NAME Japanese Property Claims Commission | No. 53-908 Vol III

53-908 Vol III

FORM 6123

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W M. ARMSTRONG, GENERAL MANAGER
TORONTO

STANDARD TIME

34

Vancouver B C 951A Aug 30

Justice Henry,Bird
Dutch Lake Guest Ranch,
Clearwater B C

For your information no word from ottawa at present time presume continue hold advertisement stop you may wish consider extending time for filing claims on your return stop out of town until Tuesday evening.

F G Shears
Direstor office of
The Custodian
1107

Ottawa, August 29, 1947.

Charles P. Rice, Esq.,
Corresponding Secretary,
Inter-Racial Committee for Democratic Action,
5255 Cote St. Luc Road, Apt. 31,
Montreal, Quebec.

Dear Sir:

I wish to acknowledge your letter of August 26th, addressed to the Prime Minister, expressing support of the position taken by the Montreal Committee of Canadian Citizenship with regard to the terms of reference of the Commission to investigate losses resulting from the sale of property of persons of Japanese origin.

Yours sincerely,

G. J. Matte,
Private Secretary.

Ottawa, August 27, 1947.

George Oiye, Esq.,
Hamilton Younger Nisei Organization,
Hamilton, Ontario.

Dear Sir:

I should like to acknowledge your letter of August 24th, addressed to the Prime Minister, concerning the terms of reference of the Commission to investigate claims of losses resulting from the sale of property owned by persons of Japanese origin by the Custodian.

The views expressed in your letter have been noted and are being brought to the attention of the Secretary of State, who is the Minister directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

OFFICE OF THE
AUG 29 1947
Secretary of State

Inter-Racial Committee for Democratic Action

(Incorporated by Dominion Letters Patent)

POST OFFICE BOX 349 STATION "B"

Montreal

Mr. LESLIE ROBERTS
Chairman

Mr. CHARLES P. RICE
5255 Cote St. Luc Road Apt. 31
Corresponding Secretary
ELwood 1965

EXECUTIVE COMMITTEE

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Miss Hilda Dullege
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Rev. Canon P.S.C. Powles
Mr. Louis Greenberg
Mr. M. Brainin

August 26 1947

Rt. Hon. W. L. Mackenzie King,
Prime Minister of Canada,
House of Commons,
Ottawa, Ontario.

Sir,

The nature of our Committee prompts us to support the position taken by the Montreal Committee of Canadian Citizenship with reference to the losses suffered by the Japanese people.

It is not necessary to lengthen this letter by repeating the details so the present serves merely to express our hope that the matter will have the usual careful consideration and courteous attention of the Department concerned.

Yours respectfully

Charles P. Rice

Corresponding Secretary

OFFICE OF TH
AUG 27 1947
of State

MEMORANDUM
Office of the Prime Minister

Ottawa, August 26, 1947.

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

G.J.Matte,
Private Secretary.

Dear Sir:

I should like to acknowledge your letter of August 24th, addressed to the Prime Minister, concerning the terms of reference of the Commission to investigate claims of losses resulting from the sale of property owned by persons of Japanese origin by the Custodian.

The views expressed in your letter have been noted and are being brought to the attention of the Secretary of State who is the Minister directly concerned.

Yours sincerely,

C. J. Matte,
Private Secretary.

OFFICE OF TH
AUG 27 1947
Secretary of State

Ottawa, August 26, 1947.

Dr. C. A. Ishiwara,
President,
British Columbia Japanese Canadian
Citizen Association,
Greenwood, B.C.

Dear Sir:

I should like to acknowledge your letter of August 24th, addressed to the Prime Minister, concerning the terms of reference of the Commission to investigate claims of losses resulting from the sale of property owned by persons of Japanese origin by the Custodian.

The views expressed in your letter have been noted and are being brought to the attention of the Secretary of State who is the Minister directly concerned.

Yours sincerely,

C. J. Matte,
Private Secretary.

Dominion-Douglas Church
The United Church of Canada

MINISTER
REV. A. LLOYD SMITH, M.A., D.D.
692 VICTORIA AVENUE

ASSISTANT MINISTER
REV. R. GRAHAM BARR, B.A., B.D.
3472 VAN HORNE AVENUE

THE BOULEVARD
AND LANSDOWNE AVENUE
WESTMOUNT, QUE.

25th August

Rt Hon. W. L. Mackenzie King
Prime Minister of Canada
Ottawa.

Rt. Honourable and dear Sir:

I am grateful to you, sir, for the attitude which I understand you have taken toward the Japanese resident in and citizens of Canada whose lives have been so interrupted by what seemed at the time to be necessary security measures.

I am one of those who are glad to know that measures are being taken to compensate these Japanese for losses caused them by the manner in which their property was handled after the mass evacuation.

It seems to me that <u>just</u> treatment requires that Canada should make up to them <u>all losses sustained as the result of the enforced move.</u> I understand that such a plan as this has already

been passed by the House of Representatives so far as similar cases were occasioned in the United States.

The Canadian proposal, so I understand, is to limit consideration to cases of loss arising only after the Custodian was appointed. But I have learned that there were hundreds of cases of heavy loss to our Japanese people before the Custodian was named.

I am sure you hold the opinion that as a nation, Canada should try to provide justice for all minority groups. If in the heat of war things were done to our Japanese, which should not have been done, the honourable as well as just thing is to make fair recompense.

I sincerely trust that the present proposals will be given that reconsideration which justice requires.

Respectfully yours

A Leigh Smith

OFFICE OF THE
AUG 26 1947
Secretary of State

Ottawa, August 25, 1947.

Civil Liberties Union,
Vancouver Branch,
Vancouver, B.C.

Dear Sirs:

I should like to acknowledge your telegram of August 23rd setting forth views of the Vancouver Branch of the Civil Liberties Union with regard to the terms of reference of the Commission to investigate claims for losses arising out of the sale of property belonging to persons of Japanese origin.

The views expressed in your communication have been noted and are being brought to the attention of the Minister of Justice and the Secretary of State, who are the Ministers directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

MEMORANDUM

Office of the Prime Minister

Ottawa, August 25, 1947.

Referred from the Office of the Prime Minister to the Secretary of State, also referred to the Minister of Justice.

G. J. Matte,
Private Secretary.

OFFICE OF THE
AUG 26 1947
Secretary of State

August 25, 1947.

President,
Consultative Council,
Vancouver, B.C.

Dear Sir:

I should like to acknowledge your telegram of August 21st, setting forth views of the Consultative Council with regard to claims for losses arising out of the sale of property belonging to persons of Japanese origin.

The views expressed in your communication have been noted and are being brought to the attention of the Minister of Justice and the Secretary of State, who are the Ministers directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

OFFICE OF THE
AUG 26 1947
Secretary of State

Ottawa, August 25, 1947.

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

Dear Sir:

I should like to acknowledge your telegram of August 21st, setting forth views of the Consultative Council with regard to claims for losses arising out of the sale of property belonging to persons of Japanese origin.

The views expressed in your communication have been noted and are being brought to the attention of the Minister of Justice and the Secretary of State, who are the Ministers directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

August 24, 1947.

"The Right Honourable W. L. Mackenzie King, C.M.G.,
Parliament Buildings, Ottawa, Canada.

Sir:

We respectfully bring to your attention the following resolution submitted by the Japanese Canadian Committee for Democracy.

Resolution

Whereas, by Order-in-Council, P.C. 1810, the Government has authorized the Claims Commissioner to investigate only those claims for losses which arise from any failure of the Custodian to exercise reasonable care in the management of evacuee property;

And whereas, such narrow terms of reference limits drastically the number of justified claims for losses which can be considered by the Commissioner, and totally ignores the basic reason for evacuee losses;

That by the forced evacuation by Government order such economic losses as those brought about by the sale of fishing boats and gears, owner's forced sale of property, and even the sale of property at the low assessed valuation as well as numerous other losses arising out of the forced evacuation, can not be considered by the Commissioner;

And as we are mindful of the fundamental democratic principles under which we are governed; of simple justice and fair play which we subscribe as do all others;

We hereby declare our strong protest against the present narrow terms of reference and respectfully urge that some fair means of restitution be made which encompass all economic losses suffered as a result of the forced evacuation.

Very sincerely yours,

Hamilton Younger Nisei Organization."

George Oiye
139 Hunter St E.
Hamilton

President.....

Secretary.....

British Columbia

Japanese Canadian Citizen Association

Greenwood, B.C.

August 24th, 1947.

The Right Honourable W. L. MacKenzie King, C.M.G.,
Parliament Buildings,
Ottawa, Canada.

Sir:-

We respectfully take this liberty to bring to your attention, Order-in-Council P.C. 1810, whereas, the Government authorized the Claims Commission to investigate only those claims for losses, which arise from any failure of the Custodian to exercise reasonable care in the management of evacuee property.

Mindful Sir, of the fundemental democratic principles under which we are governed, of the responsibilities of Canadian Citizenship to which we gladly submit, of simple justice and fair play, which we subscribe as do all others as good Canadians, we hereby, declare our strong protest against the present terms of reference for losses which can be considered by the Commission totally ignoring the basic reason for evacuee losses.

Therefore, we, respectfully, urge that some means of restitution be made, whereby, economic losses suffered as a result of forced evacuation be considered, more favourably in reference to your worthy statement of August fourth, 1944.

We have the honour to be,

Sir,

Yours respectfully,

British Columbia Japanses Canadian
Citizen Association.

Dr. G. A. Ishiwara President.

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

FORM 6102.B

CANADIAN NATIONAL TELEGRAPHS

W. M. ARMSTRONG, GENERAL MANAGER
TORONTO

CLASS OF SERVICE DESIRED	
FULL RATE MESSAGE	
DAY LETTER	
NIGHT MESSAGE	
NIGHT LETTER	
EVENING & SUNDAY	

PLACE X OPPOSITE SERVICE DESIRED

CHECK	RECEIVERS NO.	TIME FILED	CHARGE TO DEPT. OR ADDRESS

Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes
Send the following message, subject to the terms on back hereof, which are hereby agreed to

COPY 1947 Aug. 23.

Vancouver, B.C.

Rt. Hon. William Lyon Mackenzie King,
Prime Minister of Canada, Ottawa.

ON BEHALF OF THOSE PERSONS OF JAPANESE ORIGIN SUBJECT TO FEDERAL EVACUATION POLICY DURING WAR WHO SUFFERED SO MUCH AND IN INTERESTS OF JUSTICE WE RESPECTFULLY URGE IMMEDIATE REVISION TERMS OF REFERENCE BEFORE HONOURABLE MR. JUSTICE BIRD STOP WE STRONGLY FEEL JUSTICE CANNOT BE DONE NOR YOUR EARLIER ASSURANCES TO UNFORTUNATE VICTIMS OF EVACUATION POLICY IMPLEMENTED IF TERMS OF REFERENCE REMAIN UNALTERED STOP WE RESPECTFULLY REQUEST AND URGE IMMEDIATE MODIFICATION TO PERMIT CONSIDERATION OF ALL LOSSES DIRECTLY RESULTING FROM EVACUATION WHETHER OR NOT DUE TO NEGLECT OF CUSTODIAN.

CIVIL LIBERTIES UNION, VANCOUVER BRANCH.

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.....

1947 AUG 25 AM 9:17

UNDER SECRETARY OF STATE

506 Royal Bank Building,
Vancouver, B.C.

23rd August, 1947.

Dr. E.H. Coleman, K.C., C.M.G.,
Under Secretary of State,
West Block,
Ottawa, Ont.

Dear Dr. Coleman,

I saw Mr. Justice Bird for a few minutes this morning. He tells me that he has informed you that he will be away all next week and that I might receive a telegram from you in regard to the publication of the advertisement.

I am leaving Monday morning for the Island with Miss Secchi and Miss Foy and it will be Wednesday evening before I am back. This is for your information.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

Vancouver, B.C.,
23rd August, 1947.

F. G. Shears, Esq.,
Custodian's Office,
Royal Bank Building,
Vancouver, B.C.

My Dear Shears:

Re: Japanese Property
Commission

The Under-Secretary has suggested some changes in the draft advertisement, consequently I have had it re-drafted to incorporate suggestions made by him as well as by Mr. McMaster. I enclose herewith one copy of the final draft. I will also take a copy with me so that we may discuss any changes that have to be made following receipt by you of advice from Dr. Coleman relative to the Minister's meeting with Brewin.

I have written Coleman today, asking that he wire you whether or not any change is made in the terms of reference after the meeting.

Yours truly,

Encl.

MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA

OFFICE OF THE
AUG 23 1947
Secretary of State

Ottawa, 22nd August, 1947.

My dear Colleague,-

I have your letter of August 15th enclosing a copy to you from Mr. Justice Bird. I think that as Mr. Brewin is going to call on us next Tuesday Mr. Justice Bird had better defer his advertisement until after that date.

Yours very truly,

The Honourable Colin Gibson,
Secretary of State for Canada,
O t t a w a, Canada.

COURT OF APPEAL

1947 AUG 25 AM 9:20

UNDER SECRETARY
OF STATE

Vancouver, B.C.,
22nd August, 1947.

AIR MAIL

Dr. E. H. Coleman,
Under-Secretary of State,
Ottawa, Ontario.

Dear Dr. Coleman:

Thanks for yours of the 20th instant which reached me this morning.

I will incorporate in the final draft of the advertisement the suggestions which you have made. Many thanks for your assistance.

I learn that Brewin, the Toronto Solicitor who acts for the Japanese, has an appointment with the Minister of Justice and with Mr. Gibson for the 26th instant. In these circumstances, I think it would be unwise to publish the advertisement until you advise Mr. Shears whether or not any change is to be made in the terms of reference.

I expect to be out of town next week but have arranged with Shears to communicate with me immediately on receipt of advice from you. If convenient, would you wire him the result of the Minister's meeting with Brewin?

Yours sincerely,

H. J. Sived

P.S. Your wire of Todays date has just been delivered -

C.D 1X

PRINTED IN CANADA

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W.D.NEIL, GENERAL MANAGER OF COMMUNICATIONS MONTREAL

STANDARD TIME

K.CP53 41 DL=OTTAWA ONT 22 133P=

RECEIVED AT
769 GRANVILLE ST.
MARINE 4744

K BRANCH
AUG 22 1947
VANCOUVER

=HON MR JUSTICE BIRD=
=COURT OF APPEAL LAW COURTS VANCOUVER=

=HAD CONVERSATION THIS MORNING WITH MINISTER JUSTICE STOP WE SUGGEST YOU DEFER INSERTING NOTICE CALLING FOR CLAIMS UNTIL ADVISED BY THIS OFFICE NEXT WEEK AFTER RETURN OF SECRETARY OF STATE AND WHEN HE AND MINISTER JUSTICE HAVE HAD OPPORTUNITY OF CONFERRING=

=E H COLEMAN UNDER SECRETARY OF STATE.

C.D. 2X

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

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.

COPY

1947 AUG 21 AM 1 56

RAA20 100 NL

Z VANCOUVER BC 20

RIGHT HONOURABLE W L MACKENZIE KING

PRIME MINISTER OTTAWA CANADA

ON BEHALF OF THOSE NUMEROUS CITIZENS OF PRACTICALLY EVERY CLASS PARTY AND DENOMINATION WHO FROM TIME TO TIME HAVE MADE REPRESENTATIONS THROUGH VANCOUVER CONSULTATIVE COUNCIL I AM ASKED TO MAKE THIS FINAL PERSONAL APPEAL STOP WITH DEEP RESPECT BUT WITH GREAT SENSE OF URGENCY WE PRAY YOUR GOVERNMENT SO TO EXTEND THE SPECIAL POWERS ASSIGNED TO MR JUSTICE BIRD AS TO MAKE POSSIBLE THE IMPLEMENTATION OF YOUR

...al Manager, Montreal
D. L. HOWARD, Assistant Manager, Winnipeg
P. G. McLEAN, Supt., Vancouver, B.C.
L. A. RAYMOND, Supt., Calgary, Alta.
T. H. HOLMES, Supt., Moose Jaw, Sask.
A. J. CLARK, Supt., Winnipeg, Man.
...CABLE MESSAGES SHALL BE TRANSMITTED
... 5th, 1932, OF THE BOARD OF TRANSPORT
...CANADA GAZETTE.
...mpany, that said Company shall not be liable for damages arising ...
...eated telegram, whether happening from negligence of its servants ...
...or obscure messages, or for errors from illegible writing, beyond the ...
...yment of one-half the regular rate, and in that case the Company shall ...
...igence of the Company in the transmission or delivery of the telegram. ...
...will endeavor to forward the telegram by any other Telegraph Com-
...liability therefor. The Company shall not be responsible for messages
...s sent to such office by one of the Company's messengers he acts for
...erein as agent of the sender, being authorized to assent to these condi-
...in writing, stating agreed amount of risk, and payment of premium
...t one per cent. for any distance not exceeding 1,000 miles, and two per

C.D. 2X

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W. D. NEIL, General Manager of Communications Montreal

CLASS OF SERVICE	
Letter	
Night Message	
Night Letter	
Evening and Sunday Messages	

Please mark an X opposite the class of service desired.

CHECK

TIME FILED

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

RAA20/2 RIGHT HONOURABLE W L MACKENZIE KING OTTAWA

GUARANTEES THAT JUSTICE WOULD BE DONE ALL INNOCENT VICTIMS OF FEDERAL EVACUATION POLICY STOP WE BELIEVE THAT LOSSES OCCURRED WHICH THE CUSTODIAN COULD NOT PREVENT BUT WHICH THE GOVERNMENT OF CANADA SHOULD RECOUP

NORMAN F BLACK PRESIDENT CONSULTATIVE COUNCIL

MEMORANDUM

Office of the Prime Minister

Ottawa, August 21, 1947.

Referred from the Office of the Prime Minister to the Secretary of State. Copy also referred to Minister of Justice.

G.J.Matte,
Private Secretary.

ust 21, 1947.

OFFICE OF THE
AUG 22 1947
Secretary of State

Chairman,
Manitoba Japanese Canadian
Citizens' Association,
68 Kate Street,
Winnipeg, Manitoba.

Dear Sir:

I should like to acknowledge the letter of the 16th of August which you addressed to the Prime Minister, setting forth the text of the resolution adopted by the Manitoba Japanese Canadian Citizens' Association with regard to the terms of reference of the Commissioner to investigate claims for losses arising out of the sale of property belonging to persons of Japanese origin.

The views expressed in this resolution have been noted and are being brought to the attention of the Minister of Justice and the Secretary of State who are the Ministers directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

Ottawa, August 21, 1947.

OFFICE OF THE
AUG 22 1947
Secretary of State

Harold A. Hirose, Esq.,
Chairman,
Manitoba Japanese Canadian
Citizens' Association,
68 Kate Street,
Winnipeg, Manitoba.

Dear Sir:

I should like to acknowledge the letter of the 16th of August which you addressed to the Prime Minister, setting forth the text of the resolution adopted by the Manitoba Japanese Canadian Citizens' Association with regard to the terms of reference of the Commissioner to investigate claims for losses arising out of the sale of property belonging to persons of Japanese origin.

The views expressed in this resolution have been noted and are being brought to the attention of the Minister of Justice and the Secretary of State who are the Ministers directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

Ottawa, August 21, 1947.

Dear Mr. Shears,-

I have received your letter of the 19th August.

I do not think that the terms of the Commission imply any reflection whatever on the administration of the Custodian's Office in Vancouver. When the Government was confronted with claims of persons of the Japanese race who had been evacuated, the Government, as a matter of policy, decided that, to clear up any misgivings which might prevail in the public mind, it would appoint a Commissioner to consider these claims. This was not a departmental matter as you know, because, if I am not mistaken, you yourself attended at least one meeting of the Committee of the Cabinet dealing with Japanese affairs. The Committee decided to restrict the reference to the Commission to the matters set out in the Commission. In other words, they did not think it desirable to empower the Commissioner to entertain claims for loss of earnings and other direct or indirect results of the evacuation policy.

In relation to the real property, I fancy the claims will largely be in respect to the properties covered by the Veterans Land deal. It will rest with the Commissioner, when he has heard the evidence, to decide whether or not, having regard to the conditions at the time the Custodian -- and I repeat <u>the Custodian</u>, not the Custodian's officers in Vancouver -- was justified in accepting the valuations of the Director under the Veterans Land Act and whether or not the Advisory Committee, in making its recommendation to the Custodian, exercised reasonable care in seeing that a fair price at the time the property was sold was realized. A finding by the Commissioner, for example, that a reasonable price was not realized in respect to one parcel would not, in my judgment, imply any negligence on those officers in Vancouver who carried out the Custodian's instructions. The

Custodian ---

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

Custodian, in turn, carried out instructions from the Government in giving the Veterans Land people a preference in selection.

We have always taken the position that every effort was made to realize the fairest possible price for the chattels and the like. If in some cases the Commissioner should find that the price realized was below the value, the Commissioner must make what finding he thinks proper in relation to it. I would be greatly surprised if in very many cases he felt that there had been a lack of reasonable care. The Custodian's Office was the only agency of government dealing with the property and the chattels, other than the special types such as fishing vessels and the goods sequestrated by the Royal Canadian Mounted Police and other agencies and that, I fancy, is why the Government, in its wisdom, decided to restrict the inquiry to the Custodian's dealings. Most of us realized, I think, that this would not satisfy the persons of the Japanese race and their agents and friends but it was as far as the Government felt itself inclined to go.

While, for purposes of convenience and to prevent daily references here for cheques in connection with the expenses, we are prepared for the time being to make advances, I think it must be clearly understood that the expenses of the Commission are not a charge on the Custodian. The Government will have to make provision out of some appropriation for the expenses of the Commission. The utmost degree of expense the Custodian would bear would be possibly the expenses of our own Counsel and any of our officers who had to travel with the Commission to present the Custodian's case. The Secretary of State will be here on Monday and I will discuss this phase of the matter with him. As I have said, for the time being whatever expenses there may be may be paid from the Custodian's Office but in due course cheques will be issued out of Government funds to the individuals concerned and they will have to recoup your Office for any advance which you may make.

Yours sincerely,

E. H. Coleman

CD 1R

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

STANDARD TIME

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

WNA143 20/18

OTTAWA ONT 20 1142A 1947 AUG 20 AM 9 18

HON MR JUSTICE BIRD 409

COURT OF APPEAL LAW COURTS VANCOUVER BC

YOUR AIRMAIL LETTER EIGHTEENTH RECEIVED SENDING YOU AIRMAIL LETTER TODAY MAKING CERTAIN TRIFLING SUGGESTIONS CONCERNING FORM OF NOTICE

E H COLEMAN

UNDER SECY OF STATE

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

Ottawa, August 20, 1947.

Dear Mr. Justice Bird,-

I received this morning your air mail letter of the 18th instant. I have examined, together with Mr. Wright, Counsel in the Custodian's Office, the draft notice and we offer the following observations for your consideration:

If you will examine the Order in Council you will observe that it is intended that the Commission will concern itself with claims of persons of the Japanese race who were evacuated from the protected areas of British Columbia and who, as a second condition, were resident in Canada as of July 18th, 1947. There were a few other Japanese in Canada who were not evacuated but whose property, under other Orders in Council and authority may have been at one time or another under the control of the Custodian. We feel, therefore, that it will do no harm to make it clear that the present notice applies to persons of the Japanese race who had been evacuated from the protected area of British Columbia and who were residing in Canada as of July 18th, 1947.

In line 10 of the suggested notice there is reference to "the Custodian of Alien Enemy Property". There is no such official. I am enclosing a copy of the Trading with the Enemy Regulations and direct your attention to Section 1, where the simple reference is to "the Custodian". If you wish to amplify this I suggest you might wish to use the language of the Order in Council, - "the Custodian, as defined in the Regulations Respecting Trading with the Enemy".

Do you not think in (b) it might be well to repeat the language of 1(b) in the Order in Council, making it clear that claims are not entertained in respect of property lost,

destroyed ---

The Honourable Mr. Justice Bird,
Court of Appeal,
Law Courts,
Vancouver, B.C.

destroyed or stolen while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property.

I wonder if, to avoid any controversy in Parliament, it might not be well to provide that the claims must be filed, written in either the English or the French language. I realize, of course, that it is extremely improbable that any of the Japanese would submit their claims in French but it is an official language for purposes of the Federal Courts and you are head of a Federal Commission. I do not attach great importance to this point but I think to avoid any possibility of controversy it might be just as well to give them the alternative. As I have said, I question very much whether you will have even one claim submitted in French.

The only other point is in respect to the regulations dealing with the submission of claims. I realize that for purposes of convenience and identification it will be extremely helpful if the claimants give their registration number as assigned by the Royal Canadian Mounted Police. On the other hand, the use of the machinery of the Mounted Police is extremely obnoxious to a considerable number of these people and their sympathizers. Unless, therefore, you feel that it is essential that the claimants should submit their registration numbers, do you think you could dispense with any reference to the R.C.M.P.

I am dictating this very hurriedly in order to get the letter off by air mail and will in due course write you on other points raised in your letter.

The Secretary of State will be in Ottawa on Monday next, the 25th, and I should like to discuss the other questions with him.

Yours sincerely,

E. H. Coleman
Under Secretary of State.

THE GLOBE & MAIL, Aug. 20, 1947.

Open Probe in Fall Into Jap Claims

Vancouver, Aug. 19 (CP).—Mr. Justice H. I. Bird of the British Columbia Appeal Court said yesterday he hoped his official enquiry into Japanese-Canadian property-loss calims would open Oct. 1, "probably in the East."

Sittings, he said, probably would be held in each city where the B.C. Security Commission had offices during the war—Montreal, Toronto, Moose Jaw, Lethbridge and Vancouver. The investigation is into claims of losses allegedly suffered by Japanese-Canadians evacuated from B.C.'s protected areas.

C.D. 2X

CLASS OF SERVICE	
Full Rate	
Day Letter	
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
ATM
TIME FILED
STANDARD TIME

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

OTTAWA AUGUST 20, 1947.

HON. MR. JUSTICE BIRD,
COURT OF APPEAL,
LAW COURTS,
VANCOUVER.

YOUR AIRMAIL LETTER EIGHTEENTH RECEIVED. SENDING YOU AIRMAIL LETTER TODAY MAKING CERTAIN TRIFLING SUGGESTIONS CONCERNING FORM OF NOTICE.

E. H. COLEMAN
UNDER SECRETARY OF STATE

CHARGE SEC OF STATE.

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

506 Royal Bank Building,
Vancouver, B.C.

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

1947 AUG 21 AM 9:14

19th August, 1947.

UNDER SECRETARY
OF STATE

Dr. E.H. Coleman, K.C., C.M.G.,
Under Secretary of State,
West Block,
Ottawa, Ontario.

Dear Dr. Coleman,

It was Mr. Justice Bird's wish that I should speak to you while you were on the telephone today, as the viewpoint which I expressed was what he wished to put before you but did not consider he should do so himself, beyond the extent already indicated in his remarks to you.

As I stated, I feel sure that you know that I have always realized that the concern of this office is the carrying out of Government policy and not making or suggesting what that policy should be, and this has been our considerable effort during the past five years.

Had the Government come to a decision that no claims of any kind would be considered, as Director of this office, I would have had nothing to say, but in view of the fact that claims are to be entertained, I felt that it should be stated that we are not very happy in regard to the basis on which the investigation will be conducted, as it appears somewhat unfair to this office.

Any recommendation which the Judge may make which is favourable to the Japanese, would mean that his findings indicated there had been failure in administration on the part of the Custodian.

Due to the fact that Japanese will seek to establish that reasonable care was not exercised by the Custodian they will doubtless endeavour to bring to light what they may call lack of initial protection and failure on our part to take physical possession or give immediate protection to their chattels when they were required to leave, as well as theft and vandalism while in our care, and such matters could easily provide headline opportunities to discredit and reflect upon the Government's administration, even if it can be argued that reasonable care had been exercised.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

19th August, 1947

Dr. E.H. Coleman, K.C., C.M.G.

I assume that Order-in-Council and the Terms of Reference were prepared by the Department of Justice, and the repetition of the words "reasonable care" seem to point to the desire to transfer responsibility from a matter of policy to a matter of administration, and I feel that this is evading the real issue in regard to whether a Japanese did or did not receive a fair market value for his real or personal property at the time of sale.

I venture to say that organizations and others who are acting on behalf of the rights of Japanese, while desiring a widening of the Terms of Reference would have become reconciled to terms which provided for payment of claims on the basis of any differences which could be established between the amount received and a fair market value if the question of reasonable care had not been included, the question of reasonable care on the part of the Custodian not being the concern of the Japanese who were evacuated as a part of Government policy, and whose property became vested in the Custodian on evacuation.

However, having stated this viewpoint, and having been advised that the wording of the Terms of Reference have been well considered, I assume that Mr. Justice Bird will now proceed to take steps to carry out the duties under his Commission on the basis outlined.

In answer to his enquiry, I advised the Judge that expenses in regard to the Advisory Committee were paid from this office, and I think he considers this desirable in the present case.

Mr. Justice Bird has suggested that hearings will be held at different centres for the purpose of taking the testimony of the Japanese and for cross examination by our Counsel and that subsequently he will hear the Custodian's testimony in Vancouver and secure any technical evidence he may require. If this can be arranged it would appear to be satisfactory as far as we are concerned.

The Judge appears to consider that a Counsel for the Custodian should be appointed without delay so that he will be in a position to become acquainted with our files. However, I do not see that much progress can be made until claims are actually received, and we know the number to be considered, and the location at which they will be heard.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

19th August, 1947

Dr. E.H. Coleman, K.C., C.M.G.

I think the Judge has an idea of starting sessions in Toronto in October. If claims are received up to the 30th September, and the number should be considerable, this would not give us much time for review. However, these are matters which will be dealt with as they develop.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

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.

August 18, 1947.

PLEASE REFER TO FILE NO. 3201

OFFICE OF THE
AUG 20 1947
Secretary of State

The Secretary of State,
Ottawa, Ontario.

Dear Sir:

Re: Japanese Commission

We presume that some regulations will be passed under P.C. 1810 and some form set up for filing claims.

We shall feel obliged if you will kindly furnish us with a half dozen copies of the Regulations and approximately one thousand copies of the form to be used for filing claims. From correspondence already on file you will notice that we expect to present some five hundred or six hundred claims.

Also let us know if any further steps have been taken since the publication of the Order in Council on the 18th of July.

Thanking you, we are,

Yours truly,

VIRTUE & RUSSELL,

Per:

WGV/mh

MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA

OFFICE OF THE
AUG 19 1947
Secretary of State

Ottawa, 18th August, 1947.

Dear Mr. Davis,

Mr. F. A. Brewin wired on Friday last that he could not be in Ottawa for his appointment with Mr. Ilsley and Col. Gibson on Saturday.

On consultation with your office your Minister said that he would be willing to see Mr. Brewin on the 25th, 26th or 27th, and Mr. Brewin has now sent the following telegram:-

"Re Japanese Canadians retel August 26th convenient will call your secretary as to hour of appointment on arrival in Ottawa morning of Twenty-sixth".

Perhaps you would let me know, at your convenience, what hour would be suitable for your Minister. I would suggest 9.30 or 10. a.m., in order to get the matter disposed of, as Mr. Ilsley has meetings with the Committee on Uniformity of Legislation during that week, and I am not sure of the hours.

Yours very truly,

A. L. Wickwire
Private Secretary

W. O. Davis, Esq.,
Private Secretary,
The Hon. the Secretary of State,
O t t a w a, 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.....

506 Royal Bank Building,
Vancouver, B.C.

18th August, 1947.

The Honourable Mr. Justice Henry I. Bird,
Court House,
Vancouver, B.C.

Dear Mr. Justice Bird,

Thank you for your letter of the 15th instant enclosing draft of proposed advertisement. I think this should be quite satisfactory.

Perhaps you might wish to give consideration to an additional clause under Claims relating to real property asking for information regarding the nature of equity, that is whether a joint interest, interest by way of mortgage or registered or unregistered agreement.

The area from which the Japanese were removed was termed in the Order-in-Council "protected area" and you may think it desirable to use this term rather than "segregated area" in Clause 2.

The draft is returned herein.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH
encl.

To persons of the Japanese race resident in Canada as at July 18, 1947.

TAKE NOTICE THAT by Order P.C. 1810 dated July 18, 1947 His Excellency The Governor-General in Council has authorized the appointment of The Honourable Mr. Justice Henry Irvine Bird, a Justice of the Court of Appeal for the Province of British Columbia as a Commissioner under the Inquiries Act to inquire into and report upon claims of persons of the Japanese race resident in Canada as at July 18, 1947 who allege that <u>they have suffered pecuniary loss by reason of the failure of the Custodian of alien enemy property to exercise reasonable care:</u>

(a) In the disposition of the real and personal property vested in the Custodian pursuant to Orders in Council P.C. 1665 of March 4, 1942; P.C. 2483 of March 27, 1942; P.C. 6247 of July 20, 1942 and P.C. 469 of January 19, 1943. The amount received by the Custodian was less than the market value thereof at the time of such disposition.

(b) In the management of personal property such property was lost, destroyed or stolen.

I am now directed by the Commissioner to give public notice to intending claimants to file their respective claims in duplicate, written in the English language and verified by statutory declaration at the office of the Custodian, Royal Bank Building, Vancouver, B.C., <u>on or before September 30, 1947.</u>

Claimants are required to prepare their claims in the following form:

1. Name of claimant in full with registration number alloted to him by the Royal Canadian Mounted Police.

2. Claimant's address at the time of his evacuation from the segregated area. * protected area

3. Claimant's present address.

4. Claims relating to real property will contain the following information:

(a) Civic address of real property.

(b) Legal description of real property.

(c) Type of real property, i.e. farm, residence, commercial, etc., and short description of it.

? Nature of Equity →

(d) Grounds of complaint.

(e) Fair market value of real property at date of sale.

(f) Pecuniary loss alleged to have been sustained by claimant.

5. Claims relating to personal property will contain the following information:

(a) Location at which property was left by the claimant at date of his evacuation.

(b) Type of premises in which property was left by the claimant.

(c) In whose care was property left by the claimant at date of his evacuation.

(d) Itemized and detailed description of the property which is the subject of the claim.

(e) Manner in which that property was stored or packed.

(f) Grounds of complaint.

(g) Aggregate market value of the property at time of the claimant's evacuation.

(h) Pecuniary loss alleged to have been sustained by claimant.

Does the claimant propose to adduce oral evidence in support of his claim? If so, indicate at which of the cities where sessions of the Commission are to be held.

Claims filed subsequent to September 30, 1947 will not be considered unless special leave is granted by the Commissioner upon good cause shown.

Sessions of the Commission for the hearing of oral testimony in respect of claims filed at the office of the

Custodian [illegible]

at tim[illegible] Commissioner,

notice[illegible] ant.

terms [illegible] ted to the

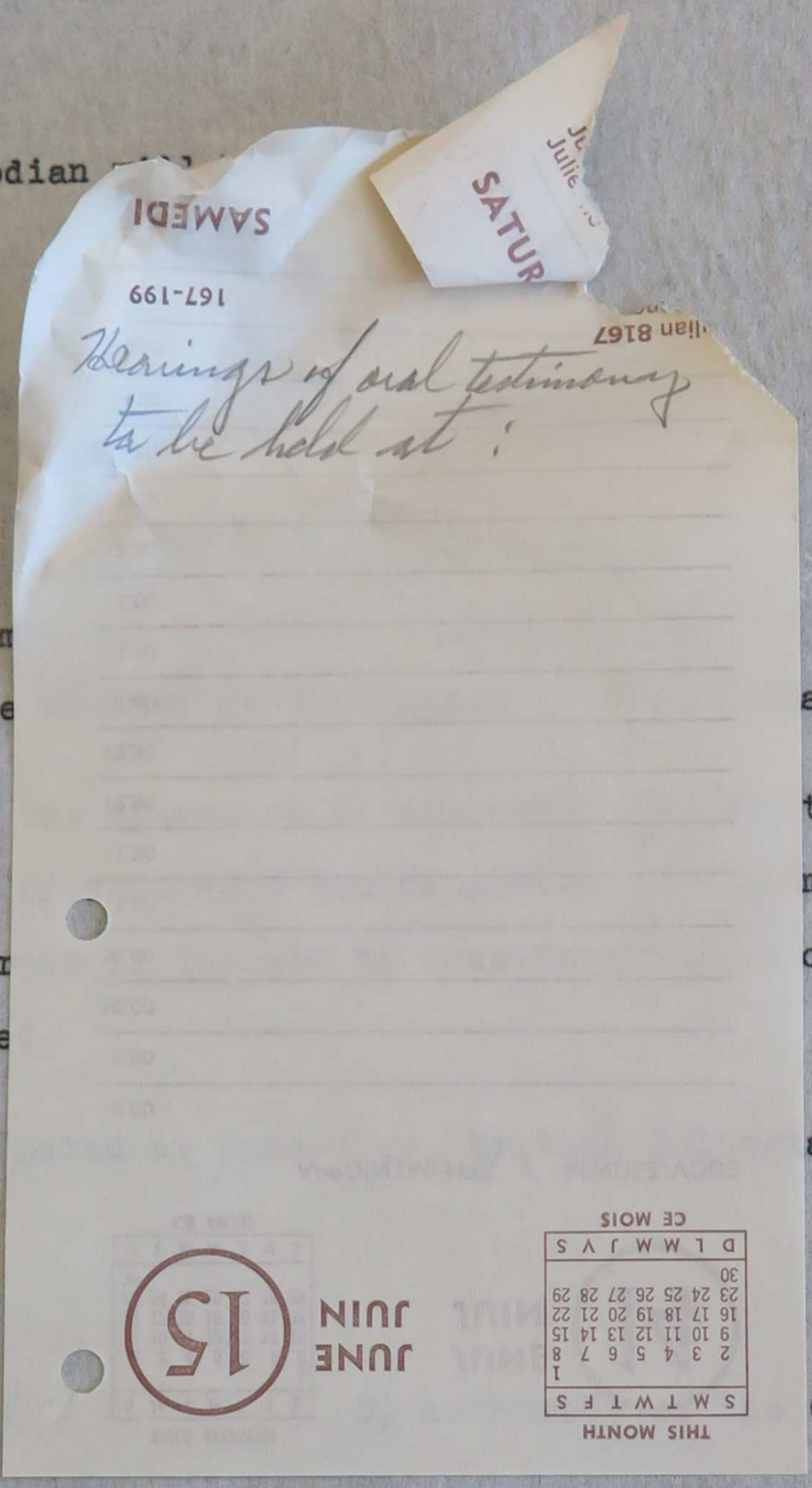
author[illegible] missioner's

define[illegible] claims as therein

1947. [illegible] a, August 20,

[illegible] Commissioner.

A. Watson, Secretary to the Commission.



Custodian will be held at:

Vancouver, B.C.
Kamloops, B.C.
Nelson, B.C.
Lethbridge, Alberta
Moose Jaw, Saskatchewan
Winnipeg, Manitoba
Toronto, Ontario
Montreal, Quebec

at times and locations to be fixed by the Commissioner, notice whereof will be given to the claimant.

The attention of claimants is directed to the terms of reference quoted above. The Commissioner's authority is limited to consideration of claims as therein defined.

Dated at Vancouver, British Columbia, August 20, 1947.

By authority of the Commissioner.

A. Watson, Secretary to the Commission.

COURT OF APPEAL

1947 AUG 20 AM 9:14

UNDER SECRETARY
OF STATE

LAW COURTS

VANCOUVER

18th August, 1947.

Dr. E.H. Coleman, K.C., C.M.G.,
Under Secretary of State,
West Block,
Ottawa, Ont.

Dear Sir:

Re: Japanese Property Commission

I was glad of an opportunity to discuss with you by telephone the questions raised in my letter to the Minister under date of the 13th instant.

I conclude from your remarks that there is little probability of any change in the Terms of Reference. This being so, there is nothing to prevent an immediate publication of the proposed advertisement for claims.

I now enclose draft of the proposed advertisement which I have prepared in collaboration with Mr. Shears. If the draft meets with your approval will you advise me by wire so that immediate steps may be taken to publish the advertisement.

As I told you this morning, it will be helpful if Counsel for the Custodian was appointed as soon as possible. Shears tells me that he will require at least 30 days to instruct Counsel so that the latter may have sufficient knowledge of the subject to conduct cross examination of Japanese claimants.

You will observe that I did fix September 30th as the final date for the filing of claims. A period of approximately six weeks should give ample time to the Japanese to formulate their claims and also to permit the Custodian's office to prepare for examination of claimants' witnesses.

Subject to the views of Counsel concerned, I hope to open the Commission hearings at Toronto where there is now the largest concentration of Japanese. I will then proceed with the hearing of claimants' testimony

COURT OF APPEAL

LAW COURTS

VANCOUVER

18th August, 1947.

Dr. E.H. Coleman, K.C., C.M.G.

in the various Eastern centres. It may be necessary to take the evidence of the various claimants at Eastern centres, then to conclude their cases with the taking of evidence of Valuators and others at sessions to be held later in British Columbia where the goods were stored and the sales made.

I gather from Mr. Shears that the Custodian will desire to present his defense testimony in relation to all claims during sessions held at Vancouver since his files are here and cannot conveniently be moved.

Confirming my comment made this morning on the subject of financing of the Commission, Shears tells me that it would be convenient to have all necessary disbursements paid through the local office of the Custodian. This suggestion appeals strongly to me as it will relieve the Secretary for the Commission of the necessity to deal directly with your Department in Ottawa on financial matters.

I note your remarks relative to my recommending salaries of prospective employees to yourself for approval before making any firm commitment.

The only employees who will be necessary as I see the situation at the present, will be as follows:

Secretary to the Commission - A. Watson
Remuneration $200.- per month as previously advised.

Japanese - English Interpreter - Douglas Handford
At the rate of $200.- per month.

Reporter
It was my thought, as previously expressed to the Minister, to employ reporters resident in the City where sessions are held. Remuneration to be recommended later.

I would appreciate your comment on or approval of the foregoing suggestions.

Yours very truly,

Encl.

C C P Y

68 Kate Street,
Winnipeg, Manitoba,
August 16, 1947.

The Right Honourable W.L. Mackenzie King, C.M.G.,
Parliament Buildings,
OTTAWA, Canada.

Sir:

We respectfully bring to your attention the following resolution submitted by the Manitoba Japanese Canadian Citizens' Association.

Resolution

WHEREAS, by Order-in-Council, P.C. 1810, the Government has authorized the Claims Commission to investigate only those claims for losses which arise from any failure of the Custodian to exercise reasonable care in the management of evacuee property;

AND WHEREAS, such narrow terms of reference totally ignore the basic reason for evacuee losses brought about by the forced sale of fishing boats and gears, and other property, as well as the sale of property at the low assessed valuation;

And as we are mindful of the fundamental democratic principals of simple justice and fair play of the people of this Country of whom we form a part;

Hereby declare our strong protest against the present narrow terms of reference and respectfully urge that some fair means of restitution be made which encompass all economic losses suffered as a result of the forced evacuation.

Very sincerely yours,

Manitoba Japanese Canadian
Citizens' Association.

(Sgd.) Harold A. Hirose,
Harold A. Hirose, Chairman.

HAH:MH

MEMORANDUM
Office of the Prime Minister

Ottawa, August 16, 1947.

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

G.J.Matte,
Private Secretary.

OFFICE OF THE
AUG 18 1947
Secretary of State

August 16, 1947.

Miss Constance Chappell,
413 Wesley Buildings,
Toronto, Ontario.

Dear Madam:

I should like to acknowledge your letter of August 14th, addressed to the Prime Minister, concerning the terms of reference of the Commission to investigate claims of losses resulting from the sale of property owned by persons of Japanese origin by the Custodian.

The views expressed in your letter have been noted, and are being brought to the attention of the Secretary of State who is the Minister directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

OFFICE OF THE
AUG 18 1947
Secretary of State

Ottawa, August 16, 1947.

Miss Constance Chappell,
413 Wesley Buildings,
Toronto, Ontario.

Dear Madam:

I should like to acknowledge your letter of August 14th, addressed to the Prime Minister, concerning the terms of reference of the Commission to investigate claims of losses resulting from the sale of property owned by persons of Japanese origin by the Custodian.

The views expressed in your letter have been noted, and are being brought to the attention of the Secretary of State who is the Minister directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

FORM 6

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W. M. ARMSTRONG, GENERAL MANAGER
TORONTO

STANDARD TIME

RA92 41

1947 AUG 16 AM 8 56

OTTAWA ONT 16 1133A

THE HONOURABLE JUSTICE H I BIRD

VANBC 390

YOUR LETTER THIRTEENTH OF AUGUST RECEIVED STOP AM
JUST LEAVING FOR WEEKS VACATION STOP SUGGEST YOU CALL DR COLEMAN
NEXT WEEK STOP YOUR COMMISSION AUTHORIZES YOU TO
APPOINT SECRETARY STOP JUSTICE DEPARTMENT CONSIDERING APPOINTMENT
OF ONTARIO SOLICITOR AS COUNSEL FOR CUSTODIAN

COLIN GIBSON.

C.D 1X

PRINTED IN CANADA

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

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

STANDARD TIME

12VR OG 27

VANCOUVER, B.C. AUG. 16/47.....1044AM

348

348

DR. E. H. COLEMAN

UNDER SECRETARY OF STATE, WEST BLOCK, OTTAWA, ONT.

PURSUANT TO MINISTERS SUGGESTION HIS TELEGRAM TODAY STOP I WILL TELEPHONE YOU THREE OCLOCK YOUR TIME MONDAY AUGUST EIGHTEENTH REFERENCE MY LETTER TO MINISTER DATED AUGUST THIRTEENTH.

JUSTICE H. I. BIRD.

1947 AUG 18 AM 9:23

147PM

UNDER SECRETARY OF STATE

TELEF'D Doyle

By [illegible] 1:55 pm

Vancouver, B.C.,
15th August, 1947.

Douglas J. Handford, Esq.,
4038 W. 18th Avenue,
Vancouver, B.C.

Dear Sir:

Mr. F. G. Shears of the Custodian's office has suggested your name to me for employment as an interpreter on the Japanese Property Commission. If convenient, will you call to see me at my Chambers at the Court House on Monday, next. It would be as well that you call me by telephone before coming in so that we may arrange a time convenient to both of us.

Yours truly,

Vancouver, B.C.,
15th August, 1947.

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

My Dear Shears:

I enclose a final draft of the proposed advertisement for claims. Have you any suggestions in regard to it? I would like the enclosed copy returned at your convenience.

Yours very truly,

Encl.

Japanese Claims file

File Japanese

OFFICE OF THE SECRETARY OF STATE

MIN. FILE.....

MEMORANDUM

August 15th,1947.

Colonel Gibson,

Mr. Brewin has wired Mr. Ilsley that he regrets he cannot keep the appointment tomorrow morning with Mr. Ilsley and yourself, and he suggests an appointment for Tuesday, August 19th.

Mr. Ilsley's office advise that Mr. Ilsley is wiring that he is sorry that date is not suitable as you will be out of the City. Mr. Ilsley would like to know what date you think would be suitable.

MH

Either 1
25-6-7 Aug
Mon Tues Wed

46

Ottawa, August 15, 1947.

My dear Colleague:

I am enclosing herewith copy of letter received from the Honourable H. I. Bird, Commissioner for the Japanese enquiry, together with a copy of a statement issued by the Toronto Co-operative Committee on Japanese Canadians published in "The New Canadian" on the 2nd of August.

As Mr. Bird wishes to proceed with his advertisement, I do not feel that there is any necessity of having him wait until you have an interview with Brewin but will be glad to have your views in this matter.

Yours sincerely,

The Rt. Hon. J.L. Ilsley,
Minister of Justice,
OTTAWA, Ont.

p
Encl.

Japanese claims

Ottawa, August 15, 1947.

Dear Mr. Whitman:

I have your letter concerning the appointment of an official reporter for the Commission on Japanese Claims.

I have taken this matter up with the Commissioner, the Honourable H. I. Bird, and he informs me that, as he will be sitting in various parts of Canada at various dates to suit his convenience, he considers that he will be able to find local reporters to take the evidence.

In view of the fact that this Commission will probably continue well into the next Session, I feel that it would be advisable to adopt Mr. Justice Bird's suggestion.

Yours very truly,

R. A. Whitman, Esq.,
332 Bronson Avenue,
OTTAWA, Ont.

p

Vancouver, B.C.,
15th August, 1947.

R. J. McMaster, Esq.,
Barrister and Solicitor,
675 W. Hastings Street,
Vancouver, B.C.

Dear Sir:

As arranged in our conversation earlier in the week, I am enclosing a draft of the proposed advertisement leading to the filing of claims by Japanese evacuees.

I would appreciate it if you will examine the draft and let me have any suggestions which you care to make so as to ensure that the Japanese will have a clear understanding of what is required.

This draft is solely for your own information. I would prefer that you do not communicate the contents to anyone.

Yours very truly,

Encl.

Vancouver, B.C.,
15th August, 1947.

W. G. Morfitt, Esq.,
626 W. Pender Street,
Vancouver, B.C.

My Dear Morfitt:

Your letter of the 30th ultimo reached me when I was away on vacation. I will keep in mind your suggestion on the subject of valuation of Japanese properties. Presently I am unable to say whether or not the services of a valuator will be required.

Yours truly,

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.

14th August, 1947.

The Honourable Mr. Justice Henry I. Bird,
Court House,
Vancouver, B.C.

Dear Mr. Justice Bird,

For your information the Interpreter who has been employed by the Department of Labour, Japanese Division, is Mr. Douglas J. Handford whose address is 4038 West 18th Avenue.

I understand that Mr. Handford resided in Japan for a considerable number of years.

I believe that Mr. Handford's employment will likely terminate at the end of this present month and in speaking to him I indicated that you might wish to see him should it be decided that a permanent Interpreter would be required.

Yours truly,

F G Shears

F. G. Shears,
Director.

FGS/PMH

413 Wesley Buildings,
Toronto, Ont.,
August 14, 1947

The Hon. William Lyon MacKenzie King,
Ottawa,

Dear Sir,

I am writing to you about the Order-in-Council P.C. 1810, the Order which has to do with the appointment of a commission to investigate property losses suffered by persons of Japanese ancestry because of the evacuation from the West Coast. My hope is that this Order may be revised to make the terms of reference as broad as those of the similar commission appointed in the United States.

It is my opinion that to limit the inquiry to cases where the Custodian has failed to exercise reasonable care is to make it far too narrow.

My interest in this subject is of a special and definite nature. Aside from my dismay that innocent persons should suffer heavy loss without compensation is my distress to think of the reputation which Canada will win abroad. As you are doubtless aware, the United and Anglican Churches of Canada are now sending missionaries back to Japan. I shall myself be returning in a few weeks to my teaching post in the Woman's Christian College in Tokyo. In that college I shall be the only Canadian on a staff of Japanese and American teachers, and I shall have contacts of all sorts with persons of those two countries.

