Mackenzie Papers Vol 79

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Ref. Document 'E'

MEMORANDUM TO THE CABINET COMMITTEE ON JAPANESE PROBLEMS

RE: Property of Japanese Evacuated from the Protected Area of B.C.

At the end of July, 1946, the number of Ledger Accounts in the Vancouver Office of the Custodian for Japanese was reduced to 3,842, and the amount of Evacuee money involved was, at that time, $1,418,671.00. The credit balances now stand at $1,037,313.17, and every effort is being made to remit the total available funds to all Japanese residing outside of the Department of Labour projects.

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

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

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

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

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

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

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

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

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

[sic]!! Rcmbr reports different.

Source: Nikkei National Museum, 2018-16-1-47-1-1
www.nikkeimuseum.org

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

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

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

The policy of liquidation has resulted in the Custodian paying out large sums of money to the Evacuees and paying debts on their behalf. In co-operation with the Department of Labour, the Custodian releases such funds to Evacuees, still in Interior Housing Schemes operated by the Department of Labour, as are considered necessary. Where Evacuees have moved East from the Province of British Columbia, the Custodian releases the balance.

Sales up to June, 1946, were as follows:

SALES		APPRAISAL	SALES VALUE
Greater Vancouver	462	$913,712.00	$1,010,970.00
Rural	396	532,907.00	558,318.00
Veterans' Land Act	741	847,878.00	836,256.00
	1,599	$ 2,294,497.00	$2,405,544.00

Proceeds from sales, including farms sold to the Director, Veterans' Land Act, exceeded fixed valuations by $111,047.00

...

Source: Nikkei National Museum, 2018-16-1-47-1-2
www.nikkeimuseum.org

STATEMENT OF CASH REALIZATION OF EVACUEE ASSETS & REVENUES

Fishing vessels & scows	$ 202,104.96
" nets and gear	101,164.48
Cars	63,583.98
Trucks	94,525.63
Sundry Business assets	187,834.31
Household effects	249,833.03
Radios	17,024.64
Farm Equipment	14,858.33
Life Insurance	48,354.36
Securities	54,538.27
Sundry a/cs. Receivable	136,356.28
Sundries	33,377.89
Veterans' Land Act	808,673.22
Real Estate Sales	1,574,350.78
Real Estate Income	491,170.25
Dividends from Securities	8,310.46
Rooming House Rentals & Chattels	33,217.06
Sundry Miscellaneous	
Transfers between Jap. a/cs. & a/cs. Receivable	749,092.05
	$4,868,369.98

Source: Nikkei National Museum, 2018-16-1-47-1-3a
www.nikkeimuseum.org

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Source: Nikkei National Museum, 2018-16-1-47-1-3b
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1.10.47

Persons of Japanese race: repatriation to Japan; return to Canada.

At the meeting of the Cabinet on September October 1, approval was given to the recommendations submitted by the Cabinet Committee on Japanese Questions following a meeting held on September 3rd, including particularly the policy governing repatriation to Japan and the return to Canada of persons of Japanese origin who had left Canada before the war or who were repatriated and who now wished to come back to this country.

Source: Nikkei National Museum, 2018-16-1-47-2
www.nikkeimuseum.org

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MEMORANDUM TO THE CABINET COMMITTEE ON JAPANESE QUESTIONS

Re: Japanese Orders in Council

The Transitional Measures Act, 1947 and order in council P.C. 5304 of December 30, 1947 continued in effect until March 31, 1948 a number of Orders in Council relating to persons of the Japanese race in Canada. These Orders included the following:

(a) P.C. 946 of February 5, 1943, as amended.

The Order gives the Minister of Labour authority to provide for the welfare and relocation of Japanese evacuated from the Coastal area of British Columbia and to make orders governing their movement, places of residence, and discipline.

The Order ~~should be~~ has been extended until March 31, 1948 to carry out the current year's program. The provisions for welfare and relocation ~~can~~ might be taken care of after March 31, 1948 by an item in the Annual Estimates of the Department, ~~It is, however~~, it is the policy of the Government to continue restrictions on the movement and residence of Japanese in the Coastal area of British Columbia, ~~it will be necessary to provide for the extension of the life of this Order in Council.~~

The Department of Labour is of opinion that if the restrictions over movement of Japanese into the Coastal area are lifted there will be a movement of Japanese back into the Coastal area, but that it is probable this movement will not be in the nature of an immediate influx but will extend over a period of time and will not comprise a major percentage of Japanese in Canada. It is probable that the greater majority of those who do return to the Coast over a period of time will be drawn from the group now resident in the interior of British Columbia, who number approximately 6000 persons, the greater majority of whom are in self-supporting employment. There may be some movement over a period of time back from Alberta. On the other hand, our Commissioner of Japanese Placement estimates there may be a movement of 500 Japanese east from British Columbia in the Spring of 1948.

(b) P.C. 7355 of December 15, 1945.

This Order authorizes financial assistance to voluntary repatriates to Japan and gives authority to the Custodian of Enemy Property to take over and liquidate the assets of Japanese repatriated to Japan under this Order and to transmit the proceeds to the Japanese in Japan.

The Government has already made a decision to discontinue financial assistance for repatriation of Japanese under this Order. There is, however, a small amount of assets of Japanese still vested in the Custodian under this Order which will not be liquidated for some months at least. We are advised by the Custodian that this consists of amounts totalling around $3,000, representing the refundable portion of Income Tax payments for 1942, 1943 and 1944, and a limited quantity of other assets ofamiscellaneous nature, including various company stocks.

It would appear that the extension of the provisions of this Order, to the extent necessary to continue the authority of the Custodian with respect to the disposition of these assets, will be necessary.

Source: Nikkei National Museum, 2018-16-1-47-3-1
www.nikkeimuseum.org

(c) P.C. 1665 of March 4, 1942, and P.C. 469 of January 19, 1943.

These Orders are administered by the Department of the Secretary of State and give the Custodian of Enemy Property authority to liquidate property of evacuated Japanese vested in him under these Orders.

It would appear that the extension of the provisions of these Orders will be necessary.

(d) P.C. 251 of January 13, 1942

This Order prohibits the issue of fishing licenses on the West Coast to persons of the Japanese race and also prohibits these persons from serving on fishing vessels. The decision as to the continuation of this Order is one of policy which is tied in with P.C. 946.

The Minister of Fisheries possesses under the Fisheries Act powers to grant or withhold the issuance of fishing licenses.

Without further action of Parliament to the contrary, all of the above Orders will expire on March 31, 1948.

Privy Council Office
January 10, 1948

Raymond Ranger,
Secretary.

Source: Nikkei National Museum, 2018-16-1-47-3-2
www.nikkeimuseum.org

SECRET Ref. Document JAP 3.

MEMORANDUM TO THE CABINET COMMITTEE ON JAPANESE PROBLEMS

RE: Questions of Consular protection and assistance in Japan for Canadian citizens of Japanese origin and the re-entry into Canada of such persons and Japanese nationals retaining Canadian domicile.

Present Canadian Policy

1. At the sixth meeting of the Cabinet Committee on Japanese Problems held on January 10, 1947, there was some preliminary discussion of these difficult questions but, as it was observed that no shipping would be available for some time to bring persons from Japan to this continent, no attempt was made to formulate firm recommendations. Accordingly, these matters remained largely governed by a memorandum of August 10, 1946(attached), approved by the Secretary of State for External Affairs, which recognizes the right under existing law of Canadian citizens and Japanese nationals retaining Canadian domicile to re-enter Canada, but lays down that the Canadian Liaison Mission in Tokyo shall not for the present (a) help persons of Japanese race to obtain exit permits or buy passage, (b) issue visas to Japanese aliens even if they have technically retained Canadian domicile and (c) issue or renew passports to Canadian citizens of Japanese origin, except in special circumstances. It was expected that this memorandum would be reviewed in eight months to a year's time.

Reasons for Reviewing Policy at this Time

2. Recently the Immigration Branch has been pressed to give rulings on a number of applications of persons of Japanese origin for re-entry into Canada (e.g. letters from Mr. Angus MacInnis, M.P. to the Hon. J. A. Glen regarding Mrs. Tsuru Fujiwara). In addition, the Head of the Canadian Liaison Mission in Japan has been asked by the Japanese Government through the Diplomatic Section, General Headquarters, Supreme Commander for the Allied Powers to state how the Canadian Government regards persons of Japanese ancestry born in Canada who went to Japan, before, during or after the war. Persons able to prove Allied nationality are entitled in Japan to special consideration in respect to extra food rations, foreign rates of pay when employed by the occupation authorities, and extra-territorial judicial status. Mr. Norman estimates that there are at least 5000 - 6000 persons in Japan having a prima facie claim to Canadian citizenship. It is assumed that the 2606 Japanese Canadians repatriated after the war would be included in this number. Most of these would be interested in securing the advantages of foreign status in Japan. The number who will make application sooner or later to return to Canada will be considerable because of the difficult economic situation in Japan. Mr. Norman points out the magnitude of the task of interviewing and processing these 5,000 - 6,000 applicants, but urges the desirability of our facing this problem now and reaching decisions that

Source: Nikkei National Museum, 2018-16-1-47-4-1
www.nikkeimuseum.org

will enable him to state Canadian Government policy at least on those questions on which United States policy has already been clearly defined. It would seem desirable, therefore, for the Committee to give consideration to these questions now with a view to giving guidance to the Immigration Branch and the Department of External Affairs.

United States Policy

3. The United States faces similar problems with regard to the extension of Consular protection and assistance in Japan for United States citizens of Japanese origin and the re-entry into the United States of such persons. They do not face a problem similar to ours with respect to Japanese nationals retaining Canadian domicile. Any alien leaving the United States for temporary purposes requires a re-entry permit which is only good for one year. All such permits issued to Japanese nationals resident in the United States and returning to Japan before the war for a visit would have expired and there appears to be no disposition to extend the life of these re-entry permits. The United States is prepared to recognize the claims of persons of Japanese origin to United States citizenship with full Constitutional rights. They have opened an office in Yokohama to examine the credentials of such persons. Preferred consideration is given to United States citizens of Japanese origin who "stood out" in Japan during the war and suffered proven discrimination, hardship or imprisonment for being United States citizens. Such persons are being assisted financially and in other ways to return to the United States, some of them this year. During the remaining months in Japan such persons receive the same treatment with regard to rations, pay, etc. as any other United States citizen. (Because of the number of Japanese Americans in the U.S. Army of Occupation special care is taken to avoid any trace of racial discrimination in Japan). Other persons claiming United States citizenship are being gradually screened, their credentials examined, their wartime activities investigated, etc. Persons passing this screening, but who suffered no hardship during the war, will be permitted to return to the United States, but must make their own arrangements when travel becomes normal.

4. United States officials in Japan have expressed the hope that the Canadian Government would coordinate, so far as its laws permit, its treatment in Japan of persons of Japanese origin claiming Canadian citizenship with United States policy toward similar categories of U.S. citizens of Japanese origin. They are concerned lest Japanese Canadians, without going through the same sort of screening which Japanese Americans are required to undergo, might as a group receive favoured treatment by the Japanese Government and thus cause dissatisfaction amongst those not similarly favoured in the United States group.

Source: Nikkei National Museum, 2018-16-1-47-4-2
www.nikkeimuseum.org

Proposed Canadian Policy

5. The recommendations formulated in the succeeding paragraphs are based on certain assumptions to which the Committee will wish to give prior consideration. In the event that these assumptions require modification the recommendations will also need to be changed. It is the assumption of this memorandum that:

(a) The Committee would not wish to recommend the introduction of new legislation depriving persons of Japanese origin of any rights they may now possess under The Canadian Citizenship Act and the Immigration Act;

(b) The Committee would not wish Canadian policy to diverge widely from United States policy in view of the similarity of the problems faced and the predominant role played by the United States in the control of Japan;

(c) The Committee would not wish to recommend the extension of any more protection or assistance to Japanese Canadians in Japan than they are entitled to by law and than is being accorded Japanese Americans;

(d) The Committee would not wish to recommend that any assistance be given to persons of Japanese origin to return to Canada, except in exceptional circumstances;

6. Based on the foregoing assumptions the following recommendations are submitted for the Committee's approval:

(a) The Canadian Liaison Mission in Japan shall be authorized to accept, from persons claiming to be Canadian citizens, applications for certificates of Canadian citizenship to be forwarded after careful examination to the Department of the Secretary of State of Canada along with such documents or affirmations as the Department may, in the circumstances, consider necessary to determine whether

(1) in the case of a person claiming to be a natural-born Canadian citizen he was in fact born a Canadian citizen, and that he has not ceased to be a Canadian citizen

(i) under section 16, 17(1) or 18 of the Canadian Citizenship Act, or

(ii) under P.C. 10773 of November 26, 1942

(2) in the case of a person claiming to be a Canadian citizen other than natural-born he did in fact acquire Canadian citizenship and that he has not ceased to be a Canadian citizen

(i) under section 21 or 23 of the Canadian Citizenship Act (wherever there exist grounds for the issue by the Department of the Secretary of State of Canada of a notice of

Source: Nikkei National Museum, 2018-16-1-47-4-3
www.nikkeimuseum.org

revocation of naturalization, the Head of the Canadian Liaison Mission shall so report), or

(ii) under P.C. 10773 of November 26, 1942, or

(iii) under P.C. 7356 of December 15, 1945

(b) The Department of External Affairs shall determine the extent of Consular protection and assistance to be afforded Canadian citizens in Japan in conformity with Canadian practice in other countries and United States practice in Japan.

(c) Where a Canadian citizen of Japanese origin "stood out" in Japan during the war and suffered proven hardship on that account and is desirous of returning to Canada the Head of the Canadian Liaison Mission in Japan may consult the Department of External Affairs to determine what assistance, if any, may be afforded such person to return to Canada.

(d) Passports shall not be issued to Canadian citizens of Japanese origin to enable them to leave Japan unless they are able to produce evidence that they have secured passage for Canada and will be able to obtain the necessary exit permit from Japan.

(e) Visas for travel to Canada shall not be issued to Japanese nationals claiming domicile in Canada without prior reference to the Immigration Branch. In all such cases the Director of Immigration shall determine whether such persons may be deemed to have lost Canadian domicile. Even in approved cases visas shall not be granted unless the persons concerned are able to produce evidence that they have secured passage for Canada and will be able to obtain the necessary exit permit from Japan.

(f) The Department of External Affairs and the Immigration Branch shall be authorized to consider and approve applications for temporary entry into Canada on behalf of Japanese nationals whose visits abroad are approved by Headquarters, Supreme Commander for the Allied Powers in Japan and who would be coming to Canada for conference, educational or other approved temporary purposes that would be of assistance in the democratic re-education of Japan.

Source: Nikkei National Museum, 2018-16-1-47-4-4a
www.nikkeimuseum.org

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St.Laurent fought strongly and bravely for deporting practically all who could be deported, including some Canadian citizens, of those who had signed during the war wishing to return on the score they would increase in population and demands would be made later when Japan was a settled country to have the Japanese in Canada given the same rights as the white population He has in mind the issue being raised at the United Nations. That they would never really work into Canadian life and their numbers might become troublesome. On the other hand there was the feeling which I helped to express that the war was over people were now trying to foster good-will and peace. That we will be looked upon almost as inhuman and that it would be a crime to send back to Japan those who had behaved themselves well throughout the whole period of the war. Had nothing against them except what they claim was duress. They had asked to be sent back. Thaere was practically unanimity in demanding cessation of deportation. 4000 have already gone. There would not be ships available for some time. It might take another six months to get another 4000 away. Meanwhile the Civil Liberties League would begin stimulating opinion. We already as a Liberal party were in a false position in the minds of many people through out ill-Liberal treatment of different persons. We would probably raise a real issue if we sought to oppose what now seemed to be general public opinion in the matter of dropping the question of deportation, though holding the right to control the movement of the Japs in Canada for some time to come. This for reasons of maintaining law and order, etc. B.C. has changed its attitude considerably. Men like Buchanan, in Alberta, claim the Japs are needed for the beet sugar industry. Mitchell claims the whole industry would have suffered but for their help. Council finally decided to accept the report of the Committee of the Cabinet and repeal the order of deportation. Let the Civil Liberties League stay at home, St. Laurent said.

Mackenzie, who will have most to lose, said he thought they had better make the decision unanimous, not because they were not right in their view, which St.Laurent had expressed, but because they felt sure that they would not be able to get support to carry it out. I had pointed this out very strongly that we had better meet each situation as it arises. Take the one today, the only one that we could really hope to get successfully through Parliament and which, on humanitarian grounds, is right.

The next discussion was on old age pensions, what was best to do. It was agreed by all we would have to implement in the form of legislation arrangements made under order in council. Martin had suggested increasing the amount of the pension and raising the minimum allowed by way of income, the federal government to continue to pay 75% to the provinces for all who

Source: Nikkei National Museum, 2018-16-1-47-5-1
www.nikkeimuseum.org

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5. Section nine is revoked.

6. Section ten is amended by striking out the following words where they appear therein:

"and any such agreement may provide that any such persons will be removed from such Province upon the termination of the state of war now existing between Canada and Japan".

7. Sections eleven, twelve and fifteen are revoked.

8. Section sixteen is amended by striking out the following words where they appear therein:

"to carry out measures deemed necessary in consequence of the existence of a state of war" and substituting the words "for such purposes".

9. Section seventeen is revoked.

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

SOR/47-91

Order in Council amending two Orders *re* Japanese

P.C. 271

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of January, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Secretary of State and under the authority of The National Emergency Transitional Powers Act, 1945, is pleased to order as follows:

1. Order in Council P.C. 6247 of July 20, 1942, (*re* Japanese-owned fishing vessels) is hereby revoked.

2. The preamble of Order in Council P.C. 469 of January 19, 1943 (transferring to the Custodian property of persons of the Japanese race evacuated from protected areas) is hereby revoked except the fifth and sixth paragraphs thereof.

3. The operative portion of the said Order in Council P.C. 469 is hereby revoked other than the last paragraph thereof, commencing "Wherever, under Orders in Council . . .

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

Source: Nikkei National Museum, 2018-16-1-47-6
www.nikkeimuseum.org

Vol 81 1947 Revocations

SOR/47-88

Order in Council amending P.C. 7355 *re* deportation of Japanese

P.C. 268

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of January, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of The National Emergency Transitional Powers Act, 1945, is pleased to amend Order in Council P.C. 7355 of December 15, 1945, (*re* deportation of Japanese) and it is hereby amended as follows:

1. Paragraphs (*a*) and (*b*) of section one are revoked.

2. Sections two to five, inclusive, are revoked.

3. Subsection one of section six is amended by striking out therefrom the words "for whom an order for deportation is made, or" and the words "without the issue of such an order"; and from paragraph (*a*) thereof the words "at or immediately prior to the time of his deportation from Canada" and from paragraph (*b*) thereof the words "following upon his deportation" and in paragraph (*c*) thereof the words "at the time of his deportation".

4. Subsection two of section six is amended by striking out therefrom the words "who has been deported to Japan or" and the words "without the issue of an order for deportation" and by deleting the word "deportation" where it appears in the phrase "as of the date of deportation" and substituting the word "departure from Canada".

5. Subsection one of section seven is amended by striking out therefrom the words "who is being deported to Japan or" and the words "without the issue of an order for deportation".

6. Section eight is amended by revoking subsections two and three thereof.

7. Sections nine to twelve, inclusive, are revoked.

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

SOR/47-89

Order in Council revoking several Orders *re* Japanese

P.C. 269

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of January, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of The National Emergency Transitional Powers Act, 1945, is pleased to revoke and doth hereby revoke the following Orders in Council:

Source: Nikkei National Museum, 2018-16-1-47-7
www.nikkeimuseum.org

No. and date	*Subject*
9760, Dec. 16, 1941	registration of Japanese
9761, Dec. 16, 1941	control of vessels operated by persons of the Japanese race
1348, Feb. 19, 1942 as amended	establishment of Work Camps
10773, Nov. 26, 1942	revocation of naturalization of persons repatriated to enemy states
7356, Dec. 15, 1945	deportees in pursuance of P.C. 7355 to cease to be British subjects or Canadian Nationals
7357, Dec. 15, 1945	Commission of Inquiry into activities, loyalty, etc., of Japanese.

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

SOR/47-90

Order in Council amending P.C. 946 *re* placement, control etc. of persons of the Japanese race

P.C. 270

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of January, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of The National Emergency Transitional Powers Act, 1945, is pleased to amend Order in Council P.C. 946 dated February 5, 1943, (*re* placement, control and maintenance of persons of the Japanese race) and it is hereby amended as follows:

1. Paragraph (*a*) of subsection (1) of section one is revoked.

2. Paragraphs (i) and (v) of subsection (1) of section three are revoked.

3. Paragraph (viii) of subsection (1) of section three is amended.

(*a*) by striking out the words "the conduct, activities or discipline of" where they appear therein;

(*b*) by striking out the words "and may by order" where they appear therein and substituting therefor the word "to"; and

(*c*) by striking out the words

"from engaging in any activities, employment or business or in any specified activities, employment or business in Canada"

and the words

"or from associating or communicating with any persons"

where they appear therein and by inserting the word "or" before the words "from residing" where they appear therein.

4. Sections three A and three B are revoked.

Dept of Labour, Report on Restab of Ipzin Cdns 1944-1946. Jan 1947

CHAPTER VI

STATEMENT BY PRIME MINISTER W. L. MACKENZIE KING, JANUARY, 1947

The following Statement of Government policy as affecting Japanese in Canada was released by the Prime Minister on January 24, 1947:

"The decision of the government respecting certain orders in council relating to persons of Japanese origin in Canada marks the substantial completion of a program contained in the statement I made in the House of Commons on August 4, 1944. At that time I indicated the following 'tentative measures' which the government proposed to put into effect:

(a) Separation of the loyal from the disloyal among the persons of Japanese origin in Canada, and the removal from Canada of those who were disloyal;

(b) Provisions to enable those loyal to Canada to remain and be treated 'fairly and justly'; and

(c) Settlement throughout Canada, rather than exclusively in British Columbia, of persons of Japanese origin remaining in the country.

Under the provisions for assisted movement from Canada which the government put into effect, the separation of those whose continued presence would be undesirable in Canada has been accomplished on a voluntary basis. Nearly 4,000 persons of Japanese origin have now left Canada and returned to Japan. Among these were the Japanese whose deportation would have been necessary had they not gone voluntarily. Accordingly the provisions of the Order in Council (P.C. 7355 of December 15, 1945) permitting deportation as an emergency measure have been repealed. In view of the government's decision it is no longer necessary to continue the authority given by the Order in Council (P.C. 7357 of December 15, 1945) authorizing the establishment of a special commission to investigate the loyalty of persons of Japanese origin. That order, therefore, has also been repealed.

The government is retaining the authority to provide free passage and financial assistance to persons of Japanese origin wishing to move to Japan on a voluntary basis. The Order in Council (P.C. 7356 of December 15, 1945) respecting the revocation of the Canadian status of naturalized persons of Japanese origin who leave Canada, has also been repealed. This repeal will not, of course, restore the Canadian status of persons who have already lost such status.

With respect to the property of persons of Japanese origin who were removed from the Pacific coast, and whose property was sold by the Custodian, the government is of the opinion that the sales were made at a fair price. In all cases a complete appraisal was made before disposition. The total of the prices secured is greater in aggregate than the total appraisal value. To ensure, however, the fair treatment promised in 1944, the government is prepared in cases where it can be shown that a sale was made at less than a fair market value to remedy the injustice.

Of 20,558 persons of Japanese origin now in Canada, there are fewer than 1,700 who have not as yet settled in new homes and employment. Of these 1,700, a large proportion are aged persons, invalids, or persons otherwise unemployable. These persons are still in government relocation centres.

In 1941, out of a total population of 23,149 persons of Japanese origin, 22,096 resided in British Columbia; only 1,153 resided in all the rest of Canada. On December 31, 1946, the total had decreased to 20,558. Of this number only 6,776 were in British Columbia, while 13,782 now live in other parts of Canada. Since 1941 the population of British Columbia of Japanese origin has declined by 15,320—or approximately two-thirds. In addition, the pre-war concentration on the coast has been eliminated.

To assist in the resettlement of persons of Japanese origin the government provided free transportation to new locations in Canada, gave financial assistance in resettlement, and; through the Department of Labour, assisted in securing suitable employment outside British Columbia.

To ensure the success of the resettlement, the government has decided to continue the restrictions on movement which are at present in effect. The provision respecting fishing licences which applies to persons of Japanese origin will also be continued. All other Orders in Council and special controls respecting persons of Japanese origin, other than those necessary to complete the administration of assets already vested in the Custodian, have been revoked."

Source: Nikkei National Museum, 2018-16-1-47-8
www.nikkeimuseum.org

MG 26 J 4 Vol 283 File 2965.

Confidential

King Papers

C19-1869

~~1945~~ ~~1946~~ 1947 ? influence to by-elects p2.

Re: Japanese orders under Transitional Measures Act.

The attached letter from Mr. Senior seems to me full of good sense. There are presumably two considerations of which account should be taken in deciding on this matter:

1. Political considerations,
2. Considerations of Justice.

Political considerations

It is argued that opinion in Vancouver is still hostile to the repeal of the orders. There is soon to be a by-election. Why not leave things alone until the election is over?

That might be a sound position if things could be left alone, but they cannot.

When the new Bill is introduced the C.C.F. will bring forward an amendment. It will be easy to devise an amendment that is in order.

To vote for the continuance of the orders will be acutely embarrassing, politically to almost all Liberal Members from Manitoba and Ontario, and probably to many from Quebec and the Maritimes. (The influence of the Winnipeg Free Press and its satellites, the Toronto Star

Source: Nikkei National Museum, 2018-16-1-47-9-1
www.nikkeimuseum.org

C19-1880

and Saturday Night, to say nothing of the Churches, will all be on one side).

What about B.C.?

The attitude there has changed greatly, as the recent outcry against the action of the provincial government showed. Probably some so-called Liberals might vote Tory in the by-election. But everyone agrees it is the C.C.F. and not the Tories who are the threat in Vancouver. And it might well prove that many genuine Liberal votes would be thrown to the C.C.F. on a fundamental issue like this.

Moreover, everyone knows the orders must be repealed sooner or later. If action were taken now, the effect on the anti-Japanese sentiment would probably be largely gone by the time of the by-election, whereas 1948 those who feel fundamental Liberal principles have been betrayed are not so likely to forget.

Considerations of Justice

The original action in interfering with the rights of Canadian citizens exclusively because of their race could only be justified by the acute character of the war time emergency. No one can argue that the emergency still exists in this field. The only possible justification

Source: Nikkei National Museum, 2018-16-1-47-9-2
www.nikkeimuseum.org

C19-1691

for continuing the orders is expediency. They are a flagrant violation of nearly every fundamental Liberal principle and deeply obnoxious to hundreds and, indeed, thousands of the best Liberals in the country.

Therefore, it would seem that, while there may be arguments of a political character on both sides, even there the weight seems on the side of repeal. On grounds of justice and on the basis of fidelity to Liberal principles, there is only one side to the question.

Source: Nikkei National Museum, 2018-16-1-47-9-3
www.nikkeimuseum.org

D 284

JAPANESE CANADIAN COMMITTEE FOR DEMOCRACY

84 GERRARD ST. E., TORONTO ★ TELEPHONE AD. 2547

January 28, 1947.

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

Dear Friends:

This is an emergency notice to all Japanese Canadian organizations in connection with the Economic Loss Survey fund raising campaign.

The JCCD must revise its plans in this matter of fund raising owing to the nature of the recent statement by the Prime Minister and its effect on the Co-operative Committee's plans.

At the meeting of the Co-op. Committee last night, Monday, January 27, Mr. Andrew Brewin, legal counsel to the Co-op. Com., presented a letter from the Prime Minister which was addressed to the Co-op. Com. Mr. Brewin had just that morning returned from Ottawa where he had an interview with Mr. Robertson, the Prime Minister's secretary.

As members of the Co-op. Com., the JCCD representatives heard this statement from the Prime Minister and specifically addressed to the Co-operative Committee.

Quote: "With respect to the property of persons of Japanese origin who were removed from the Pacific Coast, and whose property was sold by the Custodian, the Government is of the opinion that the sales were made at a fair price. In all cases a complete appraisal was made before disposition. The total of the prices secured is greater in aggregate than the total appraisal value. To ensure, however, the fair treatment promised in 1944, the Government is prepared, in cases where it can be shown that a sale was made at less than a fair market value, to remedy the injustice."

The Government leaves an obvious loophole, as can be seen in the above underlined part of the Prime Minister's statement.

It is now up to the Japanese Canadian organizations across Canada to produce fair evidence by this survey that Japanese Canadian losses were substantial. (This, of course, includes all Evacuees of Japanese Origin.)

The JCCD presented the following facts regarding the recently conducted local Toronto survey. It is fortunate that the Local survey was completed in time, as it shows to the Co-operative Committee in convincing figures a clear picture of facts regarding economic losses suffered.

The Toronto survey covered approximately 1,800 individuals. We quote the following figures in totals. They include the following types of property losses only: Real Estate, Business, Farms, Fishing Boats and Gears.

(next page)

Source: Nikkei National Museum, 2018-16-1-47-10-1
www.nikkeimuseum.org

Estimated Value at time of evacuation.	Owner's forced sale price or Custodians sale price. (the majority were under the latter category)	LOSS
$1,400,395.66	$351,334.86	$1,031,732.89

(In some cases, a complete loss was stated by the owner.)

The Co-operative Committee realizes that a great deal of work must be done, even after the nation-wide survey is completed, before the case of the Japanese Canadian Evacuee Losses can be presented to the Government. The JCCD serves as a sparking element in this organization, for, after all, it represents the people of Japanese origin who suffered these losses.

The JCCD now wishes to stress this fact to your organization. Apart from the estimated sum of $2,000.00 which will be required to carry out this survey alone, a greater sum will be needed to finance and carry out this big job of seeking Restitution from the Government after this initial survey is completed.

Therefore, the JCCD urges that your organization do its best to raise as great a sum as possible while conducting this present Economic Loss Survey of British Columbia Evacuees.

If possible, it is suggested that a minimum of $2.00 per person be collected. Contributions can be greater or smaller, as this is not a charge but is a voluntary effort.

Thanking you, we remain,

Very sincerely yours,
JCCD

George Tanaka, Chairman.

Source: Nikkei National Museum, 2018-16-1-47-10-2
www.nikkeimuseum.org

File F 3850
MG26 J4 Vol 361 J/BC C249758

Memorandum for the Prime Minister:

Re: Policy Concerning Japanese in Canada

A few days ago you asked me to collect the clippings of newspaper reaction to the recent announcement of government policy concerning the Japanese, and also to send forward copies of the orders in council that have been continued in effect.

The attached clippings are those that have been received thus far. In substance the reactions fall into two groups: those approving the government policy, and those criticising the government policy as not going far enough toward the total removal of discrimination. No newspaper items, nor any letters have yet been received suggesting that the original policy of deportation should have been retained. The most critical newspaper comments thus far are those of the Toronto Star, the Montreal Star, the Calgary Herald, and the Toronto Globe and Mail, all of which condemn particularly the retention of movement control.

Apart from the orders in council authorizing the continued administration of property vested in the Custodian, the two orders in council continuing in effect are P.C. 251 of 1942 and P.C. 946 of 1943 (the latter having been amended extensively last week). P.C. 251 provides that no fishing licences, nor any permits to serve on fishing vessels shall be issued to persons of Japanese racial origin "in or off British Columbia". P.C. 946, as amended, authorizes the Minister of Labour to pass regulations to prevent the movement of persons of Japanese origin except under permit issued by the Minister. The intention is to have both of these orders continued in the schedule to the new Transitional Powers Act.

R. G. R.

February 1, 1947.

FILE: COLLATERAL
WWII - JAPANESE CANADIANS

Source: Nikkei National Museum, 2018-16-1-47-11a
www.nikkeimuseum.org

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CAN. NUMBER MG 26 J4, V 361
COTE

DATE 4/1/77

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Source: Nikkei National Museum, 2018-16-1-47-11b
www.nikkeimuseum.org

ornia to make their home. Mr .and Mrs. Mose Fromm motored them to their new home in Moses' new Jeep station wagon. Mr. and Mrs. Fromm will visit relatives in California for a short time before returning home. Miss AdaBell Bascom will leave later to join her father.

• • •

Mr. nd Mrs. Marvin H. Torrie of Grassy Lake visited in Raymond with Mrs. Torries mother Mrs. Irene Redd.

§

W. I. Regular Meeting

The regular meeting of the Women's Institute was held at the home of Mrs Ira McBride with President Letitia Litchfield presiding. The meeting opened with singing Old Black Joe followed by flag salute with Mrs. Doras Hall and Creed by Mrs. Elizabeth Fisher. Roll Call was answered by nineteen members who exchanged valentines each person reading the verse inscribed. Two visitors were present. Minutes of the January meeting were approved and Mrs. May Kitchen was appointed delegate to attend the Alberta Womens Institute district No. 4 Conference in Calgary on March 5th and 6th. Many articles were handed in for the February work project also a complete set of quilt blocks were donated by Mrs. Sarah Holmes Mrs. Clara Rolfson reported sending a food parcel to England. Mrs. W. Paris gave a talk on the W.I. Golden Jubilee year giving the history of the Alberta Womens Institute. A musical reading "The Drowning Singer was given by Mrs. Geneva Erickson, and Mrs. Lucille Paxman read a very interesting short story entitled "The most Unforgetable Character I Have Ever Met". Mrs. C. W. Lamb received the door prize; Mrs. Anne Adams became a new member. The next meeting to be held at the home of Mrs. Anna Woolley. After community singing the meeting adjourned. Mrs. An- Selman assisted Mrs. McBride in serving lunch.

§ 1947 ←

Miss Shirley Allen entertained friends at a valentine party at her home Friday evening. Games and contests were enjoyed and after a lovely lunch the party attended the Gold and Green Ball.

Thursday to the Miladi Club.

Mrs. A.C. King gave an interesting review of Robert Costain's "Ride With Me". Three new members were admitted to the club, Mrs V.J. Harney, Mrs. Gerald Gibb and Mrs. Wilson Rolfson. Mrs. Edith Fairbanks of Burbank California was a special guest.

CAMPUS CAPERS

by MISAE HIRONAKA

The controversy raging in the school now is: "What are the school Colors?" The earliest colors that symbolized our little red school house were orange and black. They were changed when a certain executive decided that the royal colors of purple and gold suited the school much better. They were soon forgotten. The A team bought red and white suits, the school sweaters two years ago were also red and white. At present there are no colors that mean R.H.S. to the students or to the public. Bud Wood, president of our institution thinks that in spite of all the bother, we should go back to the traditional orange and black. and that I think is the opinion of a good many students and alumnai. However there is some opposition. Red and white look very good toget her, they are different from the colors of most other schools in this district, whereas, orange (yellow or gold) and black are very common. How is all this to end? Since there is no clause in the constitution of the school stating definitely what the colors are, the question will be put to a vote on Friday. A three-quarters majority will change the constitution and decide definitely what the colors are.

The first Hi-Times was printed in 1939 with Don Wells as Editor. This is the 8th year of publication and the editor now is James Heninger. A special issue was printed last week stating briefly the constitution of the school,, which was unknown to many students, and the state of affairs regarding the school colors.

"We're going to move tomorrow, this week; this month." Many of the Japanese evacueee are moving. After 5 years of beet work many of them are going east to see the country, get a different type of work, go to school or what have you. We would like to wish you the best of luck in your new homes. We enjoyed working with you during the time that you were at the R.H.S.

From Magrath: Murray Bullock, Wing; Dean Bullock, Centre; Gordie Rice, Wing; Thygesen, Defense; Elmer Gorham, Wing.

Great Falls people apparently go strong for the type of play our boys put out, for they extended a hearty invitation to them to return. They also requested a game on our rink but due to the fact that there is no place to play, were turned down.

Why haven't we a place for teams such as this to come and play? Surely there are enough fans who enjoy this thrilling sport to warrant at least a covered rink. Even without artificial ice, a cover would go a long way toward preserving a sheet of ice long enough to give teams from as close as Great Falls time to get here with some assurance that there would be ice when they got here. Then, too, when such necessary alterations were taking place it would not bee to hard to make some provisions for the fans themselves. It takes quite a bit of room to accomodate enough fans to pay the expenses of a visiting team and this we can hardly expect with the room available now.

It's high time, we say, that something was done.

One of the fastest and best played games in the annals of basketball history in the Town of Raymond was won Wednesday night by the team composed of the Business men of Raymond. Their opponents, the Sodbusters, tried every trick and strategy in their repertoire, gained from years of basketball experience but could not out do the fast playing, sharpshooting Business men. The score, when the final whistle blew, was Business men 18, Sodbusters 15. A rematch is being considered, at the request of the Sodbusters who would have it that the winning team be considered visitors and f[illegible]non chicken, accordingly. [illegible] scribe thinks this a very good idea, and would like the opinion of the Business men's team members.

The line up of teams is as follows We are sorry we could not get the individual scores:
Business men: Rol Stone, Ken Stone Lyman Jacobs, Athol Cooper, Dr. Walker, Ira Bourne, Billy Hogue, Winston Shaw and Darrel Miller
Sodbusters: Billy Meeks, Jack Evans Mel Dorew, Fay Walker, Claude Peterson, Bruce Galbraith, Carl Salmon, and Rudy Audinsert
Whistle blowers: Cliff Nelder and

ary. J. V. Heggie president by the meeting with All

Schedule Conferenc

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Raymond Recorder 20/2/47 or 7 Jan 1947 file

Source: Nikkei National Museum, 2018-16-1-47-12
www.nikkeimuseum.org

CABINET DOCUMENT
No. 317
Copy No. 25

Victoria Bldg.,
Ottawa, Ontario,
February 17, 1947.

MEMORANDUM TO: The Honourable Colin Gibson,
Secretary of State.

RE: Claims by Japanese Evacuees.

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

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

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

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

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

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

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

Source: Nikkei National Museum, 2018-16-1-47-13-1
www.nikkeimuseum.org

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

In my report to you under date of 3rd instant, I reviewed the work of the Custodian's Office in Vancouver and outlined the procedure followed relative to the establishment of independent Committees, one to supervise disposal of Greater Vancouver Properties under the Chairmanship of Mr. Justice Smith and the other to supervise the disposal of Rural Properties under the Chairmanship of His Honour Judge Whiteside. In this report, I pointed out that the Custodian had disposed of 1,607 parcels of real estate showing an appraised value of $2,292,624.25, and sales value of $2,411,285.00 - excess of sales value over appraisal - $118,660.75; and also submitted Statement of Cash Realization of Evacuee Assets and Revenues amounting to $5,373,317.64.

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

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

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

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

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

We are of opinion that while some claims may be made in regard to properties which this office has advertised and sold on the basis of valuation and with the approval of the Advisory Committees, generally speaking, the sale prices can be justified. We have pointed out, however, that the Government may need to face the fact that the valuations of the Soldier Settlement Board appraisers, which formed the basis of the sale to the Director, Veterans' Land Act, may have been below a value which might fairly have been placed upon these properties by other appraisers. The total Soldier Settlement valuation was $867,000.00. The original offer was for $750,000.00, and after negotiating, this was raised to $850,000.00.

Source: Nikkei National Museum, 2018-16-1-47-13-2
www.nikkeimuseum.org

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

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

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

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

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

K. W. Wright
Counsel to the Custodian.

Source: Nikkei National Museum, 2018-16-1-47-13-3a
www.nikkeimuseum.org

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CALL NUMBER RG 36/27, Volume 35, File 2203
COTE

DATE July 25, 1983

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Source: Nikkei National Museum, 2018-16-1-47-13-3b
www.nikkeimuseum.org

Removal of Japanese From Alberta Doubted

FEB 10 1947

EDMONTON, Feb. 11 (CP) Premier Manning said today the Alberta government has reminded the Dominion government several times since the end of the war of the agreement that Japanese placed in this province after their evacuation from the Pacific coast would be removed.

Mr. Manning was commenting on a statement by Labor Minister Mitchell in the House of Commons Monday that no province has asked for the removal of Japanese brought into Canada during the war.

The premier would not say what stand the Alberta government will take on this attitude of the federal authorities until he has conferred with his cabinet.

Another Alberta government official indicated the provincial government might be only wasting its time in demanding removal of Japanese.

"Even if the federal government fulfilled the agreement and removed the Japanese to somewhere else in Canada, there would be nothing to prevent them from returning to the Alberta homes they started," the official declared.

"With the lifting of certain wartime restrictions on their citizenship, the Japanese now could move right back into the province, unless some special provision was made to keep them out."

This, he added, would be unlikely.

Should Treat Japanese [illegible]

Editor, The Herald:—

May we be permitted to reply to your recent editorial "Spread the Japanese Right Across Canada." We feel it contains erroneous statements and inferences. Our interest in this matter is purely one of attempting to have the so-called Japanese question dealt with not by prejudices but by justice and fair play. Immigration - Canada - Japanese

The following facts seem to bear on the case. Because they were kept out of labor unions and otherwise prohibited from sharing with white people the better-paid jobs, the Japanese Canadians were forced to work for lower wages in order to get work at all. The much-vaunted lower standard of living of the Japanese was just as much an effect as a cause.

But despite lower earnings many Japanese were able to save a bit of money. You say they sent it to Japan to support aggression (presumably against the Chinese.)

You forget that a large percentage of the Japanese in British Columbia had wives and children and perhaps destitute parents in Japan. The care of these was a family obligation. Japanese family loyalty is world famous. Money was sent to Japan to provide for these dependents and for that the Japanese in Canada

Hitlerism in Alberta

Immigration - Canada - Japanese

MAR 5 1947

An Editorial in The Lethbridge Herald

It was implied in debate at Ottawa recently that if it had not been for the availability of Japanese in the war years, the sugar beet industry might have collapsed because of inability to obtain labor from other sources. Looking back over this period, there is much to substantiate the claim. Labor of all kinds was in heavy demand, men were leaving the farms to work in the factories, producing war materials, and there was no immigration. The placing of the Japanese in the sugar beet districts was a godsend. It solved a problem that, without the presence of the Japanese, would have forced the industry up against a probably unsolvable situation. What's happening now? Hundreds of Japanese are going to other parts of the country, releasing the labor power for the province's sugar farms at a time when relief from other sources is not in sight.

★ ★ ★

Why are the Japanese leaving? There is one answer only and that is that they have no assured future for them in Alberta. The provincial government is cool to the suggestion that they should remain and become permanent residents. Other provinces, except British Columbia, are not acting likewise. The Japanese are finding a ready welcome elsewhere.

Here's an instance where Alberta is cutting off its nose to spite its face. If we lose the Japanese, who is going to look after the beets? We had, for a time, the assistance of the German prisoners of war, but they are with us no more. There is no immigration of the sort that would come into the beet farming picture. In other words, before 1947 is far advanced, we are practically certain to face a severe labor shortage [illegible]

Alberta's attitude towards the Japanese is based on racial dislike, not on justice, fair play or sound reason. Our Japanese are worthy Canadians. Our new Citizenship Bill eliminates racial hyphenates and treats all our citizens as Canadians. But Alberta turns the cold shoulder on Canadians of Japanese extraction and treats them with even more distrust than do the Southern States their Negro population. Actually, Alberta is taking a Hitlerite attitude, treating an element of Canadian citizens as the Nazi dictator did the Jews.

★ ★ ★

These Canadians of Japanese origin are not lowering wage levels or living standards. They live and dress as well as their neighbors. They are intelligent; most of the younger element only know the English language and take high standing in our schools. For four or more years they have been working on beet farms. They have learned how to sow, how to thin, how to harvest beets, until they have become skilled workers. And now we do not encourage them to remain with us so that their experience can be useful to an expanding industry.

We do not hesitate to say that the Japanese in Southern Alberta during the war period, when feelings were high and distrust was easy to raise, conducted themselves as loyal citizens. There was no evidence of sedition, no spy was discovered amongst them. Many of them were eager to answer the call to serve in the armed forces, just as other Canadians, but we treated them differently than others of enemy origin and we are continuing to do so now that the war is over and when we have declared under the United Nations charter to make no

Ask Permission To Live In City

Immigration - Canada - Japanese

JAN 22 1945

Two additional Japanese ha made application to city counc for permission to live in the cit to attend educational institution

Two applications were approve by city council two weeks ago.

One of the new applicants is Sumi Iwaasa, of Raymond, sister of Jeaune Iwaasa, who was one of the Japanese given permission to live in Calgary to attend a tractor course. Miss Iwaasa said her brother had gone to Winnipeg to take the tractor course, and she wished to come to Calgary in his place to attend school.

The other is Tetsuo Aoki, 25, of Iron Springs, who said he was born in British Columbia, of Japanese parentage. He asks permission to enter the city to attend Normal school until March 31. He said he had been in the officers' Training Corps at University of British Columbia.

The applications will be presented to city council at the next regular meeting, February 5.

Source: Nikkei National Museum, 2018.46.1-47.14
www.nikkeimuseum.org

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

B105

DRAFT RE TERMS OF REFERENCE TO JAPANESE CANADIAN PROPERTY CLAIMS.

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

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

2. The Commission shall have jurisdiction to investigate and decide upon any claim by a person of the Japanese Race, arising on or after December 7th, 1941, when and to the extent that such claim has not been compensated for by insurance or otherwise, and is substantiated in such manner as the Commission may prescribe for damage to or loss or destruction to the real or personal property vested in the Custodian, or other impairment of assets that fairly arise out of or is a reasonable or natural consequence of the evacuation of such person from the protected area in British Columbia by reason of the order of the Minister of Justice under Regulation 4 in the Defence of Canada Regulations or under P.C. 1665 of March 4th, 1942, or any other law or order requiring the evacuation of the said area by persons of the Japanese Race.

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

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

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

(b) The Commission shall not consider any claim

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

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

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

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

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

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

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

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

(NOTE: the above rough draft was handed to Colonel Gibson, Secretary of State, by Mr. Brewin at their meeting in Ottawa on Monday, March 10th, and was prepared by Mr. Brewin and the Co-operative Committee's legal committee.)

(1947?)

Source: Nikkei National Museum, 2018-16-1-47-15
www.nikkeimuseum.org

March 27, 1947

MEMORANDUM TO THE SPECIAL CABINET COMMITTEE ON CLAIMS BY JAPANESE EVACUEES

The type of claim in which the Custodian is particularly interested relates to the liquidation of real and personal property left in the Protected Area of British Columbia. Representations made indicate that the Japanese claimants feel that the losses they incurred went far beyond this. By reason of evacuation they were required to surrender their businesses and the positions in which they were employed and generally speaking, their chances of earning a livelihood were cut off. All such claims are based upon the economic loss caused by the results of evacuation. Unless the enquiry is strictly confined to claims of the nature mentioned in the Prime Minister's announcement of January 24, 1947, it is reasonable to suggest that claims put forward will go beyond those referred to in the statement. In support of this, I attach copy of a Questionnaire which, I understand, is being used by the Japanese Canadian Committee for Democracy in their survey.

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

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

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

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

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

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

Source: Nikkei National Museum, 2018-16-1-47-16-1
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to any land or property, shall estimate or assess the value or amount thereof at the time when the land or property was taken, or the injury complained of was occasioned".

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

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

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

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

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

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

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

Source: Nikkei National Museum, 2018-16-1-47-16-2
www.nikkeimuseum.org

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

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

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

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

Should the Commissioner be empowered to entertain such claims?

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

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

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

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

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

By Government Notice, dated February 26, 1942, the Minister of Justice ordered the Japanese to deliver up motor vehicles, cameras, radios and

Source: Nikkei National Museum, 2018-16-1-47-16-3
www.nikkeimuseum.org

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

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

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

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

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

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

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

Source: Nikkei National Museum, 2018-16-1-47-16-4
www.nikkeimuseum.org

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

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

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

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

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

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

Secretary of State

Source: Nikkei National Museum, 2018-16-1-47-16-5
www.nikkeimuseum.org

COPY Document #17 5 EAD/CM

DEPARTMENT OF JUSTICE, CANADA

Ottawa April 1, 1947

152189
Your File No. J-175

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

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

Encl.

"F. P. Varcoe"

Deputy Minister

The Under Secretary of State

O T T A W A

Source: Nikkei National Museum, 2018-16-1-47-17-1
www.nikkeimuseum.org

COPY

OTTAWA , April , 1947

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to report as follows:

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

That by Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property.

That during the war fishing vessels belonging to persons of the Japanese race were impounded and by Order in Council P.C. 288 of January 13, 1942, a committee on the disposal/

Source: Nikkei National Museum, 2018-16-1-47-17-2
www.nikkeimuseum.org

disposal of Japanese fishing vessels was established and was empowered, inter alia, to make such arrangements as would make it possible for the owners of such detained vessels freely to negotiate for sales of such vessels.

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

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

The undersigned, therefore, has the honour to recommend:

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

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

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

Source: Nikkei National Museum, 2018-16-1-47-17-3
www.nikkeimuseum.org

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

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

SCHEDULE

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

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

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

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

   (a) the Custodian, or

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

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

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

Respectfully submitted,

Secretary of State.

Source: Nikkei National Museum, 2018-16-1-47-17-4
www.nikkeimuseum.org

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SECRET

COPY NO. 12

CABINET COMMITTEE ON JAPANESE QUESTIONS

The eighth meeting of the Cabinet Committee on Japanese Questions was held in the Privy Council Chamber on Monday, April 21, 1947 at 10:00 a.m.

Present

The Minister of Labour (Mr. H. Mitchell) in the Chair

The Minister of Veterans Affairs (Mr. I.A. Mackenzie)

The Minister of Justice (Mr. J.L. Ilsley)

The Secretary of State (Mr. C. Gibson)

The Minister of Mines and Resources (Mr. J.A. Glen)

The Minister of Finance (Mr. D.C. Abbott)

The Minister of Fisheries (Mr. H.F.G. Bridges)

From Privy Council Office (Mr. Raymond Ranger) Secretary

Also Present

The Deputy Minister of Mines and Resources (Dr. H.L. Keenleyside)

From Department of Labour (Mr. A.H. Brown)

From Immigration Branch (Mr. A.L. Jolliffe)

From External Affairs (Mr. A.R. Menzies)

From Department of Justice (Mr. D.H.W. Henry)

From Prime Minister's Office (Mr. R.G. Robertson)

From Custodian's Office (Mr. K.W. Wright) (Mr. F.G. Shears)

The Chairman drew attention to the Prime Minister's statements in 1944 and in January of this year that fair

Source: Nikkei National Museum, 2018-16-1-47-18-1
www.nikkeimuseum.org

April 25, 1947

Notice sent to: Hon. Mr. Mitchell
Rt. Hon. Mr. Mackenzie
Rt. Hon. Mr. Ilsley
Hon. Mr. Gibson
Hon. Mr. Glen
Hon. Mr. Bridges
Mr. R.G. Robertson
Mr. L.B. Pearson
Mr. Heeney
Hon. Mr. Abbott

also sent to: Mr. A. MacNamara

Mr. D.H.W. Henry

Mr. K.W. Wright

Dr. H.L. Keenleyside
Mr. A.L. Jolliffe
Mr. W. Halliday (circulation)
for their information

Source: Nikkei National Museum, 2018-16-1-47-18-2
www.nikkeimuseum.org

treatment would be granted all loyal Japanese Canadians and that the Government would be prepared to remedy any injustice in cases where it could be shown that sale of property had been made at a loss rather than at a fair market value.

The Secretary of State, in this connection, referred to:

(a) a draft submission to Council (copies of which had been circulated, document JAP 5) recommending appointment of a Commissioner to inquire into claims, set out in the Schedule hereto, arising from sale of property of Japanese Evacuees by the Custodian of Enemy Property, and

(b) a memorandum (copies of which had been circulated, document JAP 5) showing the types of all other claims not covered by the draft submission to Council and on which representations might be made for possible extension of the terms of the above submission.

The Committee, after considerable discussion, agreed:

(a) that a Commissioner be appointed to investigate the said claims of Japanese Evacuees and to make recommendations with respect thereto;

(b) that only those claims submitted by Japanese Evacuees resident in Canada on the date of the passing of the Order be considered; and,

(c) that the terms of reference mentioned in the draft submission to Council be revised along the lines as indicated in the course of discussion, for further consideration at the next meeting.

Raymond Ranger,
Secretary.

Privy Council Office,
April 24, 1947.

Source: Nikkei National Museum, 2018-16-1-47-18-3
www.nikkeimuseum.org

1/5/47

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

B100

MEMO FOR INTERESTED GROUPS ACROSS CANADA

Attached hereto is a statement prepared by the Co-operative Committee.

We have written an urgent letter to the Prime Minister about the necessity for establishing a Commission that will investigate property losses and give fair compensation.

As will be seen from the statement, there seems to be a serious danger that the terms of reference in regard to the property losses will be so much narrower than the corresponding bill before the Congress of the United States that it will not be possible to establish fair rates of compensation.

Much attention has been given to the fact that sales were made by the Custodian at less than fair market values. This unfortunately obscures the real fact that a substantial amount of the losses sustained by the Japanese Canadians as a result of the evacuation orders arose before the Custodian took control, and that even in the many cases in which the Custodian and his representatives acted carefully and properly, substantial losses have been incurred.

We urge that interested groups make representations as early as possible to the members of the Cabinet and inform their local newspapers of their resolutions, urging that the property losses of the Japanese Canadians be fully investigated 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. The point should be emphasized that we in Canada should certainly do no less than the United States government is proposing. As the matter is now before the Cabinet, no time should be lost.

Mrs. Hugh MacMillan,
Secretary to Co-operative Committee,
126 Eastbourne Ave., Toronto, Ont.

Source: Nikkei National Museum, 2018-16-1-47-19-1
www.nikkeimuseum.org

COOPERATIVE COMMITTEE ON JAPANESE CANADIANS

NEWS BULLETIN NO. 9. May 1, 1947.

THE PROPERTY ISSUE The major question that remains to be settled, if Japanese Canadians are to get fair treatment from the people and government of Canada, is restitution for property losses through mass evacuation from the coastal areas. The Government order of Feb. 26, 1942, required all Japanese Canadians to leave their homes and properties on short notice. In a setting of confusion and hysteria, stocks, businesses, and property were sold at sacrifice prices, and inadequate arrangements were made for the protection and management of property. In the interval between the order for evacuation and the order on March 27, giving control of property to the Custodian some goods had unaccountably disappeared, properties had deteriorated, and substantial losses had already been incurred. Between February and July, 1942, the Fish Committee (established by Order-in-Council P.C. 987) sold or leased most of the Japanese-owned fishing boats and equipment on the Pacific coast, and in July the remainder were turned over to the Custodian of Alien Property. In June 1942, Japanese farm properties, comprising approximately 1000 farms were, placed under the control of the Director of Soldier Settlement of Canada for administration, and subsequently the greater number of them were expropriated for postwar veteran settlement.

Parliament and the press have criticized the action of the Custodian in handling the sales of the property, but such criticism should not be allowed to obscure the main fact that substantial losses had been sustained before the Custodian had taken over. No matter how carefully the Custodian tried to secure fair appraisal of values, it was impossible to realize the price equivalent to those prevailing before the evacuation order.

In the United States the government has presented to Congress a bill which provides for compensation for any losses fairly arising out of the evacuation orders, and the setting up of a commission with full authority to inquire into the matter and decide what is fair and equitable. It should be noted that the United States Government did not sell the property of Japanese Americans.)

The Japanese Canadians might well claim that they should be entitled to restoration of their property where this is possible, and, indeed, now that the war is over, they are in principle entitled to this. However, many of them have been resettled across Canada and do not desire to return to their former homes even if they could.

In these circumstances, in order to do full justice, the Government of Canada can do not less than the American Government proposes, namely, to set up a commission to inquire into all losses arising out of the evacuation order.

On January 24, 1947 the Prime Minister stated that the Government would give consideration to cases where it could be shown that sales were made by the Custodian at less than a fair market value, and the Cabinet is at present considering the form of the commission to be set up. However, on April 24th, the Secretary of State indicated in Parliament that the Government proposes to set up a commission to consider cases only where the Custodian was responsible. If terms

Source: Nikkei National Museum, 2018-16-1-47-19-2
www.nikkeimuseum.org

of reference are so narrow that they are confined to cases where it can be shown that the custodian acted improperly or carelessly, many cases of serious injustices and substantial losses will not be met.

The Cooperative Committee believes that the people of Canada as a whole earnestly desire that full justice be done in regard to these property losses which were inflicted upon innocent poeple through no fault of their own. If the terms of reference to the commission are as narrow as the Secretary of State now indicates, full justice will not be done.

Urgent representations have been made to the government by the Cooperative Committee on Japanese Canadians, and should be made by all Canadians who are concerned to see that justice is done.

The proposed deportations, the many restrictions imposed on Japanese Canadians and the many hardships which they have sustained make it extremely urgent for the good name of Canada that recompense be provided on the fairest terms.

The conscience of the people of Canada has been aroused in this matter, and the Government would do well to grant generous compensation for all losses sustained due to evacuation.

REMAINING RESTRICTIONS On April 24, 1947, the Canadian Parliament, by a vote of 105 to 31 (107 members being absent), sustained the continuance of restrictions on movement and the issuance of fishing licenses on all Japanese Canadians in the province of British Columbia. In addition, no person of the Japanese race can enter the province without a permit from the Chief Commissioner of Placement in British Columbia. These restrictions will remain in effect until March 31, 1948, the date on which the Continuation of the Emergency Powers Act will lapse.

Source: Nikkei National Museum, 2018-16-1-47-19-3
www.nikkeimuseum.org

1947

My honourable friend from Vancouver South (Hon. Mr. Farris) probably noticed in a newspaper article of a few days ago a statement by a very clever and efficient lady, Mrs. Leslie Hodges of Montreal, who was in charge of the women's organization in connection with the Wartime Prices and Trade Board. While addressing her organization and thanking them for the splendid work they had done during the war, she said that in her opinion the time had come when all controls ought to be abolished.

I say this in a most friendly manner to my honourable friend and to the members of the government. After having had such strict controls in operation during the war it is very difficult for the government to be brought to feel that the war has been over for two years, and that it is now time for cessation of those controls. The ministers have no doubt been largely influenced both by the controllers and the large organizations that have been under them. We have far too many of these officials in Canada today; I should say thousands too many, from one end of the country to the other. And when the government ask these so-called experts what should be done, the reply is: "Oh, you must continue this, and you must continue that, and you must continue the other thing".

I have looked over this bill only in a very hurried manner, but I have noticed one very important clause in it with reference to seamen. The honourable senator from Lunenburg (Hon. Mr. Duff) knows more about this subject than I do, but I am aware that under the Shipping Act, to be a ship's master you must hold a master's certificate, and to be a chief engineer you must hold a chief engineer's certificate. If this bill were passed without this clause being altered, almost any man could be master of a ship; the second engineer or the third engineer could be appointed first engineer—all this being left to the discretion of the Minister of Transport.

Honourable senators, I have perhaps spoken too long on this very important bill, but I want to reiterate that if the government desired to please the majority of the people, and not the minority, it would never have introduced the bill. I do not profess to be a constitutional lawyer in any way, but I say—and my honourable friend from Churchill (Hon. Mr. Crerar) will agree with me—that if this bill had never been introduced parliament could have functioned and carried on in a constitutional and regular manner in spite of every emergency that my honourable friend from Vancouver South (Hon. Mr. Farris) has referred to.

In conclusion, may I say that I am lining up with the financiers and business men of this country in a protest that the time is long overdue when controls should have been abolished. I know that we on this side of the house are too few in number to prevent the passage of the bill; but I do hope that it will be pared down and that it will receive the usual careful consideration when it is referred to committee.

Speaking more as a business man than anything else, for I am still closely associated with that class, I say that we shall continue to operate, but expansion will not be as great and costs will not be as low as if this bill had never been introduced into parliament.

Hon. THOMAS A. CRERAR: Honourable senators, we are all indebted to the honourable senator who explained this bill (Hon. Mr. Farris) for the clear exposition he gave of the necessity for the measure and of this manner of proceeding to enable the government to retain necessary powers for another year. Other methods of procedure might have been adopted. The government could have introduced 57 different bills, covering the matters referred to in this so-called omnibus bill. I think the procedure adopted is perhaps the best.

I do not like controls any more than does the honourable senator from Vancouver South (Hon. Mr. Farris), or any other member of this house. There is a good deal of truth in the honourable gentleman's statement that through the exercise of controls people become more or less habituated to them; and our younger generation grows up in an atmosphere of control and perhaps does not fully recognize and realize the value of liberty and freedom of the individual. But I differ with my honourable friend from Alma (Hon. Mr. Ballantyne) in his rather sweeping statement that all the controls might well have been abolished. Certain ones, I think, must be maintained for another year—perhaps two or three years.

The immense dislocations created by the greatest war in history are still with us. I have no doubt whatever that if, for instance, rental controls were abolished there would be a sharp increase in rentals and continuing dissatisfaction therefrom; and that would immediately become a factor in creating labour and other unrest. Therefore, I think it is essential that some measure of rental control be continued until conditions in the country become much more normal than they are today.

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and the loss, it seemed to me, of their grip upon liberal principles or common decency between man and man.

The situation of the Japanese group in Canada bears, in my mind, a striking resemblance to that of the Jewish group under Hitler. Except that we do not perpetrate murder upon them as he did, I find it rather difficult to differentiate between the principles of Hitlerism as it applied to the Jew in Germany and the principles of this order as it applies to the Japanese in Canada. I say to my fellow members in the Senate that I would have none of this kind of legislation; that I would not soil my hands or my reputation by voting for legislation that contains a measure of that kind. I would have none of it.

Some Hon. SENATORS: Hear, hear.

Hon. W. A. BUCHANAN: It was not my intention to participate in the discussion, but since the honourable senator for Churchill (Hon. Mr. Crerar) and the honourable senator from Toronto (Hon. Mr. Roebuck) have touched on a phase of the controls as to which I am in complete accord with their views, I feel I should express my feelings at this time.

I go back to the First Great War, when most of us went about the country saying that Britain and Canada were standing for the pledged word that Britain had given to Belgium. We boasted to the new citizens of Canada at that time, and have done so ever since, that Britain and Canada stood by their word.

When I come to deal with the question of the Japanese who have become citizens of this country, I feel that we are breaking our pledged word to them by the action we took during the war and have been taking since the end of the war.

Hon. Mr. ROEBUCK: Hear, hear.

Hon. Mr. BUCHANAN: When we allowed them to become citizens of Canada they pledged themselves to live up to the obligations of Canadian citizenship, and we accepted them as Canadian citizens under these circumstances. We have not treated them as Canadian citizens and have not trusted them as they were entitled to be trusted. I have had enough experience with them to say this: during the period of the war and since that time, the Japanese have been just as good citizens of this country as has any other element. We had no crime in which they participated during the war years, and as far as I could ascertain, they were thoroughly loyal to us; at any rate, they were citizens of Canada and deserved the same treatment as all other citizens of this country.

I think a dangerous precedent has been established in that, under certain circumstances, with a certain type of government in control of the affairs of Canada, we could endanger the position of many minorities in Canada by penalizing them on the ground of colour, race or religion. That would be disastrous. I agree completely with the senator from Toronto (Hon. Mr. Roebuck) and the senator from Churchill (Hon. Mr. Crerar) that this is entirely contrary to liberalism—and I mean with a lower-case "l". I am not speaking of party politics at all. I feel it is a dangerous precedent that we are establishing. I myself think it would be an advantage to the Japanese element and to Canada if they were distributed more evenly over the country at large and not settled in one province. I am opposed to group-settlement anywhere in this dominion. If we are going to allow citizens of other countries to enter Canada and become acquainted with our principles of government and standard of living, it is better that they mix with people who have been here for a long period of time.

May I say something else in respect to the Japanese people? They have sought and obtained education in the schools and universities of Canada. They have been taught in these schools that Canada and Britain stood for certain high principles. These young people have grown up with these thoughts impressed upon them by teachers in schools and by professors in universities and what has happened has been absolutely in contradiction to what they were taught.

Honourable senators, I do feel very seriously that this is dangerous legislation, and that it should not be placed upon our statute books and maintained. It is not only hypocritical on our own part, but in the minds of people who have come here from other lands and taken the oath of Canadian citizenship it creates the feeling that Canada does not live up to the obligations it has imposed upon them.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. WHITE moved the adjournment of the debate.

The motion was agreed to.

MILK PRICES

DISCUSSION POSTPONED

On the Order:

Resuming the adjourned debate on the motion of Hon. Mr. Murdock, that the Senate instruct the Natural Resources Committee to ascertain

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Source: Nikkei National Museum, 2018-16-1-47-20-2
www.nikkeimuseum.org

If we discontinued the control over the disposition of timber I venture to say that we would get very little lumber or building material for houses or any other kind of construction in Canada, except at much higher prices than we pay today. That condition would also lead to discontent among the people who want to build houses, and it would promote labour and other unrest. Controls on other commodities, such as sugar, are essential and should be maintained until we have more ample supplies.

I have no fault to find with the government for proceeding as it has with this bill. I do hope and expect that the controls will be removed as rapidly as can reasonably be done. Certainly we in this country do not want to get into a continuing atmosphere of regimentation and regulation of the individual. I believe honourable senators are sufficiently aware of my general views on that question so that I do not need to elaborate them.

The bill covers one order in council which I certainly should not like to see pass the Senate without a word of protest: it has to do with the control of Canadian citizens of Japanese origin. I know this subject is a delicate one, and I do not wish to discuss it in any way that will arouse feelings or antagonisms. I realize how strongly, and I think quite mistakenly, the people of British Columbia feel about this question, and I shall deal with it briefly from the angle of the elementary fundamental rights of Canadian citizens.

In this country we have several thousand Canadian citizens of Japanese origin. Some of them are naturalized; some were born in this country of naturalized parents and are just as much Canadian citizens and British subjects as are any honourable senators listening to my voice today.

For security reasons during the war it was considered necessary, not only in Canada but in the United States, to move people of Japanese origin from the Pacific coast. I have always thought that the security reasons were stretched to the very limit to justify that action; but, be that as it may, the action was taken. The war with Germany has now been over for two years, and it will soon be two years since the war with Japan ended; yet it is proposed that the extraordinary provision authorizing such action shall be continued for another year.

Honourable senators, let me emphasize that I am dealing with the case of Canadian citizens, British subjects—citizens who have just as much right to their privileges under the laws of Canada as has any honourable member seated in this house. We are asked to validate Order in Council P.C. 946 for another year. Under subparagraph (ii) of section 3—which appears on page 110 of *Office Consolidation of Orders in Council*—the Minister of Labour may "determine from time to time the localities in which persons of the Japanese race shall be placed or may reside". Furthermore, under subparagraph (iv), he may "employ persons of the Japanese race for such purposes at such rates of wages and on such terms and conditions as he deems advisable". What does that mean? That the Minister of Labour may take Canadian citizens, British subjects, simply because they happen to be of Japanese origin, and put them at any sort of labour in Canada that he wishes to put them at and pay any rate of wages he wishes to pay. That is a drastic and unjustified control over a British subject and a Canadian citizen. If we get into the easy habit of accepting these restrictions, why could not this process be applied to some other minorities in Canada if some government in the future did not like them and wished to harass them?

That is why I wholly agree with what the honourable senator who introduced the bill said, that we should have in mind that it is easy to get our people thinking along these lines and difficult, sometimes, to get them to retrace their steps.

The order contains other remarkable provisions. The minister may prevent Japanese from moving from one place to another, and they cannot move from one place of residence to another place of residence without a permit from the minister. The persons subject to these restrictions are not alien enemies, but Canadian citizens and British subjects who happen to be of Japanese origin. Frankly, I think this treatment of a helpless minority is a blot on the good standards of our Canadian citizenship.

On the larger question I have very definite views. I am opposed to any wholesale or even moderate migration of Orientals to Canada. But we may have an opportunity of dealing with this aspect of our immigration problems at another time. I say this, that we in Canada, having accepted Japanese immigrants and given them naturalization papers—and their children, born here, being entitled to all the rights of Canadian citizens—it is a harsh and unjustified discrimination to maintain these provisions in the law. I was brought up in a school of liberalism that did not believe in that sort of thing, and at this time of life I am not going to change those convictions on any grounds of expediency, no matter how much the expediency may be urged.

I just wish, honourable senators, to make this protest against that particular order in this measure.

Source: Nikkei National Museum, 2018-16-1-47-20-3
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SESSIONAL PAPER NO. 207D.
TUESDAY JUN 24 1947
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REPORT ON EXAMINATION

JAPANESE EVACUATION SECTION

OF

THE CUSTODIAN'S OFFICE

VANCOUVER, B.C.

JUNE 14, 1947

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P. S. ROSS & SONS
CHARTERED ACCOUNTANTS

MONTREAL TORONTO WINNIPEG CALGARY VANCOUVER

34 PAGES

Source: Nikkei National Museum, 2018-16-1-47-21-1
www.nikkeimuseum.org

C O P Y

Source: Nikkei National Museum, 2018-16-1-47-21-2
www.nikkeimuseum.org

REPORT ON EXAMINATION

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JUNE 14, 1947

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P. S. ROSS & SONS

Source: Nikkei National Museum, 2018-16-1-47-21-3
www.nikkeimuseum.org

ESTABLISHED 1858

CABLE ADDRESS PHILROSS

P. S. Ross & Sons

CHARTERED ACCOUNTANTS

MONTREAL TORONTO WINNIPEG
CALGARY VANCOUVER

MAJ. GEN. J. G. ROSS, C.M.G.
J. W. ROSS, LL.D. — G. E. HOULT
S. B. PECKHAM — S. R. CAMPBELL
W. G. JEPHCOTT — W. L. GATEHOUSE
H. S. HAWTHORNE — G. M. HAWTHORN
F. E. H. GATES — I. A. ROSS
J. A. ROSS — H. I. ROSS
F. A. COFFEY — G. M. SMITH
G. G. HARRIS — W. M. BRACE

ROYAL BANK BUILDING
360 ST. JAMES STREET
MONTREAL I, QUE.

June 14, 1947

The Secretary of State of Canada,
Ottawa,
Ont.

Sir:

Acting upon instructions received through the Assistant Deputy Custodian of Enemy Property, we have made an examination of the books of account and other records maintained in the Japanese Evacuation Section of the office of the Custodian, Vancouver, covering the period of approximate four and three quarter years, commencing as from the date of the evacuatio of persons of the Japanese race early in March, 1942, and ending December 31, 1946.

An interim examination of these records up to July 31, 1943 wa made previously by us upon which we reported under date of October 20, 19 In that report, we described the circumstances and uncertainty surroundin the Custodian's office taking custody of and control over the various classes of property from the evacuated persons.

The conditions, which existed at that time, made it impractic- able for that office to prepare, immediately prior to the evacuation of these people, a complete inventory as to description and ownership of the property and effects they were leaving behind and over which the Custodia office was to take control.

This lack of definite information has precluded us from obtaining a satisfactory basis upon which to conduct an audit of the ass taken over and realized. Consequently, we have been obliged to restrict

Source: Nikkei National Museum, 2018-16-1-47-21-4
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our present examination to the verification of the cash received and paid out by the Custodian's office.

There is appended hereto a copy of our report dated October 20, 1943 (excluding the exhibits then given), referred to above, which should be read in conjunction with this report.

We also attach hereto the following exhibits:

Exhibit 1 - Statement of Administration Funds and Expenditures for the period from March, 1942 to December 31, 1946.

Exhibit 2- Statement of Trust Funds for the period from March, 1942 to December 31, 1946.

Exhibit 3 - Summary of Assets under Administration at December 31, 1946.

Exhibit 4 - Schedule of Securities on Hand - December 31, 1946.

Exhibit 5 - Schedule of Balances Receivable under Agreements of Sale as at December 31, 1946.

Exhibit 6 - Schedule of Properties under Administration as at December 31, 1946.

Administration Funds and Expenses

The administration expenses of the Evacuee Section incurred from its inception early in 1942 to December 31, 1946, amounting to $764,981.33, have been paid out of monies obtained from the following sources:

Advances from Japanese Enemy section of the Vancouver office derived from:		
Enemy assets	$421,000.00	
Advances from Ottawa office	304,500.00	$725,500.00
Interest on savings bank balances - Trust Accounts		41,839.44
		$767,339.44

Source: Nikkei National Museum, 2018-16-1-47-21-5
www.nikkeimuseum.org

The unexpended balance at December 31, 1946 amounted to $2,358.11.

A statement is appended hereto, as Exhibit 1, giving the details of the funds received and disbursed on administration account up to December 31, 1946.

At the time of our interim examination in 1943 we made a complete audit of the administration account for the period up to July 31, 1943; therefore, our present examination has embraced the period from that date to December 31, 1946.

The correctness of the advances from the Enemy Section has been confirmed by reference to the records of that section. The interest received on savings bank deposits during the period under review amounting to $41,839.44 has been included as administration funds. The deposits, upon which this interest has been earned, form part of the accumulated proceeds from realization of assets of evacuated persons.

We have compared the paid salary cheques with the payrolls, and have seen the approval of the Director of the Vancouver office to all salary changes. Vouchers duly approved, supporting all other payments, have been examined. We have received, direct from the bank, a certificate confirming the bank balances at December 31, 1946, which balances have been reconciled with the relative balances shown by the records.

The amount of $7,319.54 shown on Exhibit 1, under the caption of "Office Equipment", represents the net expenditure for office furniture and fixtures, including typewriters, after crediting thereto cash received from sales of certain of such equipment not further required by reason of diminishing activities of the office. We have seen an inventory of the office equipment still in use and are informed that its present realizable value is not less than the aforementioned amount.

Fidelity bonds, of varying amounts ranging from $1,000.00 to $20,000.00, are carried on those employees whose duties involve the handling of cash and securities and the signing of cheques. These bonds, issued by the Canadian Surety Company, have been inspected by us.

Source: Nikkei National Museum, 2018-16-1-47-21-6
www.nikkeimuseum.org

Trust Funds and Accounts

There is appended hereto, as Exhibit 2, a statement of cash receipts and disbursements of the trust accounts for evacuated persons covering the period from about March 15, 1942 to December 31, 1946 of which the following is a summary.

Cash received	$5,697,449.72
Cash payments	4,616,955.96
Balance December 31, 1946	$1,080,493.76

The total cash received represents monies turned in by evacuated persons to the Custodian's office, the revenue from the administration of and the proceeds from the sales of various assets taken over from them, the details of which are reflected in the statement attached as Exhibit 2.

We have reconciled the total cash received with the deposits shown on the bank statements and, by means of extensive test checks, have satisfied ourselves that the amounts so received have been credited to the individual accounts of the persons concerned; more than 7,000 of these accounts have been opened at various times during the period up to December 31, 1946.

Realization of Assets:

Shortly after the Custodian's office took control of assets of these evacuated people, the services of competent persons were engaged to appraise the real estate, fishing vessels, nets and gear, scows, motor vehicles and sundry equipment; subsequently, these assets were advertised for sale. The tenders received were compared with the related appraisals and such tenders, as were considered satisfactory, were accepted and sales effected; the proceeds received have been credited to accounts of the former owners and the direct expenses of making the sales have been charged to such accounts.

Source: Nikkei National Museum, 2018-16-1-47-21-7
www.nikkeimuseum.org

For the purposes of considering tenders and authorizing the sales of real estate, two independent advisory committees were duly appointed, one to deal with properties in Greater Vancouver and the other with rural and other properties outside of Greater Vancouver. Except for a group of rural properties sold to the Director, The Veterans Land Act, we have vouched the authorizations of these committees against the sales prices of the respective properties.

There have been approximately 32 sales of properties in Greater Vancouver for which we have seen only the authorization of one member of that advisory committee, who we are informed, was delegated to approve such sales on behalf of the said committee. who?

During the period under review, 59 sales of real estate were made under agreements of sale whereby the unpaid balance of the sale price, generally not exceeding 60% thereof, was payable by instalments on stated dates, usually within a period of two years, with interest at five percent per annum. As at December 31, 1946, there were outstanding balances amounting to $35,827.73 of which $9,237.50 was overdue and not received at the date of this report. Full details of these unpaid balances are shown on Exhibit 5.

The deeds or agreements of sale, pertaining to the properties sold, have been executed by either the Deputy Custodian or the Assistant Deputy Custodian.

At December 31, 1946, there were 58 properties still under the administration of the Custodian's office, approximately half of which are owned by incorporated or unincorporated societies or trusts and the remainder by private individuals. A schedule of these properties is appended as Exhibit 6. We are informed that, in the opinion of legal advisors to the Custodian, the terms of the Order-in-Council authorizing the disposal, by sale, of assets are not sufficiently wide to include the properties owned by societies and trusts. We understand that efforts have

Source: Nikkei National Museum, 2018-16-1-47-21-8
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been made, with little success, to have the officers of these societies take steps towards disposing of their properties.

In respect to those unsold properties belonging to private individuals, we are informed that no offers could be obtained for the majority of them and that the present policy is to obtain the consent of the owner before effecting a sale.

In respect to the group of properties sold to the Director, The Veterans Land Act, we have seen the minutes of the Rural Advisory Committee recommending the acceptance of the offer made by the said Director which, we are informed, was approved by the then Secretary of State.

From time to time, sales of household effects and miscellaneous equipment have been made by auction. We have made a test examination of the auctioneer's sales reports with the related entries in the cash receipts book and in the accounts of the respective owners.

During the course of our examination of certain of the individuals' files, we noticed that the proceeds from an auction conducted at Mission, B.C., amounting to approximately $325.00 had not been reported or paid by the auctioneer to the Custodian's office. The information on file indicates that the auctioneer died shortly after the date of the sale leaving no assets. Consequently, the individual owners of the articles sold have not been given credit for the amounts realized from the sale thereof.

The administration of the majority of the real estate properties, which came under the control of the Custodian's office, was placed with various recognized real estate agents who remitted to that office, usually monthly, the cash collected less expenses paid by them and their commissions, together with a detailed statement and vouchers of such receipts and expenses. Test checks of the details of these statements, picked at random, have been made to satisfy ourselves that they have been properly incorporated in the books of account.

Source: Nikkei National Museum, 2018-16-1-47-21-9
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Repatriation:

Those persons desiring repatriation to Japan, were required under the regulations relating thereto, to turn over to the Treasury Department all cash, securities and any other negotiable documents, having a cash value, which they possessed.

In view of the Custodian's office holding balances due to many of these persons, the procedure followed has been for the Comptroller of the Custodian's office to be present with the officers of the Treasury Department at the time such assets were turned over to them and to receive from those officers such cash, securities, etc. The Comptroller also obtained a copy of the official receipts given by the Treasury Department showing the details of the assets surrendered by the Repatriates as well as the balance, as shown by the Custodian's records, payable to them.

The monies so received by the Comptroller and the proceeds from the sale or collection of the other securities or negotiable documents have been deposited in the Trust bank account and duly credited to the accounts of the persons from whom received. As soon as possible after the actual departure of these repatriates from Canada, the Custodian's office has paid over to the Treasury Department the total amount held for such persons; we are informed that these amounts have been converted into Japanese currency for payment to the repatriated persons after their arrival in Japan. at what rate?

Up to December 31, 1946 an aggregate amount of $1,070,174.14 had been received either directly from the repatriates or from the conversion of securities etc., turned over by them. Amounts aggregating $916,474.74 have been paid over to the Treasury Department to the same date and additional balances due to repatriates have been paid in 1947.

We have, by means of test examination, satisfied ourselves as to the adequacy of the procedure and control over these transactions.

Source: Nikkei National Museum, 2018-16-1-47-21-10
www.nikkeimuseum.org

Settlement of Accounts:

The amounts paid out of the trust bank accounts throughout the period under review, comprising over 35,000 cheques, represent the settlement of the direct liabilities of the evacuated persons and monthly instalment payments to them. Many of the cheques issued during 1946 were in settlement of the final balances due to such persons.

The total cheques drawn on the trust bank accounts as recorded in the cash disbursements record have been reconciled with the withdrawals shown by the bank statements. The cheques together with properly approved requisitions have been checked in detail for certain months, selected by us throughout the period, to the cash disbursements record and followed through to the accounts of the individuals to whom or on whose behalf the payments were made.

The bank balances reflected by the records at December 31, 1946, representing the Custodian's liability in respect of cash held for evacuated persons amounting to $1,080,493.76, are as follows:

Current account	$ 176,318.76
Savings account	900,000.00
Property suspense account	4,175.00
	$1,080,493.76

These balances have been reconciled with the respective balances held by the Royal Bank of Canada, Main Branch, Vancouver, which has confirmed directly to us, the balances so held.

The balances as shown in the individual accounts of the evacuated persons at December 31, 1946, have been listed and checked and the total amount of such balances agreed with the total of the cash balances shown above. There were 2,433 of these balances at the close of 1946.

Source: Nikkei National Museum, 2018-16-1-47-21-11
www.nikkeimuseum.org

Some of the cheques which the Custodian's office issued during 1946, in payment of final balances due to evacuated persons, were returned with letters from the individuals complaining about the amounts realized from the sale of their assets. The cheques so returned, aggregating $16,710.96, have been redeposited in the trust bank account and credited to the accounts of their owners. These amounts are included in the list of outstanding balances referred to in the previous paragraph.

Among the outstanding balances at December 31, 1946 were the following credits carried in suspense accounts pending the determination of the persons to whom the amounts are payable.

Proceeds from sale of:		
Chattels	$4,982.69	
Fishing nets and gear	5,319.43	
Refunds of:		
Meter Deposits -		
B. C. Electric Company	473.21	
Saving Deposits -		
Japan & Canada Trust Savings Company	9,242.17	
Sundry sources	708.31	$20,725.81

It would appear from information given to us, that due to the ownership of certain chattels and fishing nets not being known, (for the reasons given in our report of October 20, 1943) it has not been possible to give credit to the owners for the proceeds obtained from the sale of such items. In respect of the deposits returned by the B. C. Electric Company, unclaimed deposits received from Japan & Canada Trust Savings Company and money received from sundry other sources, we understand the Custodian's office has not been able to locate or identify the persons to whom the items are payable from the limited information given by those remitting the money. It would appear probable that these suspense items will remain unallocated until claims are received from the owners.

The balance in the Property Suspense Account comprises various amounts, received from sales of properties, which are held in suspense pending the completion of the respective transactions at which time the cash

Source: Nikkei National Museum, 2018-16-1-47-21-12
www.nikkeimuseum.org

will be transferred to the current bank account and credited to the accounts of the proper owners.

It would appear from information given to us that the efforts of the Custodian's office are directed towards the discharge of the Custodian's liability by the paying out of final balances due to evacuated individuals.

There were debit balances on some of the accounts at December 31, 1946 for sundry disbursements amounting to $644.47. Of this amount, items totalling $28.65 have been collected to date in 1947; $234.00 will be recovered by charges to Administration Account, and the remainder of $381.82, it is expected, will be recovered out of the proceeds of assets still to be sold.

The Custodian's office, in addition to the cash balances commented upon above, also held in safekeeping for evacuees securities of various types including certificates for refundable portions of income tax, a summary of which is attached hereto as Exhibit 4.

These securities are kept under double custody in a safety deposit box at the Royal Bank of Canada, Main Branch, Vancouver, and are recorded in a register, maintained for the purpose, showing full details in respect thereof. We verified, by personal inspection, the securities on hand at the time of commencing our examination and traced the movement of securities between that date and December 31, 1946, to the various records for the purpose of determining the correctness of the securities on hand as at the last mentioned date.

At the time of settling an account of an evacuated person by issuing to him a cheque for the balance of cash held, any securities held in safekeeping are also sent to him.

Source: Nikkei National Museum, 2018-16-1-47-21-13
www.nikkeimuseum.org

Controlled Companies

At December 31, 1946, there were five incorporated companies, formerly operated by evacuated persons which are in process of liquidation by P. S. Ross & Sons, on behalf of the Custodian. The assets held by these companies at the aforementioned date, totalling approximately $35,000.00, are not reflected in the accounts of the Custodian's office, but, when the liquidations are completed, the amounts available for the shareholders of such companies will be transferred to the Custodian's office.

Files

During the period from March, 1942 to December 31, 1946, approximately 15,700 individual files have been opened in connection with evacuated persons, which contain all the information received by the Custodian's office concerning each person and the various types of assets owned by him and presumably turned over to the said office. A substantial number of these files, picked at random, have been scrutinized by us and the information therein relating to the realization of such assets has been compared with the entries pertaining thereto in the ledger accounts of the respective individuals. We also have test checked the entries in these accounts to the books of original entry.

In certain instances we noticed letters on file from individuals enquiring about the realization of certain of their assets and also memoranda indicating that investigation showed the items in question either had been abandoned or could not be traced. There were also other letters complaining about the amounts realized.

We have been informed that a considerable quantity of clothing and bedding, found upon inspection to be unsaleable, was donated for shipment to war areas for relief purposes. We also are informed that a

Source: Nikkei National Museum, 2018-16-1-47-21-14
www.nikkeimuseum.org

large quantity of fish netting was removed and used by the Military Pacific Command for camouflage purposes and an additional quantity discarded as being of no value. No record was kept of the ownership of any of these items.

* * * * * * *

We wish to point out that, for the reasons given in this report and in the one dated October 20, 1943, we are not able to give any statement as to the nature or value of the assets taken over by the Custodian and not disposed of for the benefit of the owners except those items shown on the schedules attached hereto as Exhibits 4, 5 and 6. We also wish to point out that our work has been largely confined to examining the accounting records and reviewing the system of internal control over the cash received and paid out by the Custodian's office. The records examined by us have been well maintained and neatly kept.

We desire to express our appreciation of the assistance and co-operation given by the officers and staff of the Vancouver office during the conduct of our examination.

Respectfully submitted,

P. S. Ross & Sons

Source: Nikkei National Museum, 2018-16-1-47-21-15
www.nikkeimuseum.org

Exhibit 1

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
VANCOUVER, B. C.

JAPANESE EVACUATION SECTION

ADMINISTRATION ACCOUNT
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD FROM MARCH 15, 1942 TO DECEMBER 31, 1946

Receipts:			
Advances from Japanese Enemy Section of the Vancouver office derived from -			
Enemy assets		$421,000 00	
Advances from Ottawa office		304,500 00	$725,500 00
Interest on savings bank balances - Trust Accounts			41,839 44
			767,339 44
Disbursements:			
Office rent	$ 35,166 82		
Light	1,821 99	36,988 81	
Salaries	500,189 04		
Salaries - Registration Division	8,246 80		
Unemployment insurance	3,246 00		
Workmen's compensation insurance	231 58	511,913 12	
Inspections - agents' reports and expenses		37,609 25	
Travelling, hotel and living expenses -			
Registration Division	1,461 64		
Property Protection Division	46,130 71		
Office personnel	8,150 86	55,743 21	
Freight and storage - Protection Division	40,051 47		
Insurance - Protection Division	4,966 84	45,018 31	
Office equipment		7,319 54	
Office general expenses	5,380 12		
Printing, stationery and office supplies	20,255 10		
Postage and excise stamps	6,706 19		
Telephone	8,249 13		
Telegrams	422 39		
Legal fees and claim settlement	656 80		
Audit fees and expenses	4,109 61		
Registration expenses - Powell Street branch	782 07	46,561 41	
Cost of organization of system		3,678 40	
Advertising		681 55	
Advisory Committees' expenses -			
Greater Vancouver Properties	16,270 43		
Rural Properties	3,217 30	19,487 73	764,981 33
Balance - December 31, 1946			2,358 11
Represented by -			
Petty cash fund		150 00	
Unemployment insurance stamp fund		42 33	
Cash in Royal Bank of Canada		2,165 78	$ 2,358 11

P. S. ROSS & SONS

Source: Nikkei National Museum, 2018-16-1-47-21-16
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Exhibit 2

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
VANCOUVER, B. C.

JAPANESE EVACUATION SECTION

TRUST FUNDS
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD FROM MARCH 15, 1942 TO DECEMBER 31, 1946

Receipts:			
Proceeds from Realization of Assets -			
Real estate		$2,500,678 70	
Automobiles and trucks		150,124 61	
Fishing vessels and scows		203,049 40	
Fishing nets and gear		101,215 08	
Chattels		289,013 48	
Business and sundry assets		232,754 86	
Accounts and bills receivable		150,901 03	
Life insurance policies		65,259 75	
Securities		59,766 04	$3,760,762 95
Revenue -			
Real estate		512,424 91	
Chattels and sundry assets		51,287 17	
Securities		9,848 69	573,560 77
Cash received from or on behalf of Evacuees			292,951 86
Cash received from Repatriates			1,070,174 14
			5,697,449 72
Disbursements:			
Real Estate Administration Expenses -			
Repairs and maintenance	$ 48,876 17		
Taxes	172,378 42		
Insurance	20,937 94		
Interest on mortgages	26,851 29		
Agents' commissions	21,907 18		
Sundry unclassified expenses	39,915 43	330,866 43	
Mortgages and sales agreements paid off		195,156 31	
Life insurance premiums and policy loans repaid		132,105 28	
Liabilities of Evacuees discharged		39,755 61	
Expenses of realization of assets		96,975 97	
Other payments for the account of or to Evacuees		2,905,621 62	
Payments to Treasury Department for Repatriates		916,474 74	4,616,955 96
Excess of receipts over disbursements - December 31, 1946			1,080,493 76
Held as follows:			
Current bank account		176,318 76	
Savings bank account		900,000 00	
Property suspense bank account		4,175 00	$1,080,493 76

P. S. ROSS & SONS

Source: Nikkei National Museum, 2018-16-1-47-21-17
www.nikkeimuseum.org

Exhibit 5

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
VANCOUVER, B. C.

JAPANESE EVACUATION SECTION

SUMMARY OF ASSETS UNDER ADMINISTRATION
AS AT DECEMBER 31, 1946

Cash in bank - Royal Bank of Canada, Vancouver:		
Current account	$170,315 76	
Savings account	900,000 00	
Property suspense account	4,175 00	$1,080,493 76
Securities:		
Dominion of Canada bonds - par value	134,350 00	
Dominion of Canada War Savings Certificates	110 00	
Refundable Savings Certificates - Dominion Income Tax	2,588 59	
Miscellaneous items (Exhibit 4) - no recorded value	-	$ 137,048 59
Balances receivable under Agreements of Sale (Exhibit 5)		$ 35,837 73
Real estate properties under administration (Exhibit 6) - no recorded value - assessed value		$ 175,098 00

P. S. ROSS & SON

Source: Nikkei National Museum, 2018-16-1-47-21-18
www.nikkeimuseum.org

Exhibit 4

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
VANCOUVER, B. C.

JAPANESE EVACUATION SECTION

SCHEDULE OF SECURITIES ON HAND
AS AT DECEMBER 31, 1946

Dominion of Canada Bonds - par value:			
First Victory Loan - 3% 1951	$ 2,250 00		
Second Victory Loan - 3% 1954	200 00		
Savings Bonds - 2½% 1956	3,000 00		
Fourth Victory Loan - 3% 1957	1,550 00		
Fifth Victory Loan - 3% 1959	2,450 00		
Sixth Victory Loan - 3% 1960	200 00		
Seventh Victory Loan- 3% 1962	28,000 00		
Eighth Victory Loan - 3% 1963	43,850 00		
Ninth Victory Loan - 3% 1966	52,850 00	$134,350 00	
War Savings Certificates		110 00	
Refundable Savings Certificates -			
Dominion income tax		2,588 59	
Miscellaneous items - value not stated:			
725 shares Japan and Canada Trust Savings			
11 shares New Pacific Holding Company			
3 shares West Coast Trading Co.			
2,850 shares B.C. Purchasers Co-operative Association			
9 shares Associated Cleaners and Dyers			
4,999 shares Deep Bay Logging Co.			
200 shares Maikawa Limited			
7,000 shares Raney Mills Limited			
15,004 shares Togo Cleaners			
5 shares Toric Mines			
1 share Nikko Co-operative Trade Association - $1.00			
291 shares Pacific Co-operative Union (Redeemable)			
5,335 shares Pacific Co-operative Union (Non-redeemable)			
114,500 francs, Japanese Government Bonds			
$1,000. Imperial Japanese Bond			
Japanese Government Bond (no value indicated)			
Receipt from Japan and Canada Trusts for 1,000 yen			
Sealed envelope said to contain Japanese currency - amount not stated			
Japanese currency - 1,505 yen			
Deposit receipt #30773 - Sumimoto - Bank of Seattle for 1,386.50 yen			
Monarch Life Assurance Policy #113403			
Sun Life Assurance Policy #2284785			
Western Mutual Benefit Association Policy B 589/689			
		$137,048 59	

P. S. ROSS & SONS

Source: Nikkei National Museum, 2018-16-1-47-21-19
www.nikkeimuseum.org

Exhibit 8

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
VANCOUVER, B. C.

JAPANESE EVACUATION SECTION

SCHEDULE OF AGREEMENTS FOR SALE
AS AT DECEMBER 31, 1946

Street Address	Sale Price	Date of Sale	Principal Unpaid December 31,1946	Due Dates of Principal Payments	Remarks
Foot of Jardine Street, New Westminster, B.C.	$ 5,500 00	24/11/45	$ 1,977 60	$50.00 monthly to 23/10/47 $1,427.00 on 23/11/47	Payments up to date
Corner of Howe & Salter Sts. Queensborough, B.C.	4,500 00	12/12/45	2,700 00	$1,350.00 due 12/12/46 $1,350.00 due 12/12/47	$350.00 past due and unpaid June 10, 1947
6/6/21 Nelson District, Cumberland, B.C.	2,450 00	10/9/45	805 00	$204.00 quarterly	Payments up to date
312 Boyne Street, New Westminster, B.C.	2,000 00	27/5/46	750 00	$250.00 half yearly Nov. 27/46 to May 27/48	Payments up to date
Lot 11, N.W. ¼, Sec. 10, T.P. 12, Map 809, M.D. 1, