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Dec. 8th 1947.

Hon Justice Bird. Commissioner to Investigate Japanese Canadian property claim

Exhibit 1. Commission. First Order-in-council.
3737.

Exhibit 2 Advertisement for claims.
Date of publication.

Exhibit 3. Press clippings. Exhibit 4 Letter to counsel etc.

Counsel. J.W.G Hunter. for. Government.

F.A. Brewin.
J.A. MacLennan.
R.J. Ivan Munster. } for Cooperative Committee on Japanese Canadian
G. Tamaki } Hon Pratt for 8 claimants.
Gladstone Virtue K.C.

Leter sent to counsel.

Procedure outlined by Commission.

Held sessions at which claimants may testify + efforts made to avoid
XX many claimants travel too far. - Claimants only. Testimony heard
as to evidence in support. eg valuations - Case for Government in reply to all
claims as to sessions in Vancouver. Avoid necessity as to producing evidence
in reply.

Required to attend sessions. on day fixed. May be special
circumstances

Exhibit 5. PC 3959. 1940. Consolidation (1939) & (1943)
Exhibit 6 PC 5295/41. Defence of Can
Ex 7 .288./42
Ex 8 365/42
Ex 9. Government notices. defining boundaries of protect
Ex 10 " " Feb 5. 1942.
Ex 11. PC. 1486./42 + Government notice. Feb 26.
Ex 12. PC. 1665/42.
Ex 13. PC 2483/42
Ex 14. PC 3737./42.
Ex 15. PC 5523/42
Ex 16. PC 6247./42.
Ex. 17. PC. 6885/42
Ex 18 PC. 469./43

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Ex. 19 . PC 7416. /45.
Ex 20 . PC 1810./47.
Ex. 21. PC. 3737/47.
Ex. 22. ← → PC 9590. 7th Dec. 1941..

Limitations of Terms of Reference.

(b) 3737... Group of claims included property lost destroyed while not in possession or undercontrol; xx.

Liability.

NB. PC 1665 . 12 (1).
PC. 2483

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Points to be considered.

1. Valuations

(a) Professor Farr. to be interviewed by Mr Winchester. ✓

(b). Mr Mansell. Real Estate to be interviewed by. Mr Norris & Mr MacLennan. with a view to engaging him + others.

(c). J.C.C.A to be asked to contact. Mr Yamada. + secure his services & if possible pay for them. (FAB) Mrs Booth.
Sawmill Hope, B.C

(d) Professor Angus

2. Organisation of material. for valuation

Copies of Claim forms. & photostatic copies where available to be sent ? to be sorted out into municipalities. & Types of property covered. + sent back or ~~sent back~~ Information to be scanned from forms & sent to ? for analysis

Later copies of evidence & relevant ~~notes~~ Custodians productions to be sent to Vancouver ?

Certain prices to be investigated

3. Questions. to be asked claimants. information to be scanned

1. Date of sale established. 2. assessed values. 3 rentals. or income 4 offers. 5, comparable properties adjoining property material. 6 expenditures on property 7 Condition of property 8. as to arrangements made when leasing
instance. bills. other witnesses improvements.

4. Reference (sic) by Custodian - & goods received from Custodian
Letter asking for

Unfinished business

5. Ruling re. actual possession by custodian.

(2) amount received from sale (argument that this must necessarily exclude. all commissions for by custodian or agent.

(3) estates type of proof required.

(4) estoppel. by approval of sale or admissions

(5) Goodwill.

6. Fishing Vessels. information on.

Illuminate. General memorandum for Japanese cases

Furnish copies of Proof George Tanaka. Natural Japanese 64 Granville St

K Kimura Alert from B.C Agent Fraser

100.0

200 ←
500 ←

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It would be necessary if Hunter correct

J.P. Form.

Says he has none Question of fact in each case.

concedes that

Reasonably liberal interpretation

~~Rep~~ Point as to corporations

Continuous conflict of opinion 1665. s.12.
sec. 1665.

5523 PC 2483.

was one of the reasons for Taking control of property.

RSC. Interpretation includes any body.

D-I-C. 2483 s52. of s12. order property to be vested in himself

=

Claims ought to be heard ××

Recommendation made. to clarify

Vessels sold under arrest not included.
PC 2885

no written instructions.
affidavit evidence

Line of defence

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December 15, 1947.

Messrs. Ritchie & Huckvale,
Barristers, Solicitors,
Acadia Building,
612 Third Avenue S.,
Lethbridge, Alberta.

Re: Japanese Canadian Property Claims

Attention Mr. W. E. Huckvale.

Dear Sirs:

Thank you very much for sending to me the list of claimants whom the Committee were representing in Alberta, and your letter of November 27th.

I enclose a memorandum which we prepared, dealing with some of the matters which were discussed at the opening hearing.

I will take up in order, the items mentioned in your letter of November 27th.

1 and 2 - covered by report. You will note that it was definitely ruled that these claims did not at the present time fall within the terms of the Commission, but that we are seeking to have the terms and conditions enlarged.

3 and 4 - We did not take up these matters directly with the Commissioner, but I believe they will have arisen during the first week of hearings at Kamloops, and I am expecting a report from Mr. McMaster. We have assumed that claims may be presented either by beneficiaries or personal representatives of deceased persons who would if alive be able to claim.

I do not think the Commissioner will insist on formal proof of death, especially where the Custodian has already acknowledged the right of the beneficiary. However as you know, it puts the matter beyond question if formal proof of Letters Probate or Letters of Administration

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Messrs. Ritchie & Huckvale December 15, 1947.

can be made.

5. - This problem we discussed amongst the legal representatives of the Co-operative Committee.

We are not at all clear yet what the ultimate solution will be. We assume, however that business good-will is an incident affecting the value of property, and we are making claims for it. There should be no trouble about this where the Custodian sold a property as a going concern. The more usual case, however, is where the property was a going concern at the time of evacuation but was later sold by the Commissioner in the form of separate physical assets such as land, buildings etc.

In this sort of case we propose to argue that the term fair market value in the terms of reference, entitles the Commissioner to inquire what would have been the value of the business at the date of sale by the Custodian, had it remained undisturbed by the evacuation.

6. - This question, of course, raises a question of fact as to what property right if any the claimant had in the house. If he had a license from the company to occupy and perhaps to take away the house when he left, this would seem to have a definite value, and be property subject to claim.