I am sure you, sir, would be sorry to think that a Canadian would find this a humiliating position because of a flagrant contrast between the policy of the United States and Canada in which our Dominion comes far behind the United States in the administration of justice. But such will be the case.

Much has been done recently by your government to remedy the injustices suffered by Japanese-Canadians. It is my hope and belief that Canada will not stop until full justice is assured, and that in particular measures will be taken by which full restitution may be made to those who incurred heavy financial loss through the evacuation.

Truly yours,

Constance Chappell (Miss)

MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA

OFFICE OF THE
AUG 14 1947
Secretary of State

Ottawa, 13th August, 1947.

My dear Colleague,-

I enclose herewith an application from Mr. George A. Morison of Vancouver for appointment as reporter for the Royal Commission appointed to investigate the claims of certain Japanese Canadians.

I have advised Mr. Morison that I am referring his letter to you, as the appropriate minister to deal with it. My impression is that Treasury Board has much to say about the appointment of reporters for these commissions, using as far as possible parliamentary reporters, whose salary is fixed on the assumption that they will be given some of this commission work to do. It might be well for you to communicate with Mr. Ronson.

Yours very truly,

The Honourable Colin Gibson,
Secretary of State for Canada,
O t t a w a, Canada.

/M

Stenograghic reports of:
Legal Proceedings
Conferences
Conventions

Phone PAcific 2846

George A. Morison

Verbatim (machine-shorthand) Reporter

23 - 448 Seymour Street
VANCOUVER, B. C.

August 8th, 1947.

The Right-Honourable James L. Ilsley, K. C.,
Minister of Justice,
Ottawa, Canada.

Sir:-

Enclosed is copy of a letter addressed to The Honourable Mr. Justice H. I. Bird in which the writer offered his services for the work of reporting the proceedings of the Royal Commission to investigate claims of certain Japanese-Canadians. Mr. Justice Bird has now advised that the reporter for the Commission will be appointed either by yourself or by The Honourable Secretary of State. The purpose of this communication is to ask if you will kindly give consideration to appointing the writer for this work.

Since the first of this year it has been my privilege to act as reporter for the International Pacific Salmon Fisheries Commission, and to deliver to the Commission several hundreds of pages of transcript. In addition to those references mentioned in the letter addressed to Mr. Justice Bird, you might wish to enquire as to my fitness and reliability from Mr. A. L. Hager, Chairman of the Salmon Commission; Mr. Tom Reid, M. P.; or any one of the other members of the Commission; or from Mr. Dugald Donaghy, Commission Counsel. The Commissioners have made it a point to compliment me on the excellence of the transcripts, and also on the freedom from interruption during the proceedings.

My rates are the same as those set out under the regulations of the British Columbia Supreme Court Act.

It will be a pleasure to forward any further information you might require.

Respectfully,

George A. Morison

George A. Morison.

/M

DEPARTMENT OF JUSTICE
RECEIVED
AUG 11 1947

graphic reports of:
Proceedings
Conferences
Conventions

Phone PAcific 2846

George A. Morison

Verbatim (machine-shorthand) Reporter

23 - 448 Seymour Street
VANCOUVER, B. C.

COPY

July 25th, 1947.

The Honourable Mr. Justice H. I. Bird,
Court House,
Vancouver, B. C.

Sir:-

According to a press report of the 23rd instant, you have been appointed a Commissioner to investigate claims of certain Japanese-Canadians. The purpose of this letter is to offer my services as reporter for the Commission proceedings.

Last year it was my privilege to report most of the proceedings of the Royal Commission on Provincial-Municipal Relations under Mr. Carl H. Goldenberg. Mr. Goldenberg expressed complete satisfaction with the record and very kindly presented my brief with regard to Stenotype Reporting to the Attorney-General. As you are no doubt aware, the Supreme Court Act was amended at the last session of the Legislature to provide for the appointment of Stenotypists as Official Stenographers under the Act.

During the last two years I have reported several proceedings for the Public Utilities Commission; and have also reported Royal Commission proceedings re the Income War Tax Act.

Should you see fit to call on me, I can assure you of the very best service and, should you require it, almost the whole of my time during the life of the Commission.

I shall be pleased to forward any further information you might require.

Respectfully,

(Original signed) "George A. Morison"

George A. Morison.

/M

RECEIVED
AUG 11 1947

1/14

COURT OF APPEAL

OFFICE OF THE
AUG 15 1947
Secretary of State

Vancouver, B.C.,
13th August, 1947.

AIR MAIL

PRIVATE & CONFIDENTIAL

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

My Dear Colin:

Re: Japanese Property Commission

Since writing you on the 6th instant, I have had several conferences with Mr. Shears, the local director, and as a result have acquired some familiarity with the task before me. I now appreciate that there is no necessity for the appointment of a counsel to the Commission since I conclude that the investigation will develope as a contest between the several claimants on the one hand and the Custodian on the other. Consequently, counsel appointed by the Department of Justice should be counsel for the Custodian. Shears tells me that the Locke, Lane firm represented the Custodian's office throughout its administration of Japanese affairs. Mr. F.A. Sheppard of that firm handled the work for the most part and would have greater familiarity with the subject than some other counsel who has had no contact with that office. Sheppard would be a very acceptable appointee if the Department of Justice approved.

I have already suggested the name of Alexander Watson of 877 Newport Avenue, Victoria, as Secretary to the Commission. It now appears to me that the Secretary will have a full-time job from the time that claims are first filed with the Custodian, and a competent man can be of the greatest assistance. It would expedite matters if these appointments were made at an early date.

Terms of Reference:

I gather from Shears that the claims in respect of personal property are likely to fall into the following categories:

1. Actual loss of chattels, from premises in which same were left by claimant, which occurred after evacuation of the claimant and before the Custodian was able to take physical possession.

2. Actual loss of chattels from premises wherein chattels were left by claimant upon his evacuation, which loss occurred after the Custodian had taken physical possession and had taken care to see that the premises were locked. He then relied on normal police protection to prevent unauthorized entry and did not maintain a watchman.

3. Actual loss of chattel property after the Custodian had taken physical possession and when the goods were kept in premises selected by the Custodian.

4. Pecuniary loss caused by failure of the Custodian to realize the fair market value of the chattels upon sale.

5. Instances where the Japanese claimant contends that certain chattels were left in premises from which he was evacuated but of which the Custodian has no record. It is anticipated that such claims may arise from the failure on the part of both the Japanese as well as the Custodian to make any inventory of these goods.

6. Loss to a Japanese claimant which may have arisen through mixing the property of two or more Japanese evacuees, while goods were in custody of Custodian.

I have enumerated these categories with a view to explaining a criticism of the terms of reference which has been made in the Japanese newspaper "The New Canadian" of August 2nd, copy enclosed.

Under heads 1(a) and 1(b) of Order-in-Council

P.C. 1810, the foundation of the Japanese claim is "Failure of the Custodian to exercise reasonable care (a) in the disposition of property by the Custodian; (b) in the management of property." Shears tells me that there is justification for the criticism made in the press report, particularly in regard to claims such as those mentioned in categories 1, 2 and 3 since such losses can hardly be said to have been sustained through absence of reasonable care on the part of the Custodian, yet these constitute actual losses sustained by the Japanese claimant in consequence of his compulsory evacuation from the place where he had the chattels in his physical possession. He points out that the Custodian took physical possession of the goods as quickly as was humanly possible but in the interval between evacuation and the taking of possession, losses by pilfering did occur. Moreover, referring particularly to category Two, in many instances the Custodian took physical possession of the premises in which the goods had been stored by the Japanese, locked the premises, but relied upon the ordinary police protection and did not appoint a special watchman. The losses falling under category Three occurred, notwithstanding that the premises were locked and watchmen were present. Shears believes that in such circumstances the claimant will be unable to establish want of reasonable care on the part of the Custodian, under the terms of reference as framed. The loss will fall on the Japanese who, having been compulsarily evacuated, could not protect himself, yet had reason to believe that his property would be protected.

The press statement appearing in The New Canadian indicates that application is being made, presumably to yourself, to broaden the terms of reference. If there is any possibility of a change in the terms of reference, I think it desirable that I should withhold publication of the proposed advertisement requiring claims to be filed until such time as the terms are finally settled.

I have settled tentatively upon a form of advertisement which will be inserted in newspapers published in each of the six cities wherein the Security Commission had placement officers, as well as in The New Canadian published in Winnipeg. I propose to require claims to be filed with the Custodian's office here, within thirty days from the date of the last publication. Thereafter, sessions of the Commission will be held in the same six cities and perhaps elsewhere, probably commencing with Toronto where the largest concentration of Japanese now is.

I enclose the copy of The New Canadian to which I have referred so that you may be informed as to the nature of the complaint regarding the terms of reference, although I appreciate that application may have already been made to you for an amendment to the terms of reference upon the grounds outlined in this paper.

After you have had an opportunity to digest this rather too lengthy letter as well as the press report enclosed, will you wire me, fixing a time when either you will call me by telephone or I may call you? I would like Shears to be present when I discuss with you the questions raised in this letter.

My discussions with Shears convince me that I am embarking on a rather formidable task, one which will undoubtedly continue for many months since Shears tells me that he anticipates that several thousand claims will be filed. Therefore I thought it wise to discuss this situation with you before I call upon prospective claimants to file their claims.

If at all possible, I would like to publish the advertisement for claims within the next week. If that can be done, it might be possible to open the sessions of the Commission in Toronto about October 1st.

With kindest regards,

Yours sincerely,

H. J. Bird

Encl.

From
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WINNIPEG.

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THE CO-OPERATIVE COMMITTEE STATEMENT ON THE INQUIRY

The following is the complete text of the statement issued by the Toronto Co-operative Committee on Japanese Canadians on State Secretary's announcement on July 24 of the appointment of an evacuation claims commissioner and the terms of reference for evacuee claims:

The terms of the Order-in-Council appointing the Commission to investigate Japanese Canadian property claims are so restricted as to be worse than inadequate, and in fact to be practically useless. It will be necessary to consider seriously whether it will be worth while for the Japanese Canadian claimants to have anything to do with the commission unless the terms of reference are broadened to enable a full and fair inquiry to be made.

The terms of the Order-in-Council impose an impossible burden on claimants. Before the Commissioner can recommend a cent of compensation, he must be satisfied that the Custodian has failed to use reasonable care in disposing of the properties.

The claimants have never based their case for compensation on the lack of care by the Custodian who in most, if not in all cases, may be presumed to have done the best possible in the circumstances. However, in these circumstances of wholesale evacuation, it was inevitable that market value should be abnormally low and the major losses sustained were caused by the Government's policy of enforced evacuation rather than by any lack of care by the Custodian.

Many hundreds of claims cannot even be considered by the Commissioner, for the properties were lost or disposed of or had from the evacuation orders. In this instance the Canadian Government in contrast to the American Government is doing less than justice.

Nor do the proposed terms of reference implement the promises made by the Prime Minister himself when on January 24th, 1947, he stated that "to ensure 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." The terms of the Commission will deprive those whose property was sold at less than the fair market value of compensation unless they can show that the Custodian acted carelessly. The injustice referred to by the Prime Minister will not be remedied unless the order is amended.

* * *

Nor do the terms of the reference comply with the recommendation of the Public Accounts Committee which was approved by Parliament. This Committee recommended that a Commission be appointed to inquire into claims for losses which resulted from the amount being received by claimants being less than the fair market value of their property at the time of sale or loss.

Under the present order if the Custodian shows to the Commissioner that he made reasonable

House of Commons
Canada

'Phone 8-2995W

Residence-
332 Bronson Ave.,
Ottawa, Canada.

August 12th, 1947.

Hon Colin Gibson, M.P.,
Secretary of State,
Ottawa, Canada.

Dear Col. Gibson:

Re: Royal Commission on Japanese Claims
Appointment of Official Reporter

In your absence from the City when announcement of the appointment of the Commissioner, Mr. Justice Henry I Bird was made, I submitted an application directly to him (copy attached) with respect to my possible appointment as Official Reporter. I have just received his reply, dated August 6th, which reads in part as follows:

> "The appointment of a reporter will no doubt be made either by the Secretary of State or the Minister of Justice."

In view of this I would be glad to know if there is any possibility of my application to you, supported by Mr. Golding, receiving early consideration. The "long vacation" is drawing to a close and whoever receives the appointment as official reporter for the Royal Commission will need a certain period of time in which to make necessary arrangements with respect to staff and supplies, particularly the latter.

I take it from Mr. Bird's letter that being a Puisne Judge of Appeal he would have no reporter of his own, and that he is leaving it to the Department in the person of yourself to make a selection. I would be very pleased indeed to have the opportunity of making this report.

Yours very truly,

C.S.R.

Residence: 332 Bronson Ave.,
Ottawa, Canada.

Box 4,

July 25th, 1947.

Commissioner Mr. Justice H. I. Bird,
Royal Commission on Japanese Claims,
Supreme Court of British Columbia,
Vancouver, B.C.

Dear Mr. Commissioner:

In the belief that you will not consider it presumption on my part I am, in the absence from Ottawa of the Minister, Hon Mr. Gibson, placing before you a copy of the formal application I put before him in May last with respect to making the shorthand report for the Japanese claims commission. At the time Mr. Gibson in acknowledging receipt of my application said that when a Commissioner had been selected consideration would be given to "the slection of staff and your appointment".

I do not think I could usefully add anything at the moment to the attached material, other than to say that I would be very pleased to be of professional service to your Commission, and shall appreciate very much such consideration as you may be able to give my application.

Yours truly,

C.S.R.

2576

1947 AUG 18 AM 9:34

COURT OF APPEAL

UNDER SECRETARY
OF STATE

Vancouver, B.C.

12th August, 1947.

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

Dear Sir:

I wish to acknowledge the commission appointing me to enquire into claims of persons of the Japanese Race, enclosed in yours of the August 8th.

Yours very truly,

H. H. Bird

Japanese claims

MINISTER OF VETERANS AFFAIRS

CANADA

Ottawa, August 12, 1947.

CONFIDENTIAL

My dear Colleague:-

I enclose herewith copy of a letter which I have today addressed to the Minister of Justice for the appointment of counsel for the Commissioner investigating the sale of Japanese Lands.

Yours sincerely,

The Honourable Colin Gibson,
Secretary of State,
Ottawa, Ontario.

S/mcb

Ottawa, August 12, 1947.

CONFIDENTIAL

My dear Colleague:-

I should like to recommend Mr. Dudley McGeer as counsel for the Honourable H.I. Bird recently appointed Commissioner to enquire into the Sale of Japanese Properties. Mr. McGeer is a veteran of World War I. He proved to be a very satisfactory and efficient rental control officer in which capacity he rendered excellent service. His partner, Colonel George Clark, served overseas in World War II.

Mr. McGeer is a barrister of experience and is possessed of a clear concisive mind. He is also a man of pleasant personality who would be able, I am sure, to do credit to the Government in this rather difficult task.

I am sending a copy of this recommendation to the Secretary of State.

Very sincerely yours,

The Right Honourable J.L. Ilsley,
Minister of Justice,
Ottawa, Ontario.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

506 Royal Bank Building,
Vancouver, B.C.

12th August, 1947.

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No.....

The Honourable Mr. Justice Henry I. Bird,
Court House,
Vancouver, B.C.

Dear Mr. Justice Bird,

I am enclosing a copy of the New Canadian dated August 9th. You might be interested in the references made on pages 1 and 2 regarding the protest being sent to the Prime Minister.

I telephoned you this morning and later received your message that you will be contacting me tomorrow.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

encl.

MEMORANDUM

Office of the Prime Minister

Ottawa, August 9, 1947.

Referred from the Office of the Prime Minister to the Secretary of State. Copy also referred to Minister of Justice.

for G.J.Matte,
Private Secretary.

OFFICE OF THE
AUG 11 1947
Secretary of State

August 9, 1947.

Secretary,
The Montreal Committee on Canadian Citizenship,
29 Granville Road,
Hampstead,
Montreal, Quebec.

Dear Madam:

I should like to acknowledge your letter of August 7th, addressed to the Prime Minister on behalf of the Montreal Committee on Canadian Citizenship.

The views expressed in your letter, with regard to the terms of reference of the Commission to investigate losses resulting from the sale of property of persons of Japanese origin, are being brought to the attention of the Secretary of State and of the Minister of Justice.

Yours sincerely,

G. J. Matte,
Private Secretary.

OFFICE OF THE
AUG 11 1947
Secretary of State

Ottawa, August 9, 1947.

Miss Margaret Peck,
Secretary,
The Montreal Committee on Canadian Citizenship,
29 Granville Road,
Hampstead,
Montreal, Quebec.

Dear Madam:

I should like to acknowledge your letter of August 7th, addressed to the Prime Minister on behalf of the Montreal Committee on Canadian Citizenship.

The views expressed in your letter, with regard to the terms of reference of the Commission to investigate losses resulting from the sale of property of persons of Japanese origin, are being brought to the attention of the Secretary of State and of the Minister of Justice.

Yours sincerely,

G. J. Matte,
Private Secretary.

"SATURDAY NIGHT" (Toronto) August 9, 1947.

Value Of The Franchise

IF ANYBODY doubts the value, in a democratic country, of the possession of the franchise as a defence for any class in the community, and the terrible handicap imposed by the loss of the franchise, it is only necessary to consider the difference between the treatment of the Ukrainian and the Japanese victims of the operations of the Custodian of alien enemy property. (That neither the Ukrainians nor the Japanese were necessarily alien enemies did not prevent Parliament from handing over their property to this Custodian.)

The Ukrainians, after a long and difficult struggle in which their very competent organization had much to do with their eventual success, received in the long run a very reasonably satisfactory compensation. The Japanese, who have been deprived of the franchise in the province where most of them were domiciled and have not had time to make themselves a political force in more democratic provinces, seem likely to receive practically no compensation at all.

The order-in-council providing for the examination of their claims was made public, no doubt by the purest accident, at a moment when it was bound to receive a minimum of comment in the press and none at all in Parliament. It falls immensely short of the similar provision made by the United States for Japanese Americans, and of the undertaking given by the Prime Minister in January that "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." It makes it impossible for any claimant to succeed unless he can prove that the Custodian failed to use reasonable care in disposing of the property. It thus excludes all claims in respect to property lost, disposed of or seriously depreciated before the Custodian was able to take charge. It allows nothing for sales made by the Custodian at prices far below the fair market value, if that low price was merely the result (as it very frequently was) of the peculiar circumstances in which the sales were made.

To deprive any class of citizens of the franchise is to deprive them of their best and perhaps their only effective hope of obtaining justice. In a mixed democracy, the majority is made up of assorted minorities, who tend to be solicitous about one another's rights in the faith that each of them will get similar treatment when its own rights are up for consideration. This factor does not operate in favor of a minority which has no franchise. There remains then nothing but the sense of decency, which does not always operate as effectively as it should.

ATM

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

Ottawa, August 8, 1947.

Dear Sir,-

I have the honour to send you the Commission appointing you, under Part I of the Inquiries Act, to inquire into claims of persons of the Japanese race regarding the management and sale of their property by the Custodian. I shall be pleased if you will acknowledge receipt of the Commission.

Yours sincerely,

E. H. Coleman
Under Secretary of State.

The Honourable Mr. Justice Bird,
Court of Appeal,
Law Courts,
Vancouver, B.C.

Stenograghic reports of:
Legal Proceedings
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Conventions

Phone PAcific 2846

George A. Morison

Verbatim (machine-shorthand) Reporter

23 - 448 Seymour Street
VANCOUVER, B. C.

August 8th, 1947.

The Honourable Mr. Justice H. I. Bird,
Court House,
Vancouver, B. C.

Sir:-

Thank you very much for your letter received yesterday, and thank you, too, for your kindness in having me advised by telephone shortly after receipt of my letter of the 25th ult.

Enclosed is copy of a letter originals of which were today forwarded via air mail to The Rt.-Hon. Minister of Justice, and to The Hon. Secretary of State. / see July 25/47

Again thanking you for your kindness and consideration, and hoping that I may be permitted to serve you,

Respectfully,

George A. Morison.

George A. Morison.

/M

Law Courts,
Vancouver, B.C.,
8th August, 1947.

Alexander Watson, Esq.,
877 Newport Ave.,
Victoria, B.C.

Dear Watson:

Thanks for your letter of the 7th inst.

I am writing the Secretary of State requesting your appointment as Secretary to the Commission.

It is improbable that you will be required before the end of the month.

I will write you again so soon as I have further information from Ottawa.

Yours truly,

Stenographic reports of:
Legal Proceedings
Conferences
Conventions

Phone PAcific 2846

George A. Morison

Verbatim (machine-shorthand) Reporter

23 - 448 Seymour Street
VANCOUVER, B. C.

OFFICE OF THE
AUG 11 1947
Secretary of State

August 8th, 1947.

The Honourable Colin Gibson, M.C., K.C., V.D.,
Secretary of State,
Ottawa, Canada.

→ see July 25/47

Sir:-

Enclosed is copy of a letter addressed to The Honourable Mr. Justice H. I. Bird in which the writer offered his services for the work of reporting the proceedings of the Royal Commission to investigate claims of certain Japanese-Canadians. Mr. Justice Bird has now advised that the reporter for the Commission will be appointed either by yourself or by The Rt.-Hon. Minister of Justice. The purpose of this communication is to ask if you will kindly give consideration to appointing the writer for this work.

Since the first of this year it has been my privilege to act as reporter for the International Pacific Salmon Fisheries Commission, and to deliver to the Commission several hundreds of pages of transcript. In addition to those references mentioned in the letter addressed to Mr. Justice Bird, you might wish to enquire as to my fitness and reliability from Mr. A. L. Hager, Chairman of the Salmon Commission; Mr. Tom Reid, M. P.; or any one of the other members of the Commission; or from Mr. Dugald Donaghy, Commission Counsel. The Commissioners have made it a point to compliment me on the excellence of the transcripts, and also on the freedom from interruption during the proceedings.

My rates are the same as those set out under the regulations of the British Columbia Supreme Court Act.

It will be a pleasure to forward any further information you might require.

Respectfully,

George A. Morison.

George A. Morison.

/M

MEMORANDUM

Office of the Prime Minister

Ottawa, August 8, 1947.

Referred from the Office of the
Prime Minister to the Secretary of State.
Copy also referred to Minister of Justice.

OFFICE OF THE
AUG 9 1947
Secretary of State

G.J.Matte,
Private Secretary.

August 8, 1947.

Chairman,
Japanese Canadian Committee for Democracy,
84 Gerrard St. E.,
Toronto, Ontario.

Dear Sir:

I should like to acknowledge your letter of August 4th, setting forth the text of a resolution adopted by the Japanese Canadian Committee for Democracy, with regard to the terms of reference of the Commissioner to investigate claims for losses arising out of the sale of property belonging to persons of Japanese origin.

The views expressed in your letter have been noted and are being brought to the attention of the Minister of Justice and the Secretary of State, who are the Ministers most directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

Ottawa, August 8, 1947.

George Tanaka, Esq.,
Chairman,
Japanese Canadian Committee for Democracy,
84 Gerrard St. E.,
Toronto, Ontario.

Dear Sir:

I should like to acknowledge your letter of August 4th, setting forth the text of a resolution adopted by the Japanese Canadian Committee for Democracy, with regard to the terms of reference of the Commissioner to investigate claims for losses arising out of the sale of property belonging to persons of Japanese origin.

The views expressed in your letter have been noted and are being brought to the attention of the Minister of Justice and the Secretary of State, who are the Ministers most directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

ATM

Air Mail.

Ottawa, August 8, 1947.

Dear Sir,-

I have the honour to send you the Commission appointing you, under Part I of the Inquiries Act, to inquire into claims of persons of the Japanese race regarding the management and sale of their property by the Custodian. I shall be pleased if you will acknowledge receipt of the Commission.

Yours sincerely,

E. H. Coleman
Under Secretary of State.

The Honourable Mr. Justice Bird,
Court of Appeal,
Law Courts,
Vancouver, B.C.

COPY

Le Comité pour la Défense de la Citoyenneté Canadienne

The Montreal Committee on Canadian Citizenship

29 Granville Rd.,
Hampstead,
Montreal.

August 7, 1947

The Right Honourable W. L. Mackenzie King,
Prime Minister,
The House of Commons,
Ottawa, Ont.

Sir:

While our Chairman, Canon Powles, is now in Japan, the members and supporters of the Montreal Committee on Canadian Citizenship have maintained their interest in the affairs of our fellow citizens of Japanese origin. We are now gravely concerned about the proposed solution of the matter of property losses suffered by them due to evacuation from the British Columbia coastal area early in 1942. On May 13, 1947 we sent you a telegram in this connection in which we urged that the recommendations of the cooperative Committee on Japanese Canadians be implemented. But we now learn that, by Order-in-Council P.C. 1810 of July 18, 1947, only those losses are to be considered which can be proved to have occurred "by reason of the failure of the Custodian to exercise reasonable care." This will mean that there will be no remedy for those injustices of which you spoke on January 24, 1947, and with which Parliament, as evidenced by speeches during the last session, wished to deal. You yourself know, Sir, that though the Custodian may well have acted in the best possible manner, properties were sold at less than market value due to abnormal conditions. Moreover, as the Vancouver Branch of the Canadian Civil Liberties Union has so clearly pointed out, loss, destruction and theft occurred before property was ever placed under the Custodian's care.

Together with all those in Canada who have been aware of this situation and who hold dear the hope of building up and safeguarding our Canadian Democracy, we have welcomed every indication that the Government planned to act with justice towards this minority group. Let it not be said that our country has gradually ensured that just policies should prevail without carrying the whole matter to its logical conclusion. Let it not be said that we have allowed the spoliation of a group of citizens without making efforts at honest redress.

We would therefore request and urge that as soon as possible the provisions of Order-in-Council P.C. 1810 be amended in order to cover all losses fairly arising out of evacuation orders.

On behalf of the Committee,

Yours respectfully,

(signed) Margaret Peck,
Secretary.

House of Commons
Canada

OFFICE OF THE
AUG 11 1947
Secretary of State

R. R.#4, New Westminster, B.C.,
August 7, 1947.

Honourable C. W. G. Gibson,
Secretary of State,
West Block,
Ottawa, Ontario.

Dear Col. Gibson:-

I am writing you to ask if you would be good enough to have consideration given to the application made by Mr. Ralph A. Whitman, Committee Reporter of the House of Commons, for the stenographic work required under the enquiry to be conducted by Justic Henry I. Bird of the Supreme Court. This enquiry by Justice Bird is in connection with the Japanese claims.

Mr. Whitman of the House of Commons' staff is one of the most competent men I know to do the necessary stenographic reports, which in all likelihood will be taken verbatim.

It would be appreciated if some consideration could be given Mr. Whitman's application.

With kind personal regards.

Yours sincerely,

T. Reid.

TOM REID,
MEMBER FOR NEW WESTMINSTER.

877 Newport ave
Victoria B.C.
7th august 1947

The Honorable mr Justice H.W. Bird.
Law Courts
Vancouver B.C.

Dear mr Justice Bird,

I am in receipt of your letter of 6th inst. for which I sincerely thank you. I will be very glad to act as secretary to the Royal Commission relating to Japanese claims and my services will be available at any time when required.

Remuneration
per month
If appointed
best efforts
Your faithful
Again th
Yours

877 Newport Ave
Victoria B.C.
7th August 1947

...able Mr Justice N.H. Bird
...Courts
Vancouver B.C.

Justice Bird,

...in receipt of your letter
...for which I sincerely
... I will be very glad
...Secretary to the Royal
...on relating to Japanese
...e my services will be
...al. any time when required.

Remuneration at the rate of $200
per month would be quite satisfactory.

If appointed to this position my
best efforts will be detailed to render
you faithful service.

Again thanking you

Yours very truly,

Watson

Law Courts,
Vancouver, B.C.,
6th August, 1947.

George A. Morrison, Esq.,
Suite 23,
448 Seymour St.,
Vancouver, B.C.

Dear Sir:

I wish to acknowledge yours of the 25th ult.

The appointment of a reporter for the Royal Commission will be made either by the Secretary of State or the Minister of Justice. The appointment does not rest with myself.

Yours truly,

Law Courts,
Vancouver, B.C.,
6th August, 1947.

R.A.Whitman, Esq.,
332 Bronson Avenue,
Ottawa, Canada.

Dear Sir:

I wish to acknowledge yours of the 25th ult.

The appointment of a reporter will no doubt be made either by the Secretary of State or the Minister of Justice.

Yours truly,

Law Courts,
Vancouver, B.C.,
6th August, 1947.

F.G.Shears, Esq.,
506 Royal Bank Building,
Vancouver, B.C.

Dear Sir:

I wish to acknowledge receipt of yours of the 31st ult., and regret that I was not in town on the occasion of your earlier call.

I spoke to your secretary on the telephone this morning, and asked her to arrange that you call me at my home this evening.

I am hoping that it will be possible to open the Commission hearings within the next ten days, as I would like to dispose of the British Columbia sittings before September 9th.

However, we can discuss this and other matters on your return to town on Monday next.

Yours truly,

Law Courts,
Vancouver, B.C.,
6th August, 1947.

A. Watson, Esq.,

Victoria, B.C.

My dear Watson:

Chief Justice Sloan has spoken of yourself as possibly available to act as Secretary to the Royal Commission which I am to conduct relating to property claims by Japanese who were removed from British Columbia during the war.

At the moment I have not much information in regard to the investigation, but anticipate that it may extend over a period of several months and that it will require hearings not only in British Columbia, but also in the Prairie Provinces, as well as in Eastern Canada.

The sessions are likely to commence before the end of August, probably in British Columbia. There will be a break in the latter part of September due to the necessity for me to sit on appeals to the Court of Appeal in several capital cases. I hope to resume the Commission here immediately following the hearing of these appeals, and to continue with the Eastern Cities commencing about October 1st.

I had understood from the Chief Justice that the Provincial Government fixed your remuneration in the Forestry Commission at $200.00 per month, and have no doubt that the Federal Government would pay something comparable for secretarial services.

Will you let me know whether you are available, and your views in regard to remuneration. On receipt of your favourable reply I will then communicate with the Secretary of State.

Yours very truly,

COURT OF APPEAL

OFFICE OF THE
AUG 8 1947
Secretary of State

Vancouver, B.C.,
6th August, 1947.

The Honourable Colin Gibson,
Secretary of State of Canada,
Ottawa, Ontario.

My dear Colin:

Many thanks for yours of the 23rd ult., which was sent on to me at Clearwater. I have withheld reply pending my return to Vancouver.

Shears called my secretary soon after announcement of my appointment as Commissioner. He is at present out of town, but I will communicate with him immediately on his return at the end of this week.

I note that claimants have been required to file claims with the local office of the Custodian. I assume that nothing can be done regarding the opening session of the Commission until time is given to claimants for the filing of claims.

I have heard nothing further regarding the appointment of counsel. May I suggest that an early appointment should be made.

I am ready to start any time now and hope that I may be able to complete the British Columbia hearings before September 15th. My Court resumes sittings on the 9th September in Victoria. It will be necessary for me to sit on three or more appeals in capital cases. I have arranged with the Chief Justice that these cases will be brought on at the opening of the list, so that I may be free to resume the Commission hearings as soon as these appeals are concluded. I have planned tentatively then to continue the Commission hearings in the Prairie Provinces followed by sittings in Ontario.

I note your comment in regard to Mr.Shears' familiarity with the custodian's activities and will take advantage of the earliest opportunity to discuss the whole situation with him.

COURT OF APPEAL

It has occurred to me that it would be desirable to appoint someone as Secretary to the Commission who has had no connection of any kind with the activities of the custodian's office. It was with that thought in mind that I suggested the appointment of the retired bank manager, whose name I did not then have. The name is Alexander Watson, Victoria, B.C. Chief Justice Sloan speaks very highly of the assistance given him by Mr. Watson in the course of the lengthy Provincial Forestry Commission at which the Chief Justice presided last year. I have learned since that Watson is available. He was paid $ 200 per week on the Forestry Commission, and I think would be quite content to accept my proposed appointment at the same salary.

Since the sittings of the Commission will take place at various points across the country, it seems to me that it would be more economical to employ a local reporter rather than to incur the expenses of a reporter who would travel with the Commission. However, I am in your hands in that regard.

Immediately the appointment of Counsel and the Secretary to the Commission are made I can get on with the task.

I was glad to have the proceedings of the Standing Committee on Public Accounts.

I will write you again immediately I have discussed the matter with Mr. Shears. His office tells me that some claims have come in. These will be sent to me today.

Yours very truly,

Dick. J. J. Sloan

MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA

OFFICE OF THE
AUG 8 1947
Secretary of State

Ottawa, 6th August, 1947.

My dear Colleague,-

As you probably know from the correspondence in your office, Mr. Brewin wants to see you and me about the terms of reference in the Japanese matter.

If you will let me know what date would be convenient for you I should appreciate it.

Yours very truly,

The Honourable Colin Gibson,
Secretary of State for Canada,
O t t a w a, Canada.

MEMORANDUM

Office of the Prime Minister

Ottawa, August 6, 1947.

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

for G. J. Matte,
Private Secretary.

OFFICE OF THE
AUG 7 1947
Secretary of State

August 6, 1947.

World Y.W.C.A. Executive,
Haliburton, Ontario.

Dear Madam:

I should like to acknowledge your telegram of yesterday's date to the Prime Minister, concerning the terms of reference of the Commission to investigate the losses of persons of Japanese origin evacuated from the Pacific coast during the war.

The views expressed in your telegram have been noted and are being brought to the attention of the Secretary of State, who is the Minister directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

OFFICE OF THE
AUG 7 1947
Secretary of State

Ottawa, August 6, 1947.

Miss Emma R. Kaufman,
World Y.W.C.A. Executive,
Haliburton, Ontario.

Dear Madam:

I should like to acknowledge your telegram of yesterday's date to the Prime Minister, concerning the terms of reference of the Commission to investigate the losses of persons of Japanese origin evacuated from the Pacific coast during the war.

The views expressed in your telegram have been noted and are being brought to the attention of the Secretary of State, who is the Minister directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

CAMERON. WELDON & BREWIN
BARRISTERS & SOLICITORS

A. J. P. CAMERON ROY WELDON
A. F. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391

STERLING TOWER
TORONTO 1, CANADA

August 5th, 1947.

OFFICE OF THE
AUG 6 1947
Secretary of State

W.O. Davis, Esq.,
Office of the Private Secretary,
Under Secretary of State of Canada,
O T T A W A, Canada.

Dear Mr. Davis:

Thank you for your letter of August 1st.

I shall be glad to hear from you upon Colonel Gibson's return. I have had a letter from Mr. Ilsley, to the effect that he will be in touch with Colonel Gibson and will let us know when it will be possible for me to see them both.

I am going to be in some difficulty myself, if the appointment cannot be made this week, as I am going up into Northern Ontario for the balance of the month. However, I shall have to do my best to make whatever arrangements I can.

Yours sincerely,

A.F. Brewin

AFB:B

FORM 6125

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W M ARMSTRONG GENERAL MANAGER
TORONTO

STANDARD TIME 1947 AUG 5 PM 5 47

RA474 83 8 EXTRA NL=HALIBURTON ONT 5

PRIME MINISTER=667

PARLIAMENT BLDGS OTTAWA ONT=

STRONGLY URGE REVISION OF EXTREMELY INADEQUATE TERM OF REFERENCE OF COMMISSION TO INVESTIGATE LOSSES OF JAPANESE CANADIANS DUE TO EVACUATION STOP SEVERAL CANADIAN WOMEN LEAVING SHORTLY TO ATTEND COUNCIL MEETING OF WORLD Y W C A IN ORIENT IT IS MOST HUMILIATING TO CANADIAN REPRESENTATIVES AT WORLD CONFERENCES ENDEAVOURING TO BRING ABOUT BETTER INTERNATIONAL RELATIONS AND COOPERATION TO HAVE ONES OWN GOVERNMENT GUILTY OF SUCH INJUSTICES TO CANADIAN CITIZENS ALSO INJURIOUS TO FUTURE COMMERCIAL RELATIONS=

EMMA R KAUFMAN MEMBER OF WORLD Y W C A EXECUTIVE.

C
O
P
Y

JAPANESE CANADIAN COMMITTEE FOR DEMOCRACY

84 Gerrard St. E. Toronto .

Monday, August 4, 1947.

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

Sir:

We respectfully bring to your attention the folowing resolution submitted by the Japanese Canadian Committee for Democracy.

Resolution

Whereas, by Order-in-Council, P.C. 1810, the Government has authorized the Claims Commissioner to investigate only those claims for losses which arise from any failure of the Custodian to exercise reasonable care in the management of evacuee property;

And Whereas, such narrow terms of reference limits drastically the number of justified claims for losses which can be considered by the Commissioner, and totally ignores the basic reason for evacuee losses;

That by the forced evacuation by Government order such economic losses as those brought about by the sale of fishing boats and gears, owner's forced sale of property, and even the sale of property at the low assessed valuation as well as numerous other losses arising out of the forced evacuation, can not be considered by the Commissioner;

And, as we are mindful of the fundamental democratic principles under which we are governed; of the responsibilities of Canadian citizenship to which we gladly submit, and shoulder during wartime as well as in peacetime; of simple justice and fair play which we subscribe as do all others, as good Canadian citizens;

Hereby declare our strong protest against the present narrow terms of reference and respectfully urge that some fair means of restitution be made which encompass all economic losses suffered as a result of the forced evacuation.

Very sincerely yours,
Japanes Canadian Committee for Democracy,
George Tanaka, Chairman.

MEMORANDUM

Office of the Prime Minister

Ottawa, August 2nd, 1947.

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

Also referred to the Minister of Justice.

J. J. Matte
Private Secretary.

gust 1. 1947.

Dear Mr. Brewin:

Your letter of July 31st on behalf of the Co-operative Committee on Japanese Canadians has been received, in the temporary absence of Colonel Gibson.

You may be assured that your letter will be drawn to Colonel Gibson's attention immediately upon his return to Ottawa.

Yours very truly,

W. O. Davis,
Private Secretary.

Mr. A. F. Brewin,
Cameron, Weldon & Brewin,
Barristers, etc.,
Sterling Tower,
Toronto 1, Ontario

j

Ottawa, August 1, 1947.

Dear Mr. Brewin:

Your letter of July 31st on behalf of the Co-operative Committee on Japanese Canadians has been received, in the temporary absence of Colonel Gibson.

You may be assured that your letter will be drawn to Colonel Gibson's attention immediately upon his return to Ottawa.

Yours very truly,

W. O. Davis,
Private Secretary.

Mr. A. F. Brewin,
Cameron, Weldon & Brewin,
Barristers, etc.,
Sterling Tower,
Toronto 1, Ontario

j

G/4 P.C. 316/3040

PRIVY COUNCIL

CANADA

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 1st Aug., 1947.

OFFICE OF THE
AUG 9 1947
Secretary of State

SECRETARY OF STATE

The Board recommend that authority be granted for payments, as detailed hereunder, to the Honourable Mr. Justice Henry Irving Bird of the Court of Appeal of British Columbia, while acting as a Commissioner to investigate and report in respect to claims by persons of the Japanese race in relation to their property:

(1) Actual living expenses while absent from his home in connection with his duties, for which the usual detailed accounts will be submitted.

(2) An allowance at the rate of $25.00 per day covering the days when it is necessary for the Commissioner, in the performance of his duties under the Commission, to be absent from the Province of British Columbia.

(3) Actual out-of-pocket transportation expenses when travelling in the performance of his duties, for which the usual detailed accounts will be submitted.

Z 7 44
2-7-6/47

A. P. Henry

Clerk of the Privy Council.

The Honourable,
The Secretary of State.

Copy sent to
Mr. Affleck.
Dept. of Justice
22.10.47

COPY

Office of the Prime Minister

Canada.

OFFICE OF THE
AUG 5 1947
Secretary of State

Ottawa, August 1, 1947.

F.A. Brewin, Esq.,
Cameron, Weldon & Brewin,
Barristers & Solicitors,
Bterling Tower,
Toronto 1, Canada.

Dear Mr. Brewin:

I should like to acknowledge your letter of yesterday's date, addressed to the Prime Minister, concerning the possibility of an interview to discuss the terms of reference of the Commissioner who is to investigate claims resulting from the sale of property belonging to persons of Japanese origin.

The Prime Minister has left Ottawa for a very much needed rest and there would be no possibility of his being able to be present at an interview with the Secretary of State and Minister of Justice in the near future, as you have suggested. As there is some degree of urgency about this whole matter, I would suggest that the best course would be to arrange to see Mr. Ilsley and Colonel Gibson whenever this can be managed, and it may not prove necessary to involve the Prime Minister in the discussions. I hope this suggestion will recommend itself to you as I feel that it may avoid a considerable amount of delay.

Yours sincerely,

(R.G. Robertson)
Secretary.

COPY

CAMERON WELDON & BREWIN

Barristers & Solicitors

Sterling Tower
Toronto 1, Canada.
July 31, 1947.

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

Dear Mr. Prime Minister:

I wish to thank you on behalf of the Co-operative Committee on Japanese Canadians for your letter of July 29th.

We appreciate the attention you have given to our letter.

In accordance with the suggestion that you have made, I have written to the Secretary of State and Minister of Justice asking for an opportunity to discuss with them the limitation in the terms of reference which in our view seriously reduces the value of the proposed Commission.

As you letter suggests that I should discuss the matter with them "in the first instance" I have ventured to suggest to them that if it were at all possible it might be satisfactory that I should discuss the matter with you and with them simultaneously.

I have suggested that subject to their convenience the proposed interview might take place some time next week.

I do not think there is any reason why the whole discussion should take longer than an hour at the outside.

Respectfully yours,

FAB:HC

(sgd.) F.A. Brewin.

CAMERON, WELDON & BREWIN
BARRISTERS & SOLICITORS

A. J. P. CAMERON ROY WELDON
A. F. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391

STERLING TOWER
TORONTO 1, CANADA

July 31, 1947.

OFFICE OF THE
AUG 1 1947
Secretary of State

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

Dear Col Gibson:

As I wrote to you the other day, I was instructed to write to the Prime Minister on behalf of the Co-operative Committee on Japanese Canadians expressing their views in respect to the terms of reference established for the Commission.

I have now received a letter from the Prime Minister in which he says, "Before reaching any definite conclusions with regard to the effect of this phrase (reasonable care) you might feel that it would be desirable to discuss the matter with the Secretary of State and with the Minister of Justice. I am having copies of your letter referred to them for their attention and you might perhaps wish to discuss the matter with them in the first instance."

I have accordingly written to the Minister of Justice and am now writing to yourself saying that I would be very glad indeed to have the opportunity to discuss with both of you the views of the Committee in regard to the matter.

I am also writing to suggest to the Prime Minister that as his letter suggests that after discussion with you and the Minister of Justice "in the first instance" we might have some discussion with him, that it might possibly be most satisfactory if it can be arranged, that he should be present at the first discussion. In my view the proposed discussion need not take longer than an hour at the outside.

I know this is a very bad time of year to make any arrangements, but I am venturing to suggest that if it is at all possible the proposed discussion might

Col. Colin Gibson July 31, 1947.

take place some time next week at the convenience of yourself and the Minister of Justice.

Yours sincerely,

FAB:HC

F.A. Brewin

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.

31st July, 1947.

9-175

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

Dear Mr. Wright:

I met Mr. McMaster on the street to day, who is as you know a Solicitor acting on behalf of the interests of Japanese. He informed me that representations were going to be made to Ottawa as the Terms of Reference were considered to be far from adequate. Newspaper comment is also to this same effect.

As you are aware, as far as I am concerned in my position as Director of this office, I am only interested in any difference in value as at the time of sale.

I was a little surprised that the basis of claims was so largely dependent upon the question of reasonable care being exercised by this office.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

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.

31st July, 1947.

The Honourable Mr. Justice Henry I. Bird,
Court House,
Vancouver, B.C.

Dear Sir:

At the time of your appointment as a Commissioner under the Enquiries Act to investigate claims of persons of the Japanese race evacuated from the protected area, I received a telephone call from Ottawa and it was suggested that I might have an interview with you.

I was advised by your Secretary that you were out of town and I expect to be away next week, but upon my return, if it is agreeable to you, I will be glad to call upon you at some time convenient to yourself.

Due to the fact that the Honourable Colin Gibson became the new Secretary of State in December last year and was not well acquainted with the activities of this office, the report which I made to Ottawa as at the end of December last was written for the purpose of giving an overall picture of the administration of this office.

I am taking the liberty of leaving with you this report as you may wish to peruse same. I am also enclosing the Minutes of Proceedings and Evidence of the Public Accounts Committee (Nos. 4 to 10) covering the meetings at which the affairs of this office were under review, as these also may be of interest to you.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

C. J. LOEWEN
NOTARY PUBLIC

A. ROUT HARVEY

WILSON G. MORFITT

LOEWEN, HARVEY & MORFITT, LIMITED

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626 WEST PENDER STREET
VANCOUVER. B.C.

July 30th, 1947.

The Hon. Mr. Justice H. I. Bird,
1003 Wolfe Avenue,
Vancouver, B. C.

Dear Sir:

The writer noticed in a recent press announcement your appointment as investigator of Japanese property sales in British Columbia.

Mr. A. Rout Harvey, President of our Company, is regarded by real estate men and trust officers as a competent real estate appraiser, and was President of the Vancouver Real Estate Exchange for several years, particularly at the time the bulk of the sales under investigation took place. Our firm was established in British Columbia in 1893, and the undersigned has been in the Real Estate business in Vancouver for some twenty years.

May we offer you, Sir, our services, as you may require them, in connection with your investigation.

Yours faithfully,

LOEWEN, HARVEY & MORFITT LIMITED.

W.G. Morfitt

Director.

WGM/M

MEMORANDUM

Office of the Prime Minister

Ottawa, July 29th, 1947.

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

G.J. Matte
Private Secretary.

, July 29th, 1947.

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

Dear Mr. Brewin:

I duly received your letter of July 25th, written on behalf of the Co-operative Committee on Japanese Canadians, and having to do with the terms of reference established for the Commissioner to enquire into losses resulting from the sale of the property of persons of Japanese origin in Canada.

I have noted the views expressed in your letter as to the limitation that is imposed on the scope of the enquiry by the inclusion in the terms of reference of the portion relating to the exercise of "reasonable care" by the Custodian. Before reaching any definite conclusions with regard to the effect of this phrase, you might feel that it would be desirable to discuss the matter with the Secretary of State and with the Minister of Justice. I am having copies of your letter referred to them for their attention and you might perhaps wish to discuss the matter with them in the first instance.

This matter has received careful consideration by the Government and in any further study which is given it the views expressed in your letter will be kept in mind.

Yours sincerely,

W.L. Mackenzie King.

Ottawa, July 29th, 1947.

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

Dear Mr. Brewin:

I duly received your letter of July 25th, written on behalf of the Co-operative Committee on Japanese Canadians, and having to do with the terms of reference established for the Commissioner to enquire into losses resulting from the sale of the property of persons of Japanese origin in Canada.

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This matter has received careful consideration by the Government and in any further study which is given it the views expressed in your letter will be kept in mind.

Yours sincerely,

W.L. Mackenzie King.

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

506 Royal Bank Building,
Vancouver, B.C.

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

PERSONAL

29th July, 1947.

9-175

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

Dear Ken,

Mrs. Shears is still in Victoria and I intend to spend a few more days on holiday there, bringing her back during next week.

From further conversations with Mr. Justice Bird's Secretary, it does not appear that he will be in the City for some days yet and if I do not contact him before I leave at the end of the week, I intend to leave a copy of my report and the Minutes of the Public Accounts Committee with his Secretary so that he may be in a position to gain some background in regard to our problems, if he so wishes.

Yours very truly,

F.G. Shears

FGS/PMH

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No.....

Your file J-175

506 Royal Bank Building,
Vancouver, B.C.

28th July, 1947.

AUG 1 REC'D

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

Dear Mr. Wright:

Re: Claims of Japanese Evacuees

We are in receipt of your letter of the 17th instant enclosing copy of communication addressed to the Minister under date of May 1st, 1947 from Messrs. Virtue & Russell.

We also have for acknowledgment three bound volumes containing itemized claims and summaries of the facts referred to by Mr. Virtue.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

PMH

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

J-175

Mr. Kunio Hidaka,
Room 1,
438 St. Francois Xavier,
Montreal, Quebec

Dear Sir:

We have for acknowledgment your communication of the 24th instant and in accord with your request enclose herewith copy of Order in Council P.C. 1810, dated July 18, 1947, relative to appointment of a Commissioner to investigate claims of Japanese evacuated from the Protected Area of British Columbia.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

CAMERON. WELDON & BREWIN
BARRISTERS & SOLICITORS

A. J. P. CAMERON ROY WELDON
A. F. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391

STERLING TOWER
TORONTO 1, CANADA

OFFICE OF THE
JUL 26 1947
Secretary of State

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

Dear Colonel Gibson:

Re: Japanese Canadian Property Claims

Thank you for sending us a copy of the Order-in-Council appointing Mr. Justice Bird as Commissioner to investigate these claims.

Our views on the Order-in-Council have been communicated to the Prime Minister, who as you know has taken an interest in the problems of the Japanese Canadians from time to time.

Yours very truly,

F A Brewin

FAB:HC

CAMERON. WELDON & BREWIN
Barristers & Solicitors

Sterling Tower
Toronto 1, Canada

July 25, 1947.

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

Dear Mr. Prime Minister:

I am writing for the Co-operative Committee on Japanese Canadians who as you know comprise a very wide cross section of people from all political parties and all sections of opinion throughout Canada.

We very much appreciate the consideration and co-operation you have shown to the Committee in sparing some of your time notwithstanding the great pressure of other events. On our part we have endeavoured to present our claims in a fair and uncontroversial manner, and we have not in any way been responsible for the attacks that have been made upon the Government in connection with this matter.

We are deeply disappointed by the terms of reference announced by the Secretary of State in regard to the property losses of the Japanese Canadians. In your statement of January 24th which we welcomed, you said "To ensure further 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."

The terms of reference, however, in the Order-in-Council announced by the Secretary of State limite the Commissioner to allowing compensation where it can be shown that the Custodian acted without reasonable care in the disposition of the property vested in him. It will be practically impossible to show any such thing, and indeed we have made it clear in all our representations on this matter that we have based no claim on any lack of care of the Custodian, but rather upon the inevitable losses arising out of the policy of evacuation.

We have made it clear on a number of occasions, however, that neither we nor the very considerable body of opinion for which we believe we can speak could be satisfied if the terms of reference of the proposed Commission were more restricted in their scope than those proposed by the American Government to Congress, in regard to claims of Japanese Americans. You have yourself stated that Canadian and American policy in respect to persons of the Japanese Race should be continental and similar.

You will no doubt recall that in this Act the Japanese Americans were to receive compensation for all losses naturally and reasonably flowing from the evacuation order.

The American Government in a strong message from the Secretary of the Interior pointed out to Congress how it would be impossible for justice to be done unless compensation were made for losses arising before the Government appointed a custodian of the property and how difficult and impossible it was in the circumstances for a custodian to prevent loss.

We must therefore urge that the Order-in-Council be revised so as to enable a Commissioner to inquire into losses arising reasonably and naturally out of the making of the various orders for evacuation of the coastal areas.

So seriously do we regard this matter that we are considering whether or not we have a responsibility to advise the Japanese Canadians to have nothing to do with the Commission. In any event if the terms of the Commission are as narrow and unsatisfactory as we believe then to be at the present time, no one will be satisfied with the report that the Commission makes, and the matter will remain ohe of public agitation probably for many years to come.

We would very much appreciate the opportunity of reinforcing these observations with a small delegation that could discuss the matter with you.

We feel certain that it is your desire to carry out fully, the promises of fair treatment which you have made on more than one occasion. We feel, however, obliged to say that we most-emphatically do not feel that what is being done in the present Order-in-Council does have that effect.

Respectfully yours,

(sgd.) F.A. Brewin.

FAB:HC

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.

25th July, 1947.

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

Dear Mr. Wright:

Re: Claims of Japanese Evacuees.

I have been speaking to the Secretary of the Honourable Mr. Justice Bird and I find that the Judge is at present on holiday.

I understand that he may be back some time next week and at his convenience I will endeavour to contact him.

Yours very truly,

F. G. Shears,
Director.

FGS/PMH

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.

25th July, 1947.

JUL 28 REC'D

9-175

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

Dear Mr. Wright:

Re: Claims of Japanese Evacuees.

I am in receipt of your letter of the 23rd in which you enclose Order in Council P.C. 1810 providing for the appointment of the Honourable Mr. Justice Bird as Commissioner to investigate claims of persons of the Japanese race evacuated from the protected area of British Columbia.

The Terms of Reference appear to restrict the Commissioner to the consideration of claims on a fairly limited basis. Reference is made to Order in Council P.C. 6247 which provided for the vesting of all vessels not disposed of by the Fishing Vessels Disposal Committee.

I take it that this will restrict claims in regard to fishing vessels only to those vessels which were taken over by the Custodian or those cases where the Custodian completed the unfinished business of the Fishing Vessels Disposal Committee.

The interpretation "reasonable care" will, I presume, be a matter for the Commissioner to decide upon. We can surely establish reasonable care in the case of the sale of individual parcels of real property, and in the case of the Veterans' Land Act deal, the lack of reasonable care might only revolve around the acceptance of the Soldier Settlement appraisal. There might also be the question of reasonable care being exercised in the management of this property from the time of evacuation to the time of sale and the possibility of depreciation having taken place during that period.

The chief problem in regard to reasonable care will concern the matter of chattels. I note the exception "while under the custody, control or management of any person (other than the Custodian) appointed by the owner of the property". I think this will be one of the difficult matters the Commissioner will have to face.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

25th July, 1947.

K. W. Wright, Esq.

Registration was voluntary and whatever the Japanese was unable to take with him vested in the Custodian, whether it was declared or not. Where a Japanese left personal property with a friend, or for example with Messrs. Norris & MacLennan and declared with us that he had so done, would you suggest that the Terms of Reference would eliminate any claim in respect to those goods.

I appreciate that these and other problems are matters to which the Commissioner will adjudicate, but your interpretation of the Order would be of interest and value.

Yours very truly,

F. G. Shears,
Director.

FGS/PMH

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

DEPARTMENT OF JUSTICE, CANADA

1947 JUL 26 AM 10:26

UNDER SECRETARY
OF STATE

DHWH/WDJ

OTTAWA July 25, 1947.

152,189

Dear Sir:-

Referring to your memorandum of July 24th, enclosed is draft Commission appointing the Honourable Mr. Justice Henry Irvine Bird a Commissioner under Part I of the Inquiries Act in connection with claims in respect of property held by the Custodian by persons of the Japanese race.

Your file returned herewith.

Yours truly,

F. P. Varcoe

Deputy Minister.

ENC.

The Acting Under Secretary of State,
Ottawa.

TO HAVE, HOLD, EXERCISE and ENJOY the said office, place and trust unto the said Henry Irvine Bird, together with the rights, powers, privileges and emoluments unto the said office, place and trust of right and by law appertaining, and as are more particularly set out in the said Order in Council, during Our pleasure.

And We do hereby authorize Our said Commissioner to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.

DHWH/WDJ

C A N A D A

GEORGE THE SIXTH &c....

To all to whom these Presents shall come or whom the same may in anywise concern,

GREETING:

WHEREAS pursuant to the provisions of Part I of the Inquiries Act, Revised Statutes of Canada 1927, Chapter 99, His Excellency the Governor General in Council, by Order, P.C.1810, of the eighteenth day of July, in the year of Our Lord one thousand nine hundred and forty-seven, copy of which is hereto annexed, has authorized the appointment of Our Commissioner therein and hereinafter named to inquire into and report upon the following claims of persons of the Japanese race who were resident in Canada at the date of the said Order in Council, namely:-

(a) that by reason of the failure of the Custodian to exercise reasonable care in the disposition of the real and personal property vested in him pursuant to the Orders in Council referred to in P.C.1810, above mentioned, the amount received by the Custodian for such property was less than the market value thereof at the time of such disposition; and

(b) that by reason of the failure of the Custodian to exercise reasonable care in the management of personal property, such property was lost, destroyed or stolen but no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the Custodian, appointed by the owner of the property.

NOW KNOW YE that by and with the advice of Our Privy Council for Canada, We do by these Presents nominate, constitute and appoint the Honourable Mr. Justice Henry Irvine Bird of the Court of Appeal for the Province of British Columbia, to be Our Commissioner to conduct such inquiry.

TO HAVE, HOLD, EXERCISE and ENJOY the said office, place and trust unto the said Henry Irvine Bird, together with the rights, powers, privileges and emoluments unto the said office, place and trust of right and by law appertaining, and as are more particularly set out in the said Order in Council, during Our pleasure.

And We do hereby authorize Our said Commissioner to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.

And We do hereby further require Our said Commissioner to 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.

And We do hereby require Our said Commissioner to examine into each claim and make a report to Our Governor General in Council setting forth the claims, if any, which in his opinion are well-founded and the amount which, in his opinion, would fairly and reasonably compensate the claimant for failure of the Custodian to exercise reasonable care.

IN TESTIMONY WHEREOF &c...

To bear date 18 July ..... 1947.

My Draft,

F.P.V.

D.M.J.

Residence: 332 Bronson Ave.,
Ottawa, Canada.

House of Commons
Canada

Box 4,

July 25th, 1947.

Commissioner Mr. Justice H. I. Bird,
Royal Commission on Japanese Claims,
Supreme Court of British Columbia,
Vancouver, B.C.

Dear Mr. Commissioner:

In the belief that you will not consider it presumption on my part I am, in the absence from Ottawa of the Minister, Hon Mr. Gibson, placing before you a copy of the formal application I put before him in May last with respect to making the shorthand report for the Japanese claims commission. At the time Mr. Gibson in acknowledging receipt of my application said that when a Commissioner had been selected consideration would be given to "the slection of staff and your appointment".

I do not think I could usefully add anything at the moment to the attached material, other than to say that I would be very pleased to be of professional service to your Commission, and shall appreciate very much such consideration as you may be able to give my application.

Yours truly,

C.S.R.

C O P Y

P. O. Box 4,
House of Commons,

May 23rd, 1947.

Hon. Colin Gibson, M.P.,
Secretary of State,
Ottawa, Canada.

Dear Col. Gibson: Re. ROYAL COMMISSION ON JAPANESE CLAIMS

May I place in your hands for consideration at the appropriate time my formal application for appointment as official reporter for the Royal Commission on Japanese claims.

I have been fourteen years on the Committee Reporters Branch of the Commons staff; and through the work of the Public Accounts Committee have a background of knowledge of the subject;

I am entitled to active service preference, having served in France (1916-19);

I was four years on the staff of the office of the Prime Minister (1923-26 incl.);

I have a wide general reporting experience with Royal Commissions, Courts, etc., (Reported Ives Commission 1945 - see page 9, of report), also reported Veterans' Qualifications Commission (Col. Bovey, Chairman) 1945-46.

I am prepared to supply a shorthand reporting service of any kind the Commission may desire at any points the service may be required -- daily copy, of straight report produced with all due diligence and despatch, at the rates usual to work of the kind and as approved by Treasury Board; e.c., 30¢ per folio of 10 count lines for original andthree carbons; additional copies by arrangement with the Commission;

together with the usual per diem for self and staff, and associated reporters (if required); and travelling and related expenses for self and staff outside of Ottawa.

I would very much appreciate the opportunity of making this report.

Yours very truly,

(Sgd.) R.A.Whitman.

Stenograghic reports of:
Legal Proceedings
Conferences
Conventions

Phone PAcific 2846

George A. Morison

Verbatim (machine-shorthand) Reporter

23 - 448 Seymour Street
VANCOUVER, B. C.

July 25th, 1947.

The Honourable Mr. Justice H. I. Bird,
Court House,
Vancouver, B. C.

Sir:-

According to a press report of the 23rd instant, you have been appointed a Commissioner to investigate claims of certain Japanese-Canadians. The purpose of this letter is to offer my services as reporter for the Commission proceedings.

Last year it was my privilege to report most of the proceedings of the Royal Commission on Provincial-Municipal Relations under Mr. Carl H. Goldenberg. Mr. Goldenberg expressed complete satisfaction with the record and very kindly presented my brief with regard to Stenotype Reporting to the Attorney-General. As you are no doubt aware, the Supreme Court Act was amended at the last session of the Legislature to provide for the appointment of Steno-typists as Official Stenographers under the Act.

During the last two years I have reported several proceedings for the Public Utilities Commission; and have also reported Royal Commission proceedings re the Income War Tax Act.

Should you see fit to call on me, I can assure you of the very best service and, should you require it, almost the whole of my time during the life of the Commis-sion.

I shall be pleased to forward any further infor-mation you might require.

Respectfully,

George A. Morison.

George A. Morison.

- Bay. 9017-R
Phoned Mr Morrison as requested /M 30 July 1947

Department of the Secretary of State

Ottawa, July 24th, 1947.

Department of Justice
RECEIVED
JUL 24 19

152189

Referred to the Honourable the Minister of Justice,
By Command,

For draft Commission.

W. P. J. O'Meara

Acting *Under Secretary of State.*

500—7-46

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA.

His Excellency the Governor General in Council
has been pleased to make the following appointment;

18th July, 1947.

The Honourable Mr. Justice Henry Irvine Bird, to be a Commissioner pursuant to the Inquiries Act, to enquire into the claims of persons of the Japanese race regarding the management and sale of their real ~~xxxxxx~~x and personal property by the Custodian.

2576/47

P.C. 2 Aug 1947/2377

Room 1, 438 St. Francois Xavier,
Montreal, P.Q.,

July 24, 1947.

The Director,
Information Branch,
Department of the Secretary
of State,
Ottawa, Ontario.

Dear Sir:

May I request the full text of the terms of reference of the commission of inquiry recently appointed on the matter of economic losses sustained by persons of Japanese ancestry through the actions of the Custodian?

I would also appreciate very much receiving a copy of the news release which accompanied the announcement of the appoinment of the commission.

Yours very truly,

Kunio Hidaka.

Kunio Hidaka.

COURT OF APPEAL

Vancouver,B.C.,
24th July,1947.

The Honourable Mr.Justice H.I.Bird,
c/o Dutch Lake Guest Ranch,
Clearwater, B.C.

Dear Mr.Justice Bird:

Enclosed herewith is clipping from "Province"of 23rd July, respecting your appointment as Commissioner, &c.

I take it that you cannot act till formal authority is received, and presume that this will come through from Ottawa in the next few days, if sent by airmail.

I will keep you advised from this end. if anything comes in.

No mail from Mr.Justice O'Halloran so far.

Sincerely,

A. L. Marquearh.

THE SECRETARY OF STATE OF CANADA

LE SECRÉTAIRE D'ÉTAT DU CANADA

Ottawa, July 23, 1947.

Dear Dick:

I have received your letter of July 17th and am now enclosing a copy of the Order in Council appointing you as a Commissioner to inquire into the claims of persons of the Japanese race.

As I told you in my previous letter, various solicitors have been rounding up the Japanese and preparing claims on every basis they could think of, including loss of earnings, depreciation of property and so forth. While the Government is anxious to be fair with these poeple and, compensate them for loss sustained through failure of the Custodian to exercise reasonable care, it is not intended to place them in a more favourable position than other Canadians who closed up their businesses and joined the Armed Forces.

I am also enclosing reports of the Public Accounts Committee, which investigated the Japanese claims and, as you will see, the chief complaint seems to have arisen over the sale of some properties to the Director of the Veterans' Land Act.

I have written to the Minister of Justice concerning the appointment of a Counsel to act for the Government and, we will, of course, provide a reporter to take the proceedings.

The Honourable Mr. Justice H. I. Bird,
Court House,
Vancouver, B. C.

j

You mention the appointment of a Secretary but did give me tha name of the retired bank manager to whom you referred.

I would strongly suggest that you call in Mr. F. G. Shears, Director of the Custodian's Vancouver Office, who has a thorough knowledge of the Custodian's activities in the West. He attended here the meetings of the Public Accounts Committee and has with him in Vancouver, a large number of claims already filed by the Japanese.

If you care to look over some of these claims it might assist you in determining how the cases should be handled.

I am making an announcement of your appointment and at the same time informing claimants that particulars of claims should be filed with the Vancouver Office.

The Treasury Board today has approved of payment of travelling and living expenses while engaged on the Commission away from your home and an additional $25 for each day engaged outside of British Columbia. I will send you a copy of this Order in Council as soon as it is received.

After you have had an opportunity of discussing this matter with Mr. Shears, I would like to hear your reactions.

Yours sincerely,

Colin Gibson

j
Encl.

TO PERSONS OF THE JAPANESE RACE WHO,
HAVING BEEN EVACUATED FROM THE PROTECTED
AREAS OF BRITISH COLUMBIA WERE RESIDENT
IN CANADA AS AT JULY 18, 1947:

TAKE NOTICE THAT by Order P.C. 1810 dated July 18, 1947 His Excellency The Governor-General in Council has authorized the appointment of The Honourable Mr. Justice Henry Irvine Bird, A Justice of the Court of Appeal for the Province of British Columbia as a Commissioner under the Inquiries Act R.S.C. 1927 to inquire into and report upon claims of said persons of the Japanese race who allege that <u>they have suffered pecuniary loss by reason of the failure of the Custodian to exercise reasonable care</u>:

(a) In the disposition of the real and personal property vested in the Custodian pursuant to Orders in Council P. C. 1665 of March 4, 1942; P.C. 2483 of March 27, 1942; P.C. 6247 of July 20, 1942 and P.C. 469 of January 19, 1943, the amount received by the Custodian was less than the market value thereof at the time of such disposition.

(b) In the management of personal property such property was lost, destroyed or stolen, but no claim may be considered in respect of property, lost, destroyed or stolen while while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property.

I am now directed by the Commissioner to give public notice to intending claimants to file their respective claims in duplicate, written in either the English or French language and verified by statutory declaration, at the office of the Custodian, Royal Bank Building, Vancouver, B.C., <u>on or before September 30, 1947</u>.

Claimants are required to prepare their claims in the following form:

1. Name of claimant in full with registration number allotted to him upon evacuation from the protected area.

2. Claimant's address at the time of his evacuation.

3. Claimant's present address.

4. Claims relating to real property will contain the following information:

(a) Civic address of real property.

(b) Legal description of real property.

(c) Type of real property, i.e. farm, residence, commercial, etc., and short description of it.

(d) Title or interest held by claimant in the real property.

(e) Grounds of complaint.

(f) Fair market value of real property at date of sale.

(g) Pecuniary loss alleged to have been sustained by claimant.

5. Claims relating to personal property will contain the following information:

(a) Location at which property was left by the claimant at date of his evacuation.

(b) Type of premises in which property was left by the claimant.

(c) In whose care was property left by the claimant at date of his evacuation.

(d) Itemized and detailed description of the property which is the subject of the claim.

(e) Manner in which that property was stored or packed at time of evacuation.

(f) Grounds of complaint.

(g) Aggregate Market value of the property at time of the claimant's evacuation.

(h) Pecuniary loss alleged to have been sustained by claimant.

6. If the claimant proposes to adduce oral evidence in support of his claim, indicate at which of the cities where sessions of the Commission are to be held, and whether the witnesses proposed to be called require the services of an interpreter.

TIME FOR FILING CLAIMS:

Claims filed subsequent to September 30, 1947 will not be considered unless special leave is granted by the Commissioner upon good cause shown.

COMMISSION HEARINGS

Sessions of the Commission for the hearing of oral testimony in respect of claims filed at the office of the Custodian will be held at:

Vancouver, B.C.
Kamloops, B.C.
Nelson, B.C.
Lethbridge, Alberta
Moose Jaw, Saskatchewan
Winnipeg, Manitoba
Toronto, Ontario
Montreal, Quebec

at times and locations to be fixed by the Commissioner, notice whereof will be given to the claimant.

The attention of claimants is directed to the terms of reference quoted above. The Commissioner's authority is limited to consideration of claims as therein defined.

Dated at Vancouver, British Columbia, August 20, 1947.

By authority of the Commissioner.

A. Watson, Secretary to the Commission.

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

J-175

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

Re: Claims of Japanese Evacuees

Dear Mr. Shears:

The Order in Council providing for the appointment of Mr. Justice Bird as Commissioner under the Inquiries Act to investigate claims of persons of the Japanese Race evacuated from the Protected Area of British Columbia was issued today. (Copy enclosed).

The Minister called me into his office at noon and a statement for the press was prepared and I expect that the announcement will be made in tonight's papers, including the press in Vancouver.

In the course of the interview, several matters arose and I hope to reach you by telephone in connection with these later in the day.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.
P.S. I also enclose copy of press release.

WH/7 P.C. 1810

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 18 JULY 1947

PRIVY COUNCIL
CANADA

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of State, representing:

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 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 in respect of such disposition of their property they have suffered pecuniary loss; and

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 Honourable
Secretary of State.

The Committee, therefore, on the recommendation of the Secretary of State, advise:

1. That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese race who are resident in Canada at the date of this Order, namely -

(a) that by reason of the failure of the Custodian to exercise reasonable care in the disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by the Custodian for such property was less than the market value thereof at the time of such disposition; and

(b) that by reason of the failure of the Custodian to exercise reasonable care in the management of personal property, such property was lost, destroyed or stolen but no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the Custodian, appointed by the owner of the property.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion would fairly and reasonably compensate the claimant for failure of the Custodian to exercise reasonable care.

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 money appropriated by Parliament.

A. P. Henry.

Clerk of the Privy Council

Ottawa, July 23rd, 1947.

A. Gladstone Virtue, Esq., K.C.,
c/o Virtue & Russell,
McFarland Building,
Lethbridge, Alberta.

Dear Mr. Virtue,

I have just received a copy of the Order in Council appointing Mr. Justice H.I.Bird as Commissioner to investigate the claims of Japanese Canadians, and am attaching a copy hereto as requested.

Yours very truly,

h

Ottawa, July 23rd, 1947.

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

Dear Mr. Brewin,

Re: Japanese Canadian Property Claims

I have just received a copy of the Order in Council appointing Mr. Justice H.I. Bird as Commissioner to investigate the claims of Japanese Canadians, and am attaching a copy hereto as requested.

Yours very truly,

h

July 22nd, 1947

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

In accord with the Minister's request, I enclose herewith the following:

Public	Accounts	-	Minutes	of	Proceedings	&	Evidence	-	No. 4 - May 8, 1947
"	"	"	"	"	"	"	"		5 - " 9, "
"	"	"	"	"	"	"	"		6 - " 12, "
"	"	"	"	"	"	"	"		7 - " 13, "
"	"	"	"	"	"	"	"		8 - " 20, "
"	"	"	"	"	"	"	"		9 - " 22, "
"	"	"	"	"	"	"	"		10 - " 27, "
"	"	"	"	"	"	"	"		14 - June 24, "
"	"	"	"	"	"	"	"		15 - " 26, "
"	"	"	"	"	"	"	"		19 - July 4, "

Votes and Proceedings of the House of Commons - - No.92 - June 17,1947.

Minutes of the Public Accounts Nos. 11 to 13 inclusive are omitted for the reason that evidence therein relates to illegal organizations and the Ottawa Office, whereas Nos. 14, 15 and 19 contain evidence of Mr. Gordon Murchison, Director, Veterans' Land Act.

The Report of the Public Accounts Committee appears in Votes and Proceedings No. 92.

K. W. WRIGHT

KWW/JF
Encl.

WH/7 P.C. 1810 cc Mr.Wright,

PRIVY COUNCIL
CANADA

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 18 JULY 1947

1947 JUL 23 PM 3:29

UNDER SECRETARY OF STATE

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of State, representing:

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 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 in respect of such disposition of their property they have suffered pecuniary loss; and

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 Honourable
Secretary of State.

Hunter.

The Committee, therefore, on the recommendation of the Secretary of State, advise:

1. That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese race who are resident in Canada at the date of this Order, namely -

(a) that by reason of the failure of the Custodian to exercise reasonable care in the disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by the Custodian for such property was less than the market value thereof at the time of such disposition; and

(b) that by reason of the failure of the Custodian to exercise reasonable care in the management of personal property, such property was lost, destroyed or stolen but no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the Custodian, appointed by the owner of the property.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion would fairly and reasonably compensate the claimant for failure of the Custodian to exercise reasonable care.

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 money appropriated by Parliament.

A. P. Henry.

Clerk of the Privy Council

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

J 175

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

Re: Claims of Japanese Evacuees

Dear Mr. Shears:

I expect that in the course of the next few days the Minister will announce the appointment of a Commissioner to inquire into the claims of Japanese Evacuees.

Herewith you will find copy of communication addressed to the Minister under date of May 1st, 1947, and under separate cover I am sending you the three bound volumes containing itemized claims and summaries of the facts referred to by Mr. Virtue.

No doubt when the Commissioner is appointed he will get in touch with you and it is for this reason that the material filed by Messrs. Virtue and Russell is made available.

Will you be good enough to acknowledge receipt.

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.....

506 Royal Bank Building,
Vancouver, B.C.

15th July, 1947.

The Honourable Mr. Justice Henry I. Bird,
Vancouver Club,
Vancouver, B.C.

Dear Mr. Justice Bird,

After our interview this morning, I telephoned to Mr. K.W. Wright at Ottawa. He was unable at the present time to be definite as to the date of his arrival here. However, he informed me that Mr. Hunter has been appointed as Counsel to the Custodian and has accepted this position and that he expects Mr. Hunter will be in Ottawa tomorrow morning for a conference with himself and Justice Department.

Mr. Wright hopes to be able to advise me on Wednesday what plans they were able to make with Mr. Hunter in regard to a visit to Vancouver, and as soon as I hear I will advise you in Victoria.

Mr. Wright also said that they would likely discuss the matter of 30 days or longer notice so that I could relay any suggestions they might have to you.

I understand your new Commission will be sent as soon as it is signed.

Yours very truly,

F G Shears

F. G. Shears,
Director.

FGS/PMH

CAMERON, WELDON & BREWIN
BARRISTERS & SOLICITORS

A. J. P. CAMERON ROY WELDON
A. F. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391

STERLING TOWER
TORONTO 1, CANADA

July 14, 1947.

BUREAU DU
JUL 15
Secretaire d'Etat.

PC

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

Re: Japanese Canadian
Property Claims

Dear Colonel Gibson:

I have been requested to write to you once again in connection with this matter. Our Committee have observed with interest your statement that a Commission is likely to be appointed in the near future ~~and~~ when arrangements to secure a ~~the~~ commissioner have been completed.

We are naturally anxious to learn as soon as possible when the Commissioner is appointed.

The Committee have also asked me to comment on the report of the Public Accounts Committee which has recommended that a commission be appointed to inquire into property losses sustained by Japanese Canadians in order that more information may be obtained as to desirability of adjusting any apparent discrepancy or loss which may have resulted from the taking over or sale of property at any time. We presume that the Public Accounts Committee was not seeking to give attention to the detailed wording of the terms of reference of the proposed commission. We would, however, wish to put it on record once again and I think it has already been made clear through you to the Government that we believe that the terms of reference should be broader than the phraseology of the report of the Public Account Committee seems to contemplate.

You will recall that we pointed out that the similar legislation before the Congress of the United States proposes to allow compensation on the basis of losses naturally arising out of the evacuation orders with certain specific exceptions.

We are anxious to make it clear that only similar terms broad enough to include losses arising before any action was taken by the Custodian or any other Government agency, could

Col. Colin Gibson July 14, 1947.

secure full justice to those concerned.

We feel that this aspect of the situation may have been somewhat obscured by the fact that attention has been directed by some people and some sections of the press to alleged misfeasance on the part of the Custodian in making sales, or the Department of Veterans Affairs.

We would like to reiterate once again that the case which we have put forward on behalf of our clients is not based in any way upon any such claim or suggestion but is based solely upon the fact that the evacuation orders inevitably resulted in appreciable property loss for which compensation should be made upon adequate proof of the loss before the commission.

Yours very truly,

CAMERON, WELDON & BREWIN

per: F.A. Brewin

FAB:HC

ATM

Ottawa, July 14, 1947.

Dear Mr. Heeney,-

With reference to my letter of the 2nd instant, I now enclose a revised recommendation to Council to replace the previous recommendation dated June 27th last, concerning the expenses of the Honourable Mr. Justice Bird in connection with his appointment as a Commissioner to investigate and report in respect to claims by persons of the Japanese race in relation to their property.

Yours sincerely,

E. H. Coleman
Under Secretary of State.

A. D. P. Heeney, Esq., K.C.,
Clerk of the Privy Council,
O t t a w a .

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL :

The undersigned, the Secretary of State of Canada, has the honour to state that arrangements have been made for the appointment of the Honourable Mr. Justice Henry Irving Bird, of the Court of Appeal of British Columbia, to act as a Commissioner under Part I of the Inquiries Act, to investigate and report in respect to claims by persons of the Japanese race in relation to their property;

The undersigned has the honour to state further that it is necessary to provide for the payment of the expenses which may be incurred by the Honourable Mr. Justice Bird in the performance of his duties as such Commissioner.

The undersigned has the honour to recommend, therefore, that authority be granted for the payment to the Honourable Mr. Justice Bird of his actual living expenses while absent from his home and that authority be granted, in addition, for the payment to the Honourable Mr. Justice Bird of an allowance at the rate of $25.00 per day covering the days when it is necessary for the Commissioner, in the performance of his duties under the Commission, to be absent from the Province of British Columbia.

The undersigned recommends that in addition to the allowances mentioned above, authority be granted for the payment of actual out-of-pocket transportation expenses of the said Commissioner when travelling in the performance of his duties under the Commission.

All of which is respectfully submitted.

COLIN GIBSON

Secretary of State.

Ottawa, July 14, 1947.

THE SECRETARY OF STATE OF CANADA

July 11, 1947

Dear Dick:

I regret very much the delay in writing to you concerning the Commission to investigate the Japanese assets in the hands of the Custodian and, have deferred writing in view of the fact that the terms of reference have not yet been finally decided.

I have had various interviews with solicitors who have been circularizing the Japanese in order to drum up claims, and they, of course, have very exaggerated ideas as to what liability the Government should assume.

I see no reason for placing the Japanese Canadians in a better position than members of our armed forces who closed up their businesses in order to serve but, I do realize that there are some cases in which sale prices may have been less than the actual market value.

I am very glad that you have consented to undertake this investigation and an Order-in-Council is being prepared to provide that you will receive living and travelling expenses, with an additional $25 a day for hearings taking place outside the Province of B. C.

I hope to have the final terms of reference agreed upon within a few days but I am writing to you now so that you may not think the matter has been forgotten. As a matter of fact I had thought that the Justice Department had been keeping you informed.

With best wishes, I am,

Yours sincerely,

Robin Gibson

The Hon. Mr. Justice H. I. Bird,
Court House,
Vancouver, B. C.

j

THE SECRETARY OF STATE OF CANADA

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL :

The undersigned, the Secretary of State of Canada, has the honour to state that arrangements have been made for the appointment of the Honourable Mr. Justice Henry Irving Bird, of the Court of Appeal of British Columbia, to act as a Commissioner under Part I of the Inquiries Act, to investigate and report in respect to claims by persons of the Japanese race in relation to their property;

The undersigned has the honour to state further that it is necessary to provide for the payment of the expenses which may be incurred by the Honourable Mr. Justice Bird in the performance of his duties as such Commissioner.

The undersigned has the honour to recommend, therefore, that authority be granted for the payment to the Honourable Mr. Justice Bird of an allowance at the rate of $25.00 a day covering the days when it may be necessary for the Commissioner, in the performance of his duties under the Commission, to be absent from the Province of British Columbia, and further that authority be granted for the payment to the Honourable Mr. Justice Bird of his actual living expenses while absent from his home.

The undersigned recommends that in addition to the allowances mentioned above, authority be granted for the payment of actual out-of-pocket transportation expenses of the said Commissioner when travelling in the performance of his duties under the Commission.

All of which is respectfully submitted.

Secretary of State.

Ottawa, July 12, 1947.

HOUSE OF COMMONS
Canada

Committees Branch

Ottawa, Ontario
July 7th, 1947.

Mr. K. W. Wright,
Counsel to the Custodian of Enemy Property,
Victoria Chambers,
OTTAWA, Ontario

Dear Mr. Wright:

This will introduce Mr. A. Bruce Benson, about whom I spoke to you this morning.

Mr. Benson was appointed to the Reporting staff of the Committees Branch in March of this year by the Civil Service Commission as a result of a Dominion-wide competition. He has, of course, many years experience in verbatim reporting. His work here, so far as my observation goes, has been excellent and I am sure Mr. Howe, his immediate chief, would agree.

Mr. Benson enlisted as a Private in the Canadian Army in 1941, went overseas in 1943, and returned to Canada in 1946 with the rank of Captain. In the meantime he saw service in England and France. He is the only member of our reporting staff who has seen service in this war. My interest in him is that of an older veteran (who knows something of the difficulties with which he is faced), to see him get a 'break'.

Incidentally Mr. Benson came from Calgary and does not know his way around as well as some of the older members of the staff.

Yours sincerely,

"A. L. Burgess"

OFFICIAL REPORT OF DEBATES

EARL C. YOUNG,
EDITOR

F. W. S. GALBRAITH,
ASSOCIATE EDITOR

HOUSE OF COMMONS
CANADA

REPORTERS

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E. L. FEATHERSTON
C. L. EMPRINGHAM
G. H. PLAYLE
W. W. BUSKARD
XXXXXXX
D. R. Butt

378 Hinton Ave
OTTAWA,

July 5, 1947

OFFICE OF THE
JUL 8 1947
Secretary of State

Hon. Colin Gibson,
Secretary of State,
House of Commons,
Ottawa, Ont.

Dear Sir:

Yesterday in the House of Commons you said that consideration was being given to the appointment of a commissioner to enquire into the purchase of Japanese lands on the Pacific coast. Since this commissioner will require the services of a reporter to make a record, I hereby apply for the contract to report the proceedings. I have been a reporter on the staff of the House of Commons reporting branch for the past seventeen years, and therefore believe that I could give satisfactory service to the commission.

Yours truly,

D.R.Butt.

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

J-175

BY SAFE HAND

E. A. Driedger, Esq.,
Counsel,
Department of Justice,
Justice Building,
Ottawa, Ontario

Dear Mr. Driedger:

In accord with your request, I enclose herewith, for your information, copy of communication addressed to the Honourable Colin Gibson by Mr. A. D. P. Heeney, under date of 27th ultimo.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

COPY

C A N A D A
Privy Council Office

Confidential

Cabinet Secretariat

Ottawa, June 27, 1947.

Honourable Colin Gibson,
Secretary of State,
West Block,
OTTAWA, Ontario

Dear Mr. Gibson:

You will recall that, at the meeting of Cabinet on June 25, 1947, you suggested that (in the light of references in proceedings of the Public Accounts Committee) consideration be given to amendment of the terms of reference of the Commissioner as approved by the Cabinet on April 30, 1947.

You will also recall that the Minister of Justice, referring to the discussion at the meeting on June 16, reported that it would be in order for the Commissioner to be given additional remuneration for such time as he was required to spend outside of his own Province.

The Cabinet agreed:

(a) that the terms of reference of the Commissioner be amended by the addition of a proviso to permit payment of additional compensation for any proven increase of market value between the time of evacuation and the time of sale by the Custodian; the precise terms of such amendment to be settled by the Minister of Justice and the Secretary of State:

(b) that Mr. Justice Bird of the Court of Appeal of British Columbia be appointed Commissioner and that additional remuneration at the rate of $25.00 a day while outside of the Province be authorized:
and,

(c) that the necessary Order in Council of appointment and Treasury Board Minute respecting remuneration be passed accordingly.

I take it that, after consultation with the Minister of Justice, you will prepare a submission to Council for appointment and a submission to Treasury Board respecting remuneration.

I am sending a copy of this letter to Mr. Coleman, for his information.

Yours sincerely,

"A. D. P. Heeney"

A. D. P. Heeney,
Secretary to the Cabinet

CANADA

MINISTER OF VETERANS AFFAIRS

OTTAWA, July 2nd, 1947.

Dear Dick:-

I have your letter of the 26th, for which I thank you.

I am bringing your enquiry to the attention of the Minister of Justice, and will let you have any comments he submits.

Kindest regards,

Yours sincerely,

Mr. Justice H.I. Bird,
Court of Appeal,
Law Courts,
Vancouver, B.C.

JAPANESE PROPERTY COMMISSION

1. Counsel to the Commission.

2. Secretary to Commission.

3. Stenographic report of proceedings.

4. Form of claim to be filed by intending claimants -

(a) name of claimant.

(b) present address

(c) place where claimant desires to present evidence in support of claim before Commission.

(d) particulars of claim

(e) particulars of property in respect of which claim is made.

(f) amount of pecuniary loss alleged to have been suffered by claimant in respect of each item of property upon which claim is made.

(g) into whose custody was property, the subject of the claim, delivered by the claimant, and location of property at date of such delivery.

5. Notice requiring claims to be filed with Secretary to Commission at Law Courts, Vancouver, B.C., promptly after first publication of this notice.

Sessions of the Commission will be held at Vancouver, Kaslo, New Denver, etc., at times to be fixed by the Commissioner, notice of which will be given to claimants upon filing of claims.

6. Publications in which notice to file claims is to be published.

Time limit ?

- ooo -

ATM

Ottawa, July 2, 1947.

Dear Mr. Heeney,-

I am enclosing a submission to Council, signed by the Secretary of State, recommending that authority be granted for payment of expenses of the Honourable Mr. Justice Bird in connection with his appointment as a Commissioner to investigate and report in respect to claims by persons of the Japanese race in relation to their property.

Yours sincerely,

E. H. Coleman
Under Secretary of State.

A. D. P. Heeney, Esq., K.C.,

Clerk of the Privy Council
and Secretary to the Cabinet,

O t t a w a .

FPV:GD

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

1947 JUN 30 AM 9:35

DEPARTMENT OF JUSTICE, CANADA

OTTAWA June 28th, 1947

UNDER SECRETARY
OF STATE

Dear Sir:

The draft submission to Council relating to the appointment of Mr. Justice Bird to act as a commissioner in connection with the Japanese properties submitted with your letter of June 27th is in accordance with the arrangement made with the Commissioner.

Yours truly,

F. P. Varcoe

Deputy Minister.

The Under Secretary of State,
Department of the Secretary of State,
O T T A W A, Ontario.

Dr Colin Gibson
Confidential File

CANADA

PRIVY COUNCIL OFFICE

CABINET SECRETARIAT

Confidential

Ottawa, June 27, 1947.

OFFICE OF THE
JUN 27 1947
Secretary of State

Honourable Colin Gibson,
Secretary of State,
West Block,
OTTAWA, Ontario.

Dear Mr. Gibson:

You will recall that, at the meeting of Cabinet on June 25, 1947, you suggested that (in the light of references in proceedings of the Public Accounts Committee) consideration be given to amendment of the terms of reference of the Commissioner as approved by the Cabinet on April 30, 1947.

You will also recall that the Minister of Justice, referring to the discussion at the meeting on June 16, reported that it would be in order for the Commissioner to be given additional renumeration for such time as he was required to spend outside of his own Province.

The Cabinet agreed:

(a) that the terms of reference of the Commissioner be amended by the addition of a proviso to permit payment of additional compensation for any proven increase of market value between the time of evacuation and the time of sale by the Custodian; the precise terms of such amendment to be settled by the Minister of Justice and the Secretary of State:

(b) that Mr. Justice Bird of the Court of Appeal of British Columbia be appointed Commissioner and that additional renumeration at the rate of $25.00 a day while outside of the Province be authorized: and,

(c) that the necessary Order in Council of appointment and Treasury Board Minute respecting renumeration, be passed accordingly.

I take it that, after consultation with the Minister of Justice, you will prepare a submission to Council for appointment and a submission to Treasury Board respecting renumeration.

I am sending a copy of this letter to Mr. Coleman, for his information.

Yours sincerely,

A. D. P. Heeney,
Secretary to the Cabinet.

1947 JUN 27 PM 4:24

UNDER SECRETARY OF STATE

CANADA

PRIVY COUNCIL OFFICE

CABINET SECRETARIAT

Confidential

Ottawa, June 27th, 1947.

Dr. E.H. Coleman, K.C.,
Under-Secretary of State,
Ottawa.

Dear Dr.Coleman:

With reference to my letter to your Minister of today, concerning further amendment of the terms of reference of the Commissioner to investigate Japanese claims, you will observe that the settling of the precise terms of the amendment was left to Mr.Gibson and Mr.Ilsley.

Perhaps the simplest procedure would be for you to prepare a revised draft to give effect to the Cabinet's decision and then consult Mr.Varcoe.

There is no need for the final submission to come back to the Cabinet again. If and when Mr.Gibson and Mr.Ilsley are agreed, the Order in Council could be passed at next Tuesday's routine meeting of the special committee of Council.

Yours sincerely,

A.D.P. Heeney.

A.D.P. Heeney,
Secretary to the Cabinet.

ATM

Ottawa, June 27, 1947.

Dear Mr. Varcoe,-

I am enclosing a copy of a memorandum which I have had from the Secretary of State, together with a draft submission relating to the payment of the expenses of the Honourable Mr. Justice Bird.

I notice that the Minister refers to the $25.00 a day when the Commissioner is engaged in his duties outside the Province of British Columbia.

I am not sure whether Mr. Justice Bird makes his home in either Vancouver or Victoria but in either event he may have to spend some time in the interior of British Columbia.

I understand you have been in communication with Mr. Justice Bird on the expense question. Will you kindly look at the draft submission and, if possible, telephone me whether or not it is in accordance with the understanding reached. The Secretary of State is absent from Ottawa until Monday morning and I therefore cannot obtain further information from him.

Yours sincerely,

F. P. Varcoe, Esq., C.M.G., K.C.,
Deputy Minister of Justice,
O t t a w a .

E. H. Coleman
Under Secretary of State.

Ottawa, June 27, 1947.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL :

The undersigned, the Secretary of State of Canada, has the honour to state that arrangements have been made for the appointment of the Honourable Mr. Justice Henry Irving Bird, of the Court of Appeal of British Columbia, to act as a Commissioner under Part I of the Inquiries Act, to investigate and report in respect to claims by persons of the Japanese race in relation to their property.

The undersigned has the honour to state further that it is necessary to provide for the payment of the expenses which may be incurred by the Honourable Mr. Justice Bird in the performance of his duties as such Commissioner.

The undersigned has the honour to recommend, therefore, that authority be granted for the payment to the Honourable Mr. Justice Bird of an allowance for his expenses at the rate of $25.00 a day covering the days when it may be necessary for the Commissioner, in the performance of his duties under the Commission, to be absent from the Province of British Columbia, and further that authority be granted for the payment to the Honourable Mr. Justice Bird of his actual living expenses while absent from his home in any city or place in British Columbia outside the City of Vancouver.

The undersigned recommends that in addition to the allowances mentioned above, which are intended to cover hotel and living expenses, authority be granted for the payment of actual out-of-pocket transportation expenses of the said Commissioner when travelling in the performance of his duties under the Commission.

All of which is respectfully submitted.

COLIN GIBSON

Secretary of State.

Ottawa, June 27, 1947.

THE SECRETARY OF STATE OF CANADA

June 25, 1947

MEMORANDUM TO: Dr. E. H. Coleman.

Please prepare a recommendation to Treasury Board for the authorization of the payment of living and travelling expenses of Mr. Justice Henry Irving Bird of the Supreme Court of British Columbia while engaged on duties as a Commissioner to investigate claims from members of the Japanese race.

An additional payment of $25.00 per day is also to be authorized for each day engaged in his duties outside of the Province of British Columbia.

MINISTER.

j

Japanese Claims

Bystand

Ottawa, June 23rd, 1947.

The Right Honourable J.L.Ilsley,
Minister of Justice,
Ottawa, Canada.

My dear Colleague,

Since the Public Accounts Committee brought in its report on its investigations into the disposal of Japanese properties, it appears to me and to my officials that it would be advisable to amend paragraph I of the draft Order in Council appointing a Commissioner.

I am enclosing herewith copy of the Order as originally drafted, from which you will see that a Commissioner was to report the amount received by the claimant for his property if it was less than the market value thereof at the time of the evacuation of the owner.

On looking over the report of the Committee, published in Votes and Proceedings of the 17th June, it will be noticed that they recommended "the adjusting of any apparent discrimination or loss which may have resulted from the taking over or sale of property of any kind, and recommend that a Commission be appointed to report on the claim of any person of the Japanese race now resident in Canada, for alleged loss which resulted from the amount received by him being less than the fair market value of his property at time of sale or loss".

I have drawn up a proposed amended section which would follow more closely the wording of the recommendation of the Committee, and possibly cause less suspicion or criticism than might arise if there is a difference in wording. I also propose that the last part of the original paragraph be deleted as it appears to be provocative and unnecessary.

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 19, 1942, should on

I understand that this matter is being placed on the Agenda for Wednesday, and hope that it can be disposed of at an early date.

Yours sincerely,

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

ORIGINAL PARAGRAPH as follows:

The undersigned, therefore, has the honour to recommend:

1. That the Honourable Mr. Justice J.C.A.Cameron 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.

AMENDED PARAGRAPH as follows:

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, by reason of the failure of the Custodian to exercise reasonable care in the management or

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

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 sale or loss.

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

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OTTAWA, May 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 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 ~~Mr. Justice J.C.M. Cameron~~ Justice 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 sale or loss. 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

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
June 20, 1947

J-175

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

Dear Mr. Shears:

We have for acknowledgment your two communications of the 18th instant.

I note that you plan to go to Victoria for a holiday the first two weeks in July and consider this a wise move on your part. I expect that reasonably soon a Commission will be appointed to hear Japanese claimants and when this inquiry gets under way, the demands upon your time and work of the office generally will increase. Since 1942 you have given your undivided attention to the office for longer periods than the line of duty demands. I trust you will derive much benefit from the change. I also suggest that it would be well for you to send us your holiday address but rest assured we will not trouble you unless some urgent matters arise.

No discussion took place in the House when the report of the Public Accounts Committee on Japanese matters was presented.

An editorial appeared in yesterday's Globe & Mail, copy of which is enclosed.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

21/6/47

OTTAWA, May 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. 286 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 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~~ in respect of ~~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 ~~Mr. Justice [illegible]~~ ? 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~~ the following persons of the Japanese race, who was ~~were~~ resident in Canada on the ~~day~~ date of this Order, that, ~~by~~ namely (a) 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~~ the Custodian for such property was less than the market value thereof at the time of such disposition ~~the execution of the order,~~ sale or loss. ~~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

N. B.

Changes on page 2. ~~suggested~~ agreed to at mtg. in Col. Gibson's office - Dat. 21-/6/47

Present.

Hon Mr. Gibson
Dr. Coleman
H. W. Wright

21/6/47

VIRTUE & RUSSELL

BARRISTERS, SOLICITORS
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE LETHBRIDGE, ALBERTA

B.7.
14th July

June 19, 1947.

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

AIR MAIL

PLEASE REFER TO FILE NO.

OFFICE OF THE
JUN 22 1947
Secretary of State

The Hon. Colin Gibson,
Secretary of State,
OTTAWA, Ontario.

Dear Colonel Gibson:

I recall with appreciation your courtesy to me during my recent short visit to Ottawa and the fact that you gave me so much of your time and also were kind enough to arrange an interview with the Honourable Mr. Mitchell.

I am pleased to observe from the press that the Public Accounts Committee has made a recommendation to the House of Commons that a Commission be appointed to enquire into claims of the Japanese Canadians in respect of losses arising out of their evacuation. I have no doubt that you will be preparing the necessary formal resolution (or legislation) for the House and also the terms of the commission or enquiry.

I do not wish to weary you by repeating in a letter what has been set out already in the short brief which I left in your hands. I would like to say, however, that all of the statements which were made in that brief have been strengthened by subsequent events and the evidence given before the Committee itself, which I have had the privilege of reading.

May I therefore express the hope that in granting the necessary Orders, Legislation or Commission, you may again refer to the brief in question and I hope incorporate at least the major suggestions made in that brief.

We are particularly anxious that the enquiry be broad in its scope so that the Commissioners will have full power to enquire fully into the losses suffered in each case.

We also wish to express the hope that at least two branches of the Commission may be established so that one branch may operate in Western Canada and thus shorten the

time required for the thousand or more cases which must be heard.

It seems to me most important and desirable that the same Commission should have power also to enquire into what may be necessary in the way of rehabilitation or re-establishment so that in any individual case the Commission may be able to give a ruling indicating:

(a) Property losses.
(b) Personal losses in a proper case.
(c) Assistance required in rehabilitation.

Should you wish to write me about any of these matters, I shall, of course, be most happy to hear from you.

I am taking the libery of enclosing an additional copy of this letter in case you wish to hand it to the Hon. Humphrey Mitchell.

May I at the same time extend to both you and Mr. Mitchell my best personal greetings.

Yours sincerely,

A. GLADSTONE VIRTUE

AGV/F

Encl.

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
June 18, 1947

Colonel G. W. McPherson,
Canadian Military Mission,
Canadian Embassy,
Brussels, Belgium

Dear Glenn:

Enclosed herewith you will find copy of the report of the Public Accounts Committee relative to administration of Japanese property, which was tabled in the House of Commons yesterday. The acquittal is pleasing to us all.

A recommendation has been made that a Commission be appointed in keeping with the Prime Minister's statement, but you will note that the scope of the inquiry is confined to losses which resulted from the amount realized being less than the fair market value. I doubt if this will please the Japanese claimants.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

Tuesday, June 17, 1947.

The Standing Committee on Public Accounts begs leave to present the following as a

FOURTH REPORT

Your Committee held its first meeting on Monday, April 28, 1947, and this report covers the first eleven meetings, the last of which was held on Tuesday, May 27.

A steering committee, composed of the Chairman, the Vice-Chairman and Messrs. Burton, Fleming, Gibson (Comox-Alberni), Marshall and Stuart (Charlotte), was appointed to consider procedure and agenda, and its recommendations were approved by the main committee.

The first four meetings of the Committee were devoted to consideration of Bill No. 22, An Act to continue the Revised Regulations respecting Trading with the Enemy (1943). This Bill was reported to the House with amendments on May 6, 1947, and passed the House without further amendment on May 9.

The next seven meetings were devoted to a review of the general administration and liquidation of real property in British Columbia owned by Japanese evacuees. With a view to obtaining as complete a picture as possible of the Custodian's activities in this respect, the Committee heard evidence from the Hon. C. D. Gibson, Secretary of State and Custodian of Enemy Property, Dr. E. H. Coleman, C.M.G., K.C., Deputy Custodian, Mr. F. C. Shears, Director, Vancouver Office, and Mr. K. W. Wright, Counsel; from Mr. Gordon Murchison, Director, Soldier Settlement and Veterans' Land Act; from Mrs. Hugh MacMillan, Secretary, and Mr. F. Andrew Brewin, Counsel, The Cooperative Committee on Japanese

Canadians, and from Mr. George Tanaka, Chairman, Japanese Canadian Committee for Democracy.

During these meetings, Your Committee's enquiry was confined to a study of the Custodian's administration of the property of persons of the Japanese race as it applies to the West Coast, and more particularly to the area, known as the protected area, extending north several hundred miles from the United States Boundary and inland to the Cascade Mountains, and including Vancouver Island, the Queen Charlotte Islands and the group of small islands known as the Gulf Islands. The affairs of approximately 22,000 Japanese were involved, including the ownership of 1,700 parcels of real property as well as businesses, stock, equipment and household effects.

It is interesting to note that on December 10, 1941, three days after the Japanese attack on Pearl Harbour that brought the United States into the war, the Custodian opened an office in Vancouver.

Evacuation of persons of the Japanese race from the protected area commenced in March, 1942, and continued until October of that year. In the period between December 7, 1941, and March 27, 1942, the date of Order in Council P. C. 1665 vesting control of their property in the Custodian many Japanese disposed of property at prices which were probably considerably below the market value. Immediately upon assuming control, the Custodian commenced a voluntary registration of all Japanese property, real and personal. A printed form (Form "J.P"., a copy of which is appended) was mailed to every Japanese evacuee with the request that it be completed and returned to the Custodian.

Great difficulty was experienced by the Custodian in identifying the personal property, such as chattels and personal effects, of these 22,000 Japanese and, undoubtedly, some confusion

resulted. The reasons for this confusion were explained in evidence to your Committee.

The procedure followed in respect to the listing of personal property and its transportation from owners' homes to storage and subsequent disposal was fully explained by the witnesses.

Some of the household effects and other chattels were advertised in the press and sold at public auction. From the evidence produced, there is no doubt that a certain amount of theft and vandalism took place both before control was vested in the Custodian and during the period of his administration.

Subsequent to the passage of the Order in Council establishing a protected area, two advisory committees were appointed: one under the chairmanship of Mr. Justice Sidney Smith, associated with Alderman Charles Jones of Vancouver and a Japanese representative; the other under the chairmanship of the late Judge David Whiteside, assisted by Mayor Mott, of New Westminster, Mr. D. A. Mackenzie, Mr. Harold Menzies and a Japanese representative. The Japanese representatives on the two committees resigned on being evacuated. Every negotiation for the sale of real estate was considered and reported upon by the committee over which Judge Whiteside presided.

