O. Davis,
Private Secretary to the
Secretary of State

We return herewith correspondence from the Minister of Labour, together with communication from Mr. Virtue, and suggested reply for the Minister's signature.

K. W. WRIGHT

KWW/JF
Encl.

MINISTER OF LABOUR

CANADA

OFFICE OF THE
MAR 13 1947
Secretary of State

Ottawa, Ontario.
March 12, 1947.

Mr. W. O. Davis,
Private Secretary to the
Secretary of State,
West Block,
O t t a w a.

Dear Sir:

I am enclosing copies of correspondence with Mr. A. G. Virtue, of Lethbridge, Alberta, which is self-explanatory.

I assume that you will write on the issue raised with reference to property claims.

Yours truly,

a mac Namara
for Minister

Encls.

Your File No. 3201

Ottawa, Ontario.
March 11, 1947.

Mr. A. G. Virtue,
Virtue & Russell,
McFarland Building,
Lethbridge, Alberta.

Dear Mr. Virtue:

I have your letter of March 5th.

The Prime Minister stated: "In respect to 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 shown that a sale was made at less than a fair market value to remedy the injustice."

I do not know that any final decision has been made yet as to how claims which come within the category mentioned in the Prime Minister's statement will be dealt with. However, I am forwarding a copy of your letter to the Secretary of State for his consideration, and in order that he may reply to you direct as the matter is one which falls within his department.

You inquire as to what steps the Government intends to take to give assistance in the establishment of Japanese in Alberta. The great majority of these people have been in self-supporting employment in the area for nearly four years and the Department has no plans for special assistance for this group beyond that which is presently available to other persons of Japanese race, including those from British Columbia. In these cases the Department has given assistance in locating suitable employment and in providing transportation for individuals and family groups to new locations, together with a subsistence grant.

Yours sincerely,

(C O P Y)

VIRTUE & RUSSELL
Barristers, Solicitors & Notary Public
McFarland Building, opposite Court House - Lethbridge, Alta.

March 5, 1947.

Please refer to File No. 3201.

Hon. Humphrey Mitchell,
Minister of Labour,
Ottawa, Ontario.

Dear Mr. Mitchell:

We understand from a recent pronouncement of the Prime Minister that the Government of Canada intends taking steps to alleviate the condition of the Japanese who were evacuated from the Province of British Columbia as a military precaution several years ago.

According to the Prime Minister's pronouncement it has been recognized that owing to the urgency of the evacuation and the hurried and drastic nature of the liquidation of the properties owned by these Japanese, there were cases where the Japanese suffered undue losses; and apparently it is the intention of the Dominion Government to recompense the Japanese for such losses.

We judge from the same pronouncement that it is the intention of the Government to assist to some extent these Japanese in re-establishing themselves.

We know that you are aware of the fact that approximately four thousand of these Japanese citizens who were evacuated from British Columbia are now resident in Southern Alberta.

Many of them are residing on farms surrounding Lethbridge where they have been employed as beet labourers and as farm helpers; and in addition great numbers are in the vicinities of Raymond, a town twenty miles south of Lethridge; Picture Butte, a Town twenty-five miles north of Lethbridge; Coaldale, ten miles east of Lethbridge; Taber, thirty miles east of Lethbridge, and in fact scattered throughout the whole of this area.

..2.

We are acting in the Province of Alberta for a Committee of the Japanese who represent practically all of these unfortunate people.

Naturally they are anxious to know what steps the Government intends taking both in respect of compensation and in respect of assistance in re-establishment.

They wish to have an opportunity of presenting the problems both as a group and as individuals.

We are wondering if it is your intention to have some person or Committee representing you who will be authorized to hear the representations which will necessarily be made on behalf of these citizens. Might we respectfully suggest that if some sort of commission were set up here in Southern Alberta, these men and women could attend and present their claims, and in all probability it would be easier to do complete justice if the claims were presented in person.

If you think it would be of any assistance we would be quite prepared to have a small delegation go to Ottawa for the purpose of discussing the whole matter.

We may add that while the Alberta group have been associated with the Ontario group and still wish to co-operate with them, yet the actual residents here in Alberta numbering as above mentioned, about four thousand people, feel that they have certain interests here which make it necessary for them to have special representation, and for that reason the writer is addressing you direct.

You, of course, are aware that great numbers of these people are Canadian born, that many of the others are naturalized Canadians whose families are Canadian born, and that only a comparatively small number are aliens.

Perhaps we should add that we are making arrangements to see Premier Manning after the conclusion of the present session of the Alberta Legislature with a view to making arrangements if possible for these citizens of the Japanese race to be permitted to remain in Alberta.

No doubt we may be favored by hearing from you after this matter has had your consideration.

Thanking you, we are,

Yours truly,

VIRTUE & RUSSELL,
Per: A. G. Virtue.

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
March 26, 1947

J-175

W. R. Jackett, Esq., K.C.,
Assistant Deputy Minister of Justice,
Department of Justice,
Ottawa, Ontario

Re: Claims by Japanese Evacuees

Dear Mr. Jackett:

In the course of an interview today, Dr. Coleman indicated that it would be desirable to make certain amendments in the draft memo, copy of which was sent to you yesterday.

Changes have accordingly been made in the underlined paragraphs on Pages 2 and 4.

I enclose copy of revised edition for your information.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

COPY FOR DR. COLEMAN

March 26, 1947

1947 MAR 27 AM 9:17

UNDER SECRETARY
OF STATE

J-175

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

RE: Claims by Japanese Evacuees

In the course of an interview today, Dr. Coleman indicated that it would be desirable to make certain amendments in the draft memo submitted to you yesterday. Changes have accordingly been made in the underlined paragraphs on Pages 2 and 4.

I enclose revised copy for your consideration.

K. W. WRIGHT

KWW/JF
Encl.

27/3/47

March 26, 1947

SPECIAL
MEMORANDUM TO THE/CABINET COMMITTEE

RE: CLAIMS OF JAPANESE EVACUEES FOR PROPERTY LOSSES

On January 24, 1947, the Prime Minister made an announcement in connection with Japanese Problems and referred to claims put forward in regard to properties 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 the Custodian is particularly interested relates to the liquidation of real and personal property left in the Protected Area of British Columbia. ~~Evidence submitted~~ Representations made indicated 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 economic loss caused by the results of evacuation. Unless the enquiry is confined to ~~losses referred to~~ claims of the nature mentioned in the Prime Minister's announcement, it is reasonable to suggest that claims will ~~far exceed~~ those referred to in the statement. In support of this, I attach copy of a Questionnaire which, I understand, is being used by the Japanese Canadian Committee for Democracy in their survey.

Apart from demands for compensation covering economic and personal property losses, claims may be made in regard to parcels of real estate which

the Custodian advertised and sold on the basis of valuation and with the approval of the Advisory Committees. Generally speaking, the sale prices can be justified. It should perhaps be recorded that at least 75% of the complaints received have been in connection with properties which were sold to the Director, The Veterans' Land Act. We have acknowledged receipt of their letters and informed them that the sale was carried out as a part of Government policy based on appraised valuations and that their letters have been placed on file so that their comments may remain a matter of record.

At a meeting of the Special Cabinet Committee on Claims by Japanese Evacuees held in the Privy Council Chamber on Monday, March 24th, 1947, it was agreed that it would be advisable to appoint a Commissioner under Part I of the Inquiries Act to recommend the amount, if any, which, in his opinion, should be granted to any Japanese claimant.

The following are matters to be considered in reaching decisions as to the scope of such inquiry:

1. Real Estate - The difference between the sale price and fair market value. It is altogether likely that the Japanese idea of value will not coincide with the market value, but in my opinion, a properly established market value should be the only basis for claim in this connection.

I agree with the Honourable The Minister of Justice that the Commissioner, in adjudicating on claims, should be directed to follow Section 47 of the Exchequer Court Act, which reads as follows:

"47. The Court, in determining the amount to be paid to any claimant for any land or property taken for the purpose of any public work, or for injury done to any land or property, shall estimate or assess the value or amount thereof at the time when the land or property was taken, or the injury complained of was occasioned. ~~R.S., c. 140, s. 47~~".

Should the Commissioner be instructed to review this type of claim?

2. Real Estate Depreciation - The possibility of the market value having decreased at the time of sale due to depreciation of the property after the Japanese were evacuated.

This would apply chiefly to rural properties and possibly occurred

in connection with the Fraser Valley Fruit Farms. It should be noted that the appraisal of these lands was, I believe, made in June of 1942, so that there would not have been an exceptionally long period in which depreciation would have taken place insofar as the actual land and buildings were concerned. Greenhouses quickly fall into disrepair and quite a disparity exists between the Japanese valuation and the amount at which some of this property has been sold.

Should the Commissioner be instructed to review claims arising out of depreciation?

3. Real Estate - Loss of Revenue - Some claims in connection with real estate may be based on the fact that after evacuation, the properties were leased and the income was more than sufficient to carry the overhead and this income was cut off by the sale of the property. The Japanese may claim that they were compelled to expend the capital derived from the liquidation of real estate in order to maintain their families in the Housing Centres and elsewhere.

Should the Commissioner be ~~instructed~~ to review claims falling within this category?

4. Chattels - The difference between the sale price and the market value of the goods actually sold. There are cases where losses were sustained by those who were operating businesses such as stores, dry cleaning plants, garages, shingle and rice mills, drug stores and rooming operations. In a number of cases, stock in trade, plant machinery and equipment were sold by the Custodian on the basis of valuation, but the matter of goodwill or the revenue bearing possibilities of these operations were lost to the Japanese. In addition to this, where the real estate did not belong to the owner of these types of businesses, dismantling, removing and re-assembling costs entered into the price which the purchaser was prepared to pay for such chattels and equipment.

Certain types of equipment in use by the Japanese were definitely old-fashioned and while capable of producing revenue in the hands of the Japanese, did not have a sale value equivalent to the Japanese idea of its worth.

Should the Commissioner be ~~instructed~~ to review claims of this type?

5. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage warehouses which belonged to the Custodian.

This not only concerns household effects, but a certain amount of equipment, the main item of which is most probably that of fishing tackle. The matter to be considered is whether the Custodian, having exercised all reasonable care, ~~should be held responsible~~ for shortages which have occurred for the reasons above mentioned.

Should the Commissioner be ~~instructed~~ to entertain such claims?

6. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage and under the control of Agents appointed by the Japanese.

It may be of interest to record that a building on East Hastings Street, Vancouver, B. C., registered in the name of a Japanese Association and which certain Japanese had filled with chattels, was left by them in the care of Messrs. Norris & MacLennan. Upon request for the shipment, through the Security Commission, of some of the contents of this building, we requested Mr. MacLennan to accompany one of our staff to the building for the purpose of selecting the goods required for shipment. Finding it impossible to open the front door, access was made through a rear entrance when it was discovered that thieves had entered by the front door and had then barred it from the inside with planks. The place had been ransacked, lids of boxes torn off and the entire contents scattered over the floor. Both Mr. MacLennan and the representatives of the British Columbia Security Commission realized the futility of attempting to identify to whom the chattels belonged.

Should the Commissioner be instructed to review claims for loss occasioned as aforesaid?

7. Fishing Vessels - These are referred to (Item 6) in the attached copy of the Questionnaire. In connection with fishing vessels, approximately 90% of these sales were negotiated by the Japanese themselves through the Japanese Fishing Vessels Disposal Committee. The boats which were sold by the Custodian were of the poorest type and dissatisfaction has been expressed in some cases in regard to the prices obtained.

Should the Commissioner be ~~instructed~~ to consider claims in respect to sales both by the Japanese Fishing Vessels Disposal Committee and the relatively small number of sales effected by the Custodian after the Fishing Vessels Disposal Committee had been disbanded?

8. Motor Vehicles - Automobiles are referred to (Item 7) in the Questionnaire, copy of which is attached. Complaints have been very considerable in regard to the prices obtained for cars and trucks. The sale figures indicate the average price to be very low. I am advised that the disposition of cars and trucks took place at about the worst period of used car market. Apart from the Japanese vehicles, all used car dealers were heavily stocked and gasoline and tire shortages created a near panic situation and prices were cut as much as 50% on stocks in the hands of used car dealers.

Should the Commissioner be instructed to review claims within this category?

9. Life Insurance - There have been complaints that life insurance policies have had to be surrendered for cash value or allowed to lapse owing to insufficient earnings by the Japanese.

Should the Commissioner be instructed to entertain this type of claim?

10. Economic Losses - These are referred to in the attached copy of Questionnaire (Items 9 and 10). Due to war conditions, economic loss has been sustained by many citizens altogether apart from nationality and without the factor of evacuation. Business operations were curtailed in many instances due to lack of supplies, to say nothing of the economic disruption caused by enlistment in the forces, sometimes resulting in the supreme sacrifice of life itself. If consideration were to be given to the question of economic loss caused by evacuation, and such loss could be accurately established, this would not, in my opinion, of necessity be a justifiable claim.

Should the Commissioner be instructed to entertain claims coming within this category?

Reference has been made to the fact that a Commissioner should be appointed to consider the Japanese claims and in my opinion the Commissioner so appointed should be a person who holds, or has held, judicial office.

When the matter of the types of claims to which consideration should be given is determined, I recommend that advertisements be inserted in numerous newspapers, including The New Canadian, calling upon the Japanese to file their claims, duly verified, and to address all such claims to the Office of the

Custodian, 506 Royal Bank Building, Vancouver, B. C. This will afford the officials in the Custodian's Vancouver Office an opportunity to review files and assemble data which will be helpful to the Commission. A time limit should be fixed for the filing of such claims.

I am informed that the distribution of Japanese in Canada at November 30, 1946, was as follows:

British Columbia	6,981
Alberta	4,262
Saskatchewan	503
Manitoba	1,193
Ontario	6,617
Quebec	1,210
Nova Scotia	1
New Brunswick	10
Prince Edward Island	6
Yukon and Northwest Territories	31
Total	20,814

Representatives of the Japanese have indicated that they desire to be heard in centres of the different provinces, but I am of opinion that it should be left to the Commissioner to determine where such hearings are to take place.

It is very probable that thousands of claims will be filed, but very improbable that the vast majority could be substantiated in a Court of Law. The Japanese have inflated ideas as to the value of their assets and doubtless their claims will be grossly exaggerated.

It is very difficult to estimate the amount that will be required to meet the claims and defer the expenses of the Commission. At all events, it appears necessary to insert an item in the supplementary estimates in order to provide funds ~~from consolidated revenue.~~

~~Your attention is directed to the fact that Order in Council~~ P.C. 1665, dated 4th March, 1942, indicated that no commission was to be charged by the Custodian in respect to the administration of Japanese Evacuee assets and that up to the present time, the Custodian has advanced the sum of $725,500.00 in order to defray all such expenses.

Secretary of State

CLAIM FOR DAMAGE

1. Current value of land at the time of evacuation . . $_____

   Value of the above, at which the Custodian sold without my consent . . $_____

   Difference in the values, to be claimed . . $_____

2. Current value of buildings and other improvements with the lot, at the time of evacuation . . . $_____

   Value of the above, at which the Custodian sold without my consent . . $_____

   Difference in the values, to be claimed . . . $_____

3. Current value of personal property at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent . . $_____

   Difference in the values, to be claimed . . $_____

4. Current value of machinery at the time of evacuation . . $_____

   Value of the above, at which the Custodian sold without my consent . . $_____

   Difference in the values, to be claimed . . $_____

5. Current value of fishing boat, at the time of evacuation . . $_____

   Value of the above, at which the Custodian sold without my consent . . $_____

   Difference in the values, to be claimed . . $_____

6. Current value of fishing apparatus at the time of evacuation . . $_____

   Value of the above, at which the Custodian sold without my consent . . $_____

   Difference in the values, to be claimed . . $_____

7. Current value of automobile at the time of evacuation . . $_____

   Value of the above, at which the Custodian sold without my consent . . $_____

   Difference in the values, to be claimed . . $_____

8. Expected four years income from farming, industry, trade, forestry, fishing, and etc., after evacuation . . $_____

   Annual Income received after the evacuation . . $_____

   Difference in the Income, to be compensated . . $_____

9. Expected four years wage from labour, after the evacuation . $_____

   Annual wage received, after the evacuation . . $_____

   Difference in the wages, to be compensated . . $_____

10. Other Claims:-

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No.....

March 25, 1947

MEMORANDUM TO: Mr. W. O. Davis
Private Secretary to the
Secretary of State

We return herewith Annual Report on the Vancouver Office, dated January 22, 1947.

We also enclose, for the Minister's information, copy of The New Canadian, dated March 15, 1947, in which there appears an article entitled "Brewin and State Secretary Discuss Property Loss Issue". It would be appreciated if you would kindly return this newspaper following perusal.

K. W. WRIGHT

KWW/JF
Encl.

Custodian of Japanese Property

...appointment to the faculty of ... STEVESTON, B.C.—The former ... make every ... sense them ... it ... herefore the govern... it to these people to ... very effort to recom...