7. - We do not know of any machinery by which we can easily work this out at the present time, but we are as soon as possible to have an analysis made of all the claims, and naturally where joint claims are made by people in different provinces in respect to the same property, an endeavour made to recover the two claims and have consistent evidence presented.

8. - You will notice from the memorandum that the Commissioner ruled that claims by "Japanese Corporations" could be presented. There does not seem, however, to be any claim that can be made in regard to shares of stock, as these were expressly excluded from the vesting orders. The same would apply to paragraph 9. You will also note what we have said in regard to productions.

9. - It was felt that the British Columbia solicitors could hardly be expected to make copies of the materials on the files for the different solicitors throughout the country, and for that reason we have arranged with the Custodian to send on the relevant material before the hearings. Nevertheless if you think that earlier production is important, I think you might get the necessary information by writing to Mr. McMaster.

10. - It was our opinion after discussion that the fruit trees

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etc. which you mentioned could be included as adding to the value of the real estate if we were able to persuade the Commissioner to consider the fair market value along the lines suggested in 5 above. It will, of course, be important to have a full account of what crops etc. there were at the time of evacuation. You will no doubt appreciate that the deterioration after evacuation and before the sale was a major factor accounting for the lowered sale price in many cases.

11. - The answer to this is yes. We raised this with the Commissioner and he agreed that the claimant need not appear personally, and he could put in his evidence through any other person who knew of the facts.

12. - You will note a reference to this in the report. The difficulty so far has been, I think, that our forms did not disclose the name of the solicitor acting, and therefore I believe the Custodian proposes to send out this photostatic material directly to the claimants. We are seeking to have the claimants notified as soon as possible to turn in such photostatic copies to the solicitors.

13. - As intimated in the report it is not likely that the Commissioner will be in Alberta until March or April.

I would suggest that you could take up with Mr. Virtue the convenient dates for the hearings, and communicate with the Secretary of the Commission. I think you will find the Commissioner very willing to try to accommodate solicitors.

14. - This point is covered by the report.

15. - This point is also covered by the report.

16. - As set out above in answer to this, we believe that claims should be made in regard to buildings in these cases.

I trust that this is the information required.

I may say that Mr. Virtue sat in with us during a good many of our consultations before and after the hearing, and was also present at the hearing. His attitude seemed extremely co-operative.

Yours very truly,

FAB:HC
Encl.

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December 15, 1947.

Miss Boos,
Apartment 28,
94 Homewood Avenue,
Toronto, Ontario.

Re: Japanese Canadian Claims

Dear Miss Boos:

I am enclosing herewith a copy of a memorandum which I have prepared for Mr. Tanaka which reports to some extent on the opening hearings in Vancouver.

These hearings proved very useful. There are some matters which I would like to take up with the Committee. I believe that an estimate should be made as soon as possible as to the extent of funds that will be available through the payment of the 1% and of this, I think a certain proportion, probably $10,000 should be set aside for valuations and contingencies, and that certain other sums should be advanced to the lawyers as a retaining fee on account of the work that some of them have done already. For example, Mr. McMaster and Mr. MacLennan will have already spent the greater part of two weeks, and will have had considerable expenses already. My suggestion would be roughly as follows:

That $1250 be paid on account as a retaining fee to Mr. McMaster, and $1250 to Messrs. Norris and MacLennan, that the Alberta solicitors receive $500.00, Saskatchewan solicitors $200.00, the Manitoba solicitors $500.00, Mr. Best and myself $500.00 each, plus in my case the expenses of the trip to Vancouver, and that $300.00 be sent on account to the Quebec solicitors. These sums will, of course, be on account, and the solicitors would have to render their accounts against them in due course.

There may be other matters arising out of the reports and the initial hearings that your Committee would

Dec 15 1947

Miss Boos December 15, 1947.

like me to discuss with them.

Yours very truly,

FAB:HC

P.S.-- I am enclosing herewith my account for expenses in connection with my trip to Vancouver.

Boos. Dec 15 1947

December 15th 47

Co-operative Committee on Japanese Canadians

c/o Miss M. Boos, 94 Homewood Avenue, Toronto, Ont.

XXXXXXX / WELDON

Trip to Vancouver.

T.C.A. fare to Vancouver and return	$301.70
Paid hotel bills.	21.90
Paid meals.	15.00
Paid taxis	4.00
Paid tips	2.00
	$344.60

THIS IS OUR ACCOUNT

CAMERON, WELDON & BREWIN

per:

December 16, 1947.

Messrs. Cherniack & Cherniack,
Barristers,
31-460 Main Street,
Winnipeg, Canada.

Re: Japanese Canadian Property Claims

Attention Mr. S. M. Cherniack

Dear Mr. Cherniack:

I was very glad to have the opportunity to meet you and members of the Japanese Canadian community in my brief stay in Winnipeg, and certainly enjoyed the evening very much.

I am enclosing a report which sets out some of the matters which we discussed. As I told you the Commissioner stated definitely that he would sit at Fort William.

We discussed the matter raised in your earlier correspondence of deductions from the sale price, and agreed that the point which you mentioned was worth argument. However, it seemed to us that it would be better not to raise the matter in the opening hearings. However we instructed Mr. McMaster fully in regard to the argument and expect that it will come up quite early in the actual hearings and that we shall have a report from him as to the Commissioner's attitude.

What we felt was that a strong case could be made out that the Custodian was not entitled to deduct from what he paid to the claimants, commissions charged for same inasmuch as the orders expressly state that no commission is to be charged, and we would argue that this meant not only management fee but also commissions for his agents when they sold the property, as the power to sell is expressly included in the power of control and management, and it would appear that the orders-in-council intended that the Government should bear this expense and not the claimants.

Messrs. Cherniack & Cherniack December 16/47.

We will be glad to keep you informed as to any other developments.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

FAB:HC
Encl.

December 16, 1947.

Messrs. Shumiatcher & Shumiatcher,
Barristers,
2060 Rae Street,
Regina, Saskatchewan.

Attention Mr. Morris Shumiatcher

Re: Japanese Property Claims

Dear Morris:

Mr. Tamaki will have no doubt reported to you our discussions in regard to the opening hearings of the Commission.

We enclose herewith a report prepared in regard to this matter. I think this answers most of the questions which you asked in your letter of November 14th.

In further answer the Custodian does propose to submit his own valuations made during the course of the proceedings and we do propose to secure and file information as to the assessed values of property.

The Commissioner visited some of the sites of the property for the purpose of acquainting himself with the general nature of these properties. This, of course, was not with a view to securing evidence as to any individual property. Whether or not the Commissioner will wish to see individual properties in respect to which there are claims, I do not know.

In answer to your question No. 7 the Commissioner does regard it as desirable that the parties appear personally before him, but recognizes that in some cases this will not be convenient or possible, and evidence can be put forward by other persons familiar with the facts.

In answer to your question No. 6 as set out in the memorandum, the Commissioner will not feel himself bound by strict rules of evidence.

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Messrs. Shumiatcher & Shumiatcher December 16/47.

In answer to Question No. 2, the Custodian or his representatives will, of course, give evidence but not, I presume until the final hearings in Vancouver, and after he has completed the hearings of the claimants' evidence.

We will be glad to supply you with further information later.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

FAB:HC
Enc.

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1-15

December 16, 1947.

Mr. R. A. Best,
Barrister,
15 Toronto Street,
Toronto, Ontario.

Re: Japanese Property Claims

Dear Mr. Best:

I enclose herewith copy of the report made in this matter. I will be glad to discuss the matter with you further.

Yours very truly,

FAB:HC

Corr.
Dec 1947
1-15

December 16, 1947.

Roger Ouimet Esq.,K.C.,
152 Notre Dame, East,
Montreal, P. Q.

Re: Japanese Property Claims

Dear Mr. Ouimet:

I am enclosing herewith a report of the opening hearings before the Commissioner.

It is most improbable that the Commissioner will be hearing evidence in Montreal until June at the earliest, and probably not until the fall. We will have an opportunity to discuss these matters with you well before that date.

Yours very truly,

FAB:HC
Encl.

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December 16, 1947.

Messrs. Campbell, Brazier, Fisher & McMaster,
Barristers,
675 Hastings Street West,
Vancouver, B. C.

Re: Japanese Property Claims

Attention Mr. R. J. McMaster

Dear Bob:

I hope that you found the opening week in Kamloops valuable and interesting, and no doubt we shall have a report from you shortly. We had some newspaper reports of what is supposed to have happened, but naturally I do not attach any too great importance to what the newspapers get hold of in these sort of matters.

I am enclosing herewith a memorandum which I prepared for the Japanese Committee.

As you will note, I have mentioned to the J.C.C.A. the question of analysing the claims and separating them off in municipalities, types of property, etc.

I would be glad to have from you your recommendations as to just exactly what information you think should be secured in this way, and the form in which it might most conveniently be put.

I enjoyed my trip to Vancouver very much and I am very pleased and confident because youare looking after the matter for us there.

I have asked the Co-operative Committee here to forward funds on account.

With kindest regards.

Yours very truly,

CAMERON, WELDON & BREWIN

per

FAB:HC

Corr. Dec 1947

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TELEPHONE PACIFIC 9164

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER

A. W. FISHER
R. J. McMASTER

A. J. F. JOHNSON

ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B.C.

RECEIVED
DEC 19 1947
CAMERON WELDON
& BREWIN

OUR FILE NO.

December 17th
1 9 4 7

Andrew Brewin Esq.,
C/O Messrs Cameron, Weldon and Brewin,
Barristers and Solicitors,
Sterling Tower Building,
Toronto, Ont.

Dear Andrew:

RE: Japanese claims.

We are sorry to have to write a long epistle to you again, but Mr. McLennan, the writer and Mr. Shears were called in to the Commissioner's Chambers this morning for a two hour session. He is very concerned over the length of time which it appears possible the Commission may take (fearing, I think that the Government may be criticized). He made a number of proposals with respect to the shortening of procedure and certain other proposals arose out of our discussions. I expect to have a copy of the transcript of part of our discussions available in a few days and will forward the same to you right away.

One reason for the haste in writing to you after our discussion, however, is that Mr. Justice Bird is quite insistent that there be added to the list of questions to be argued before the Commission resumes sittings on January 12th, 1948 the question as to whether the provision in the terms of reference that the Commissioner is to determine the fair market value at the date of sale means the fair market value of personal or real property in whatever condition they may have been at the date of sale as distinct from the condition which they may have been in at the date of evacuation. You will recall that we had some discussion concerning this problem in Vancouver before the preliminary hearing and unanimously agreed that the matter ought not to be argued until the final hearings. Mr. McLennan and myself did the best that we could to persuade his Lordship from requiring argument on this point at this time. However, he was quite insistent. I indicated to him that I would want the opportunity to

Kerr.
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advise yourself and Mr. Virtue at least, that he insisted upon such argument as, having regard to the importance of the question, and being precluded from participating in the argument on it at the end of the hearing, either one or both of you might desire to come out to the hearing in early January. Having regard to the number of points which will arise at that hearing it appears that it will be an important hearing. You might be good enough to indicate whether you consider it advisable having regard to the expense, to attend, or, alternatively we would appreciate having your ideas on the various points beforehand.

I will try very hard before Christmas to outline the arguments as McLennan and myself see them on the various points on which we have been asked to argue and to let you have a copy at an early date. You might then be able to add to these in time for us to make use of the material for the hearing if you are not attending.

As a result of our conference this morning it appears that the procedure on hearing claims may be shortened by Counsel and the Commissioner agreeing that in presenting the claims we will, before the hearing of each case, prepare a written statement concerning chattels and improvements on land, giving a short description, the date of acquisition, the price or cost, the condition at time of evacuation and the estimated value. A minimum of viva voce evidence would be lead in addition to this material on examination in chief. It would be understood that the claimant could be examined in chief on any special circumstances relating to his claim. It is also proposed that it be accepted that unless the claimant alleges in examination in chief that ~~unless~~ he has any special knowledge as to values it will be presumed that he has not. We hope thereby to cut down on cross-examination.

This procedure as you will readily realize should save considerable time at the hearings and should result in the Commissioner being able to hear considerably more cases each day. However, as we have to interview each claimant before his claim is heard quite often the

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interviews take as long, or longer, than the hearing, the burden on Counsel appearing will be increased. It therefore appears most likely that in British Columbia in any event, it will be necessary for us to have two persons attend all hearings. In the next few days Mr. McLennan and the writer are going to endeavour to draft out some kind of a form of statement which can be completed in triplicate, and which will be adaptable for use in this manner. From past experience we are not at all optimistic that if these were sent to the claimant in advance that they would be properly completed so as to be capable of use on the hearing. We considered the possibility of requiring stenographic assistance in this regard but that would be an expensive proposition and we think possibly the wisest thing would be to use carbon paper and to have them written out by hand. If we were able to have someone assist Counsel we should be able to keep up with this.

Mr. Norris has located an elderly man who formerly practised in Ontario and whom he knew there, and who is looking for employment in British Columbia. He is not qualified to practise before our Bar but Mr. Norris seems to think he would be a good man on detail. Mr. McLennan suggested to us today the possibility that his firm might engage this man's services and make him available to assist Mr. McLennan and the writer in the manner outlined above. It has crossed our mind in thinking the matter over that it might be a better idea to have the Committee employ this man by the month as we understand that it is not the intention of Norris and McLennan to take him into their firm except for the purposes of doing this work. We would appreciate having your reactions on this matter by wire at the earliest possible date.

To assist in shortening the proceedings with regard to chattel claims it has also been suggested that the Custodian would prepare, in triplicate, a list of chattels shown on the J.P. form and chattels shown on any inventories taken by the Custodian. This list would also show the disposition of these chattels, that is whether they were sold by advertisement, by auction, or whether they were lost or destroyed as being worthless.

Norr. Dec 17/47 F13

This list would be filed by the Custodian in each case. Thus special attention could be given to goods and chattels which the claimant had claimed for and the Custodian had not accounted for, or had reported lost or destroyed. We believe that this material would be of great assistance to us in dealing with personal chattel claims. You will be interested in knowing that the Custodian has now received one thousand claims with respect to personal chattels and nine hundred odd claims with respect to real property. These claims have been made by some thirteen hundred claimants.

The Commissioner has also suggested, subject to what reaction we get from Hunter, that the Government, in giving evidence of appraisals should file a statement by the Appraiser and except in exceptional circumstances there would be no other evidence given in chief by the Appraiser except that that statement was true. The Commissioner wanted us to make some commitment with regard to the presentation of evidence concerning appraisals but we pointed out to him that it was utterly impossible for us to do so at this time as we had not determined the exact approach to the problem and he agreed to stand that matter in abeyance.

These were about the only definite arrangements concerning the shortening of procedure which we were able to arrive at. The arrangement concerning these was that all Counsel would be supplied with a copy of the minutes of our discussion and unless objection was taken and sustained before the reconvening of the hearings on January 12th, the procedure outlined would be adopted.

The Commissioner mentioned another idea which he has had in the back of his mind and which he specifically requests should not be discussed or disclosed except by Counsel. He has been thinking of approaching the Department of Justice, either for a direction, or if necessary, an Order-in-Council which would give him the power to appoint sub-Commissioners for the purpose of taking evidence from the claimants only. His idea appears to be that he might sit himself at each Center where evidence is to be taken

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for say a period of one week and then hand the hearings over, probably to a lawyer. Any questions as to procedure or the terms of reference, or the admissability of evidence would be referred to the Commissioner for determination. He would then receive a transcript of the evidence taken before such sub-Commissioner, plus the sub-Commissioner's notes. Mr. McLennan and the writer have not had an opportunity to discuss this proposal as yet. While it might result in speeding up the procedure, I have some doubts as to the wisdom of it at the moment and am very much inclined to feel that it would be better to let the proceedings go on at least for a month or two before any such action were considered. It is not very easy to suggest to the Commissioner that we might not have confidence in the persons whom he might appoint to take the evidence, but this is one of the most serious doubts that I have as to the advisability of the plan.

You will be interested to know that I rasied with him the question of the credability of witnesses at the time it was proposed that the claimants would give very little evidence in chief, other than their written statements. Mr. Justice Bird indicated that in his opinion the question of credability did not seriously arise and that he apparently approaches the problem from the standpoint that these are ordinary human beings who have had things done to their property and that the real problem as he sees it is not their credability but the natural human tendency that "when one loses a duck it turns into a swan".

As indicated to you in our letter the other day the claimants and other Japanese were not impressed favourably with the ability of the Official Interpreter to clearly convey questions to the witnesses who required his services. We have just now received a letter from the Greenwood Committee confirming our previous discussions. I took the opportunity this morning to raise this question with the Commissioner and after some discussion he committed himself that he was prepared to pay the salary of a Japanese Canadian interpreter to assist Counsel for the claimants.

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Dec 1947 1-15

Andrew Brewin Esq., December 17th, 1947

I tried to pin him down on what salary he would pay but he insisted this would be a matter of negotiation when we located a suitable person. You will notice that the Commission will only be responsible for salary and not for travelling and living expenses. He is prepared that we might use a different person in each Community, or alternatively, that we might use one person in each Province. What we would do in this respect would be in a large measure up to ourselves in as much as either the Co-Operative Committee or the Japanese National Canadian Citizens Committee would have to be responsible for travelling expenses and living expenses. We intend advising the Greenwood Committee of this concession which we have obtained today, but we also intend to instruct them not to take any steps in locating any person to so act until we have heard from youself as to the wishes of the Co-Operative Committee in the selection of suitable person or persons to undertake the task. We would therefore very much appreciate hearing from you on this point also at the earliest possible date. We might say in this connection that so far as Lillooet is concerned we understand the Secretary of the Japanese Canadian Association there is a competent interpreter and he might be a suitable person to engage for the Lillooet hearings. We mentioned to you in our letter the other day Eddie Ouchi, who resides at Vernon might be a suitable person. It might be that we might have the Commission engage him to attend at the further hearings at Kamloops and at Vernon. For the Grand Forks and Nelson hearings quite likely the Committee at Greenwood could suggest a suitable person.

Yours truly

CAMPBELL BRAZIER FISHER & McMASTER

Per. R.J. McMaster

RJM/G.

P.S. In our discussions today some doubt was expressed as to whether the Commission had wholly disposed of the question of the status of Corporate claimants. We may find this point arising again at the January hearing

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December 19, 1947.

Mr. R. J. McMaster,
c/o Messrs. Campbell,Brazier, Fisher & McMaster,
Barristers,
675 West Hastings Street,
Vancouver, B.C.

Re: Japanese Claims

Dear Bob:

I have your long letters of December 15th and 17th which I found extremely interesting.

In this letter I will seek only to deal with the matters that appear most important for immediate consideration. The question referred to in your letter of December 17th, namely, whether or not the Commissioner is to determine the fair market value of personal or real property in the condition that it was at the date of sale as distinct from the condition at the date of evacuation, seems to me of the utmost importance in respect to nearly all the claims that we have. From my observations on my trip in the Fraser Valley it seemed to me to be clear that while values generally may have gone up between the date of evacuation and the date of sale, many of the properties would have deteriorated substantially by the date of sale. This would presumably also apply to many chattels even where these chattels were not lost, destroyed or stolen.

It is also of considerable importance in regard to the other question which you raise, namely the question of goodwill as related either to chattel property or in connection with some interesting land, for the obvious reason that in many cases at the time of sale there was no business or goodwill left, merely the physical assets,where-as at the time of the evacuation there were many thriving businesses. I quite agree with you that this is a matter upon which no final determination should be made until all the claims are in, and until all counsel involved have had an opportunity to present their view as it is quite obviously crucial to the whole matter and it would seem on the face of it to be unfair to have the matter determined on argument in respect to the small few cases, when very substantial claims

Dec. 19, 1947
1-15

are to be reviewed later in which the same problem will arise.

However, it appears that you have already presented this view to Mr. Justice Bird and he is determined that the matter be argued now.

As you I think know, I have every confidence in the ability of yourself and Mr. MacLennan to argue this point, but I would like to have your very frank opinion as to whether or not you think it would be advisable for me to come out. The cost for my coming out is approximately $400.00 in expenses alone, quite apart from fees.

It so happens that I could fit it in I think with my other engagements, to be there in the week of the 5th of January, but I will be guided entirely by your own view as to the importance of my being out there. I feel quite sure that it would be unfair to the Committee for me to charge them for the expense of going out to British Columbia frequently, but nevertheless if it might be considered that this one point meant so much to all of the claimants across Canada that we should pool our resources, and three or four people can do possibly better than one or two.

I will not attempt in this letter to set out the arguments that I think should be made, but will endeavour as soon as possible next week to prepare a memorandum on the subject.

I glanced to-day at Cripps on Compensation and it appears to me that there is an analogy between the rule that is applied in compensation cases and the circumstances to be considered under the present order-in-council. As I understand it in compensation cases the value is fixed without regard to the purpose for which the property is being taken, for example if the property is being expropriated for a water works, the valuation is fixed in relation to the value without regard to the proposed expropriation or the purpose of the expropriation; by a parity of reason it would seem that the fair market value in each case should be considered apart from the loss in value occasioned by the evacuation orders themselves which have necessitated the valuation.

This view seems to be consistent with the clause in the Order-in-Council which allows compensation for personal property lost, destroyed or stolen and fair compensation can only be made if no penalty is attached through deterioration after evacuation.

Corr. Dec 1947 1-15

We, however, have to meet the problem of what is meant by saying the fair market value at the date of sale. This it seems from our point of view can only mean that the fictional market which is to fix the value is to be a market at the date of sale and not a market at the date of evacuation or at the date of vesting in the Custodian or again at the date the claim is made. In other words, the claimant would either gain or lose through the general appreciation or depreciation of values between the date of evacuation and the date of sale. He would not, however, be required to bear either the losses or the gain that there might have been to the individual property on account of the evacuation . To take the converse of the case we have in mind in which properties have depreciated between the date of evacuation and the date of sale, one should take the cases where through the activity of some tenant put in by the Custodian, the property has improved in value before sale by the addition of improvements, better cultivation,etc. It would be quite unreasonable that the claimant who perhaps left his property in very poor condition should have his compensation increased because through the efforts of the Custodian or some tenant or other person, the individual property had appreciated in value. In other words, what is fair to the claimant is to take his property before the evacuation and consider what its value would have been at the date of sale had there been no evacuation and had the property not vested in the Custodian and been taken away from the control and managment of the claimant.

However, I will endeavour to let you have a full memorandum of this matter and also on the question of goodwill which I think is clearly either a property itself or alternatively something which enhances the value of property whether that property be personal property or real property.

I feel that we should contend very strongly in regard to the 4th item on page 3 of your letter of December 15th, namely, that the consent by the claimant to the sale of property at less than its fair market value can have no relation whatsoever to the duty of the Custodian except insofar as circumstances may indicate that it is an admission of the fair market value. It is quite apparent that the determination of this question is related to the determination of what is meant in this text by the phrase "fair market value" at the date of sale. If our contention is correct that the Commissioner is entitled to consider the condition of property at the date of the evacuation and then project his mind forward to the date of sale it is quite apparent that a consent to a sale in the lesser amount later can have no bearing on what the Commissioner should find is in fact a fair market value.

On this point it seems to me that no principle of estoppal or waiver of rights can possibly be applicable. To begin

Corr. Dec 19 1947 1-15

R. J. McMaster December 19/47.

with there is absolutely nothing in the terms of reference which indicates that the Commissioner is to do anything else than to determine what in fact is the fair market value and make a finding as to the difference between this and the actual sale price. How can an estoppal operate in respect to what is not a legal right but an act of grace on the part of the Government which could not possibly have been anticipated or in the mind of the claimant at the time of consenting to the sale. This argument seems to be equally strong even if one disregards any question of coercion. The circumstances were such if our argument is right, that a claimant might well have been content to have a sale made at less than what would have been a fair market value. For one thing the market is obviously a disturbed and extraordinary one. Even if one assumed that a release of all claims had been given to the Custodian or the Government in express terms this surely would refer only to legal claims and would not bar the claimant from securing any spcial allowance made by the Government gratuitously by way of compensation.

This too is an extremely important point because in regard to some of the larger claims, for example, in Mr. Kagetsu's claim, his own solicitor did consent to the sale of the various timber limits.

He may very well have been of the opinion at the time that that was the best that could be secured for them under the existing market. It does not seem to me at all to mean that this was a fair market value.

I will take up the matter of the interpreters with the J. C. C. A. right away.

I am afraid that this is rather a rambling letter, but I am anxious to get it off quickly. I share with you the apprehension about the appointment of sub-commissions if this can possibly be avoided, for one thing I believe that the Commissioner is bound to be favourably impressed by a good many of the claimants, for example we have a number of return men, a number of efficient business men, widows,etc. whose cases are bound to create some sympathy in the mind of the Commissioner.

While I fully appreciate the strenous nature of the hearings it does seem to me that during the course of them procedures will be adopted which will hurry them up. It will obviously be easirer to present the necessary evidence where the Japanese Canadians themselves have an efficient organization, and where time for preparation of the claim exists.

Yours sincerely,

FAB:HC

Corr. Dec 19/47

1-15

ERIC G. ADAMS
ECONOMIC AND ENGINEERING REPORTS
411 CONFEDERATION BLDG., MONTREAL 2, P.Q.

MEMBER —
ENGINEERING INSTITUTE OF CANADA
CORPORATION OF PROFESSIONAL ENGINEERS OF QUEBEC
ASSOCIATION OF PROFESSIONAL ENGINEERS OF THE PROVINCE OF ONTARIO
LICENSED PROFESSIONAL ENGINEER OF THE STATE OF NEW YORK

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DEC 19 1947
CAMERON WELDON & BREWIN

Dec. 17, 1947.

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

Re Japanese Canadian Claims Commission

Dear Mr. Brewin:

Pressure of other work has delayed my reply to your letter of November 24th until this late date.

Since your Committee has decided to take no action on my proposal for the time being, I must, of course, make it clear that I no longer consider myself bound by the terms of the proposal and feel free to approach other interested parties on any basis which may be mutually satisfactory.

Should your Committee be interested in obtaining my services at some time in the future, I shall be very glad to discuss the matter de novo at that time.

Yours very truly,

Eric G. Adams

EGA/JM

Re corr. Dec 1947 1-15

HONOURABLE MR. JUSTICE H. I. BIRD
COMMISSIONER

A. WATSON
SECRETARY

JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE
VANCOUVER, B.C.

RECEIVED
DEC 22 1947
CAMERON WELDON
& BREWIN

December 17th 1947.

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

Dear Mr. Brewin,

In accordance with the arrangement made with you, we are now enclosing herewith a copy of transcript of the proceedings at the preliminary session of the Commission, held in Vancouver on December 3rd last.

Yours very truly,

A. Watson

SECRETARY TO THE COMMISSION.

Enc.
AW/W.

Corr. Dec 1947

1-15

LETTERHEAD OF ERIC G. ADAMS,

Montreal, P.Q.
Dec. 17, 1947.

A.G.VIRTUE, K.C.,
Lethbridge, Alta.

Dear Sir:

It has recently been brought to my attention that you have been retained as counsel by Japanese in Alberta who wish to present claims before the Royal Commission now investigating these matters. I assume that there will be a good deal of expert valuation work required to support these claims in addition to all of the legal work involved. A considerable amount of economic research and statistical compilation would also seem desirable to establish the general pattern of property values and their trends up to the period when sales by the Custodian took place, and also to corroborate the individual valuations.

Consequently I am writing to suggest that Mr. Kunio Hidaka and myself together can be of service to you and your clients in this matter. We have the necessary qualifications and experience, which I shall be glad to elaborate in detail if you are interested. We believe that if this valuation and statistical work is undertaken by one or two experts who will see the whole job through, wasteful duplication of effort will be avoided. To this end, we are prepared to perform the following functions:

1. to work closely with claimants in establishing "fair market value" and in assisting them to present their evidence.

2. independently to determine "fair market value" for individual properties, in most instances by personal inspection and the use of alternative available determinants of value,

3. to compile statistical data and other facts required as corroboratory evidence,

4. to testify as an expert witness on value and extent of loss before the Commission.

Yours very truly,

"Eric G. Adams"

Encl.
Dec 17 1947
1-15

TELEPHONE PACIFIC 9164

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER
A. W. FISHER
R. J. McMASTER

A. J. F. JOHNSON

ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B.C.

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CAMERON, WILSON & BREWIN

OUR FILE No.

1742

December 18th, 1947.

Andrew Brewin, Esq.,
Barristers, etc.,
Sterling Tower Building,
TORONTO, Ontario.

Dear Andrew:

Re: Japanese Claims.

We herewith enclose copy of memorandum of Mr. Justice Bird and Minutes of conference referred to in our letter of yesterday.

Yours truly,
CAMPBELL BRAZIER FISHER & McMASTER,

Per:

McM:MM
encl.

Corr. Dec 1947 1-15

(*Extract from* THE CANADA GAZETTE *of Saturday, December 20, 1947.*)

P.C. 2115

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 16th day of September, 1930.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

HIS Excellency the Governor General in Council on the recommendation of the Minister of Immigration and Colonization, is pleased to rescind the regulations made by Order in Council P.C. 182, dated 31st January, 1923, as amended by Order in Council P.C. 1966, dated 14th August, 1930, and they are hereby rescinded accordingly.

His Excellency in Council, on the same recommendation, and having regard to the unemployment conditions now existing in Canada, is pleased to make the following regulations, and they are hereby made and established under the authority of Section 38 of the Immigration Act, viz.:

From and after the 16th August, 1930, and until otherwise ordered, the landing in Canada of any immigrant of any Asiatic race is hereby prohibited, except as hereinafter provided:

The Immigration Officer-in-Charge may admit any immigrant who otherwise complies with the provisions of the Immigration Act, if it is shown to his satisfaction that such immigrant is,—

The wife or unmarried child under 18 years of age, of any Canadian citizen legally admitted to and resident in Canada, who is in a position to receive and care for his dependents.

Provided that this regulation shall not apply to the nationals of any country in regard to which there is in operation a law, a special treaty, or agreement, or convention regulating immigration.

A. D. P. HEENEY,
Clerk of the Privy Council.

Printed by EDMOND CLOUTIER, C.M.G., B.A., L.Ph., Printer to the King's Most Excellent Majesty, Controller of Stationery.

Encl. Dec 1947
51-1

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER
A. W. FISHER
R. J. McMASTER

A. J. F. JOHNSON

TELEPHONE PACIFIC 9164

ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B.C.

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DEC 22 1947
CAMERON WELDON & BREWIN

OUR FILE No.

December 20, 1947.

Andrew Brewin, Esq.,
Barrister etc.,
Sterling Tower Building,
Toronto, 1, Ont.

Dear Andrew:

Re: Japanese Claims.

I have just finished a session with Art McLennan, and regret to report that he has now decided that he can give only very limited assistance with respect to this matter. In discussing alternative counsel with him I rather strongly urged that we ought to get MacDonald if he is available. Art was strongly opposed to this and said if we did his firm would probably withdraw completely. He has nothing against MacDonaldpersonally, but alleges that Bird is very touchy on the political aspects of this matter. Art is quite certain that if we add another known C.C.F!er to our list the scales might be weighted against us.

My own feeling in the matter is that if the matter is dealt with expiditiously and objectively there should be no serious difficulty. If however, Norris and McLennan pulled out for political reasons it would be extremely dificult.

We will have a council of war of the members of our own firm on Monday. With Brazier now free from the freight rate business I think we should be in a position for the time being to carry things along. In the meantime we shall explore the possibilities of other competent assistance.

One matter which requires your immediate attention, or that of the Committee is the question of hiring this Ontario barrister, whom Norris has lined up, and to whom we referred in our last letter. McLennan is quite agreeable that he should be hired by the Committee and believes that we could get him for $200.00 per month plus travelling and living expenses. Particularly in view of McLennan definitely backing out of counsel work I think we will have to have

Corr. Dec 1947 1-15

some assistance during the Month of January at least. I have not interviewed the man myself, but understand from Art that he would be very good on detail work, such as reviewing the Custodian's files and preparing briefs on evidence. Art does not think that at the present stage of the proceedings at least he would do for counsel work. His name is Leckie and Art thinks that he practiced in Toronto.

Unless Leckie hears from us at an early date he intends to go back to Ontario before the end of the month. As a matter of fact he was to get in touch with Norris today to see if there is anything doing with regard to his being engaged in this matter. We told Art to tell him that we thought there was a fair possibility and that we would seek to get instructions by wire. Accordingly I would appreciate your taking the matter up forthwith and wiring.

McLennan and myself have agreed on various forms for the presentation of evidence as outlined in the memorandum of discussions with Mr. Justice Bird. I had hoped to get your views thereon before having them printed. However, as it takes so long to have these done and we wish to use them at the January hearings we decided to proceed with printing a limited number and to have the type held. It would not be practical to have them mimeographed in the meantime for several reasons. We will send you copies at an early date.

With best wishes to yourself and your family for the Christmas season and the New Year,

Yours truly,

CAMPBELL, BRAZIER, FISHER & McMASTER

Per

RJM/M

Corr. Dec 1947

1-15

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

FORM 6102

CANADIAN NATIONAL TELEGRAPHS

W. M. ARMSTRONG, GENERAL MANAGER
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NIGHT MESSAGE	
NIGHT LETTER	
EVENING & SUNDAY	

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Send the following message, subject to the terms on back hereof, which are hereby agreed to

Toronto, Ontario.
December 22, 1947.

MR. R. J. McMASTER,
c/o MESSRS. CAMPBELL, BRAZIER, FISHER & McMASTER,
BARRISTERS,
675 WEST HASTINGS STREET,
VANCOUVER, B.C.

WILL LEAVE IT TO YOUR DISCRETION TO HIRE LECKIE'S ASSISTANCE STOP CAN ASSURE YOU THAT COMMITTEE WILL LOOK AFTER NECESSARY EXPENSES AT LEAST FOR LIMITED PERIOD.

F. A. BREWIN

Charge: Cameron, Weldon & Brewin,
372 Bay Street,
Toronto, Ontario.

Corr. Dec 1947 1-15

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

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CANADIAN NATIONAL TELEGRAPHS

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

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Toronto, Ontario.
December 22, 1947.

A. GLADSTONE VIRTUE,K.C.
McFARLAND BUILDING,
LETHBRIDGE, ALBERTA.

RETEL AWAITING FURTHER ADVICE FROM McMASTER BEFORE DECISION AS TO ATTENDING JANUARY HEARINGS STOP APPARENTLY IMPORTANT QUESTIONS OF PRINCIPLE TO BE ARGUED STOP IF POSSIBLE PERHAPS YOU SHOULD BE PRESENT STOP WILL WRITE TOMORROW

F. A. BREWIN

Charge: Cameron,Weldon & Brewin,
372 Bay Street,
Toronto, Ontario.

Corr. Dec 1947 1-15

CANADIAN PACIFIC
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W.D.NEIL, GENERAL MANAGER, MONTREAL

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CRA55 45 DL GET REPLY

LETHBRIDGE ALTA 22 1011A

1947 DEC 22 PM 12:33

F A BREWIN 4163

CAMERON WELDON AND BREWIN STERLING TOWER TORONTO 1 ONT

HAVE RECEIVED MEMORANDUM JUSTICE BIRD DATED SEVENTEENTH SUGGESTING ATTENDANCE YOURSELF AND WRITER AT FURTHER ARGUMENT VANCOUVER EARLY IN JANUARY STOP WRITER CAN ATTEND BUT WOULD PREFER NOT HAVE YOU ANY INTENTION OF ATTENDING STOP MEETING GENERAL COMMITTEE HERE TOMORROW TUESDAY AND WILL APPRECIATE TELEGRAPHIC REPLY

A G VIRTUE

Re Corr.
Dec 1947
1-15

Cherniack & Cherniack
BARRISTERS AND SOLICITORS

J. A. CHERNIACK, B.A., LL.B.
S. M. CHERNIACK, LL.B.

PLEASE REFER
TO FILE No.

RECEIVED
DEC 22 1947
CAMERON WELDON
& BREWIN

31-460 Main Street
Winnipeg,
Canada

Phones { 22 877
22 878

December 18th, 1947.

Mr. F.A. Brewin,
c/o Cameron, Weldon & Brewin,
Sterling Tower,
TORONTO 1, Ont.

Dear Mr. Brewin:

Thank you for your letter and enclosure of the 16th instant.

I have read it with interest and am awaiting the report from Mr. McMaster.

The immediate problem is whether or not you have definitely decided that you wish to have made copies of the claim forms. This will be quite a job and it might be necessary to pay the girls of the J.C.C.A. Committee, who will be called upon to do it. It may be that the best time for them would be the coming Christmas holidays and generally, if the job is to be done, it should be done quickly.

Please, therefore, have Mr. Tanaka advise me or the local J.C.C.A. when the decision has been made, at the same time advising us if you want to have only the first side of the claim form relating to real property, or the full claim form. In the latter event, I would like to point out that a number of the claims have attached to them lists of chattels, and it may not be necessary to make copies of these lists.

Yours very truly,

S. M. Cherniack

SMC/P

Corr. Dec 1947

1-151

COPY FOR MR. BREWIN.

RECEIVED
DEC 1947
WEEDON
& BREWIN

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

94 Homewood Ave.,
Toronto 5, Ont.,
Dec. 21st, 1947.

MEMO TO COMMITTEE MEMBERS

Mr. Brewin has returned from the opening hearings held in Vancouver, and will report to our Committee at a meeting to be held in Mr. Finlay's study on Monday, Dec. 29th (from 5.00 to 6.00 p.m.). He advises that there are some matters which he would like to take up with us, among which is the following recommendation which I include for your consideration:

"That a certain proportion (probably $10,000.) of the estimated 1% retaining fee payments from claimants be set aside for valuations and contingencies, and that certain other sums be advanced to the lawyers as a retaining fee, on account of the work that some of them have done already; that $1,250. be paid on account as a retaining fee to Mr. McMaster, and $1,250. to Messrs.Norris and MacLennan, that the Alberts solicitors receive $500., Saskatchewan solicitors $200., the Manitoba solicitors $500., Mr. Best and myself $500. each, (plus the expenses of my trip to Vancouver) and that $300. be sent on account to the Quebec solicitors. These sums will, of course, be on account, and the solicitors would have to render their accounts against them in due course."

If, for any reason, it will be impossible for you to be present at this meeting when we will be discussing the matter and reaching a decision, will you please advise me by 'phone (KI. 4274) of your own thinking with regard to the suggestion?

Yours sincerely,

MKBoos

SECRETARY

MKB

Corr. Dec 1947

51-1

December 24, 1947.

A. Gladstone Virtue, Esq.,K.C.,
Barrister, Solicitor,
McFarland Building,
Lethbridge, Alberta.

Re: Japanese Canadian Claims

Dear Mr. Virtue:

I received your wire of December 22nd to the effect that you had received a memorandum from Mr. Justice Bird, suggesting the attendance of yourself and the writer in further argument in Vancouver, early in January. We replied suggesting to you that if at all possible you should plan to be present.

No doubt the memorandum which you received, set out the question which Mr. Justice Bird wishes to have argued.

Both Mr. McMaster and Mr. MacLennan endeavoured to persuade him, along the lines of our discussion in Vancouver, that it would be unwise to make rulings on fundamental points of interpretation before having heard more of the evidence. Apparently, however, he is determined to make these rulings, or at least to hear the points argued.

It seems to us that several of the points raised are very fundamental to the eventual outcome of the Commission, and we think that we should put our best foot foremost.

No doubt you will hear later as to what actual day has been arranged for the hearing, and if it is possible for you to be there, we hope we will see you.

Yours very truly,

FAB:HC

Encr. Dec 1947 1-15

A. GLADSTONE VIRTUE, K.C.
BARRISTER, SOLICITOR
NOTARY PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE LETHBRIDGE, ALBERTA

PLEASE REFER TO FILE NO.

23rd December, 1947

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DEC 27 1947
CAMERON WELDON & BREWIN

3201

R. J. McMASTER, ESQ.,
c/o Messrs. Campbell, Brazier, Fisher
and McMaster,
Barristers and Solicitors,
675 Hastings Street West,
VANCOUVER, B.C.

Dear Mr. McMaster: RE: BIRD COMMISSION.

I am enclosing copy of a letter received recently from Mr. Eric G. Adams.

I take it that in all probability you have received a similar letter.

In my opinion a valuator of long residence and experience in the City of Vancouver and the eastern part of British Columbia would be more effective than one who has carried on his business for the most part in the City of Montreal.

I am sending an additional copy of this letter and enclosure to Mr. Brewin.

I do not know Mr. Kunio Hidaka.

Yours truly,

V/L
encls.
c.c. Mr. Brewin.

Corr. Dec 1947
1-15

TELEPHONE PACIFIC 9164

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER
A. W. FISHER
R. J. McMASTER

A. J. F. JOHNSON

ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B.C.

OUR FILE NO.

December 23rd, 1947.

Andrew F. Brewin, Esq.,
Barrister, etc.,
Sterling Tower,
Toronto 1, Ontario.

Dear Andrew:

Re: Japanese Claims.

We have for acknowledgment receipt of your letter of December 19th last and pursuant to our telephone conversation this morning confirm our opinion that despite the expense you ought to attend the special hearing for argument in this case. We will use our best endeavours to have the case set down for January 9th. The writer has just received confirmation from the Registrar of the Court of Appeal that the United Steelworkers Appeal will come on on the 6th. He is hopeful that the Appeal can be disposed of in a day and a half or at the most, two days, so that he will be able to arrange to have the larger portion of Thursday to do something with you.

After writing this letter and speaking to you on the telephone, we had a conversation with Mr. Justice Bird in which he indicated that Friday, January 9th, would be a suitable date for him for the hearing of argument with regard to the terms of reference. He suggested that I ask you to communicate with Mr. Hunter in Toronto and advise him that this date has been arranged subject, we presume, to his objection. Mr. Justice Bird indicated that there is just a possibility that he may have to go to Ottawa with regard to the reference. (He did not indicate what matters he wished to take up in Ottawa). If this happened, he would advise us immediately upon arrangements being made and some adjustment would have to be made in the date for the hearing. However, he sounded as if he did not expect to be called to Ottawa.

Yours truly,
CAMPBELL BRAZIER FISHER & McMASTER,
Per:

McM:MM

Corr. Dec 1947 1-15

December 29, 1947.

Messrs. Campbell,Brazier,Fisher & McMaster,
Barristers,
Royal Bank Building,
675 West Hastings Street,
Vancouver, B. C.

Re: Japanese Claims

Dear Bob :

Thank you for your letter of December 23rd.

I have just spoken to Colonel Hunter and the date of January 9th apparently suits him.

It will be my plan to take the plane leaving here on the morning of January 7th which is supposed to arrive in Vancouver, I think, about 2.30 a.m. on the 8th.

I hope that your case in the Court of Appeal will come on according to schedule, and that we shall be able to spend Thursday discussing the points of argument.

I have it by the grape vine, and not for publication, that Mr. Justice Bird if he goes to Ottawa, will go on the 5th, and should therefore be back in time for the hearings on the 9th, at least if he flies, as I presume he would do.

In view of the fact that I plan to come out, I will not take the time to send you a memorandum of the points of argument. However, I will be discussing these matters with Mr. Best and will look forward to discussing them with you.

Yours sincerely,

FAB:HC

Encr.
Dec 1947
1-15