Most of the discussion in your Committee centred around the sale of 741 farm properties by the Custodian to the Director, The Veterans' Land Act, for the sum of $836,250.00.

A summary of the cash which has been collected by the Custodian on behalf of Japanese evacuees, covering not only real estate but fishing vessels, fishing gear, cars and trucks, farm equipment, household effects and sundries, totals $5,373,317.64.

In view of the evidence adduced and in order that more information may be obtained as to the desirability of adjusting any apparent discrimination or loss which may have resulted from

the taking over or sale of property of any kind, your Committee recommends that a commission be appointed under the provisions of the Inquiries Act to inquire into and report upon the claim of any person of the Japanese race now resident in Canada for alleged loss which resulted from the amount received by him being less than the fair market value of his property at time of sale or loss.

A copy of the minutes of proceedings and evidence to May 27 is appended.

All of which is respectfully submitted.

VICE-CHAIRMAN.

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.

18th June, 1947.

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

Dear Mr. Wright:

Thank you for the Minutes of proceedings of the Public Accounts Committee of June 3rd (No.12).

I was pleased to note the remarks on your report on illegal organizations and I will be interested in receiving Minutes of further matters in connection with affairs in which we are interested.

Reference was made over the radio last night and in the newspapers to the recommendation of the Public Accounts Committee to set up a Commission on Japanese Claims. The scope appears to be limited to the extent we had in mind. Was there much discussion in the House? If you could send me a copy of Hansard for yesterday it would be appreciated.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

encl.

Japanese Claims

June 10, 1947.

Dear Mrs. Scott:

Mr. Rodney Adamson, M. P. has drawn to my attention the resolution concerning compensation for Canadian Japanese, passed by the Woman's Missionary Society of the Wesley United Church, which you forwarded to him on the 2nd of June, and which he, in turn, passed to me for attention.

I may say that some time ago I announced in the House that the Government intended to set up a Commission to investigate claims for losses suffered by the Japanese.

At the same time I should point out that in wartime it became necessary for many Canadians to leave their homes and give up theri businesses in order to serve in the Armed Forces, and they received no remuneration for loss of earnings while on Active Service. While it is our desire to see that the Japanese Canadians receive justice, I do not consider that they are entitled to more generous treatment than was provided for those who offered their lives in the Armed Forces.

Yours very truly.

Mrs. Mary C. Scott,
26 Stanley Avenue,
Mimico, Ontario

j

House of Commons
Canada

OFFICE OF THE
JUN 6 1947
Secretary of State

Ottawa, June 5th, 1947.

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

Dear Colonel Gibson,

I have pleasure in enclosing a Resolution sent to me by the Woman's Missionary Society of Wesley United Church concerning the Japanese question.

I also enclose copy of my reply to Mrs. Scott.

Yours very truly,

Rodney Adamson,
Member for West York.

RA/G

Ottawa, June 5th, 1947.

Mrs. Mary C. Scott,
26 Stanley Avenue,
Mimico, Ontario.

Dear Mrs. Scott,

Thank you for your letter of June 2nd and the Resolution of the Woman's Missionary Society of the Wesley United Church attached thereto.

As you have shown such an interest in the matter, I am sending you, under separate cover, the report of the evidence taken before the Standing Committee on Public Accounts on the matter of enemy property, which I believe you will find interesting although extremely lengthy. I am not a member of the Committee myself, but I have discussed the matter with several of our members who are.

It gives me great pleasure to forward your Resolution to the Secretary of State who has jurisdiction over the custodian of enemy property.

Yours sincerely,

Rodney Adamson,
Member for West York.

RA/G

Wheras the government order of February 26th, 1942 required all Japanese Canadians to leave their homes and properties on short notice; and in a setting of confusion and hysteria, stocks, businesses and property were sold at sacrificial prices, and inadequate arrangements were made for the protection and management of property, and

Wheras the restrictions imposed on Japanese Canadians and the many hardships which they have sustained makes it extremely urgent for the good name of Canada that recompense be provided on the fairest terms and

Whereas the Canadian Government should not be less generous in its treatment of its Japanese Canadians than the government in the United States is being to its citizens of Japanese ancestry.

Resolved that we request the members of the Cabinet to do all in their power to provide for a full investigation by a commission with authority to inquire into all losses incurred by reason of the evacuation orders and to arrive at fair and equitable compensation.

Signed on behalf of the organization.

President: Jessie E. Richards.

Secretary: K. Etaiter

Treasurer: Amy L. Ferrier

Japanese Claims

MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA

File

OFFICE OF THE
JUN 5 1947
Secretary of State

Ottawa, 4th June, 1947.

My dear Colleague,-

I enclose copy of a letter which I have from the President of the Moose Jaw and District Labour Council, together with a copy of my reply.

Yours very truly,

The Honourable C. W. G. Gibson,
The Secretary of State of Canada,
O t t a w a.

COPY

Ottawa, 4th June, 1947.

Dear Sir,-

This will acknowledge receipt of your letter of May 27th requesting the Dominion Government to make full restitution to Japanese Canadians who have suffered material or financial losses of any kind as a result of compulsory deportations ordered by the Government.

Your representations will be forwarded to the Department of the Secretary of State, which is administering this matter, and will receive the careful consideration of myself and my colleagues.

Yours very truly,

G. W. Payne, Esq.,
President,
Moose Jaw and District
Labour Council,
P. O. Box 58,
Moose Jaw,
Saskatchewan.

COPY

MOOSE JAW AND DISTRICT LABOUR COUNCIL
P. O. Box 58
Moose Jaw, Saskatchewan

President
G.W.Payne

Vice President
Mrs. V. Cooper

Secretary-Treasurer
H. L. Brundage

May 27, 1947.

Honourable J. L. Illsley,
Minister of Justice,
House of Commons,
Ottawa, Can.

Dear Sir:

Whereas the ranks of organized Labour throughout the Dominion have continually upheld the rights of all people for a just and fair treatment by government bodies, and as in the case of the Japanese Canadians, many of whom have spent their entire lives in this country, running their own businesses, and owning their own homes, and who were during the war years treated as enemy aliens, and moved from place to place, leaving their homes and businesses in the hands of custodians.

Now that the war period is ended, and settlement is being made to these people for personal and property losses, there seems to be according to reports received a considerable discrepancy in the valuation of goods and chattels belonging to these people.

The Moose Jaw and District Labour Council in meeting assembled, urgently request the Dominion Government to immediately make full restitution to these people who have suffered material or financial losses of any kind as a result of the compulsory deportations ordered by the Government.

We further ask that the restrictions on the movements of these people be lifted, and that they be allowed to live their lives as do the rest of the citizens of Canada.

Sincerely yours,

Moose Jaw and District
Labour Council

(sgd) G. W. Payne

President

May 30, 1947.

Dear Mr. Northgrave:

I wish to acknowledge receipt of your letter of May 26th, stating that the Women's Missionary Society of Humbercrest United Church desire that Canadian Japanese be fully compensated for all losses sustained by evacuation on the Pacific Coast.

I may say that some time ago I announced in the House that the Government intended to set up a Commission to investigate claims for losses suffered by the Japanese.

At the same time I should point out that in wartime it became necessary for many Canadians to leave their homes and give up their businesses in order to serve in the Armed Forces, and they received no remuneration for loss of earnings while on Active Service. While it is our desire to see that the Japanese Canadians receive justice, I do not consider that they are entitled to more generous treatment than was provided for those who offered their lives in the Armed Forces.

Yours very truly,

Mrs. W. H. Northgrave,
9 Brunell Avenue,
Toronto, Ontario

j

Ottawa, May 28, 1947.

Dear Mr. Whitman:

I received your letter of May 23rd concerning appointment as official reporter for the Commission to investigate Japanese claims.

Up to the present time a Commissioner has not been appointed but when an appointment is made I will be glad to take up with him the question of staff and of your appointment.

Yours very truly.

R. A. Whitman, Esq.,
P.O. Box 4,
House of Commons,
OTTAWA, Ont.

p

THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF MONTREAL

NOTRE DAME DE GRACE BRANCH

4335 HAMPTON AVENUE

TELEPHONE ELWOOD 7315

W. L. GATEHOUSE, CHAIRMAN
F. W. OWEN, VICE-CHAIRMAN

JOHN MORSE, EXECUTIVE CHAIRMAN
J. M. C. DUCKWORTH, EXECUTIVE SECRETARY

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May 28, 1947

OFFICE OF THE
MAY 29 1947
Secretary of State

Mr. John Gibson,
% Secretary of State of Canada,
Parliament Buildings,
Ottawa, Ont.

Dear Mr. Gibson:

Thank you for your letter of May 19th answering mine of May 14th re Japanese Canadians.

It seems to me rather significant that you chose to quote from my letter, and take issue with the generalization at the end of my first paragraph about the human characteristics.

I do not, of course, agree with the policy of the government in regard to the removal of fundamentally loyal people of Japanese descent who were born in Canada and educated there, and who are members of Christian Churches there. Many many of these people are as deeply Canadian as any other people of German descent, Italian descent and even British descent. The point that I am trying to make is that we should treat human beings as human beings, and citizens as citizens.

It is very gratifying to know that the Government has appointed a commission to investigate the claims that Japense properties were sold at less than their true market value. However I am more interested in knowing what "concerns" the Government has about the personality of people, and the souls of people regardless oftheir color.

Sincerely yours,

J. M. C. Duckworth,
Executive Secretary

JMCD/JG

The Y.M.C.A. is a fellowship of people united for the purpose of building Christian persons and a Christian Society.
You can sustain its work by Voluntary Service, by Contributions, and by making Gifts for Endowment.

OFFICE OF THE
MAY 30 1947
Secretary of State

9 Brunell Ave.,
Toronto,
May 26/47

Hon. Colin Gibson,
Sec. State,
House of Commons,
Ottawa.

Dear Sir:-

It is the desire of the members of Humbercrest United Church Women's Missionary Society, that the Canadian Japanese be fully compensated for all losses sustained by evacuation orders.

Yours truly,
(Mrs E.H.)

Lydia Northgrave,
Cor. Secretary.

OFFICIAL REPORT OF DEBATES

EARL C. YOUNG,
EDITOR

F. W. S. GALBRAITH,
ASSOCIATE EDITOR

HOUSE OF COMMONS
CANADA

1947 MAY 27 AM 9:33

UNDER SECRETARY
OF STATE

REPORTERS

H. E. OLIVER
T. S. HUBBARD
E. L. FEATHERSTON
C. L. EMPRINGHAM
G. H. PLAYLE
W. W. BUSKARD
P. H. SHELTON

OTTAWA,

466 Kenwood Avenue,
May 26, 1947

Dr.E.H.Coleman,
Under Secretary of State
West Block.

re Possible Inquiry,Sale
of Japanese Property.

Dear Dr.Coleman:

This morning you were good enough to grant me a brief interview in respect of the above matter.

Should the inquiry be proceeded with, and verbatim services be required, I should appreciate an opportunity to discuss the matter with you further.

Yours truly,

Chas. C. Empringham

Chartered Shorthand Reporter.

Ottawa, May 23, 1947.

Dear Mrs. Bean:

I wish to acknowledge receipt of your letter of May 21st bringing to my attention the view of your organization that Japanese Canadians should be fully compensated for all losses sustained due to evacuation orders.

As I have already stated in the House, the Government has under consideration the appointment of a Commission to ascertain what losses, if any, were suffered by the Japanese owing to the sale of their property in British Columbia.

During the war, it was necessary for many Canadians to give up their businesses and leave their homes, many of them going overseas to risk their lives for their country. While I agree that Japanese Canadians should be reimbursed for financial loss sustained through the sale of their property, I do not feel that they are entitled to greater consideration in regard to loss of earnings and similar claims than was provided for those in the services.

Yours very truly,

Mrs. H.L. Bean,
Corresponding Secretary,
Toronto West Presbyterial of the
Woman's Missionary Society,
414 Durie Street,
TORONTO 9, Ont.

p

Dr Coleman

To Secretary
29-5-47

R. A. WHITMAN, C.S.R.
332 BRONSON AVENUE
OTTAWA. CANADA

P.O.Box 4,
House of Commons,

1947 MAY 30 AM 10:04

May 23rd, 1947

UNDER SECRETARY OF STATE

Hon. Colin Gibson, M.P.,
Secretary of State,
Ottawa, Canada.

Dear Col. Gibson:

Re. ROYAL COMMISSION ON JAPANESE CLAIMS

May I place in your hands for consideration at the appropriate time my formal application for appointment as official reporter for the Royal Commission on Japanese claims.

I have been fourteen years on the Committee Reporters Branch of the Commons staff; and through the work of the Public Accounts Committee have a background of knowledge of the subject;

I am entitled to active service preference having served in France (1916-19);

I was four years on the staff of the Office of the Prime Minister (1923-26 incl.)

I have wide general reporting experience with Royal Commissions, Courts, etc., (Reporter Ives Commission 1945 - see page 9 of report), also reported Veterans' Qualifications Commission (Col. Bovey, Chairman) 1945-56.

I am prepared to supply a shorthand reporting service of any kind the Commission may desire at any points the service may be required -- daily copy, or straight report produced with all due diligence and despatch, at the rates usual with respect to work of the kind and as approved by Treasury Board; i.e. 30¢ per folio of 10 count lines, for original and three carbons; additional copies by arrangement with the Commission;

Together with the usual per diem for self and staff and associate reporters (if required); and travelling and related expenses for self and staff outside of Ottawa.

I would very much appreciate an opportunity of making this report.

Yours very truly,

R. A. Whitman.

R. A. WHITMAN, C.S.R.
332 BRONSON AVENUE
OTTAWA, CANADA

P.O.Box 4
House of Commons

May 23rd, 1947.

PERSONAL

Dear Col. Gibson:

Following up our conversation the evening of the 14th inst., at Mr, McCullough's party, I am enclosing a formal application with respect to the reporting of the R.C. on Japanese Claims; if as and when appointed.

I am asking Bill Golding to forward it to you with the thought that his support might be of assistance. I would also refer you to Hughes Cleaver, Col. Wilfrid Bovey (McGill) -- he was Chairman of the Royal Commission on Veterans Qualifications 1945-46 for which I made the official report; and to Judge Ives, who was Chairman of the R.C. on Taxation of Annuitiesand Family Corporations.

The potential appointment of the Commission came to my notice while reporting Public Accounts when reference to it was made and later ordered off the record.

I would particularly appreciate the opportunity of making the shorthand report for this Commission, and am in a position to supply a competent reporting service whether the House is sitting or not.

Page 9 of the Ives Report has a reference to my reporting; as also has the last section of the final report on Veterans' Qualifications (which was never printed, but of which I think you received a typed copy at the time it was filed.)

May I thank you now for the consideration which I know my application will receive at the appropriate time.

Yours truly,

R. A. Whitman.

Toronto West Presbyterial of the Woman's Missionary Society

The United Church of Canada

414 Laurie St.

TORONTO, 9, May 21 1947.

OFFICE OF THE
MAY 23 1947
Secretary of State

Hon. Colin Gibson,
Secretary of State,
Ottawa.

Dear Sir;-

The executive of the Toronto West Presbyterial of the Women's Missionary Society of the United Church of Canada, have followed with great interest the newspaper reports of the investigation into the losses sustained by our Japanese Canadians.

Our organization feel that these Japanese Canadians should be fully compensated for all losses sustained due to evacuation orders.

Many of them were moved from the coast through no fault of their own and have suffered many hardships.

We as Christian women feel that at all times Christian principles should be followed, the greatest of all being found in Matthew 7- verse 12.

"Whatsoever ye would that men should do to you, do ye even so to them".

Sincerely,

In the Master's Service,

Mrs. H. L. Bean,

(Corresponding Secretary.)

May 20, 1947.

Dear Miss Peck:

I have received your telegram of May 13th, written on behalf of the Montreal Committee on Canadian Citizenship, endorsing a proposal for the appointment of a Commission to investigate claims of Japanese Canadians.

The Government has this matter under consideration at the present time and any anno ncement on the subject will be made in due course.

Yours truly,

Miss Margaret Peck,
29 Granville Road,
Hampstead, Quebec.

j

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

OFFICE OF THE
MAY 21 1947
Secretary of State

May 20, 1947.

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

Re: Japanese Canadians

Dear Colonel Gibson:

As we have been expecting that an announcement would be made by the Government in regard to the proposed commission on the Japanese Canadian property claims, I have hitherto advised our Committee that there was not much purpose in making representations to the Public Accounts Committee. However, in view of the publicity given to discussions of that Committee, many of our members have been urging that we should present the facts that we have collected to the Committee. We have accordingly written to the Chairman asking to be given the opportunity to present what information we have.

I would like to take this opportunity to say that our Committee do not approve and have had nothing to do with the rather violent attacks which have been made in the local press in Toronto on the activities of the Custodian. We propose to emphasize before the Committee the view we have previously expressed to you, that the claims for compensation for the Japanese Canadians are not based upon any attack on what the Custodian did or did not do, but rather upon the inevitable consequence of the Evacuation Orders. No matter what efforts the Custodian put forward to protect their property, substantial losses were inevitable. We also wish to put before the Public Accounts Committee our view that a commission having authority to determine these losses on the principles of the Bill before the American Congress would be satisfactory to the Japanese Canadians generally.

Yours very truly,

FAB:HC

F A Brewin.

Ottawa, May 19, 1947.

Dear Mr. Duckworth:

The Honourable Paul Martin has passed on to me your letter of May 14th concerning compensation for the Japanese Canadians who were removed from the Pacific Coast Area.

During a period of war, the safety of the state is of greater importance than the convenience of the individual and at a time when it was necessary to send thousands of our Canadians overseas, it was also deemed advisable to remove members of the Japanese race from the Pacific Coast Area. This was not done for a purpose of showing a superior and anti humanitarian attitude as your letter suggests.

The Government has already announced that a Commission will be appointed to investigate claims that Japanese properties were sold at less than their true market value.

Yours very truly,

J. M. C. Duckworth, Esq.,
Executive Secretary,
The Young Men's Christian Association of Montreal,
Notre Dame de Grace Branch,
4335 Hampton Ave.,
MONTREAL, Que.

p

MEMORANDUM

Office of the Prime Minister

Ottawa, May 14, 1947.

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

G. J. Matte,
Private Secretary.

OFFICE OF THE
MAY 15 1947
Secretary of State

May 14, 1947.

Miss Margaret Peck,
Secretary,
The Montreal Committee on Canadian Citizenship,
29 Granville Road,
Hampstead, Que,

Dear Madam:

I should like to acknowledge your telegram of May 13th, sent on behalf of the Montreal Committee on Canadian Citizenship, with regard to claims by persons of Japanese origin in Canada.

The views expressed in your telegram have been noted, and are being brought to the attention of the Secretary of State.

Yours sincerely,

G. J. Matte,
Private Secretary.

Ottawa, May 14, 1947.

Miss Margaret Peck,
Secretary,
The Montreal Committee on Canadian Citizenship,
29 Granville Road,
Hampstead, Que,

Dear Madam:

I should like to acknowledge your telegram of May 13th, sent on behalf of the Montreal Committee on Canadian Citizenship, with regard to claims by persons of Japanese origin in Canada.

The views expressed in your telegram have been noted, and are being brought to the attention of the Secretary of State.

Yours sincerely,

G. J. Matte,
Private Secretary.

DEPARTMENT OF
NATIONAL HEALTH AND WELFARE
OFFICE OF THE MINISTER

May 15th, 1947.

Memorandum: Mr. W.O. Davis -

Referred without acknowledgment to the office of the Minister of Secretary of State from the office of the Minister of National Health and Welfare,

D.G. Emerson
Private Secretary.

OFFICE OF THE
MAY 16 1947
Secretary of State
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JOHN MORSE, EXECUTIVE CHAIRMAN
J. M. C. DUCKWORTH, EXECUTIVE SECRETARY

...ENT

...LANG — A. J. C. PAINE
... LONG — E. M. PATTON
...E. LYNES — ANDREW SHARP
...E McLELLAND — J. T. R. STEEVES
... NORRIS — JOHN J. WALKER
... R.S. ORSER — N. P. WOODS

May 14, 1947

Ottawa, Ont.

Dear Mr. Martin:

Doubtless the Cabinet of our Federal Government is not able to let the matter of the settlement of the Canadian Japanese question be shoved aside. I think it is well to remind ourselves that the Exclusion Act on the part of the United States Government to the Japanese some years ago, in California, was one of the worst things that was ever done to bristle the relationship between Japan and U. S. A. It has been proven a fundamental human characteristic that when people show a superior and anti humanitarian attitude the reaction is violent, and breeds ill will. This is the chief reason that I write.

I believe an injustice was done to Canadians born Japanese in our country, from the outset. I am therefore naturally interested that the Cabinet of our Government take all possible steps at the present time to see that the property loss suffered by Canadian Japanese is fully restored.

The Government is to be commended on a recent legislature which makes it possible for Japanese to traverse all Canada with the exception of British Columbia but in this respect it would seem unfortunate that the government has not instructed that they be given opportunity in British Columbia as in other places. If we really mean to be democratic people in Canada we ought to act that way from the bottom up and from the top down.

Sincerely yours,

J. M. C. Duckworth,
Executive Secretary

JMCD/JG

The Y.M.C.A. is a fellowship of people united for the purpose of building Christian persons and a Christian Society.
You can sustain its work by Voluntary Service, by Contributions, and by making Gifts for Endowment.

THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF MONTREAL

NOTRE DAME DE GRACE BRANCH

4335 HAMPTON AVENUE

TELEPHONE ELWOOD 7315

W. L. GATEHOUSE, CHAIRMAN
F. W. OWEN, VICE-CHAIRMAN

JOHN MORSE, EXECUTIVE CHAIRMAN
J. M. C. DUCKWORTH, EXECUTIVE SECRETARY

Minister's Office
RECEIVED
MAY 15 1947
Dept. of National Health and Welfare

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JOHN J. WALKER
N. P. WOODS

May 14, 1947

Hon. Paul Martin,
Secretary of State,
Dominion Government,
Ottawa, Ont.

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Executive Secretary

JMCD/JG

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CD. 1R

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

STANDARD TIME

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

OFFICE OF THE
MAY 14 1947
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COL COLIN GIBSON PC MP

SECRETARY OF STATE FOR CANADA PARLIAMENT BLDGS OTTAWA ONT

THE MONTREAL COMMITTEE ON CANADIAN CITIZENSHIP AT A MEETING HELD ON MAY THE THIRTEENTH DECIDED TO URGE THE GOVERNMENT TO IMPLEMENT THE SUGGESTIONS OF THE COOPERATIVE COMMITTEE ON JAPANESE CANADIAN STOP WE ENDORSE THEIR PLAN FOR A COMMISSION TO INVESTIGATE AND DECIDE UPON CLAIMS OF JAPANESE CANADIANS ARRIVING ON OR AFTER DECEMBER SEVENTH NINETEEN FORTY ONE STOP

W.L.M.K.
Check date in Hansard when Govt announced the world affoint a commission

C.D. 1R

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

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

N. GIBSON OTTAWA ONT 1947 MAY 13 PM 10 09

ONS OF THE TORONTO COOPERATIVE COMMITTEE TO
OF CANADIAN DEMOCRACY AND OF THOSE CONCERNED
N CANADIAN CITIZENSHIP PER MARGARET PECK
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CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

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

TIME

RAA541/2 COL COLIN GIBSON OTTAWA ONT

1947 MAY 13 PM 10 09

WE BELIEVE THE SUGGESTIONS OF THE TORONTO COOPERATIVE COMMITTEE TO BE IN THE BEST INTERESTS OF CANADIAN DEMOCRACY AND OF THOSE CONCERNED

THE MONTREAL COMMITTEE ON CANADIAN CITIZENSHIP PER MARGARET PECK SECRETARY 29 GRANVILLE ROAD HAMPSTEAD QUE

MEMORANDUM

Office of the Prime Minister

Ottawa, May 13, 1947.

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

G. J. Matte,
Private Secretary.

OFFICE OF THE
MAY 14 1947
Secretary of State

May 13, 1947.

R. S. K. Seeley, Esq.,
Executive Chairman,
Student Christian Movement of Canada,
25 Bloor Street West,
Toronto 5, Ontario.

Dear Sir:

I am directed by the Prime Minister to acknowledge your letter of May 10th, conveying the views of the Student Christian Movement of Canada with regard to the compensation which should be made to persons of Japanese origin evacuated from the Pacific Coast during the war.

The views expressed in your letter have been noted and are being brought to the attention of the Secretary of State, who is the Minister most directly concerned.

Yours sincerely,

G. J. Matte,
Private Secretary.

Ottawa, May 13, 1947.

R. S. K. Seeley, Esq.,
Executive Chairman,
Student Christian Movement of Canada,
25 Bloor Street West,
Toronto 5, Ontario.

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Yours sincerely,

G. J. Matte,
Private Secretary.

STUDENT CHRISTIAN MOVEMENT OF CANADA

in affiliation with the
WORLD'S STUDENT CHRISTIAN FEDERATION

25 BLOOR STREET WEST
TORONTO 5, ONT.

Telephone: KINGSDALE 5382

Cable Address: STUDENTMOV

Chairman: DR. JAMES S. THOMSON
University of Saskatchewan

Vice-Chairman: VINCENT GORING
McGill University

Executive Chairman:
PROVOST R. S. K. SEELEY
Trinity College
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K. HARRIET CHRISTIE

Missionary Secretary: K. H. TING

Office Secretaries:
NORAH FUJITA
MARGUERITE HASTINGS

May 10, 1947

Rt. Hon. MacKenzie King,
Prime Minister,
OTTAWA, Canada.

Dear Sir:

We in the Student Christian Movement understand that there is now before the Cabinet of our Government the matter of the setting up of a Commission which would have authority to inquire into all losses incurred by Japanese-Canadians by reason of the evacuation orders. We have been interested in the whole problem of the re-settlement of the Japanese-Canadians, and would respectfully request that all possible care be taken to arrive at a fair and equitable compensation for losses incurred at the time of the evacuation.

We believe that three factors should be taken into consideration in the setting up of a Commission: (a) that the number of persons entitled to compensation is very large, that some of the cases may be very complicated, and that the whole matter will take several years of work by the proposed commission; (b) that it is true that many of the claims for losses will be made directly against the Custodian, which losses occurred though the Custodian acted carefully and properly; (c) that grave losses were incurred by many people during the period February 26 to March 27, 1942, before the Custodian was appointed, and claims for compensation in these cases must be considered as well.

Our reason for pressing for the utmost consideration for this matter is based upon our conviction that Canada has been guilty of grave injustices in her treatment of this group of Canadian citizens. The most we can do to compensate will not be enough. We urge, therefore, that the utmost consideration be given this matter.

Respectfully yours,

R.S.K. Seeley

PROVOST R.S.K. SEELEY,
Executive Chairman.

EMN/h-f

CANADA

PRIVY COUNCIL OFFICE

CONFIDENTIAL

CABINET SECRETARIAT

Ottawa, May 10th, 1947.

The Honourable Colin Gibson, K.C.,M.P.,
Secretary of State,
Ottawa.

Dear Mr.Gibson:

You will remember that, at yesterday's meeting, the Prime Minister expressed his concurrence in the decision taken at the meeting of April 30th upon the terms of reference for the Commissioner to be appointed to deal with claims of persons of Japanese race.

It was agreed that an Order in Council be passed accordingly with a minor amendment suggested by Mr. King.

I should be grateful if you would let me know just as soon as you can when the Order may be passed. You were waiting to confirm Mr.Justice Cameron's name as the Commissioner.

Yours sincerely,

A.D.P. Heeney,
Secretary to the Cabinet.

Terms of Reference - Commission on Japanese Claims

To investigate and report upon the value or values, at the then prevailing market or current prices for disposal thereof, of any property of Canadian nationals of Japanese origin, then and now resident in Canada, evacuated, abandoned or lost at the time of such evacuation or abandonment by order of the Government of Canada, in relation to prices obtained therefor, whether by tender or otherwise; or by proven loss of goods in relation to their marketable value at the time of such evacuation or abandonment and proven loss; all such claims of any nature whatsoever to be limited to such property, real or personal, as was taken over by, declared to, and placed in the custody of, the Official Custodian of Enemy Alien Property of the Dominion of Canada.

OFFICE OF THE
MAY 8 1947
Secretary of State

Ottawa, May 7, 1947.

John Mitchell, Esq.,
Director, District 6,
United Steelworkers of America,
1207 Bay Street,
Toronto, Ontario.

Dear Sir:

On behalf of the Prime Minister, I should like to acknowledge your letter of May 5th, concerning compensation to be paid to persons of Japanese origin in Canada who suffered property losses resulting from the evacuation from the coastal area.

This question is at present receiving consideration, and the views expressed in your letter on behalf of the United Steelworkers of America, Canadian Section, have been noted.

Yours sincerely,

G. J. Matte,
Private Secretary.

Ottawa, May 7, 1947.

Dear Mr. Justice Cameron:

At the request of the Minister of Justice, I am enclosing herewith a copy of a draft Order-in-Council providing for a Commission to consider claims by those of the Japanese race who were evacuated from the coast of British Columbia.

When the evacuation of Japanese became necessary the Custodian of Enemy Property was placed in charge of the property and assets of the evacuees and some time later, authority was granted to the Custodian to sell such property as came into his hands.

Two Committees were set up in British Columbia, one in Vancouver and one for the rural areas, the Committees being headed by Judge Whiteside and Judge Sidney Smith. Both Committees had members of the Japanese race represented but, owing to pressure from other Japanese, they later retired. The Committees appointed qualified real estate valuators before making sales and passed on each sale before it was approved.

Recently, some of the Japanese have claimed that they did not receive a fair price for their property and it has been decided we should appoint a Commission to investigate the claims and bring in a report.

You will notice that your name has been inserted in the draft Order in the hope that you will consent to act in this matter and I can assure you that if you will undertake this work it will be very much appreciated.

Yours sincerely,

The Hon. Mr. Justice J.C.A. Cameron,
Exebequer Court,
OTTAWA, Ont.

p

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

ATM

Ottawa, May 6, 1947.

Dear Mr. Heeney,-

I am enclosing a recommendation to Council for the appointment of the Honourable Mr. Justice Cameron of the Exchequer Court as a Commissioner to investigate the sales of property of persons of the Japanese race.

Yours sincerely,

E. H. Coleman
Under Secretary of State.

A. D. P. Heeney, Esq., K.C.,
Clerk of the Privy Council,
O t t a w a .

MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA

OFFICE OF THE
MAY 7 1947
Secretary of State

PC

Ottawa, 6th May, 1947.

My dear Colleague,-

I am returning to you the recommendation to Council forwarded with your letter of May 5th and relating to the appointment of Mr. Justice Cameron of the Exchequer Court as a Commissioner to investigate the sales of property of persons of the Japanese race. This recommendation meets with my approval and I have no changes to suggest.

Yours very truly,

The Honourable C. W. G. Gibson,
The Secretary of State of Canada,
O t t a w a.

United Steelworkers of America

IN CANADA, AFFILIATED TO THE CANADIAN CONGRESS OF LABOUR

JOHN MITCHELL,
DIRECTOR DISTRICT 6

TELEPHONE RANDOLPH 5195
1207 BAY STREET
TORONTO, ONTARIO

C. H. MILLARD,
NATIONAL DIRECTOR

May 5, 1947

Right Hon. W. L. Mackenzie King
Prime Minister of Canada
House of Commons
Ottawa, Ontario

Dear Sir:

As you are no doubt aware, the Government of the United States of America has presented to Congress a bill which provides for compensation for any losses fairly arising out of the evacuation orders and for the establishment of a Commission with full authority to inquire into the matter and decide what is fair and equitable.

Justice and equity demand that at least equal treatment should be accorded our Japanese Canadians.

In the name of the United Steelworkers of America (Canadian Section), which numbers many Canadians of Japanese origin among its members, I would urge you, sir, and your Cabinet to set up, without delay, a Commission to inquire into all losses sustained by Japanese Canadians arising out of the evacuation order and make provision properly to compensate them therefor.

Yours respectfully,

John Mitchell

John Mitchell
Director, District 6
United Steelworkers of America

JM:s

Ottawa, May 5, 1947.

My dear Colleague,-

With reference to the discussion in Council on April 30th, I am enclosing the draft of a recommendation for the appointment of the Honourable Mr. Justice Cameron of the Exchequer Court as a Commissioner to investigate the sales of property of persons of the Japanese race. Before I submit formally the recommendation to Council, I shall be pleased to know if the terms of the recommendation meet with your approval. I understand that the recommendation is in the form of the draft prepared in your Department.

Yours sincerely,

The Right Honourable J. L. Ilsley,
P.C., K.C., LL.D., M.P.,
Minister of Justice,
O t t a w a .

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

May 3, 1947

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

RE: Japanese Claims

The Minister advised me by telephone just before going away Thursday that the Cabinet had decided to appoint Honourable Mr. Justice Cameron, Commissioner to inquire and report on Japanese claims, and had agreed to the alternative clause in the draft Order in Council that had been presented a few days earlier.

In accordance with Colonel Gibson's instructions, the attached has been prepared, and as he wishes to put this before Council on Monday, will you be kind enough to pass it along.

K. W. WRIGHT

KWW/JF
Encl.

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT.

OFFICE OF THE
MAY 3 1947
Secretary of State

126 Eastbourne Ave.

May 1, 1947.

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

Re: Japanese Canadians

Dear Colonel Gibson:

Enclosed please find copy of a letter which we are to-day sending to the Prime Minister.

Yours very truly,

D. Inez MacMillan

Mrs. Hugh MacMillan

COPY.

DRAFT

Thursday, May 1st, 1947.

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

Dear Mr. Prime Minister:

As you are aware, the Co-operative Committee on Japanese Canadians represents many organizations and individuals across Canada who are anxious to assist the Japanese Canadians in securing their rights as Canadian citizens.

At the present time the Committee is much disturbed about one of the main questions that remains outstanding in regard to Japanese Canadians, namely, compensation or restitution for the loss of property which they sustained by reason of evacuation orders requiring them to leave the coastal areas of British Columbia.

In your statement of January 24th of this year you said that investigation would be made in cases where a proper sale price had not been received, so that full justice might be done.

Our counsel, F. A. Brewin of Toronto, acting for this Committee, interviewed the Secretary of State within whose department this matter falls, and made suggestions about the machinery required to investigate and determine these claims. Mr. Brewin urged that in general terms the Bill submitted to the United States Congress by the United States Government in respect to the property of Japanese Americans should be followed as a model.

This Bill sets up a commission which is given broad authority to review all property losses arising out of the evacuation orders. The commission is entitled to take into account in order to determine what will be fair and equitable in each case, action or non action by the claimant.

The Secretary of State, speaking in Parliament on April 24 (Hansard page 2451), has suggested that "where the Custodian was responsible the Government is prepared to accept representations from the previous owners and have a commission or committee, whatever is appointed, investigate and find out to what extent, if any, the government may be responsible."

This suggests that the responsibility of the Commission would be limited only to cases of wrongful or negligent sales by the Custodian.

We wish to urge as emphatically as we can that any commission with such narrow terms of reference cannot possibly carry out your declared purpose of seeing that full justice is done to Japanese Canadians, and will be entirely unacceptable to those for whom we speak.

It is quite clear that much of the loss resulting from the evacuation orders preceded any action by the Custodian. The mere announcement of the evacuation orders substantially depreciated property values, before the Custodian took over. Our case for fair treatment has never been based upon allegations that the Custodian or his representatives acted improperly. It is based on the claim that where innocent persons were required to leave their property by reason the evacuation through no fault of their own, they should be entitled to the loss fairly arising out of these evacuation orders.

cont.

The Right Hon. W. L. Mackenzie King.

This is the principle set out in the bill before the United States Congress. The Secretary of the Interior Mr. Krug, in his letter asking for the American legislation, has pointed out that the evacuation orders gave the persons affected little time in which to settle their affairs. Stocks and businesses were disposed of at sacrifice prices. Personal possessions were sold for a small fraction of their value, and inadequate arrangements for protection and management of property were made. Buildings were broken into and vandalized, and serious losses were sustained in various other ways long before the War Relocation Authority (which corresponds with our Custodian of Enemy Alien property) took possession.

The same situation existed in Canada. We do not doubt that action by the Custodian prevented in many cases even more serious loss, but in these circumstances the sales made by the Custodian could not hope to equal prices corresponding to values at the time the Japanese Canadians were forced to move.

We have no doubt that it is the intention of the government, as well as the desire of the people of Canada, to see that full and fair compensation is made to the innocent victims of evacuation policy. We think it would be most unfortunate if, through the narrowness of the terms of reference, it could still be said that justice had not been done to the Japanese Canadians.

Therefore, we respectfully urge you and your Cabinet to see that the principle of the American bill is followed. We can assure you of the co-operation of our Committee in seeing that the claims are fairly and properly presented.

If the terms of reference are too narrow, we fear that this matter will continue to cause bitterness and criticism for some time to come.

Yours very truly,

Mrs. Hugh MacMillan,
Secretary to the Co-operative Committee.

MEMORANDUM
Privy Council Office

Ottawa May 1, 1947.

for Mr. E.H. Coleman

For your information.

1947 MAY 2 PM 4:10

UNDER SECRETARY OF STATE
A.D.P. H.

CONFIDENTIAL

awa, May 1, 1947.

Dear Mr. Gibson:

You will recall that, at yesterday's meeting of Cabinet, you submitted a report of the Cabinet Committee on Japanese Questions on the appointment of a Commissioner to consider claims by persons of the Japanese race.

It was recommended that a Commissioner be appointed to investigate and make recommendations regarding claims submitted by Japanese evacuees and only claims submitted by those resident in Canada on the date of the passing of the Order be considered.

The Cabinet agreed that the report submitted by the Cabinet Committee respecting the appointment of a Commissioner be approved and that the Commissioner be governed by terms of reference as set out below:

"Terms of reference

To enquire into claims of any person of the Japanese race who was resident in Canada on the day of the 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

CONFIDENTIAL

Ottawa, May 1, 1947.

The Honourable Colin Gibson,
Secretary of State,
West Block,
Ottawa, Ont.

Dear Mr. Gibson:

You will recall that, at yesterday's meeting of Cabinet, you submitted a report of the Cabinet Committee on Japanese Questions on the appointment of a Commissioner to consider claims by persons of the Japanese race.

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"Terms of reference

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the market value thereof at the time of the evacuation of the owner, but no enquiry to 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."

The above terms of reference were approved subject to the concurrence of the Prime Minister (who had left the meeting).

It was also agreed that you would prepare the necessary submission to Council for the appointment of a Judge of the Exchequer Court to act as Commissioner on the above basis.

I shall let you know immediately I hear whether or not Mr. King concurs in the terms of reference set out above. You will recall that the Cabinet felt that the Prime Minister should consider the basis of the Commission's enquiry in relation to his statement of policy made on January 24th.

I have informed Mr. Mackenzie and Mr. Mitchell of these decisions and I am sending a copy of this letter to Dr. Coleman for his information.

Yours sincerely,

A.D.P. Heeney,
Secretary to the Cabinet

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT.

OFFICE OF THE
MAY 2 1947
Secretary of State

Thursday, May 1st, 1947.
126 Eastbourne Ave.

The Honourable Colin Gibson,
Secretary of State,
Ottawa.

Re: Japanese Canadian Evacuation Claims.

Dear Sir:

Subsequent to the meeting of March 10, 1947 between yourself and Mr. Andrew Brewin, legal counsel to this committee, representations have been received which lead us to believe that one section of the "Draft Re Terms of Reference to Japanese Canadian Property Claims" which he submitted to you as at present worded would work serious injustice upon persons affected.

The section we refer to is Section 3, sub-section b-2 reading as follows: Quote, "The Commission shall not consider any claim for damage or loss on account of death or personal injury....." We urge the deletion of the words 'death or personal injury.' It is our view that death or injury arising directly from any activity or employment in compliance with government evacuation orders whould come within the purview of the Commission for Compensation.

There are not many of these cases but most if not all are cases in which, in normal circumstances, workmen's compensation or other form of compensation would have been paid.

To substantiate our view the cases appended hereto have been recently brought to our attention.

Trusting that this additional submission will be given your considered attention.

Yours sincerely,

D. MacMillan
Mrs. Hugh MacMillan,
Secretary to the Co-operative Committee.

The Honourable Colin Gibson.

(Copy of letter (translated from the Japanese) received by the Co-operative Committee on Japanese Canadians from Mrs. Kameno Oye, Whitemouth, Manitoba.)

Quote: " My husband, Tsunetaro, at the outbreak of the Pacific War, was compelled by the Navy Department to take his boat to Fraser River; and as he proceeded from Uclelet under official escort, being at night, whether he took a wrong course or he had some trouble with the engine, he drifted into a United States coast. He was injured, and when he was taken to the General Hospital in Vancouver by a United States official, his condition was so serious that neither doctors nor medicine could do any good.

Such being the case, it was impossible to get any explanation from him how he drifted and got injured, and the Canadian Government did not investigate anything about it, and to this day we do not know under what circumstances he met that misfortune and finally died. It is my opinion that the responsibility of having led him to his death is with the Government, and I wish that your committee will clarify this point."

(Signed) Mrs. Kameno Oye,
Whitemouth, Manitoba.

(Copy of letter received by the Co-operative Committee on Japanese Canadians from Mr. Takeshi Uchida, New Denver, B.C.)

Complying with the government order to go to a road camp, I went to Camp #1 at Princeton, B.C. on April 13th, 1942. Here, eight days later on April 21, 1942, while working, I received injuries to my left leg, a compound fracture which, to this day is still causing me a great deal of pain and misery.

I was hospitalized at the Princeton General Hospital where the treatment and care was very poor, and where my condition became worse day by day, nearly costing me my life, but the compensation board would not transfer me to Vancouver. I was here for over a month, but when conditions became worse (rash all over my body, head and even in my eyes and mouth) my brother, Issaku Uchida, who was also sent to the same camp, had me transferred to the Vancouver General Hospital paying the expenses out of his own pocket. This was in early May and was only accomplished after going through a lot of red tape. However, my condition improved greatly with better and proper care received at the Vancouver General, but when the mass evacuation took place, I too was sent to various "ghost towns" where I spent over a year in hospitals here and there.

At present, there is a very deep scar about 4" long between my knee and ankle and a hole in the heel, which is still draining. Dr. Francis, the former doctor here, informed me that with the

(continued)

proper care and treatment, my leg would have healed in three months.

I have not received a cent from the Compensation Board no matter how many times I write them, although they have written me that my claim number is 4210939. The Board, however, has paid for all hospitalization and the braces which I must wear, but, because of the lack of compensation, I have been forced to live on relief, which is certainly not enough for a large family.

The present doctor, Dr. Venables, is supposed to give me treatments but has only taken an X-ray of the leg (no treatments) and forbids me to see another doctor or a specialist.

Signed Takeshi Uchida
New Denver, B. C.

2 copies

VIRTUE & RUSSELL

BARRISTERS, SOLICITORS
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE LETHBRIDGE, ALBERTA

May 1, 1947.

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

PLEASE REFER TO FILE NO. 3201

Custodian

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

Dear Mr. Gibson:

I am writing this letter now in order that it may be ready to leave with you when I am favored with an interview with you in Ottawa.

I am enclosing, and will hand you in Ottawa, the following documents:

1. Three bound Volumes containing itemized claims on behalf of each of the Japanese families living here in Alberta.

2. A brief summary of facts.

3. A copy of a Summary of Facts which we presented recently to the Premier of Alberta and his Cabinet in connection with our application for permission for these Canadians of Japanese origin to remain in Alberta.

As you know, it is our belief that the fairest and most practicable method of dealing with these claims is by an independent commission or Board, and my hope is that our discussion may lead to completion of some satisfactory arrangement of this kind.

Thanking you, I am,

Yours sincerely,

A. G. Virtue

AGV/mh

SUMMARY OF FACTS

respecting

COMPENSATION TO CANADIANS OF JAPANESE ORIGIN AND JAPANESE NATIONALS EVACUATED FROM BRITISH COLUMBIA AS A WAR MEASURE, AND ANCILLARY PROBLEMS.

BACKGROUND OF PROBLEM

1. Necessity of Evacuation

The necessity of evacuation in 1942 as a measure of national security is realized.

It was and is regarded as a step taken in the national interest, and is therefore not questioned.

2. Method of Evacuation.

Evacuation from the coastal areas was an emergency measure.

It was necessarily carried out by emergency methods.

By reason thereof property and personal rights were sacrificed for the sake of the national welfare.

This has been publicly recognized by all concerned.

3. Persons Involved

The great majority of the persons involved were Canadian citizens, many by birth, many others by naturalization. They were innocent victims of

of a national requirement.

A short classification of those now living in Alberta will be found by referring to Page 1 of Brief submitted to Alberta Cabinet.

Of the 3446 now living in Alberta, 2406 were Canadian born, and 354 Naturalized Canadians - a total of 2760.

4. Principle of Compensation

It seems to be accepted by all concerned, that just compensation should be made to those who were in this emergency deprived of their property or rights.

Not only has this principle of compensation been declared by the Prime Minister himself, but it has been accepted and declared in public utterances of various members of the Cabinet, and by representatives of all four political parties.

5. Canadian Public as a Whole

It may be safely said that the Canadian nation as a whole will welcome adequate measures to provide just compensation for these dispossessed and displaced people; and assistance in their rehabilitation.

MAGNITUDE OF PROBLEMS INVOLVED

1. Numbers of Claims Involved.

In the Province of Alberta alone claimants number

528. Each case has its individual aspects and, in order to do justice, a separate inquiry would be essential.

It is understood that in Ontario alone there are another 500 claimants or more.

Considerable numbers of claimants live in the other Provinces.

It will thus be seen that possibly 2000 claims will require individual consideration.

2. Amounts Involved.

Claimants living in Alberta alone have claims totalling over $3,000,000.00.

Possibly the total claims of all evacuees will reach $10,000,000.00 or more.

SUGGESTED METHODS OF DEALING WITH THE PROBLEMS INVOLVED

1. It would seem that no "by and large" method of determining just compensation can be devised and that individual hearings will be required.

2. Taking Alberta as an example, if 528 claims are to be dealt with, evidence would be required in each case. Several witnesses would be required and in some cases an interpreter would be necessary.

It is apprehended that a maximum of 6 cases might be dealt with each working day, or say 30 cases

per week.

At this rate it would require 17 weeks to deal with the Alberta cases alone.

3. Certain conclusions may be drawn from the foregoing:

(a) It is respectfully suggested that it would be impossible for these cases to be dealt with on their merits by a Ministerial Inquiry.

(b) The same applies to a Departmental Inquiry.

(c) The claimants would be debarred by excessive expense from attending at any great distance from their homes. Therefore it is suggested that separate inquiries be held in each of the Provinces concerned:

E.g. in Alberta all the claimants could attend an Inquiry held at Lethbridge without undue inconvenience or expense.

4. <u>Time Element Important</u>

The great majority of evacuees in Alberta are in mere temporary quarters. The great majority in so-called "Beet Workers" houses, i.e. hovels hastily constructed on the out-skirts of farm buildings, such as converted granaries and the like. Sanitary conveniences are non-existent.

These people cannot establish themselves in new homes without assistance.

For that reason it is important that their claims

be adjudicated upon at the earliest possible date.

SUGGESTIONS OFFERED

The following suggestions are respectfully offered:

1. That the claims for compensation for loss of property, earnings, and the like, be referred to Commissioners appointed for that purpose.

2. That a separate Commission be appointed for each Province, or at any rate, one for Ontario, one for Manitoba and Saskatchewan; one for Alberta, and one for British Columbia.

3. That each Commission be authorized and empowered to take evidence anywhere in Canada.

4. That each Commission be composed of three persons. That at least one of such Commissioners upon each Commission be chosen in conference with the applicants, or their respective Solicitors.

5. That the Ontario Commission sit in one or more places in Ontario; the Alberta Commission at one or more places in Alberta, and so on, so that the applicants will not be compelled to journey too great distances from their present homes.

6. That the Commission in each case be given power to inquire into and recommend regarding:

   (a) Property Losses.

(b) Losses of earnings and like claims.

(c) The method and cost of re-settlement and rehabilitation.

7. That the Commissions be furnished with proper assistance such as Counsel; Reporters; and Interpreters.

8. That the applicants be permitted to attend in person and to have the assistance of Counsel.

MEASURES OF RE-SETTLEMENT AND RE-HABILITATION

It has been indicated repeatedly in the House of Commons and elsewhere that these dis-possessed and dis-placed Canadians should have assistance in restoring themselves to normal Canadian life and occupations.

It is respectfully suggested that the Commissioners be given power to take evidence in this regard and make recommendations regarding the assistance required for re-habilitation, including the form, nature, and amount required in each case.

NATURALIZATION

It has been declared again and again in the House of Commons, in utterances of our public men, and in the press that restoration of normal status is the first step in the assimilation of these displaced persons into our

national life.

One of the first measures indicated is naturalization of those not yet citizens.

At present many scores of applications for naturalization are being delayed. It is respectfully suggested that inquiries be made and any existing impediments be removed as quickly as possible.

OTHER RESTRICTIONS UPON FREEDOMS ESSENTIAL TO CITIZENSHIP

It is understood that certain other restrictions inconsistent with the rights and privileges of citizenship, still remain, including:

1. Old Age Pension disabilities.
2. Restriction upon purchase of property.
3. Supervision where no offence has been committed or is suspected.
4. Restrictions on movement (We do not refer to movement into the Province of British Columbia. It is recognised that this subject has been fully debated by Parliament and a decision reached).

GENERAL PURPOSE OF THIS SUBMISSION

We desire to emphasize that the foregoing information and suggestions are offered, not in any

critical or arbitrary spirit, but rather with a desire to helpfully approach a difficult problem. And to afford a basis for consideration and discussion.

These dispossessed and displaced citizens of Canada are in dire straits but they rely fully upon the good will and humanity of their fellow-citizens of Canada, to restore (to the extent to which it can be humanly restored) what they have lost.

Nothing can restore what has been lost in human suffering and privation during the past five years. They have lost five years of their lives.

All of which is respectfully submitted on behalf of the 3446 displaced persons now living in Alberta, by

A. Gladstone Virtue, K.C.,
Their Counsel,

Lethbridge, Alberta,
May 5, 1947.

VIRTUE & RUSSELL
Barristers, Etc.
LETHBRIDGE, Alb

SUMMARY OF FACTS

FOR

SECRETARY OF STATE

RE: - CANADIANS OF JAPANESE ORIGIN