...rday, March 15, 1947

Secretary
oss Issue

...of proper methods of ...claims was discussed ...win, legal counsel for ...ese Canadians, and

iliation Group
rotest Keeping
trictions

...TO, Ont.—Another or... has joined the ranks ...protesting the continua... ...strictions on Japanese

...rch 5, the national ... the Fellowship of Re... ...on sent a letter to the ...nister urging the res... ...f free movement and ...cquire fishing licenses ...ans of Japanese origin. ...er also asked the gov... "take immediate steps" ...a commission to deal ...rty losses suffered by ...es.

...l that the government ...gal or moral right to ... the property of per... had not been proved ...ny act of disloyalty, ...herefore the govern...

Japanese Property
k Building
C.
(2)
Apr 15 47

An Independent Weekly For Canadians of Japanese Origin

THE NEW CANADIAN

e per copy — WINNIPEG, MANITOBA — $4 per 1 year — Saturday, March 15, 1947

Organization for Construction Workers Planned

MONTREAL, P.Q.—Japanese Canadians in Montreal who are connected with the construction industry are planning to form an organization to study and discuss problems connected with their employment, according to a Montreal correspondent.

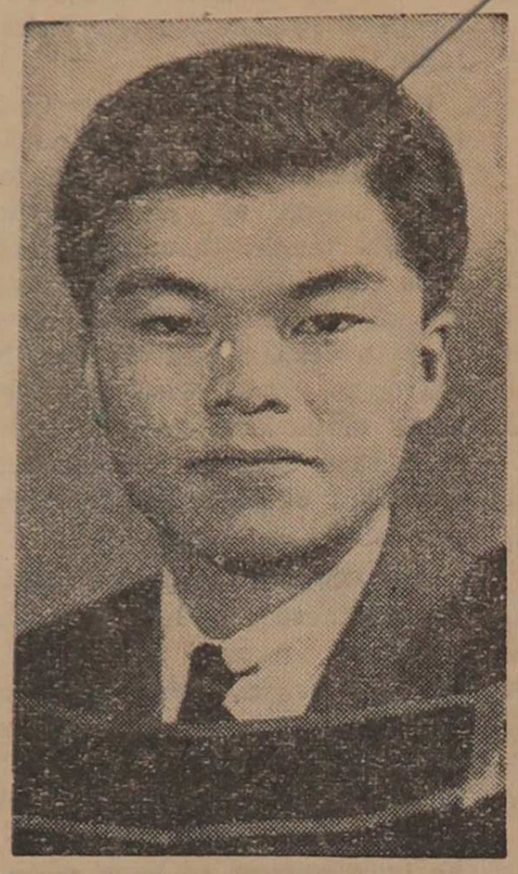
It is believed that the proposed organization of both Isseis and Niseis will be able to assist other evacuees to find suitable employment, and that the periodic meetings will be mutually beneficial.

An organization meeting is planned for some time near the end of March. Further details are to be published in the Montreal News Bulletin.

A large percentage of evacuees in Montreal have found employment in some phase of the construction industry. Among them are architects, carpenters, plumbers, brick-layers, plasterers, stone masons, electricians, cement workers, metal workers, painters, etc.

Vote May Be Offered To Saskatchewan's

Edits Einstein Book



Dr. Shuichi Kusaka, 31, has edited and revised the new edition of Philip Frank's "Einstein—His Life and Times," reports a New York Nisei publication.

Dr. Kusaka was born in Japan and came to Vancouver, B.C., as a child. He received his education at Strathcona public school, Britannia High School and the University of British Columbia, where he won the Governor-General's medal.

After moving to the United States, he was the center of a controversy that raged about his appointment to the faculty of

Brewin and State Secretary Discuss Property Loss Issue

TORONTO, Ont.—The setting up of proper methods of investigating Japanese property losses claims was discussed in Ottawa on March 10 by Andrew Brewin, legal counsel for the Co-operative Committee on Japanese Canadians, and Hon. Colin Gibson, secretary of state,

Results of this meeting, which was arranged after negotiation by the Co-operative committee, was not immediately known.

It was announced in Toronto, however, by Mrs. Hugh MacMillan, secretary, that the Co-operative Committee proposed to give assistance to Japanese Canadians in presenting their claims for compensation for losses suffered as result of evacuation.

Problems connected with the establishment of the claims commission has been under study for some time past by the Co-operative Committee's legal advisors.

The survey of evacuation losses, which is expected to reveal the number and extent of the claims, is now being conducted by the Japanese Committee for Democracy.

O-tera Becomes Movie House

STEVESTON, B.C.—The former

Reconciliation Group Also Protest Keeping Of Restrictions

TORONTO, Ont.—Another organization has joined the ranks of those protesting the continuation of restrictions on Japanese Canadians.

On March 5, the national council of the Fellowship of Reconciliation sent a letter to the Prime Minister urging the restoration of free movement and right to acquire fishing licenses to Canadians of Japanese origin.

The letter also asked the government to "take immediate steps" to set up a commission to deal with property losses suffered by the evacuees.

"We feel that the government had no legal or moral right to dispose of the property of persons who had not been proved guilty of any act of disloyalty, and that therefore the government owes it to these people to make every effort to recompense them for the losses." The

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
March 25, 1947

J-175

W. R. Jackett, Esq.,
Assistant Deputy Minister of Justice,
Justice Building,
Ottawa, Ontario

Re: Claims by Japanese Evacuees

Dear Mr. Jackett:

At yesterday's meeting of the Cabinet Committee on Japanese Problems, Honourable Mr. Ilsley suggested that a memo outlining the types of claims likely to be filed should be presented by the Secretary of State. Honourable Colin Gibson instructed me to draft the memo and a copy of the enclosed is going forward for his consideration today. Changes will be made, but generally speaking, I believe it covers the situation.

As explained to you by telephone, a draft Order in Council is also to be submitted, and I desire to discuss this matter with you at a time that suits your convenience on Thursday.

Thanking you for your co-operation in this matter, I remain,

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

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

March 25, 1947

1947 MAR 26 AM 9:18

UNDER SECRETARY OF STATE

MEMORANDUM TO: Dr. E. H. Coleman,
Under-Secretary of State

RE: Claims by Japanese Evacuees

At yesterday's meeting of the Cabinet Committee, Honourable Mr. Ilsley suggested that our Minister should submit a memo outlining the types of claims likely to be filed by the Japanese.

It was also indicated that questions should be incorporated with a view to defining the scope of the enquiry.

Hon. Colonel Gibson requested me to prepare a draft memo and you will note from the enclosed that I feel we should have your advice before the memo is put in final form.

The draft presents the problems as I see them but changes will be necessary and it would be appreciated if you would make such amendments as you deem necessary.

K. W. WRIGHT

KWW/JF
Encl.

For this file

Discussed with Mr. Wright.

3/31/47 F.H.C.

March 25, 1947

MEMORANDUM TO THE CABINET

RE: CLAIMS OF JAPANESE EVACUEES FOR PROPERTY LOSSES

On January 24, 1947, the Prime Minister made an announcement in connection with Japanese Problems and referred to claims put forward in regard to properties 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 the Custodian is particularly interested relates to the liquidation of real and personal property left in the Protected Area of British Columbia. Evidence 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 economicxx loss caused by the results of evacuation. Unless the 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. In support of this, I attach copy of a Questionnaire which, I understand, is being used by the Japanese Canadian Committee for Democracy in their [redacted] survey.

Apart from demands for compensation covering economicxx and personal property losses, claims may be made in regard to parcels of real ~~property~~ estate which the Custodian advertised and sold on the basis of valuation and with the

approval of the Advisory Committees. Generally speaking, the sale prices can be justified. It should perhaps be recorded that at least 75% of the complaints received have been in connection with properties which were sold to the Veterans' Land Act. We have acknowledged receipt of their letters and informed them that the sale was carried out as a part of Government policy based on appraised valuations and that their letters have been placed on file so that their comments may remain a matter of record.

At the meeting of the Cabinet Committee on Japanese Problems, held in the Privy Council Chamber on Monday, the 24th March, 1947, it was agreed that it would be advisable to appoint a Commissioner under Part I of the Inquiries Act to review the situation (to determine the amounts, if any, to be awarded Japanese claimants).

The following are matters to be considered in reaching decisions as to the scope of such inquiry:

1. Real Estate - The difference between the sale price and fair market value. It is altogether likely that the Japanese idea of value will not coincide with the market value, but in my opinion, a properly established market value should be the only basis for claim in this connection.

I agree with the Honourable The Minister of Justice that in determining the amount to be paid to any claimant for land or personal property, the Commissioner should estimate or assess the value or amount thereof at the time when such property was taken over (sold) and not on the value as of today.

Should the Commissioner be instructed to review this type of claim on the foregoing basis?

2. Real Estate Depreciation - The possibility of the market value having decreased at the time of sale due to depreciation of the property after the Japanese were evacuated.

This would apply chiefly to rural properties and possibly occurred in connection with the Fraser Valley Fruit Farms. It should be noted that the appraisal of these lands was, I believe, made in June of 1942, so that there would not have been an exceptionally long period in which depreciation would have taken place insofar as the actual land and buildings were concerned.

Greenhouses quickly fall into disrepair and quite a disparity exists between the Japanese valuation and the amount at which some of this property has been sold.

Should the Commissioner be instructed to review claims arising out of depreciation?

3. Real Estate - Loss of Revenue - Some claims for ~~economic~~ loss in connection with real estate may be based on the fact that after evacuation, the properties were leased and the income was more than sufficient to carry the overhead and this income was cut off by the sale of the property. The Japanese may claim that they were compelled to expend the capital derived from the liquidation of real estate in order to maintain their families in the Housing Centres and elsewhere.

Should the Commissioner be instructed to review claims falling within this category?

4. Chattels - The difference between the sale price and the market value of the goods actually sold. There are cases where losses were ~~incurred~~ sustained by those who were operating businesses such as stores, dry cleaning plants, garages, shingle and rice mills, drug stores and rooming operations. In a number of cases stock in trade, plant machinery and equipment was sold by the Custodian on the basis of valuation, but the matter of goodwill or the revenue bearing possibilities of these operations were lost to the Japanese. In addition to this, where the real estate did not belong to the owner of these types of businesses, dismantling, removing and re-assembling costs entered into the price which the purchaser was prepared to pay for such chattels and equipment.

Certain types of equipment in use by the Japanese were definitely old-fashioned and while capable of producing revenue in the hands of the Japanese, did not have a sale value equivalent to the Japanese idea of its worth.

Should the Commissioner be instructed to review claims of this type?

5. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage warehouses which belonged to the Custodian. This not only concerns household effects, but a certain amount of equipment, the main item of which is most probably that of fishing tackle. The matter to be

considered is whether the Custodian, having ~~given~~ exercised all reasonable care, should be held responsible for shortages which have occurred for the reasons above mentioned.

Should the Commissioner be instructed to entertain such claims?

6. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage and under the control of Agents appointed by the Japanese.

It may be of interest to record that a building on East Hastings Street, Vancouver, B. C., registered in the name of a Japanese Association and which certain Japanese had filled with chattels, was left by them in the care of Messrs. Norris & MacLennan. Upon request for the shipment, through the Security Commission, of some of the contents of this building, we requested Mr. MacLennan to accompany one of our staff to the building for the purpose of selecting the goods required for shipment. Finding it impossible to open the front door, access was made through a rear entrance when it was discovered that thieves had entered by the front door and had then barred it from the inside with planks. The place had been ransacked, lids of boxes torn off and the entire contents scattered over the floor. Both Mr. MacLennan and the representative of the British Columbia Security Commission realized the futility of attempting to identify to whom the chattels belonged.

Should the Commissioner be instructed to review claims for loss occasioned as aforesaid?

7. Fishing Vessels - These are referred to (Item 6) in the attached copy of the Questionnaire. In connection with fishing vessels, approximately 90% of these sales were negotiated by the Japanese themselves through the Japanese Fishing Vessels Disposal Committee. The boats which were sold by the Custodian were of the poorest type and dissatisfaction has been expressed in some cases in regard to the prices obtained.

Should the Commissioner be instructed to consider claims ~~falling within this category?~~ in respect to sales both by the Jap. Fishing Vessels Committee & the Custodian

8. Motor Vehicles - Automobiles are referred to (Item 7) in the Questionnaire, copy of which is attached. Complaints have been very considerable in regard to

the prices obtained for cars and trucks. The sale figures indicate the average price to be very low. I am advised that the disposition of cars and trucks took place at about the worst period of used car market. Apart from the Japanese vehicles, all used car dealers were heavily stocked and gasoline and tire shortages created a near panic situation and prices were cut as much as 50% on stocks in the hands of used car dealers.

Should the Commissioner be instructed to review claims within this category?

9. Life Insurance - There have been complaints that life insurance policies have had to be surrendered for cash value or allowed to lapse owing to insufficient earnings by the Japanese.

Should the Commissioner be instructed to entertain this type of claim?

10. Economic Losses - These are referred to in the attached copy of Questionnaire (Items 9 and 10) . Due to war conditions, economic loss has been sustained by many citizens altogether apart from nationality and without the factor of evacuation. Business operations were curtailed in many instances due to lack of supplies, to say nothing of the economic disruption caused by enlistment in the forces, sometimes resulting in the supreme sacrifice of life itself. If consideration were to be given to the question of economic loss caused by evacuation, and such loss could be accurately established, this would not, in my opinion, of necessity be a justifiable claim.

Should the Commissioner be instructed to entertain claims coming within this category?

Reference has been made to the fact that a Commissioner should be appointed to consider the Japanese claims and in my opinion the Commissioner so appointed should be a person who holds or has held judicial office.

When the matter of the types of claims to which consideration should be given is determined, I recommend that advertisements be inserted in numerous newspapers, including The New Canadian, calling upon the Japanese to file their claims, duly verified, and to address all such claims to the Office of the Custodian, 506 Royal Bank Building, Vancouver, B. C. This will afford the officials in the Custodian's Vancouver Office an opportunity to review files

and assemble date which will be helpful to the Commission. A time limit should be fixed for the filing of such claims.

I am informed that the distribution of Japanese in Canada at November 30, 1946, was as follows:

British Columbia	6,981
Alberta	4,262
Saskatchewan	503
Manitoba	1,193
Ontario	6,617
Quebec	1,210
Nova Scotia	1
New Brunswick	10
Prince Edward Island	6
Yukon and Northwest Territories	31
Total	20,814

Representatives of the Japanese have indicated that they desire to be heard in centres of the different provinces, but I am of opinion that it should be left to the Commissioner to determine where such hearings are to take place.

It is very probable that thousands of claims will be filed, but very improbable that the vast majority could be substantiated in a Court of Law. The Japanese have inflated ideas as to the value of their assets and doubtless their claims will be grossly exaggerated.

It is very difficult to estimate the amount that will be required to meet the claims and defer the expenses of the Commission. At all events, it appears necessary to insert an item in the supplementary estimates in order to provide funds from consolidated revenue.

Your attention is directed to the fact that Order in Council P.C. 1665, dated 4th March, 1942, indicated that no commission was to be charged by the Custodian in respect to the administration of Japanese Evacuees assets and that up to the present time, the Custodian has advanced the sum of $725,500.00 in order to defray all such expenses.

CLAIM FOR DAMAGE

1. Current value of land at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed . . . $_____

2. Current value of buildings and other improvements with the lot, at the time of evacuation . . . $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed ..... $_____

3. Current value of personal property at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed . . . $_____

4. Current value of machinery at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed . . . . $_____

5. Current value of fishing boat, at the time of evacuation .. $_____

   Value of the above, at which the Custodian sold without my consent.... $_____

   Difference in the values, to be claimed . . . $_____

6. Current value of fishing apparatus at the time of evacuation. . . $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed . . . $_____

7. Current value of automobile at the time of evacuation ..... $_____

   Value of the above, at which the Custodian sold without my consent... $_____

   Difference in the values, to be claimed . . . $_____

8. Expected four years income from farming, industry, trade, forestry, fishing, and etc., after evacuation . . . $_____

   Annual Income received after the evacuation . . . $_____

   Difference in the Income, to be compensated . . . $_____

9. Expected four years wage from labour, after the evacuation $_____

   Annual wage received, after the evacuation . . . $_____

   Difference in the wages, to be compensated . . . $_____

10. Other Claims:-

March 25, 1947

J-175

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

RE: Claims by Japanese Evacuees

In accord with your instructions, I have drafted a memo relative to the above, for your consideration.

Certain amendments will be necessary and in order to have the benefit of Dr. Coleman's advice, a copy of the enclosed is being sent to him today.

Hon. Mr. Ilsley suggested that a draft Order in Council should also be submitted to the Committee and preparation of this is the next step. Mr. Jackett, Assistant Deputy Minister of Justice, has promised to see me on Thursday and as soon as we have agreed on the draft, a copy will be submitted to you.

K. W. WRIGHT

KWW/JF
Encl.

March 24, 1947

MEMORANDUM TO THE CABINET

RE: CLAIMS OF JAPANESE EVACUEES FOR PROPERTY LOSSES

On January 24, 1947, the Prime Minister made an announcement in connection with Japanese Problems and referred to claims put forward in regard to properties 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 apprsisal 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~~ the Custodian is particularly interested relates to the liquidation of real and personsl property left ~~with the Custodian.~~ in the protected area. ~~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. In support of ~~the~~ the claim.

~~We are of opinion that while some~~ claims may be made in regard to properties which ~~this office has~~ the Custodian 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~~ Consideration may need to to qwen to ~~fact~~ 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 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 $850,000.00. The evidence have agreed that I Cannot be

The following ~~may be~~ are matters which will require to be considered ~~as the source of possible claims~~: in determining the scope of the Enquiry

1. Real Estate - The difference between the sale price and fair market value altogether likely

It is ~~possible of course~~ that the Japanese idea of value ~~might~~ will not coincide with the market value, but in my opinion a properly established market value should be the only basis for a claim in this connection.

Depreciation —

2. Real Estate - The possibility of the market value having been decreased at the time of sale due to depreciation occurring to the property after the Japanese was evacuated.

This would apply chiefly to rural properties. While this is something which doubtless occurred in the Fraser Valley fruit farms, it should not be overlooked that the Japanese were undisturbed until ~~Orders in Council of~~ March, 1942, and at that time immediate steps were taken by them, in conjunction with the Co-operatives handling the berry crops, to secure white tenants to take over their farms. Although in many cases it was not possible to secure the best operators, the berry crop is taken off in the latter part of May and June and a large percentage of the Japanese in the Fraser Valley area were not evacuated until much later in that year. In many cases they hired themselves out to the white tenants during the intervening time. The 1941 berry crop was a bumper production and leasing arrangements were made by the Japanese to white tenants for the year 1942 on the basis of the previous year's returns. The 1942 season was very definitely a bad crop year and an exceptionally rainy season.

It should be noted that the appraisal of these lands was, I believe, made in June of 1942 so that there would not have been an exceptionally long period in which depreciation would have taken place insofar as the actual land and buildings were concerned.

Insert B page 4

4. Chattels - The difference between the sale price and the market value of goods actually sold. Insert A

5. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation while in storage.

~~You are fairly well advised in connection with this matter and this~~ not only concerns household effects, but a certain amount of equipment, the main item of which is probably that of fishing tackle. ~~I presume~~ The matter to be considered is whether the Custodian, having given all reasonable care, should be held responsible for shortages which have occurred for the reasons above mentioned.

Insert "A" page 4

5. Economic Losses - Apart from the consideration of the above claims, there may be the question of economic loss which has been sustained on account of the evacuation policy. Due to war conditions economic loss has been sustained by many citizens altogether apart from nationality and without the factor of evacuation. Business operations ~~in Vancouver have been~~ were curtailed in many instances due to lack of supplies, rising costs have decreased margin of profit and other such factors of which you are of course aware, to say nothing of the economic disruption caused by enlistment in the forces, sometimes resulting in the supreme sacrifice of life itself. Moreover, this type of loss has not been uniformly distributed but has fallen upon certain sections of the community to a greater degree than others. For this reason, even if consideration were to be given to the question of economic loss caused by evacuation, and such loss could be accurately established, this would not in my opinion of necessity be a justifiable claim. The question might resolve itself as to whether consideration should be given to claims based upon the amount of economic loss sustained by Japanese in excess of that sustained by other sections of the community due to war conditions.

6. Real Estate - Loss of Revenue - Some claims for economic loss in connection with real estate ~~might~~ may be based on the fact that after evacuation the properties were leased ~~and revenue bearing~~ and the income was more than sufficient to carry the overhead ~~and provide an income~~ and that this income was cut off by the sale of the property. The Japanese was unable to reinvest the proceeds in the purchase of other real estate in other parts of Canada due to the regulations in this regard. It might also be claimed that the Japanese was compelled to use up the capital derived from

the liquidation of his real estate by having to use the monthly remittances sent to him by arrangement with the Security Commission for his maintenance in their housing centres.

There are some cases too, where losses were incurred by those who were operating businesses such as stores, dry-cleaning plants, garages, shingle and rice mills, drug stores and rooming operations. In most instances these businesses were disposed of by the Japanese prior to evacuation, but in a number of cases the Japanese were evacuated and the stock-in-trade, plant, machinery and equipment was sold by the Custodian on the basis of valuation, but the matter of goodwill, or the revenue bearing possibilities of these operations were lost to the Japanese. In addition to this, as the real estate in many cases of this kind did not belong to the owner of these types of businesses, dismantling, removing and re-assembling costs entered into the price which the purchaser was prepared to pay for the equipment.

6. Fishing Vessels - In connection with fishing vessels approximately 90% of these sales were ~~negotiable~~ negotiated by the Japanese themselves through the Japanese Fishing Vessels Disposal Committee. The boats which were sold by us, ~~as might be anticipated,~~ the Custodian were of the poorest type and dissatisfaction has been expressed in some cases in regard to the prices obtained.

7. Motor Vehicles - Complaints have been very considerable in regard to the prices obtained for cars and trucks. The sale figures ~~are shown on the Annual Report on page 20 and~~ indicate the average price ~~appears~~ to be very low. ~~This matter was underway before I was with the Vancouver Office, but~~ I am advised that the disposition of cars and trucks took place at about the worst period of used car industry. Apart from Japanese vehicles, all used car dealers were heavily stocked, finance dealers were calling on them for cash advances and a panicky condition developed and in many cases prices were cut as much as 50% on the stocks which they were carrying.

"A" Certain types of equipment in use by the Japanese were definitely old fashioned and while capable of producing revenue in the hands of the Japanese, did not have a sale value equivalent to the Japanese idea of its worth.

"B" Greenhouse property quickly falls into disrepair and quite a disparity exists between the Japanese valuation and the amount at which some of this property has been sold.

Life Insurance

There have been complaints that life insurance policies have had to be surrendered for cash value or allowed to lapse owing to insufficient earnings by the Japanese in the location at which he now lives.

Stet

CLAIM FOR DAMAGE

PERSONAL INFORMATION

surname givenname

Name ..... _____

Home address before evacuation (in Canada)

_____

Home address in Japan_____

Japanese national, naturalized, Canadian-born.

Registration No. _____ Sex_____ Age_____

Occupation _____

Married, Single, Widower, Widow.

Wife or Husband.....Name_____ Registration NO._____Age_____

Dependents.....Name Age

_____

Claims:

1. Current value of land at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed..... $_____

2. Current value of buildings and other improvements with the lot, at the time of evacuation..... $_____

   Value of the above, at which the Custodian sold without my consent .... $_____

   Difference in the values, to be claimed..... $_____

3. Current value of personal property at the time of evacuation..... $_____

   Value of the above, at which the Custodian sold without consent..... $_____

   Difference in the values, to be claimed..... $_____

4. Current value of machinery at the time of evacuation..... $_____

   Value of the above, at which the Custodian sold without my consent..... $_____

   Difference in the values, to be claimed ..... $_____

5. Current value of fishing boat, at the time of evacuation..... $_____

Value of the above, at which the Custodian sold without my consent..... $_____

Difference in the values, to be claimed..... $_____

6.Current value of fishing apparatus at the time of evacuation.....$_____

Value of the above, at which the Custodian sold without my consent..... $_____

Difference in the values, to be claimed..... $_____

7.Current value of automobile at the time of evacuation..... $_____

Value of the above, atwhich the Custodian sold without my consent..... $_____

Difference in the values, to be claimed..... $_____

8.Expected four years income from farming, industry, trade forestry, fishing, and etc..., after evacuation,..... $_____

Annual Income received after the evacuation..... $_____

Difference in the Income, to be compensated.....$_____

9.Expected four years wage from labour, after the evacuation..... $_____

Annual wage received, after the evacuation..... $_____

Difference in the wages, to be compensated..... $_____

10.Other Claims:-

C O P Y

IH/6 P.C. 8116

PRIVY COUNCIL

CANADA.

AT THE GOVERNMENT HOUSE AT OTTAWA
TUESDAY, the 19th day of OCTOBER, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL -

WHEREAS by Order in Council, dated the 14th day of October, 1943, (P.C. 8022) it was provided that all property, rights and interests in Canada, or the proceeds thereof, of six organizations mentioned in the said Order in Council which had been vested in and subject to the control and management of the Custodian pursuant to the provisions of paragraph (4) of Regulation 39C of the Defence of Canada Regulations (Consolidation) 1942, be released to the organization or person from whom it was received where the name of the organization has been deleted from sub-paragraph (a) of paragraph (1) of the said Regulation 39C;

AND WHEREAS the Secretary of State reports that it is desirable in the public interest that the Custodian, in performing the duty imposed on him by the said Order in Council (P.C. 8022) should be advised by an Advisory Committee, to consist of not more than three persons, to consider and make recommendations to him with respect to the manner and means which should be used in releasing the properties referred to in the said Order in Council and to consider and advise him in respect to any objections or complaints in respect to dealing with claims filed and any conflicting claims as to the ownership of said properties or the proceeds of any properties which may have been liquidated.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State, concurred in by the Minister of Justice, 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. The Custodian is hereby authorized to appoint an Advisory Committee, to consist of not more than three persons, to make recommendations to him with respect to the matters aforesaid and any other matters relating to the release or return of the said properties or the proceeds thereof which may be referred to the Advisory Committee by the Custodian.

2. The Chairman of the Committee shall be a person who holds or has held judicial office.

The Honourable
the Secretary of State.

3. The /

3. The Chairman or any member of the Advisory Committee may administer oaths and the Committee may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper.

4. The Committee shall have all the powers and authority of a Commissioner appointed under Part I of the Inquiries Act, Chapter 99 of the Revised Statutes of Canada 1927.

A. D. P. Heeney
Clerk of the Privy Council.

WELDON
MASON, CAMERON & BREWIN
BARRISTERS & SOLICITORS
Roy Weldon
XXXXXXXX A.J. P. CAMERON
F. A. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391

STERLING TOWER
TORONTO 1, CANADA

March 24, 1947.

Colonel Colin Gibson,
Secretary of State,
Ottawa, Canada.

Re: Japanese Canadian Claims

Dear Colonel Gibson:

Further to my letter of March 19th, I am now enclosing herewith a letter from the solicitor to the Department of the Interior in regard to the bill to create an Evacuation Claims Commission. As you will note, this legislation has the full support of the Administration, and Mr. White states that there is every reason to believe it will become law at this session of Congress.

I also enclose a copy of the letter from the Secretary of the Interior to the Speaker of the House in regard to the legislation, and a copy of the bill.

Yours very truly,

F.A. Brewin

FAB:HC
Encl.

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
March 24, 1947

J-175

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

RE: Japanese Claims

In the course of this morning's Meeting of the Committee of the Cabinet, reference was made to a statement made by the Prime Minister in 1944.

This appears in Hansard (Pages 6051-6053) under date of August 4, 1944.

K. W. WRIGHT

KWW/JF

PRIVY COUNCIL OFFICE

MEMORANDUM

for Mr. Gibson

The attached copy of letter to Right Honourable I.A. Mackenzie, which is for your information and guidance, has also been sent to Messrs. Ilsley, Mitchell and Bridges.

Raymond Ranger,
Secretary.

Enc.

March 21, 1947.

SECRET

awa, March 21, 1947.

, K.C.,

binet Committee
be held in the
rch 24, 1947 at

your information
garding Claims of
s. May I also
uary 17, 1947 re-
which was circulated

s sincerely,

ond Ranger,
etary.

CANADA

PRIVY COUNCIL OFFICE

CABINET SECRETARIAT

SECRET

Ottawa, March 21, 1947.

The Right Honourable I.A. Mackenzie, K.C.,
Minister of Veterans Affairs,
Daly Building,
Ottawa, Ont.

Dear Mr. Mackenzie:

A meeting of the special Cabinet Committee on Claims by Japanese Evacuees will be held in the Privy Council Chamber on Monday, March 24, 1947 at 10:30 a.m.

I am attaching herewith for your information a memorandum dated March 3, 1947 regarding Claims of Japanese Evacuees for Property Losses. May I also refer you to a memorandum dated February 17, 1947 regarding Claims by Japanese Evacuees which was circulated as Cabinet Document No. 397.

Yours sincerely,

Raymond Ranger,
Secretary.

Enc.

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
March 21, 1947

J-175

MEMORANDUM TO: Mr. W. O. Davis
Private Secretary to the
Secretary of State

RE: Claims of Japanese Evacuees
For Property Losses

Confirming our telephone conversation of this morning, I enclose herewith two copies of Memorandum to the Cabinet Re Claims of Japanese Evacuees for Property Losses, which was forwarded to the Minister under date of 3rd instant.

Copies of 'Claim for Damage' Forms are also enclosed.

Orders in Council P.C. 1665, P.C. 2483 and P.C. 469 are not attached, but we presume that you have copies at your office.

K. W. WRIGHT

KWW/JF
Encl.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON 25, D. C.

MAR 20 1947

OFFICE OF THE
MAR 25 1947
Secretary of State

Mr. F. A. Brewin,
Cameron, Weldon & Brewin,
Barristers & Solicitors,
Sterling Tower,
Toronto 1, Canada.

My dear Mr. Brewin:

Your letter of March 13, 1947, addressed to Secretary of the Interior, J. A. Krug, has been referred to me for reply.

The bill to create an Evacuation Claims Commission, which failed of passage because of the early adjournment of Congress last year, was recently presented again to the Congress with the recommendation of the Secretary of the Interior that it be enacted. This legislation continues to receive the full support of the Administration and there is every reason to believe that it will become law at this session of Congress.

For your information, I attach a copy of the bill as introduced in the Senate in 1946, together with a copy of the letter in which the Secretary urged enactment of the measure this year.

Sincerely,

Mastin G. White

Mastin G. White,
Solicitor.

Enclosure 409.

THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 17 1947

My dear Mr. Speaker:

Enclosed is a draft of proposed legislation to authorize the adjudication of claims of persons of Japanese ancestry against the United States for losses arising out of the evacuation or exclusion of such persons by the War Department from the West Coast, Alaska, and Hawaii during World War II.

In 1942, the War Department, acting under Executive Order No. 9066, ordered the exclusion of all persons of Japanese ancestry from the Pacific Coast of the continental United States, Alaska, and a portion of Arizona. Most of them were removed to relocation centers administered by the War Relocation Authority. They were joined later by over 1000 persons evacuated from Hawaii. For approximately two and one-half years, these American citizens and their alien parents, more than 100,000 in number, were exiled from their homes. After January 2, 1945, the majority of them were allowed to return to the evacuated areas and to pick up the raveled ends of the life they knew before the forced evacuation. By the end of 1945, about half of these people had so returned. The remainder have been scattered throughout the country or, in the case of the thousands who are in the Armed Forces of the United States, are serving with the Army of Occupation in Europe or Asia. It is too early as yet to make a final estimate of actual financial and property losses sustained by the Japanese-Americans because of the evacuation, but it is well established that the losses have been heavy. Some lost everything they had; many lost most of what they had.

The chief military justification for the removal of those 110,000 persons was the possibility of the existence of a disloyal element in their midst, the critical military situation in the Pacific which increased uneasiness over the possibility of espionage or sabotage, and the lack of time and facilities for individual loyalty screening. The persons evacuated were not individually charged with any crime or with disloyalty and subsequent experience has clearly demonstrated that the vast majority of them were and are good Americans. This is convincingly indicated by the outstanding record of our 23,000 Japanese-Americans who served in the armed forces in both the European and Pacific theatres, and by the fact that the records of the intelligence agencies show no case of sabotage or espionage by Americans of Japanese ancestry during the entire war.

COPY FOR Sec'y's Mail Ctr

The evacuation orders gave the persons affected desperately little time in which to settle their affairs. The governmental safeguards that were designed to prevent undue loss in these circumstances were somewhat tardily instituted, were not at once effectively publicized among the evacuees, and were never entirely successful. Merchants had to dispose of their stocks and businesses at sacrifice prices. In a setting of confusion and hysteria, many evacuees sold personal possessions for a small fraction of their value. A large number had to accept totally inadequate arrangements for protection and management of property. Valuable lease-hold interests had to be abandoned.

Continued exclusion increased the losses. Private buildings in which evacuees stored their property were broken into and vandalized. Mysterious fires destroyed vacant buildings. Property left with "friends" unaccountably disappeared; goods stored with the Government sometimes were damaged or lost. Persons entrusted with the management of evacuee real property mulcted the owners in diverse ways. Tenants failed to pay rent, converted property to their own use, and committed waste. Prohibited from returning to the evacuated areas even temporarily to handle property matters, the evacuees were unable to protect themselves adequately. Property management assistance given by the War Relocation Authority on the West Coast, although it often mitigated and sometimes prevented loss, could not completely solve the problem there, complicated as it was by difficulties in communication with absent owners and local prejudice.

In relocation centers the only income opportunities for evacuees lay in center employment at wage rates of $12 to $19 per month, plus small clothing allowances. Many felt compelled to discontinue payment of life insurance premiums. Some found themselves unable to make mortgage or tax payments and lost substantial equities.

All of the foregoing examples of tangible loss to the evacuees are directly attributable to the evacuation and continued exclusion of those persons from their homes. Unlike our fighting men and their families, who also made financial and personal sacrifices in this war, this group was given no statutory right to ameliorating benefits. These persons have had to bear the losses occasioned by the evacuation in addition to the wartime deprivations they have shared with the rest of the American people. For the first time in our history, persons of Japanese ancestry are appearing in substantial numbers on the relief rolls. The least that this country can do, in simple justice, is to afford some degree of compensation for the measurable special losses that the evacuees have suffered.

The only clear recourse which the evacuees now have, through the passage of private relief bills, is totally impracticable. To provide for adjudication of the claims by the Court of Claims would be an imposition on that Court, because of the small individual amounts involved and the potential volume of claims, and unfair to the claimants, because of the expense of prosecuting a claim before the Court of Claims and the probable delay in adjudication. The most economical and practical solution--one which Congress has adopted on numerous occasions in the past for the handling of case claims arising out of a special subject matter--is the creation of a special tribunal to hear and determine the claims.

The enclosed bill would establish an Evacuation Claims Commission as such a tribunal. In order to avoid increasing the number of independent agencies and to benefit by the experience which this Department has had with the entire evacuation and relocation problem, the bill would establish the Commission within this Department rather than as a separate Federal agency.

The Commission would have jurisdiction to adjudicate claims by persons of Japanese ancestry for damage to or loss of real or personal property, or other impairment of assets, that arose from or as a natural and reasonable consequence of the evacuation and exclusion program. This standard is sufficiently flexible to permit the Commission to consider claims involving "property" losses only in the broad sense, such as the impairment of going-concern values. At the same time the standard excludes claims that are largely speculative and less definitely appraisable, such as claims for anticipated wages or profits that might have accrued had not the evacuation occurred, for deterioration of skills and earning capacity, and for physical hardships or mental suffering.

In determining the amount of relief to be granted, the Commission would be required to consider other existing or intervening factors that affected the loss. Thus some losses, as in the case of businesses specializing in import or sale of Japanese goods, would have occurred even if there had been no evacuation. Likewise, damage may have been aggravated in some cases by failure of the evacuees to take steps which they reasonably should have taken, even in the abnormal circumstances, to protect themselves. On the other hand, there are numerous instances in which intervening factors immediately causing the loss, such as arson, theft, mortgage foreclosure, loss of goods while in Government possession, or breach of trust, should not affect recovery, because the situation giving rise to the loss would not have occurred had the owners been permitted to remain in possession.

Among the types of claims excluded by the bill from consideration by the Commission are claims of persons who were voluntarily or involuntarily deported to Japan after December 7, 1941, or who are resident in a foreign country. Several hundred evacuees voluntarily repatriated to Japan during the war. Since termination of hostilities approximately 7500 persons, most of them evacuees, have at Government expense voluntarily gone to Japan, chiefly from internment camps and the Tule Lake Segregation Center. In addition, the Department of Justice has determined who among the aliens (including persons who renounced their American citizenship) should be deported to Japan. This processing is the culmination of the loyalty screening procedures to which the evacuees have been subjected since the evacuation. I do not believe that those repatriates and deportees have any moral claim upon this Government. Similarly, I believe that persons who before the war went to Japan or elsewhere to establish residence have no claim for compensation that we need recognize.

The remaining provisions of the bill are largely self-explanatory and I shall merely mention the more important. All claims would have to be filed within 18 months following enactment, and the Commission would be required to complete its work within three and one-half years thereafter. The Commission would have broad investigatory authority, including the power of subpoena, and each claimant would be entitled to a hearing. Assistance in preparing claims for filing could be extended by the Commission to needy claimants. The Commission's adjudications would be conclusive and a bar to further recovery. Awards would be paid in the same manner as are final judgments of the Court of Claims, except that the Commission would be authorized to pay small awards, not exceeding $2500 in amount, in order to afford more expeditious relief to those whose need may be acute.

As a matter of fairness and good conscience, and because these particular American citizens and law-abiding aliens have borne with patience and undefeated loyalty the unique burdens which this Government has thrown upon them, I strongly urge that the proposed legislation be enacted into law.

Legislation identical to that here proposed was introduced in the 79th Congress, was favorably and unanimously reported by both Senate and House committees to which it was referred, and, with two minor amendments, was passed by unanimous vote of the Senate. It failed of passage in the House, due principally to the fact that it reached the floor of that body so shortly before the adjournment sine die of the Congress that a quorum could not be mustered to secure a vote on the measure, objection having been made to its passage by consent.

The Bureau of the Budget has advised me that there is no objection to the presentation of this proposed legislation to the Congress.

Sincerely yours,

(Sgd) J. A. Krug

Secretary of the Interior.

Hon. Joseph W. Martin, Jr.,
Speaker of the
House of Representatives.

Enclosure 838.

A B I L L

To create an Evacuation Claims Commission under the General Supervision of the Secretary of the Interior, and to Provide for the Powers, Duties and Functions Thereof, and for Other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That there is hereby established in the Department of the Interior, under the general supervision of the Secretary of the Interior, the Evacuation Claims Commission, with authority as hereinafter defined to adjudicate claims arising out of the evacuation or exclusion of persons of Japanese ancestry from West Coast military areas, Alaska, and Hawaii subsequent to December 7, 1941. The Commission shall consist of a chairman and two other members who shall be appointed by the Secretary of the Interior. Two members shall constitute a quorum and the agreement of two members shall be sufficient for the transaction of any business of the Commission.

Jurisdiction

Sec. 2. The Commission shall have jurisdiction to adjudicate any claim by a person of Japanese ancestry against the United States arising on or after December 7, 1941, when such claim is not compensated for by insurance or otherwise and is substantiated in such manner as the Commission may prescribe, for damage to or loss or destruction of real or personal property (including without limitation damage to or loss or destruction of personal property bailed to or in the custody of the Government or any agent thereof), or other impairment of assets, that fairly arises out of or is a reasonable and natural consequence of the evacuation or exclusion of such person by the appropriate military commander from a military area in Arizona, California, Oregon or Washington, or from Alaska, or Hawaii, under authority of Executive Order No. 9066 dated February 19, 1942 (3 CFR, Cum. Supp.,

1092), Section 67 of the Act of April 30, 1900 (48 U.S.C. 532), or Executive Order No. 9489, dated October 18, 1944 (3 CFR, 1944 Supp., 45). As used herein "evacuation" shall include voluntary departure from a military area prior to but in anticipation of an order of exclusion therefrom. Existence or intervention of other causes affecting the damage or loss, including action or non-action by the claimant or his representatives, shall be considered by the Commission in determining the amount of relief that will be fair and equitable according to the facts as they appear in each case.

Limitations; Claims Not to be Considered

Sec. 3. (a) The Commission shall receive claims for a period of 18 months from the date of approval of this Act. All claims not presented within that time shall be forever barred.

(b) The Commission shall not consider any claim:

(1) by or on behalf of any person who after December 7, 1941, was voluntarily or involuntarily deported from the United States to Japan or who is otherwise resident in a foreign country,

(2) for damage or loss arising out of action taken by any Federal agency pursuant to sections 4067, 4068, 4069, and 4070 (relating to alien enemies) of the Revised Statutes, as amended (50 U.S.C. 21-24), or pursuant to the Trading with the Enemy Act, as amended (50 U.S.C. App., and Supp., 1-31, 616),

(3) for damage or loss to any property, or interest therein, vested in the United States pursuant to said Trading with the Enemy Act, as amended,

(4) for damage or loss on account of death or personal injury, personal inconvenience, physical hardship, or mental suffering.

Hearings; Evidence; Records

Sec. 4. (a) The Commission shall give reasonable notice to the interested parties and an opportunity for them to be heard and to present evidence before making a final determination upon any claim.

(b) Any relevant evidence having probative value shall be considered by the Commission in its inquiries. For the purpose of any hearing or investigation authorized under this Act, the provisions of sections 9 and 10 (relating to examination of documentary evidence, attendance of witnesses, and production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commission. Any person appointed to examine witnesses may be authorized by the Commission to issue subpoenas to procure attendance of witnesses or production of documents and to appoint an officer to serve the same. Subpoenas may be served personally, by registered mail, by telegraph, or by leaving a copy thereof at the residence or principal place of business of the person required to be served. A verified return by the individual so serving the same, setting forth the manner of service, shall be proof of service, as shall be the return receipt or telegraph receipt when service is by registered mail or telegraph respectively. On request the United States Marshals or their deputies shall serve such process in their respective districts.

(c) The Commission shall have a seal, which shall be judicially noticed.

(d) A written record shall be kept of all hearings and proceedings of the Commission and shall be open to public inspection.

Adjudications; Payment of Awards; Effect of Adjudications

Sec. 5. (a) The Commission shall dispose of all claims filed with it by award or order of dismissal, as the case may be, upon written findings of fact and reasons for the decision. A copy of each such adjudication shall be mailed to the claimant or his attorney.

(b) The Commission may make payment of any award not exceeding $2500 in amount out of such funds as may be made available for this purpose by Congress.

(c) On the first day of each regular session of Congress the Secretary of the Interior shall transmit to Congress a full and complete statement of all adjudications rendered by the Commission during the previous year, stating the name of each claimant, the amount claimed, the amount awarded, the amount paid, and a brief synopsis of the facts in the case. All awards not paid by the Commission under subsection (b) hereof shall be paid in like manner as are final judgments of the Court of Claims.

(d) The payment of an award shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary, and shall be a full discharge of the United States and all of its officers, agents, servants, and employees with respect to all claims arising out of the same subject matter. An order of dismissal against a claimant, unless set aside by the Commission, shall thereafter bar any further claim against the United States or any officer, agent, servant, or employee thereof arising out of the same subject matter.

Attorneys' Fees

Sec. 6. The Commission, in rendering an award in favor of any claimant, may as a part of the award determine and allow reasonable attorneys'

fees, which shall not exceed twenty percentum of the amount allowed, to be paid directly to the attorneys representing the claimant out of, but not in addition to, the amount of such award.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not more than $2000, or imprisonment for not more than one year, or both.

No former Member or Employee to Practice before Commission

Sec. 7. No member of the Commission or employee thereof shall, after termination of his appointment to or services with the Commission, be permitted directly or indirectly to represent any claimant before the Commission.

Administration

Sec. 8. For the purposes of this Act the Commission may—

(a) Appoint a Clerk and such attorneys, examiners, interpreters, appraisers, and other employees as may be necessary to conduct the business of the Commission.

(b) Call upon any Federal department or agency for any information or records necessary in the prosecution of the Commission's business.

(c) Secure the cooperation of State and local agencies, governmental or otherwise, and reimburse such agencies for services rendered.

(d) Utilize such voluntary and uncompensated services as may from time to time be needed and available.

(e) Assist needy claimants in the preparation of claims for filing with the Commission.

(f) Make such investigations as may be necessary for the performance of its functions.

(g) Exercise any and all of its powers at any place within the continental United States, Alaska, and Hawaii.

(h) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, exchange, and maintenance of passenger-carrying vehicles, for supplies and equipment, for traveling expenses (including per diem in lieu of subsistence), for witness fees and mileage, for other administrative expenses, and for the payment of awards under section 5 (b) of this Act.

(i) Prescribe such rules and regulations, perform such acts not inconsistent with law, and delegate such authority as the Commission may deem proper in carrying out the provisions of this Act.

Termination

Sec. 9. The existance of the Commission shall terminate at the end of five years from the date of approval of this Act: Provided, however, that if the Commission shall have earlier finished its business its existence shall be terminated forthwith by direction of the Secretary of the Interior.

Appropriations

Sec. 10. There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary.

WASHINGTON OFFICE
JACL-ADC, INC.
P.O. BOX 1628
WASHINGTON 13, D.C.

79th CONGRESS
2nd Session

In the Senate of the United States

S. 2127

CREATING AN EVACUATION CLAIMS COMMISSION

By MR. ELLENDER

REPORT No. 1827

FROM THE COMMITTEE ON THE JUDICIARY
(to accompany S. 2127)

Reprinted from the Official Documents
by the
JAPANESE AMERICAN CITIZENS LEAGUE
ANTI-DISCRIMINATION COMMITTEE, INC.
P. O. Box 1628, Washington 13, D. C.

WELDON
MASON, CAMERON & BREWIN
BARRISTERS & SOLICITORS

A. J. P. CAMERON
F. A. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391

STERLING TOWER
TORONTO 1, CANADA

Roy Weldon

19th March, 1947.

OFFICE OF THE
MAR 20 1947
Secretary of State

Colonel Colin Gibson,
Secretary of State,
Ottawa,
Canada.

Re: Japanese Canadian Claims

Dear Colonel Gibson:

When you were good enough to give me the opportunity last week to discuss this matter with you on behalf of the Co-operative Committee on Japanese Canadians I urged that the Canadian Claims Commission to investigate the claims of Japanese Canadians should be set up on the same lines as the American bill which was introduced in Congress, a copy of which I gave you. At that time I pointed out that the bill had been introduced in the Senate, approved by both the Senate and the House Judiciary Committees, unanimously approved by the Senate but not passed because of the fact that unanimous approval was required in the House but was not forthcoming.

You told me that it was your understanding that this bill had been abandoned and that Japanese Americans in a similar position to the Japanese Canadians were having to go to Court to establish their claims.

I have since then been in touch with Washington and am positively informed that the information which you received was not correct, as the bill is to be reintroduced in Congress either this week or early next week with the full approval and sponsorship of the Secretary of the Interior and is expected to pass.

As I told you it is our very strong feeling that the Prime Minister's promises for fair treatment of the Japanese Canadians in regard to property cannot be effectively carried out unless the American precedent is followed and a Claims Commission set up along the lines in the bill before Congress and the draft which I left with you.

If our Committee or myself can be of any assistance in suggesting personnel to the Commission who would command the confidence of the very large number of

---

the facts as they appear in each case, the existence or intervention of other causes effecting the damage or loss including action or non-action by the claimant or his representatives, and the action of the custodian of alien enemy property or his agents, and any monies paid over or held by the said custodian and deductions therefrom by way of commission or expenses or otherwise.

3. (a) The Commission shall receive claims for a peridd of

people throughout Canada who have been interested on behalf of the Japanese Canadians and who are watching this matter of the property claims very closely, we would be glad to make the suggestions and discuss the matter further with you.

The Committee asked me to say that they very much appreciate the fact that you have consulted us in regard to this important matter.

Yours very truly,

F.A. Brewin

fab/mt

the facts as they appear in each case, the existence or intervention of other causes effecting the damage or loss including action or non-action by the claimant or his representatives, and the action of the custodian of alien enemy property or his agents, and any monies paid over or held by the said custodian and deductions therefrom by way of commission or expenses or otherwise.

3. (a) The Commission shall receive claims for a peridd of

OFFICE OF
THE SECRETARY OF STATE

200

(2020)

MEMORANDUM

Navy tool ships
R.C.M.P. Firearms, Radios, Cameras
Labour Movement of personnel
Fisheries Shipping committee
Sec of State Custodian
Veterans Affairs Sale to Veterans Land Act.
Justice

Ottawa, *194*

FERENCE TO JAPANESE
AIMS

ct of the Congress of the United
ditions in Canada

ted a commission under the general
State to be known as the "Evacuation
ion shall consist of a chairman, who
as held high judicial office, two
the Secretary of State (or the

have jurisdiction to investigate
erson of the Japanese Race, arising
hen and to the extent that such claim
insurance or otherwise, and is sub-
stantiated in such manner as the Commission may prescribe for damage
to or loss or destruction to the real or personal property including
without limitation damage to or loss or destruction of personal prop-
erty vested in the Custodian, or other impairment of assets that fairly
arise out of or is a reasonable or natural consequence of the evac-
uation of such person from the protected area in British Columbia by
reason of the order of the Minister of Justice under Regulation 4 in
the Defence of Canada Regulations or under P. C. 1665 of March 4th
1942, or any other law or order requiring the evacuation of the said
area by persons of the Japanese Race.

As used herein "evacuation" shall include voluntary depart-
ure from the protected area prior to but in anticipation of the making
of any order under the regulations or orders-in-council above referred
to.

The Commission shall have power to consider in determining
the amount of relief that would be fair and equitable according to
the facts as they appear in each case, the existence or intervention
of other causes effecting the damage or loss including action or non-
action by the claimant or his representatives, and the action of the
custodian of alien enemy property or his agents, and any monies paid
over or held by the said custodian and deductions therefrom by way
of commission or expenses or otherwise.

3. (a) The Commission shall receive claims for a peridd of

DRAFT RE TERMS OF REFERENCE TO JAPANESE
CANADIAN PROPERTY CLAIMS

N.B.- This is adapted from the act of the Congress of the United States to apply to the conditions in Canada

1. There shall be consituted a commission under the general supervision of the Secretary of State to be known as the "Evacuation Claims Commission". The Commission shall consist of a chairman, who shall be a person who holds or has held high judicial office, two other members to be appointed by the Secretary of State (or the Governor-in-Council).

2. The Commission shall have jurisdiction to investigate and decide upon any claim by a person of the Japanese Race, arising on or after December 7th 1941, when and to the extent that such claim has not been compensated for by insurance or otherwise, and is substantiated in such manner as the Commission may prescribe for damage to or loss or destruction to the real or personal property including without limitation damage to or loss or destruction of personal property vested in the Custodian, or other impairment of assets that fairly arise out of or is a reasonable or natural consequence of the evacuation of such person from the protected area in British Columbia by reason of the order of the Minister of Justice under Regulation 4 in the Defence of Canada Regulations or under P. C. 1665 of March 4th 1942, or any other law or order requiring the evacuation of the said area by persons of the Japanese Race.

As used herein "evacuation" shall include voluntary departure from the protected area prior to but in anticipation of the making of any order under the regulations or orders-in-council above referred to.

The Commission shall have power to consider in determining the amount of relief that would be fair and equitable according to the facts as they appear in each case, the existence or intervention of other causes effecting the damage or loss including action or non-action by the claimant or his representatives, and the action of the custodian of alien enemy property or his agents, and any monies paid over or held by the said custodian and deductions therefrom by way of commission or expenses or otherwise.

3. (a) The Commission shall receive claims for a peridd of

twelve months from the date of this order. All claims not presented within that time shall be forever barred.

(b) The Commission shall not consider any claim

(1) For damage or loss arising out of the internment under the Defence of Canada Regulations of any person.

(2) For damage or loss on account of death or personal injury, personal inconvenience, physical hardship or mental suffering (~~or loss of occupation or employment~~)

(3) For damage of loss to any property vested in the custodian by virtue of/the trading with the enemy regulations.

4. The Commission shall give reasonable notice to the interested parties, of an opportunity for them to be heard and present evidence before making the final determination of any claim, and shall be entitled to take evidence by way of affidavit or otherwise in its discretion.

It shall have for the purpose of any hearing or investigation authorized by this order, all the powers conferred under the Public Inquiries Act.

5. The Commission shall dispose of all claims filed with it upon written findings of fact and reasons for the decision, and a copy of such claim shall be mailed to the claimant or his solicitor and shall be filed with the Secretary of State.

The amount of such claim, together with an allowance not to exceed 10% of such claim for costs to solicitor or counsel representing the claimant, together with all expenses or costs incurred by the Commission in connection with this order, shall be paid out of monies, etc.

6. For the purpose of this order the Commission may appoint the clerk and such solicitors, examiners, interpreters, appraisers and other employees as may be necessary to conduct the business of the Commission and may call upon all departments and agencies of the Government of Canada to assist the Commission in the carrying out of the duties imposed by this order.

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.

13th March, 1947.

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

Dear Mr. Wright:

I went to New Westminster yesterday morning for the purpose of meeting the Advisory Committee prior to attending the funeral of the late Judge Whiteside.

Mayor Mott, however, had left word with his Secretary that he would be unable to be present. He had been suffering from neuritis for some while and apparently had another acute attack.

As you are already aware, Mr. Menzies has not been feeling well lately, suffering with shingles, which I believe is the result of a general health condition. Mr. Menzies was present but told me that his Doctor has advised him that he should slow down very considerably. Mr. Menzies indicated that his business was well organized and that he intended to follow the Doctor's instructions as far as possible.

Mr. Menzies discussed the two properties which we had asked him to inspect and I am enclosing Memorandums in duplicate outlining his opinion in regard to valuations at the time of sale.

While Mr. Menzies' reports indicate that the claims of the Japanese were entirely out of line, it would also appear that the original appraisals were not entirely adequate. I believe you are aware that Mr. Menzies would be inclined to keep as close to the original appraisals as far as possible.

I attended the funeral at the Holy Trinity Cathedral - the church was well filled and many of Judge Whiteside's former associates were of course present. Judge Whiteside was buried at the Forest Lawn cemetery which you will remember is between Vancouver and New Westminster so I was also present at the cemetery on my way home.

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
FILE NO.
PLEASE REFER TO THE CUSTODIAN'S OFFICE
ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

K. W. Wright, Esq. 13th March, 1947

I received your letter indicating the wire which you had sent to Mrs. Whiteside and as I previously advised you, flowers were sent from this office.

Yours very truly,

F G Shears

F. G. Shears,
Director.

FGS/PMH
encl.

File #9518

13th March, 1947.

MEMORANDUM

Re: 1071 River Road, New Westminster.

Parcel "A" - Lot 4 of Lot 132, Map 826, Municipality of Delta, D.N.W.
Parcel "B" - Westerly portions of Lots 119, 120 and 121 of Lot 440, Gp.2, Map 1131, Municipality of Delta, D.N.W.
Parcel "C" - Lot 1 of Lots 9 to 16 of N.E.¼ of Sec.24, Tp.4, Map 1121, D.N.W.
Lot 7 of Lots 9 to 16 of N.E.¼ of Sec.24, Tp.4, Map 1121, D.N.W.

In a letter dated 4th February, 1947, addressed to the Right Honourable, The Prime Minister, copy of which had been forwarded to the Vancouver Office by Mr. K.W. Wright, Mr. Tamaki, stated that a glaring injustice had been made in connection with the price obtained for the sale of the above properties, which in his opinion were worth as follows:

Parcel "A"	-	$11,575.00
Parcel "B"	-	1,012.50
Parcel "C"	-	500.00

Mr. Menzies stated that he had inspected these properties and reported as follows:

Parcel "A" - Lot 4.

This property is located on the south bank of the Fraser River about 7 miles from New Westminster and consists of 25.11 acres with approximately 390 feet frontage on the river and extending southward into the peat bog for over half a mile. The River Road crosses this property and the portion bordering on this road for a depth of approximately 500 feet contains considerable silt and is therefore fair garden land. The balance of the acreage consists of deep peat and contains the usual peat growth of heavy moss and pine trees and is of very little value as farm land. There is less than 4½ acres cleared and this portion contains all the farm buildings and a scattered orchard containing 18 fruit trees of different variety and about 4/5ths of an acre of black currants, more than half of which are now completely overgrown by heavy grass and willow and not worth reclaiming. This also applies to a small patch of rhubarb 25 x 60 feet which is so grown up with grass as to have no value.

There is no proper access from the road to the farm. A bridge has been constructed across the dyke ditch but no driveway has been made across the soft ground. The only access is by a board walk with an iron rail on either side on which a push car can be used to distribute feed to the buildings and to bring the produce from the farm buildings to the highway and wood from the back of the property to the greenhouses.

The dwelling and outhouses are situated between the River Road and the river. The house is of light construction, shingled on the outside, the inside walls of V-joint or shiplap, the building is roofed with shingles and has not been painted. These buildings are constructed on very light piling about 6 feet above the foreshore and for a considerable portion of the year this foreshore is subject to overflow, during which times the water flows right under the buildings.

There is a garage and fuel shed at the road level which are quite serviceable. There is also a building 20 x 40 feet evidently built for a school room, but quite unusable owing to the action of the river having washed away so much of the piling that the building is unsafe and the walks leading thereto have also been undermined and cannot be used.

A large storage shed, possibly used for the storage of fish netting, is built right over the river on more substantial piling with a lean-to shed. This building is constructed of shiplap walls with exposed studding on the inside with shiplap floors and a shingle roof. The lean-to has a patent roof but no walls. This shed and lean-to are in sound condition, having apparently been built much later than the other buildings.

The value of this property as a home is greatly reduced owing to their position over the river making them very unsafe for the family residence.

The farm buildings consist of five greenhouses 16 x 48 feet each, the first two of which are in fair condition being constructed of all glass walls. However, they have no heating facilities and the water is only piped to the door. The other three buildings have walls partly of wood, one being heated by an old stove and the other by a small heater and a coal stove. These are all rusted and of very little value. The greenhouses are all on wooden foundations and have greatly depreciated.

There is a building 16 x 36 feet used partly as a storage and partly as an incubator room, only half of which is floored with shiplap, the walls are finished inside with shiplap and on the outside half shingles and half shiplap.

There is a poultry building 20 x 110 feet petitioned into 6 pens with shiplap walls and floor, shingled roof and electric wiring throughout. The building is 6' above ground on light piling and showing considerable depreciation. Another poultry building 20 x 48 feet is petitioned into three pens with shiplap walls and floors and electric light, also on light piling but the foundations are still fairly level.

There is also a small brooder house 8 x 10 feet with shingle roof, shiplap walls and floor.

Water is laid to the door of each of the farm buildings and all are served by the board walk and push car, previously referred to. The water does not appear to be functioning on account of depreciated piping.

The value of this type of property is greatly reduced by the location of the dwelling house being over the river and the greenhouses and other buildings being situated on marshy ground.

Mr. Menzies placed a valuation on the land at $1,500.- and the buildings $1,600.-, a total of $3,100.- He considers that at the present day value it would not be more than $4,000.-.

This property was sold to the Director, The Veterans' Land Act for the sum of $2,020.

Parcel "B" - Westerly portion of Lots 119, 120 and 121
The land consists of 13.45 acres of undeveloped land. Mr. Menzies considered the price of this acreage would have been approximately $25.- per acre or a total value of $330.-. It was sold to the Director, the Veterans' Land Act for $264.00.

Parcel "C" - Lot 1 and Lot 7 containing 9.45 acres. Mr. Menzies considered would have a value of about $20.- per acre or about $200.- and was sold to the Director, the Veterans' Land Act for the sum of $92.00.

File #2865

13th March, 1947.

MEMORANDUM

Re: 574 Hurd Road, Mission.
Lot 5, S.W.¼ Sec. 20, Tp.17, Map 905,
D.N.W. Municipality of Mission.

In a letter dated the 17th February, 1947, addressed to the Department of Labour, copy of which had been forwarded to the Vancouver Office by Mr. K.W. Wright, Mr. Nishiyama complained about the sale price of the above property. He stated that many people had offered $10,000.- for it but that he refused to sell and that he considered the land and tools should be worth $12,000.- because that amount had been put into it.

Mr. Menzies stated that he had inspected this property and reported as follows:

The property is situated on the bench lands 1½ miles west of Mission in a rather desirable location for a home.

The acreage is approximately 9.5 ac. About 5 acres of the property is level and good land and has been cleared. The balance is very rolling and uncleared. The soil is first-class chocolate loam but the farm generally is in a run-down condition.

The house is finished in pink stucco and has a 1½ storey building 24 x 28 feet, built about ten or twelve years ago. There is a lawn in front of the home and a garage 12 x 20 feet, on a corner of this lawn which is also finished in stucco. There is a stone foundation for an ornamental fence on two sides of the lawn, average about 2' high and 18" wide. The house was built without any basement and the concrete brought right down to the cement foundation wall with no ventilation provided, in consequence of which the wall studding and the foundation plate between the studding and the cement foundation have completely rotted away. Undoubtedly a considerable amount of dry rot must also prevail in all the foundation timbers and this is evidenced by the fact that the house has settled because cracks in the walls and disturbing the flashing and permitting the chimney to protrude slightly.

The roof has been leaking badly, particularly over the kitchen, the ceiling of which is badly stained. The tenant stated that this condition has existed for a long while.

The house has a good appearance from the outside but is of very light construction. There is a cement cellar pit under the kitchen 8 x 12 feet, reached by a trap door in the floor. The house is plastered inside but there is no plumbing except municipal water pipe to the kitchen sink.

The outbuildings are of unusually poor construction consisting of a woodshed 14 x 22 feet; storage shed 14 x 24 feet with a 10 x 12 addition, and a small chicken house 8 x 15 feet. All these buildings are unpainted, finished with one board shiplap and roofed with shingles. There is a pickers house 24 x 24 feet, the walls being of one ply of very poor grade rough lumber. The building paper has been crudely tacked over the bare studding on the inside which is divided into five rooms which could only be used for summer camping or during the fruit picking season.

There is a large rhubarb shed built into a depression in the ground, the main building being 14 x 46 feet with a leanto 16 x 46 and an addition attached to one end 9 x 20. This is only constructed of one board walls and low grade rough lumber and has little or no value to an ordinary farm.

There are approximately 200 fairly young fruit trees consisting of 85 plums, about 40 filberts and the balance mixed apples, cherries and pears, quite a few of which are stunted trees.

There is also about $1\frac{3}{4}$ acres posted and wired for hops but no present evidence of plants which have been obliterated by the growth of grass.

Mr. Menzies placed the valuation of the land at $1,000.- and the buildings at $2,300.-, making a total of $3,300.- and stated that a property of this type in 1942 would have been about that figure, although on the present day market the valuator might appraise the property for $6,000.- and might possibly secure a purchaser willing to pay around $6,500.-.

This property was included in the land sold to the Director, the Veterans' Land Act for $2,343.00.

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
March 13, 1947

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

Dear Mr. Shears:

We have for acknowledgment your communication of the 10th instant, enclosing newspaper clipping relative to the late Judge Whiteside, for which please accept our thanks.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF

Your Reference -
H.Q.C. 15-1
(JAG/O-7)

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

March 11, 1946.

Deputy Minister,
Department of National Defence,
Army,
Ottawa, Ontario.

Dear Sir:

Re: H-45130, Pte. Suzuki, Goro

We have for acknowledgment your communication of March 5th, with enclosure, concerning the above noted party.

Since I was in Court last week when your letter was received, my secretary requested information in connection with this matter from the Custodian's Vancouver Office, which is the reason the attached report in duplicate is addressed to Miss Carroll.

I trust the enclosed contains the information desired and would suggest that since Mr. Suzuki is a returned veteran, he should contact the Director, Veterans' Land Act in connection with this matter.

Yours very truly,

FC.

K. W. Wright
Counsel to the Custodian

J-175

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

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

Dear Frank:

I received your wire this morning, as follows:

"JUST HEARD OVER RADIO NEWS TONITE THAT JUDGE DAVID WHITESIDE DIED TODAY".

and have just sent the following wire to Mrs. Whiteside:

"I AM DEEPLY SHOCKED TO RECEIVE WORD FROM MR. SHEARS THAT JUDGE WHITESIDE PASSED AWAY YESTERDAY STOP IT WAS MY PRIVILEGE TO BE ASSOCIATED WITH JUDGE WHITESIDE IN THE WORK OF ADMINISTERING JAPANESE AFFAIRS AND I REMEMBER HIM AS A KINDLY GENTLEMAN COURTEOUS ALWAYS STOP BY CONSCIENTIOUS AND EFFICIENT DISCHARGE OF DUTY HE RENDERED EXCEPTIONALLY USEFUL SERVICE TO OUR DEPARTMENT STOP I DESIRE TO EXTEND TO YOU AND TO THE MEMBERS OF YOUR FAMILY MY SINCERE AND HEARTFELT SYMPATHY".

I have also informed Dr. Coleman about the Judge's passing and he, too, expressed real regret.

I will be glad to hear from you further with additional details but assume that this was unexpected as only this morning a letter came indicating that an Advisory Board Meeting would be held within a few days. I have an idea that no steps will be taken to replace the late Judge on the Board.

I think it would be advisable for you to call an early meeting of the remaining members of the Board and deal with these claims that have been filed in order that I may report to Dr. Coleman. The Board's findings in cases such as these may prove helpful to the Minister when he comes to consider the overall picture of property claims, so that the sooner we have your reports, the better.

I know that you will feel this as a personal loss as I do and officially it would appear to be so unfortunate. You may recall that Judge Whiteside stated on more than one occasion that he hoped that he would be alive at the time a Commission was appointed to investigate the affairs of the

Vancouver Office in order that he might inform the Board of Inquiry as to the efforts put forward by our office to guard and properly administer the troublesome problems we were faced with.

No final decision has been reached in regard to the setting-up of a Commission to deal with Japanese claims, but last week I recommended to the Minister that a Committee of the Cabinet be appointed to consider the types of claims which the Committee, when appointed, should deal with. Reference was made to the interest which other Departments had in this problem, namely, Justice, Veterans' Affairs, Labour, Fisheries and Defence.

Mr. Brewin, representing the Co-operative Committee on Japanese Canadians, is expected in Ottawa today for an interview with the Minister and I take it that it will only be a matter of days before the Cabinet Committee will be set up to outline recommendations to the Cabinet. A recommendation has gone forward to the Minister asking that all claims with respect to property losses be filed with the Vancouver Office. I will keep you informed as soon as decisions have been reached.

It is expected that our Bill will be up this week for Second Reading and be sent to Committee, where all opposition forces will have an opportunity to turn on the big guns.

Dr. Coleman returned to the office last Friday from England and informed me that he saw Glenn and members of his family in Brussels and they are all well. I do not expect that Glenn will return before September unless something unforeseen arises to occasion his return.

Last week I was asked to write you and find out if you could send five or six more typewriters. When you reply to this, would you also let me have an inventory of office equipment, including desks, etc., which you do not require at the moment.

Yours sincerely,

KWW/JF

C.D. 2X

CLASS OF SERVICE	
Full Rate	
Day Letter	X
Night Message	
Night Letter	
Evening and Sunday Message	

Please mark an X opposite the class of service desired.

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS MONTREAL

CHECK
TIME FILED

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

MARCH 10, 1947

MRS. DAVID WHITESIDE
NEW WESTMINSTER B C

I AM DEEPLY SHOCKED TO RECEIVE WORD FROM MR. SHEARS THAT JUDGE WHITESIDE PASSED AWAY YESTERDAY STOP IT WAS MY PRIVILEGE TO BE ASSOCIATED WITH JUDGE WHITESIDE IN THE WORK OF ADMINISTERING JAPANESE AFFAIRS AND I REMEMBER HIM AS A KINDLY GENTLEMAN COURTEOUS ALWAYS STOP BY CONSCIENTIOUS AND EFFICIENT DISCHARGE OF DUTY HE RENDERED EXCEPTIONALLY USEFUL SERVICE TO OUR DEPARTMENT STOP I DESIRE TO EXTEND TO YOU AND TO THE MEMBERS OF YOUR FAMILY MY SINCERE AND HEARTFELT SYMPATHY

K W WRIGHT
COUNSEL TO THE CUSTODIAN

Charge To: Office of the Custodian,
7 O'Connor St., Ottawa

CD 1R

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

STANDARD TIME

W.D.NEIL. GENERAL MANAGER OF COMMUNICATIONS. MONTREAL

RAA16 12 NM

VANCOUVER BC 9

1947 MAR 10 AM 1:55

K W WRIGHT 829

COUNCIL TO THE CUSTODIAN VICTORIA BLDG OTTAWA ONT

JUST HEARD OVER RADIO NEWS TONITE THAT JUDGE DAVID WHITESIDE DIED TODAY

J G SHEARS

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

506 Royal Bank Building,
Vancouver, B.C.

9th March, 1946.

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO. 5607

Miss Carroll,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Miss Carroll,

Re: Lot 8, of N.E.$\frac{1}{4}$, Sec.36, Twp.4, Map 1186
Municipality of Delta.

I am in receipt of yours of the 7th instant in which you enclose copies of correspondence from the Department of National Defence.

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 encumbrances.

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:

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO 5607

FILE NO.

Miss Carroll

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.

Yours truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

March 7, 1946.

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

Dear Mr. Shears:

Re: H-45130, Pte. SUZUKI, Goro

I am attaching copies of correspondence received from the Department of National Defence and would appreciate it if you would kindly forward me a report in triplicate.

Yours very truly,

Miss F. Carroll

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

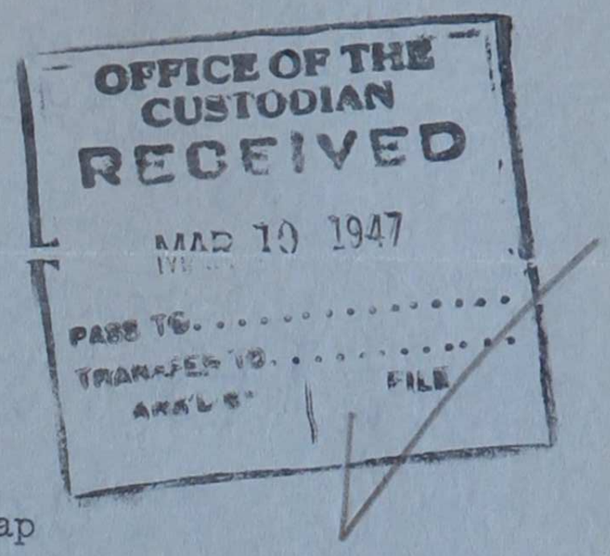
ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO. 2865
11556

506 Royal Bank Building,
Vancouver, B.C.

7th March, 1947.



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

Dear Mr. Wright:

Re: Kiyuji Nishiyama
574 Hurd Road, Mission
Lot 5, S.W.¼ Sec.20, Tp.17, Map 905, D.N.W. Mun. of Mission.

We thank you for your letter of the 4th instant and have telephoned Mr. Menzies and he will endeavour to inspect the above property some time next week.

Mr. Menzies advises me that he is still not very well but was able to get out yesterday and inspect the Tamaki property about which you wrote on February 12th.

As soon as he has been able to inspect the Nishiyama property I will call a meeting of the Advisory Board and report further to you.

Yours very truly,

F. G. Shears,
Director.

FGS/PMH

Mr Mathieu
For your consideration
and reply please.
13/3/47 N.D.D.

Mr Wright

CE OF THE
AR 6 1947
etary of State

arch 5, 1947.

Vancouver Consultative Council,
4390 Locarno Crescent,
Vancouver, B.C.

Dear Sir:

The Prime Minister has directed me to reply to your letter of February 27th, written on behalf of the Vancouver Consultative Council and dealing with Canadian policies relative to persons of Oriental origin.

With regard to your enquiry concerning the machinery that will be established to review claims for compensation in connection with the disposition by the Custodian of property belonging to Japanese persons, the position is that the matter is at present receiving consideration. A copy of your letter is being brought to the attention of the Secretary of State, Colonel Gibson, with the request that further information be sent you when decisions have been reached in the matter.

The views expressed in your letter, with regard to the removal of discrimination from legislation concerning immigration, have been noted.

Yours sincerely,

G. J. Matte,
Private Secretary.

Referred to Prime Minister's State.

CE OF THE
AR 6 1947
etary of State

Ottawa, March 5, 1947.

Norman F. Black, Esq.,
President,
Vancouver Consultative Council,
4390 Locarno Crescent,
Vancouver, B.C.

Dear Sir:

The Prime Minister has directed me to reply to your letter of February 27th, written on behalf of the Vancouver Consultative Council and dealing with Canadian policies relative to persons of Oriental origin.

With regard to your enquiry concerning the machinery that will be established to review claims for compensation in connection with the disposition by the Custodian of property belonging to Japanese persons, the position is that the matter is at present receiving consideration. A copy of your letter is being brought to the attention of the Secretary of State, Colonel Gibson, with the request that further information be sent you when decisions have been reached in the matter.

The views expressed in your letter, with regard to the removal of discrimination from legislation concerning immigration, have been noted.

Yours sincerely,

G. J. Matte,
Private Secretary.

VANCOUVER CONSULTATIVE COUNCIL

For the Study of Problems of Citizenship

Vancouver, B.C.

4390 Locarno Crescent.
February 27, 1947.

The Right Honourable W.L. Mackenzie King,
Prime Minister,
Ottawa, Canada.

Sir,

Re Canadian Policies relative to Orientals.

I am instructed to express the gratitude of Vancouver Consultative Council for your public pronouncement of January 24 relative to aspects of the Canadian Japanese problem regard- which we have made representations to you and your government from time to time ever since the evacuation of the Japanese from this area. We felt that grave injustices had been perpetrated in the name of Canada but always were convinced that your own decisive influence would be cast in favour of policies consonant with Christian ethics. Consequently it was with great pleasure that we read that "to ensure the fair treatment promised in 1944 the government is prepared in cases where it can be shown that a sale (of Japanese property) was made at less than a fair market value to remedy the injustice."

We have reason to believe -- and indeed to know -- that such cases were numerous and are unhappy over the prolonged delay in the announcement of machinery or procedure through which the facts may be established and hardships remedied. The case is complicated by the fact that property owners of Japanese extraction are scattered far from their former homes and that many of them are people whose helplessness is increased by ignorance of legal procedures. Very few of these people have any desire or intention to return to their former places of residence but are sorely in need of funds satisfactorily to establish themselves in those parts of Canada where they are now seeking to establish permanent homes and means of livelihood. Accordingly, with deep respect but great earnestness we urge upon you an early and official clarification of a situation which we feel reflects upon the honour of Canada.

This Council, after careful consideration of the problems involved, vigourously approves the repeal of the Chinese Immigration Act of 1923, a law which it looks upon as morally indefensible and injurious to Canadian interests and to healthy international relationships. We strongly disapprove of any law, order in council or official regulation that discriminates or authorises discrimination against Canadian citizens of Chinese ancestry or against Chinese nationals legally resident in Canada. Present legislation unfavourable to the establishment and maintenance of normal family life on the part of Chinese residents we look upon as contrary to the basic principles of morality.

In this and other connections we look to the Government of Canada for such action as will implement our obligations under the Charter of the League of Nations to avoid racial discrimination in any form.

I have the honour to be,
Sir,
Your obedient servant,

(sgd.) Norman F. Black

President,
Vancouver Consultative Council.

CANADA

QUOTE NO. H.Q.C. 15-1 (JAG/O-7)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

OTTAWA, CANADA,

5th March, 1946

Custodian of Enemy Alien Property,
Victoria Building
7 O'Connor Street,
O t t a w a.

H-45130, Pte. Suzuki, Goro

Forwarded herewith copy of letter of enquiry relative to the alleged sale of certain lands belonging to the marginally-named soldier.

May the enquiry in paragraph 3, of the above-mentioned letter, be answered so that a reply may be forwarded to the marginally-named.

Deputy Minister

encl.

OFFICE OF THE CUSTODIAN
RECEIVED
MAR 7 1946
PASS TO.....
TRANSFER TO.....
AMS'D BY
FILE

NAT. DEF. A-168-A
2,000M—11-43 (2777)
H.Q. 1772—39—376

COPY

DHQ 10-H-45120 AJ-S-24 (J)

DEPARTMENT OF NATIONAL DEFENCE (ARMY)

WINNIPEG, Man.
26 Feb 46.

Judge Advocate General
Department of National Defence,
Ottawa.

H-45130 - Pte. SUZUKI, Goro

1. The m/n soldier was born 7 Sep 1920 at New Westminster, British Columbia, of Japanese parentage. His father is now living in Winnipeg but has never been naturalized as a British Subject.

2. In 1941, he bought land near New Westminster, B.C. described as Lot 8, N.E. Quarter of Section 36, Township 4, Map 1168 in the District of New Westminster, B.C. He states that he paid $600.00 cash for the land which he used for farming. He is in possession of certificate of indefeasible title No. 145681E dated 9 Sep 41, showing him as the owner of this land free os encumbrances.

3. He states that the Custodian of Enemy Alien Property sent him notification of the land having been sold at $280.00, which price was considered fair. He states that he would like to recover this property if possible, and would like to live in British Columbia. If the land is sold, he considers that any price under $280.00 is unfair to him. It will be appreciated if inquiries could be made with the Custodian of Enemy Alien Property to ascertain the following:

(a) whether the land has been sold or not, and if so, at what price.

(b) when he will be paid for the land and what amount he will receive.

(c) If there is any possibility of recovering the land, and living in B.C. to cultivate it.

4. Pte. Suzuki enlisted in the Cdn Army on 17 Apr 45 and served in India as an Interpreter. He returned on 3 Feb 46 and at present is on disembarkation leave.

(Sgd) C. H. Johnson, Capt.
for (E. A. Fletcher) Major
Asst Judge Advocate-General
Military District No. 10

WELDON
MASON, CAMERON & BREWIN
BARRISTERS & SOLICITORS
Roy Weldon
XXXXXXXX A.J. P. CAMERON
F. A. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391
STERLING TOWER
TORONTO 1, CANADA

1947 MAR 6 AM 9:34

March 4, 1947.

UNDER SECRETARY
OF STATE

The Secretary of State of Canada,
Ottawa, Canada.

Dear Colonel Gibson:

Thank you for your letter of March 3rd.

Monday, March 10th would be satisfactory, and I will telephone to your office early on Monday morning in order to arrange a definite hour for our appointment.

Yours sincerely,

FAB:HC

F.A.Brewin.

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
March 4, 1947

J-175

A. MacNamara, Esq.,
Deputy Minister of Labour,
Department of Labour,
Ottawa, Ontario

Re: Kiyuji NISHIYAMA

Dear Mr. MacNamara:

We have for acknowledgment your communication of the 24th ultimo, enclosing copy of letter addressed to your Department by K. Nishiyama under date of February 17, 1947.

This correspondence has been forwarded to Mr. F. G. Shears, Director of the Custodian's Office in Vancouver, with a request for a complete report on the matter.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
March 4, 1947

J-175

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

Re: Kiyuji NISHIYAMA

Dear Mr. Shears:

We enclose herewith copy of communication received from Mr. A. MacNamara, Deputy Minister of Labour, under date of 24th ultimo, together with copy of letter addressed to the Labour Department by K. Nishiyama, under date of February 17, 1947.

It would be appreciated if you would let us have a report on this case. If there is not sufficient evidence on file, kindly have Mr. Menzies inspect the property and a report should then be submitted to the Advisory Committee.

We would appreciate receiving their findings, in duplicate.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

Ottawa, March 3rd, 1947.

F. A. Brewin, Esq.,
c/o Cameron, Weldon & Brewin,
Barristers, etc.,
Sterling Tower,
Toronto, 1, Ontario.

Dear Mr. Brewin,

I have your letter of February 27th and I am not sure whether or not I will be here on Friday, March 7th.

I expect to be out of town on Thursday, and under the prevailing weather conditions it seems uncertain whether or not I can be back on Friday.

Monday, March 10th or later in that week would be satisfactory to me if that is convenient to you.

Yours sincerely,

h

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

J-175

MEMORANDUM TO: Mr. W. O. Davis,
Private Secretary to the
Secretary of State

RE: Claims by Japanese Evacuees

Confirming this morning's telephone conversation, I have made certain changes in the draft memo to Cabinet which Hon. Mr. Gibson is to consider, and enclose revised edition.

Will you be kind enough to return the rough draft which was hurriedly prepared for the meeting with the Minister last Friday afternoon.

K. W. WRIGHT

KWW/JF
Encl.

March 3, 1947.

MEMORANDUM TO THE CABINET

RE: CLAIMS OF JAPANESE EVACUEES FOR PROPERTY LOSSES.

By Government Notice, dated February 5, 1942, enemy aliens were required to leave the protected area of British Columbia and on February 26, 1942, this ruling was extended to include every person of the Japanese race.

To implement and direct the evacuation, Order in Council P.C. 1665, dated 4th March, 1942, (attached hereto and marked Exhibit "A") 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, as amended by Order in Council P.C. 2483, dated 27th March, 1942 (attached hereto and marked Exhibit "B") provided for the vesting and control by the Custodian as a protective measure of all property delivered up or which upon evacuation was left within the protected area.

Pursuant to Order in Council P.C. 469, dated January 19, 1943, (attached hereto and marked Exhibit "C") an enlargement was made in the interpretation of control and management to include, from the date of vesting in the Custodian, power to liquidate or otherwise dispose of the property of Japanese Evacuees.

The Custodian experienced extreme difficulty in dealing with the large number of substandard buildings and the vast quantity of inferior personal property which the Japanese possessed.

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: Honourable Mr. Justice Sidney Smith of the Appellate Court of B.C., Chairman; Alderman Charles Jones; Mr. Kishizo Kimura (resigned 20th 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 Honour 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. Shortly afterwards both Japanese members 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.

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, the Custodian releases such funds to Evacuees, still in Interior Housing Schemes operated by the Department of Labour, as are considered necessary. Where Evacuees have moved East from the Province of British Columbia, the Custodian releases the balance.

Sales of Evacuee Properties to Dece[illegible]ere 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

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 & 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

I am informed that the distribution of Japanese in Canada at November 30, 1946, was as follows:

British Columbia	6,981
Alberta	4,262
Saskatchewan	503
Manitoba	1,193
Ontario	6,617
Quebec	1,210
Nova Scotia	1
New Brunswick	10
Prince Edward Island	6
Yukon and Northwest Territories	31
Total	20,814

During recent months there have been growing indications that an effort would be made by certain organizations to induce the government to give consideration to Japanese claims. I am informed that questionnaires have been circulated by the Japanese Canadian Committee for

Democracy to secure information establishing claims. The following appears in The New Canadian, a weekly publication for Canadians of Japanese origin, under date of November 23, 1946:

"The questionnaire, in its tentative form, seeks information on losses under the following general classifications:

Real Estate (residential); Business of all types; Farm Property; Fishing Vessels and Gear;

Personal Estate; Loss of Revenue (rent, income, wages, etc.); Accounts, Uncollected (rent, interest, loan, deposit, claims, etc.);

Fees Paid (attorney or agent, storage, transportation, travelling, medical, educational, funeral or any other charges directly attributed to evacuation); Family Allowances; and Relief Deductions".

On January 24, 1947, the Prime Minister made an announcement in connection with Japanese problems and referred to claims put forward in regard to properties, 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".

It appears desirable in the public interest that a Commision, to consist of not more than 3 persons, the Chairman of which should be a person who holds or has held judicial office, should be appointed to consider the claims which may be filed by persons of the Japanese Race. In my opinion it is also necessary to now determine the types of claims to which consideration should be given by such Commission.

When this question is determined, I recommend that advertisements be inserted in numerous newspapers, including The New Canadian, calling upon the Japanese to file their claims, duly verified, and to address all such claims to the Office of the Custodian, 506 Royal Bank Building, Vancouver, B.C. A time limit should be fixed for the filing of such claims. This will afford the officials in the Vancouver office an opportunity to review files and assemble data which will be helpful to the Commission referred to.

I am of opinion that it should be left to the members of the Commission to determine the places where hearings are to take place.

It is very probable that thousands of claims will be filed,

but very improbable that the vast majority could be substantiated in a Court of Law. The Japanese have inflated ideas as to the value of their assets and doubtless their claims will be grossly exaggerated.

It is very difficulty to estimate the amount that will be required to meet the claims and defer the expenses of the Commission. At all events it appears necessary to insert an item in the supplementary estimates in order to provide funds from consolidated revenue.

Your attention is directed to the fact that P.C. 1665, referred to, indicated that no commission was to be charged by the Custodian in respect to the administration of Japanese Evacuee assets and that up to the present time, the Custodian has advanced the sum of $725,500.00 in order to defray all such expenses.

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

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

RE: Claims by Japanese Evacuees

In the course of our interview last Friday, we discussed the matter of your submitting a memorandum to Cabinet in regard to claims of Japanese Evacuees.

A draft memo was left with you and it was explained that revision would be necessary if you decide to place the matter before the Cabinet in this way.

In accord with my request, Mr. Shears has submitted material, received in Vancouver, relative to claims, and has also outlined his views.

The following letters and enclosure which reached me this morning are presented in order that you may consider all available information:

1. 2 letters received from Mr. Shears, under date of 27th ultimo, re Japanese Claims.

2. Form of questionnaire re damages suffered.

In view of the fact that Departments of Justice, Veterans' Affairs (Veterans' Land Deal), Fisheries (Japanese Fishing Vessels Disposal Committee), Labour (B. C. Security Commission) and Defence (Boat Seizures) are interested in this problem, I suggest that a Committee of the Cabinet be selected in order to review the situation and make such recommendations to the Cabinet as may be deemed advisable.

K. W. WRIGHT

KWW/JF
Encl.

February 28, 1947

re Claims of Japanese Evacuees

MEMORANDUM TO THE CABINET ON JAPANESE CLAIMS FOR PROPERTY LOSSES

By Government Notice, dated February 5, 1942, enemy aliens were required to leav e the protected area of British Columbia and on February 26, 1942, this ruling was extended to include every person of the Japanese race.

To implement and direct the evacuation, Order in Council P.C. 1665, dated 4th March, 1942, (attached hereto and marked Exhibit "A") 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, as amended by Order in Council P.C. 2483, dated 27th March, 1942 (attached hereto and marked Exhibit "B") provided for the vesting and control by the Custodian as a protective measure of all property delivered up or which upon evacuation was left within the protected area.

Pursuant to Order in Council P.C. 469, dated January 19, 1943, (attached hereto and marked Exhibit "C") an enlargement was made in the interpretation of control and management to include, from the date of vesting in the Custodian, power to liquidate or otherwise dispose of the property of Japanese Evacuees.

Insert 2 Etc

During recent months there have been growing indications that an effort would be made by certain organizations to induce the government to give consideration to Japanese claims. I am informed that questionnaires have been circulated by the Japanese Canadian Committee for Democracy to secure information establishing claims. The following appears in The New Canadian, a weekly publication for Canadians of Japanese origin, under date of November 23, 1946:

"The questionnaire, in its tentative form, seeks information on losses under the following general classifications:

Real Estate (residential); Business of all types; Farm Property; Fishing Vessels and Gear;

Personal Estate; Loss of Revenue (rent, income, wages, etc.); Accounts, Uncollected (rent, interest, loan, deposit, claims, etc.);

Fees Paid (attorney or agent, storage, transportation, travelling, medical, educational, funeral or any other charges directly attributed to evacuation); Family Allowances; and Relief Deductions".

On January 24, 1947, the Prime Minister made an announcement in connection with Japanese problems and referred to claims put forward in regard to properties, 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".

Control of enemy assets by the Custodian brought his organization into direct touch with the large Japanese problems in British Columbia and it was logical that when complete evacuation of the Japanese from the Coastal Area of British Columbia was decided upon, the problem of controlling and administering the affairs of the evacuees was handed to the Custodian.

While liquidation is mainly complete, there are approximately 35 properties still available for sale and between 30-40 properties owned by Organizations, which, up to the present time have not been liquidated for the reason that amendments to existing Orders in Council are necessary.

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 22,000 people.

The Custodian experienced extreme difficulty in dealing with the large number of substandard buildings and the vast quantity of inferior personal property which the Japanese possessed.

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: Honourable Mr. Justice Sidney Smith of the Appellate Court of B. C., Chairman; Alderman Charles Jones; Mr. Kishizo Kimura (resigned 20th 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 Honour 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. Shortly afterwards both Japanese members 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.

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, the Custodian releases such funds to Evacuees, still in Interior Housing Schemes operated by the Department of Labour, as are considered necessary. Where Evacuees have moved East from the Province of British Columbia, the Custodian releases the balance.

Sales of Evacuee Properties to December 31, 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

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 & 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

I am informed that the distribution of Japanese in Canada at November 30, 1946, was as follows:

British Columbia	6,981
Alberta	4,262
Saskatchewan	503
Manitoba	1,193
Ontario	6,617
Quebec	1,210
Nova Scotia	1
New Brunswick	10
Prince Edward Island	6
Yukon and Northwest Territories	31
Total	20,814

It appears desirable

~~I am of opinion that it is desirable~~ in the public interest that a Commission, to consist of not more than 3 persons, the Chairman of which should be a person who holds or has held judicial office, should be appointed to consider the claims which may be filed by persons of the Japanese Race. In my opinion it is also necessary ~~desirable~~ to now determine the types of claims to which consideration should be given by such Commission.

I recommend

~~When this question is determined, it appears to me to be desirable~~ that ~~to insert~~ advertisements be inserted in numerous newspapers, including The New Canadian, calling upon the Japanese to file their claims, duly verified, and to address all such claims to the Office of the Custodian, 506 Royal Bank Building, Vancouver, B. C. A time limit should be fixed for the filing of such claims, ~~and in this connection I suggest a cut-off date as of July 1st, 1947. The filing of claims in the Vancouver office is desirable in order that~~ This will afford the Van Office officials may be given an opportunity to review files and assemble data which

will be helpful to the Commission referred to.

I think it should be left to the members of that Commission to determine the places where hearings are to take place, and provision should also be made for them to engage the services of accountants, clerks and assistants. Consideration should also be given to the appointment of Counsel to represent the Custodian and assist the Commissioners in the inquiry.

The Commission should be empowered to administer oaths and receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper.

The Commission should be so appointed under the Inquiries Act, Chapter 99, of the Revised Statutes of Canada, 1927.

It is very probable that thousands of claims will be filed, but very improbable that the vast majority can be substantiated in a Court of Law. The Japanese have inflated ideas as to the value of their assets and there is no doubt in my mind that their claims will be grossly exaggerated, and after all, the question is, what is right and what course can be justified.

It is very difficult to estimate the amount that will be required to meet the claims and defer the expenses of the Commission referred to, but at all events it appears necessary to insert an item in the supplementary estimates and provide funds from consolidated revenue.

I direct your attention to the fact that P.C. 1665, referred to, indicated that no commission was to be charged by the Custodian in respect to the administration of Japanese Evacuee assets and that up to the present time, the Custodian has advanced the sum of $375,000.00 from his Administration Account in order to defray all such expenses.

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.

27th February, 1947.

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

Dear Mr. Wright:

Re: Japanese Claims

Further to our previous letter of even date. You will of course be aware of the various types of claims which might be made. However, I understand that you would like to have my ideas in this regard.

I think it may be said that all claims would fall broadly into two classes which perhaps might be called Tangible and Intangible.

As far as affairs handled by this office is concerned, I think the matter of claims and any investigation pertaining thereto should lie strictly within the tangible and specific. Both in regard to real estate andall types of chattels this would simply be the difference between a fair market value and the prices we obtained.

As far as the Japanese is concerned, other factors may enter into his picture which have caused economic loss. This type of claim, however, would not lie against the Custodian, but against the Government of Canada as a result of the policy of evacuation.

The following may be matters which will require to be considered as the source of possible claims:

1.. Real Estate - The difference between the sale price and fair market value.

It is possible of course that the Japanese idea of value might not coincide with the market value, but in my opinion a properly established market value should be the only basis for a claim in this connection.

2. Real Estate - The possibility of the market value having been decreased at the time of sale due to depreciation occurring to the property after the Japanese was evacuated.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

K. W. Wright, Esq.

This would apply chiefly to rural properties. While this is something which doubtless occurred in the Fraser Valley fruit farms, it should not be overlooked that the Japanese were undisturbed until our Orders-in-Council of March 1942, and at that time immediate steps were taken by them, in conjunction with the Co-Operatives handling the berry crops, to secure white tenants to take over their farms. Although in many cases it was not possible to secure the best operators, the berry crop is taken off in the latter part of May and June and a large percentage of the Japanese in the Fraser Valley area were not evacuated until much later in that year. In many cases they hired themselves out to the white tenants during the intervening time. The 1941 berry crop was a bumper production and leasing arrangements were made by the Japanese to white tenants for the year 1942 on the basis of the previous year's returns. The 1942 season was very definitely a bad crop year and an exceptionally rainy season.

It should be noted that the appraisal of these lands was I believe made in June of 1942 so that there would not have been an exceptionally long period in which depreciation would have taken place in so far as the actual land and buildings were concerned.

In connection with the valuation made by the Soldier Settlement Board, it occurs to me that in view of the fact that any enquiry would likely call for the production of the actual appraisal, it would be desirable for authority to be obtained for the appraisal reports to be turned over to this office. Seeing that it is the Custodian's contention that these sales were made on the basis of valuation, rather serious criticism might be made if it were shown that we had never seen the actual appraisals. As I think you are aware, doubt exists in the minds of some of our fieldmen as to whether all the buildings of the various properties were included in the valuations, and the more accurate information we can secure the better will be our position to deal intelligently with any claims.

3. Chattels - The difference between the sale price and the market value of goods actually sold.

4. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation while in storage.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

K. W. Wright, Esq. 27th February, 1947

You are fairly well advised in connection with this matter and this point not only concerns household effects, but a certain amount of equipment, the main item of which is probably that of fishing tackle. I presume the point to be considered is whether the Custodian, having given all reasonable care, should be held responsible for shortages which have occurred for the reasons above mentioned.

5. Economic Losses

Apart from the consideration of the above claims, there may be the question of economic loss which has been sustained on account of the evacuation policy. Due to war conditions economic loss has been sustained by many citizens altogether apart from nationality and without the factor of evacuation. Business operations in Vancouver have been curtailed in many instances due to lack of supplies, rising costs have decreased margin of profit and other such factors of which you are of course aware, to say nothing of the economic disruption caused by enlistment in the forces, sometimes resulting in the supreme sacrifice of life itself. Moreover, this type of loss has not been uniformly distributed but has fallen upon certain sections of the community to a greater degree than others. For this reason, even if consideration were to be given to the question of economic loss caused by evacuation, and such loss could be accurately established, this would not in my opinion of necessity be a justifiable claim. The question might resolve itself as to whether consideration should be given to claims based upon the amount of economic loss sustained by Japanese in excess of that sustained by other sections of the community due to war conditions.

6. Real Estate - Loss of Revenue.

Some claims for economic loss in connection with real estate might be based on the fact that after evacuation the properties were leased and revenue bearing and the income was sufficient to carry the overhead and provide an income and that this income was cut off by the sale of the property. The Japanese was unable to reinvest the proceeds in the purchase of other real estate in other parts of Canada due to the regulations in this regard. It might also be claimed that the Japanese was compelled to use up the capital derived from the liquidation of his real estate by having to use the monthly remittances sent to him by arrangement with the Security Commission for his maintenance in their housing centres.

VIA AIR MAIL

DEPARTMENT OF THE SECRETARY OF STATE
OTTAWA, CANADA

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

K. W. Wright, Esq. 27th February, 1947

There are some cases too where losses were incurred by those who were operating businesses such as stores, dry-cleaning plants, garages, shingle and rice mills, drug stores and rooming operations. In most instances these businesses were disposed of by the Japanese prior to evacuation, but in a number of cases the Japanese were evacuated and the stock-in-trade, plant, machinery and equipment was sold by the Custodian on the basis of valuation, but the matter of goodwill, or the revenue bearing possibilities of these operations were lost to the Japanese. In addition to this, as the real estate in many cases of this kind did not belong to the owner of these types of businesses, dismantling removing and re-assembling costs entered into the price which the purchaser was prepared to pay for the equipment.

7. Fishing Vessels.

In connection with fishing vessels approximately 90% of these sales were negotiable by the Japanese themselves through the Japanese Fishing Vessels Disposal Committee. The boats which were sold, as might be anticipated, were of the poorest type and dissatisfaction has been expressed in some cases in regard to the prices obtained.

8. Motor Vehicles.

Complaints have been very considerable in regard to the prices obtained for cars and trucks. The sale figures are shown on the Annual Report on page 20 and the average price appears to be very low. This matter was underway before I was with the Vancouver Office, but I am advised that the disposition of cars and trucks took place at about the worst period of used car industry. Apart from Japanese vehicles, all used car dealers were heavily stocked, finance dealers were calling on them for cash advances and a panicky condition developed and in many cases prices were cut as much as 50% on the stocks which they were carrying.

Certain types of equipment in use by the Japanese were definitely old fashioned and while capable of producing revenue in the hands of the Japanese, did not have a sale value equivalent to the Japanese idea of its worth.

Greenhouse property quickly falls into disrepair and quite a disparity exists between the Japanese valuation and the amount at which some of this property has been sold.

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.....

K. W. Wright, Esq. 27th February, 1947

There have been complaints that life insurance policies have had to be surrendered for cash value or allowed to lapse owing to insufficient earnings by the Japanese in the location at which he now lives.

As mentioned in previous correspondence, some Japanese are returning cheques as they think it might prejudice their claims for damages. 48 cheques have been returned to the value of $18,694.- and 28 cheques are outstanding which were issued prior to the 30th September, amounting to $3,381.- and 63 cheques are outstanding between October 1st and December 31st amounting to $11,029.00.

I am enclosing some marked copies of the New Canadian. If possible I would like them returned in due course.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

encl.

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

506 Royal Bank Building,
Vancouver, B.C.

27th February, 1947.

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

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

Dear Mr. Wright:

Re: Japanese claims.

You are aware of the type of letter which we have received from time to time protesting against the sale of property. The following excerpts give a fair representation of the phrases used:

"I am not satisfied with the sale of my property".
"The price is ridiculously low".
"I am displeased with this sale"
"The qualified Appraisers must have been unfair".
"I am sadly disappointed".
"I accept this sale with protest".
"There must have been some mistake".
"I consider this highway robbery".
"This is my formal protest against the sale"
"I am awaiting the judgment of the Court for the legality of the Orders-in-Council concerning the sale of real property".
"I am not happy about the whole thing".
"You must remember that you are not dealing with animals".
"We have nothing to do with this war".
"To say that I am shocked is putting it mildly".
"I have receipts showing what this property was bought for which will show that you have gyped me".
"Cunning advantage has been taken of the war to deprive me illegally of my property".
"You have taken a step which is reminiscent of Nazi Germany".
"I am thoroughly disgusted with this absurd transaction".
"Isn't the method you are using just like the Nazis".
"I think you are just like the Fascists confiscating people's property and chasing them out of their homes".
"Our property was sold for an unbelievably low price".
"I was greatly shocked when I received the letter stating my property was sold".

_____
Signature.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

K.W. Wright, Esq. 27th February, 1947

"I think the selling of property is unjust and a digression of Canadian fair play".

The statement is often made that before leaving Vancouver they were told, or led to believe, that registration was for the purpose of protecting their property.

A considerable number of letters of general complaint which we have received followed a set form which was evidently prepared and circulated among the Japanese as they all read as follows:

"You have informed me that my property known as as Lot 117 of Lot 440, Gp.2, Map 1133, has been sold. As you are aware, I have never consented to the sale nor ratified it but have at all times and do now object to the sale of my said property. Because, however, I am in destitute circumstances (and because the government has discontinued the advance of maintenance to me), I have to request from you, the proceeds of the sale of the property in order to maintain myself and my family but in doing so I wish it made clear that it is only being accepted under protest and without prejudice to any right which I have or may have arising out of what I consider the wrongful sale and disposition of my property."

I am not in a position to give you exact figures in regard to the number of complaints we have received in connection with the sale of real estate. However, I believe the following is substantially correct.

We have probably not had any specific complaints from more than 75 people in regard to approximately 900 evacuee properties sold outside of the Veterans' Land Act lands and these are mostly complaints stating that they are not consenting to the sale, but not specifically referring to the price, except in about 25% of the cases.

Complaints in regard to the Veterans' Land Act deal, however, have in every case indicated dissatisfaction with the price and we have likely received about 150 or more letters.

_____

Signature.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

K. W. Wright, Esq. 27th February, 1947.

It must not be thought, however, that the above figures indicate that other Japanese are satisfied. I am sure our letters in reply to those who expressed dissatisfaction were widely discussed among themselves and as you know, we have never during the past year or so, given the slightest encouragement that claims would be considered and for this reason it is quite likely that many thought it would be useless to complain knowing the type of answer which would be given.

Since the Prime Minister's statement practically no letters of complaint have been received and I assume this is because the Japanese are following the instructions of the Japanese Co-Operative Committee for Democracy and that their claims are being gathered together and being held in expectation that further information regarding the consideration of claims will be made known by Ottawa.

A copy of a mimeographed letter addressed to the Prime Minister is enclosed and also a mimeographed form attached to same. As a matter of fact only three claims have been received on this type of form and as just mentioned, I assume that others are being held for the time being.

While the letters received in regard to those properties which have been sold to the Veterans' Land Act indicate a dissatisfaction with the price, as a general rule there has been no specific claim for any definite amount. The letters generally state that the property cost them $----- and that they were quite sure that it was worth $-----, which was considerably in excess of the amount which they received from us. What I mean to imply is that at the present time, even if we examined all the files concerned, we would not be able to give a list which would give any proper idea of possible claims, even in regard to the properties for which complaints have been received. It is for this reason that I am still rather hopeful that if the matter of claims is to be considered that they should be filed with this office during a specified period so that we would be in a position to present the overall picture.

Our policy of liquidation commenced in June 1943. By the end of 1944, in addition to the Veterans' Land Act deal, 623 other parcels out of a total of approximately 900 had been disposed of.

I think it correct to say that in regard to real estate values in Vancouver that at the time of Pearl Harbour and during the war years

_____

Signature.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

K.W. Wright, Esq. 27th February, 1947

of 1942 and 1943 there was no great increase in demand or advance in market values. Evidence of this as far as Japanese properties were concerned is shown by the fact that inspite of wide publicity no tenders were received on a large number of properties advertised for sale. The figures are as follows:

Tenders Closing on

19th June, 1943	offering	167	properties,	tenders received on	97	parcels
4th Oct. 1943	"	297	"	"	127	"
1st May, 1944	"	232	"	"	141	"
15th June, 1944	"	172	"	"	90	"

It was not until well on in 1944 when Victory prospects appeared brighter and with money in the hands of war workers and other employees that real estate activities greatly advanced and even so this advance was more spotty than general.

Very considerable activity, however, developed in 1945 after the cessation of hostilities and this trend continued into 1946 when it was generally admitted that prices were entirely out of line with actual values. Even mortgage valuations which were considered as being conservative, were possibly 40% higher than in 1942 and due to housing shortage prices entirely out of line with values were obtained where occupancy could be secured.

However, even with the marked advance which started towards the end of 1944, certain types of properties did not receive the maximum benefit. This was particularly so in regard to the Japanese districts of Powell and Cordova Streets. Having been the location of such a large Japanese concentration, the evacuation left these districts in a somewhat derelict condition and coupled with the fact that these properties were very sub-standard, they still remained unattractive to purchasers even on a rising market for good residential property.

Yours very truly,

F. G. Shears,
Director.

FGS/PMH
encl.

_____
Signature.

Rt. Hon. MacKenzie King,
Prime Minister of Canada,
To whom it may concern,
Ottawa, Canada.

I, a Japanese repatriate, going to Japan voluntarily, do herewith submit a claim for damage incurred as a result of coercive evacuation from the Pacific Coast.

Before the evacuation, on the solemn pledge that the property handed over to the Custodian would be safeguarded in the interest of the owner, I had complete faith. But unfortunately, this pledge was not kept--both the movable and immovable properties were sold at a loss without my consent. Furthermore, the unemployed and the disabled in the interior housing settlement had to live on what money the Custodian handed over from the forced sale of our property.

By attaching a sheet of various claims, I do hereby humbly petition that my financial loss sustained by me as a result of forced evacuation from the coast be indemnified by the government of Canada.

_____
Signature.

3. enfants

CLAIM FOR DAMAGE

PERSONAL INFORMATION

surname givenname

Name..... _____

Home address before evacuation (in Canada)

_____

Home address in Japan _____

Japanese national, naturalized, Canadian-born.

Registration No. _____ Sex_____ Age _____

Occupation _____

Married, Single, Widower, Widow.

Wife or Husband ..... Name_____ Registration No._____Age_____

Dependents ..... Name Age

_____

Claims:

1. Current value of land at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed ..... $_____

2. Current value of buildings and other improvements with the lot, at the time of evacuation ..... $_____

   Value of the above, at which the Custodian sold without my consent ..... $_____

   Difference in the values, to be claimed ..... $_____

3. Current value of personal property at the time of evacuation ..... $_____

   Value of the above, at which the Custodian sold without my consent ..... $_____

   Difference in the values, to be claimed ..... $_____

4. Current value of machinery at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent ..... $_____

   Differnce in the values, to be claimed ..... $_____

5. Current value of fishing boat, at the time of evacuation $_____

Value of the above, at which the Custodian sold without my consent $_____

Difference in the value, to be claimed $_____

6. Current value of fishing apparatus at the time of evacuation $_____

Value of the above, at which the Custodian sold without my consent $_____

Difference in the values, to be claimed $_____

7. Current value of automobile at the time of evacuation $_____

Value of the above, at which the Custodian sold without my consent $_____

Difference in the values, to be claimed $_____

8. Expected four years income from farming, industry, trade forestry, fishing, and etc., after evacuation $_____

Annual Income received after the evacuation $_____

Difference in the Incomes, to be compensated $_____

9. Expected four years wage from labour, after the evacuation $_____

Annual wage received, after the evacuation $_____

Difference in the wages, to be compensated $_____

10. Other Claims:-

WELDON
MASON, CAMERON & BREWIN
BARRISTERS & SOLICITORS
Roy Weldon
XXXXXXX A.J. P. CAMERON
F. A. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391

STERLING TOWER
TORONTO 1, CANADA

February 27, 1947.

The Secretary of State of Canada,
Ottawa, Canada.

Dear Colonel Gibson:

Thank you for your letter of February 25th.

Would some time on Friday March 7th be a satisfactory time for an appointment to discuss the machinery to deal with the claims of the Japanese Canadians? I would suggest in the alternative, Monday March 10th.

Yours sincerely,

FAB:HC

F. A. Brewin

Japanese problems

Ottawa, February 25th, 1947.

Messrs Cameron, Weldon & Brewin,
Barristers, etc.,
Sterling Tower Building,
Toronto, 1, Ontario.

Attention: Mr. F. A. Brewin

Dear Mr. Brewin,

I have your letter of February 17th concerning the claims of Japanese Canadians.

In your letter you stated that you would be pleased to have an opportunity of discussing this matter before machinery is set up to deal with claims. I will be glad to see you if you can find it convenient to be in Ottawa, and would suggest that before coming you contact me for an appointment.

Yours sincerely,

h

J-9

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
February 25, 1947

T. D. Anderson, Esq.,
Assistant General Secretary,
The Canadian Legion of the British
Empire Service League,
P.O.Box 657,
Ottawa, Ontario

Re: Goro Suzuki,
430 East Cordova Street,
Vancouver, B. C.

Dear Sir:

Your communication of the 21st instant, addressed to Dr. Coleman, has been handed to me for reply. Dr. Coleman is now in England on official business.

The Prime Minister, on January 24, 1947, made an announcement in connection with Japanese problems and referred to claims put forward in regard to properties, 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".

The matter of claims is being reviewed by the government, but you will appreciate that there are many questions of detail to be considered before final decisions are reached.

The government's aim is to resolve a difficult problem in such a manner that will serve the interests of the country as a whole and in doing so, preserve the principles of fairness and justice.

I will place your letter on our claims file and write you upon receipt of further information from the Minister.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF

OTTAWA, February 24th, 1947.

Legal Section
KWW/MVT

MEMORANDUM:

Mr. W. O. Davis,
Private Secretary,
Secretary of State.

I return herewith your memorandum of 19th instant, as well as Mr. Brewin's letter of 17th instant, and copy of Bill, which he says will be reintroduced during the present Congress.

I spoke to the Minister on Saturday and it was decided that Mr. Brewin's request for an interview could not be denied. I have, therefore, prepared the attached letter for the Honourable Mr. Gibson's signature and have given careful thought to the wording of the reply for the following reasons:

(1) No doubt the Minister's letter will be published in the next issue of "THE NEW CANADIAN", a Japanese newspaper published in Winnipeg.

(2) We cannot too often stress the idea the Japanese are prone to lose sight of, i.e., that interests apart from their own must be considered.

(3) The reply indicates clearly that Mr. Brewin wants to see the Minister. No one may suggest that the Secretary of State requested such an interview.

K. W. Wright.

OTTAWA, February 24th, 1947.

Messrs. Cameron, Weldon & Brewin,
Barristers & Solicitors,
Sterling Tower,
TORONTO 1, Ontario.

Attention: Mr. F. A. Brewin.

Dear Mr. Brewin:

Re: Claims by persons of the Japanese race evacuated from the protected area of BRITISH COLUMBIA.

I have for acknowledgment your communication of 17th instant and wish to thank you for sending me a Bill which you state is likely to be reintroduced to Congress.

The matter of claims made by the Japanese in respect to their property is being reviewed by the Government but you will appreciate that there are many questions of detail to be considered before final decisions are reached.

Our aim is to resolve a difficult problem in such a manner that will serve the interests of the country as a whole and in doing so preserve the principles of fairness and justice.

I note your desire to talk the matter over with me and I will be pleased to see you but suggest that you telephone my Secretary for an appointment a few days in advance of your arrival.

Yours very truly,

KWW/MVT

DEPUTY MINISTER OF LABOUR
CANADA

1947 FEB 25 AM 9:22

UNDER SECRETARY OF STATE

Ottawa, February 24, 1947.

Mr Wright

Doctor E. H. Coleman,
Deputy Custodian of Enemy Property,
Department of the Secretary of State,
Victoria Building,
7 O'Connor Street,
OTTAWA.

1/3/47

Dear Sir:

I am enclosing herewith a letter received from K. Nishiyama of Diamond City, Alberta, who has apparently heard of the Prime Minister's statement of January 24, 1947, and is claiming compensation for his property at Mission, B.C.

I have acknowledged Nishiyama's letter and advised him that I am referring it to you.

Yours very truly,

H. Lammertt

A. MacNamara.

Department of Labour
FEB 24 1947
YOUR COMMENTS
SEE ME PLEASE
NOTE & RETURN
GET FILE FOR ME
A. MacN.

Diamond City, Alberta.
Feb. 17, 1947.

Dept. of Labour
Dominion Govt.,
Ottawa, Canada

Dear Sir,

The statement in the newspaper concerning the Japanese property prompted me to write. I feel that my property has been misjudged, so I would like you to reconsider the matter.

In 1921 I mortgaged my land, which consisted of a small house and ten acres of land, to the Canada Permanent Mortgaged Co. for a value of $1800. Of the above 10 acres only 5 acres were cleared. Ever since then, I have been paying the interest and in some prosperous years I also paid part of the principal. The remaining profits which I procured, were used in improving the land.

In 1936 I constructed a 1½ story frame-stucco house and a garage to match;

also put in a large lawn and flower beds. I planted approximately 200 large and small fruit trees. I took care of them for 8 years and was expecting my first crop from them the year we were evacuated.

I planted 2 acres of hops which rendered only one crop. I also have a $150. share for the dry kale.

In hot summer months most farmers suffered from drought but fortunately I had spring water emerging from the corner of my land. I took this opportunity by installing a Beattie electrical pump and equipments costing $1200. - 2 years before evacuation. Therefore I was quite certain in producing an excellent crop. The pump is now at the Pacific Co-operative Association and the Custodian knows the situation very well.

I had put in 40 truck loads of manure into the land 5 months before evacuation.

With only 3 day's notice I was forced to evacuate. This gave me no time to

make a sale. The 1000 lb. limit on baggages prevented me from bringing many commodities.

Being of old age with 3 girls and 2 school boys I couldn't meet my yearly expenditure with the amount of income. The two boy's life insurance was taken out and used for purchasing food. The proceeds from the sale of personal properties by the Custodian was used for food and for paying to the hospital.

Finally an information on the sale of land at ₦2,385.22 reached me. From the above amount a sum of ₦800. was extracted to balance the remaining principal I owed to the mortgage Co. There were many people offering ₦10,000. cash for my property but my intention was to live on it till I die so I refused it unless the buyer was willing to pay ₦15,000. cash. It appears to me that both the land and the tools should be worth ₦12,000. because that amount has been put in.

Here is one of the example of what I think is unjust. The tenant who

is looking after my property wrote me that she and her neighbor wanted to buy my horse. She was willing to pay up to $75. but the Custodian told her it was sold. Later a statement came from the Custodian replying that the horse was sold at an auction for $35.

Another example is:

I had a whole year's supply of fire-wood piled up but did not get any infoimation nor money for them. The fact that my farm has been well cared for can be proven because the tenant was still there last summer and I think they are still there. There is many more if accounted for in detail, but I will exclude it in this letter.

I still have one daughter who is not healthy and one son who is still attending school. Now I am old and can't earn enough to get along, but I do not wanted my children to grow on relief. Therefore I hope you

would kindly look into the matter
and help me as much as possible.
Will be waiting for a result.
I trust this gives a sufficient information
but if anything is lacking, please inquire
about them.

Yours truly,
Kiyuji Ishiyama

Municipality of Mission, Lot 5 South West Quarter
Section 20, Tp. 17 Map 905, District of New
Westminster, C. of T. 42618E.

DEPARTMENT OF
THE SECRETARY OF STATE

MEMORANDUM

Mr. Wright.

Dr. Coleman had some correspondence with Mr. Anderson on January 16th. Do you think the attached should be answered now or should it be held for Dr. Coleman? If you think it might be held perhaps you will return the letter to me so that I may send an interim acknowledgment.

A. G. Maloney

Ottawa, Feb. 22, 194 6.

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.

Dominion President
MAJOR-GENERAL C. B. PRICE, C.B., D.S.O., D.C.M., V.D.

Dominion First Vice-President
LT.-COL. L. D. M. BAXTER, O.B.E., V.D.

Dominion Second Vice-President
CAPTAIN A. D. PIPER

Dominion Third Vice-President
G/C A. WATTS

Dominion Honorary Treasurer
CAPTAIN G. H. ROCHESTER

Dominion Chairman
A. E. MOORE, ESQ.

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

Immediate Past Dominion President
ALEX. WALKER, Esq., C.B.E

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.

The Canadian Legion of the British Empire Service League

DOMINION COMMAND
OTTAWA. CANADA

P. O. BOX 657
CABLE ADDRESS: CANLEG

21st February, 1947.

1947 FEB 22 AM 9:47
UNDER SECRETARY OF STATE

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: H.45130 - Goro Suzuki,
430 E. Cordova Street,
Vancouver, B. C.

Dear Dr. Coleman;

Information contained in your correspondence of January 16th has been brought to the attention of the Secretary of our British Columbia Command. The Command has noted that the property was assessed at $500.00, but was sold to the Director of Veterans Land Act for the sum of $280.00. It is somewhat difficult to understand why the property should be sold for less than the assessed value. We believe it is general practice for municipalities to assess property at something less than its actual sale value. We also believe the Government has generally agreed that where it can be shown that such properties were disposed of at considerably less than their sale values an adjustment will be made.

We would appreciate your advice regarding the possibility of an adjustment being made in the case of Suzuki.

Yours sincerely,
T. D. Anderson.

T.D. Anderson,
ASSISTANT GENERAL SECRETARY.

TDA:AC

"They served till death! Why not we?"

WELDON
CAMERON, CAMERON & BREWIN
BARRISTERS & SOLICITORS
Roy Weldon
XXXXXXX A.J. P. CAMERON
F. A. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391

STERLING TOWER
TORONTO 1, CANADA

February 17, 1947.

OFFICE OF THE
FEB 19 1947
Secretary of State

Honourable Colin Gibson,
Secretary of State,
Ottawa, Canada.

Re: Japanese Canadians

Dear Colonel Gibson:

We are representing the Co-operative Committee on Japanese Canadians. We wrote to the Prime Minister on January 30th following his press release in regard to the matter of the Japanese Canadians and told him that we were most anxious to learn what machinery it is proposed to set up to enable those affected to present their claims for compensation where the sale of their property was made at less than a fair market value. I have to-day received from the Prime Minister a letter stating that the matter is under consideration, and that you will be sending us further information in the near future.

In the meantime for your interest, I am sending to you a bill approved by the Senate Judiciary Committee and passed by the Senate of the United States Congress with unanimous consent on July 29th. This bill did not become law because in the House of Representatives after passing the House Judiciary Committee, it met opposition by a California congressman and it could not come up for discussion without unanimous consent. We understand that it is likely to be reintroduced during the present congress. We are sending you a copy of this bill for your consideration when similar machinery is set up dealing with the same problem in Canada.

We are not suggesting that our machinery should follow precisely ~~with~~ that proposed to be set up in the United States, but we believe that the bill will be helpful.

Our clients have already collected a very great deal of information in regard to the claims of the Japanese Canadians, and we would be very pleased to have the opportunity of discussing this material with you at any convenient time, so that we may if possible be of some assistance in regard to the machinery to be set up to deal with these claims.

Yours very truly,
CAMERON, WELDON & BREWIN
per: F.A. Brewin

FAB:HC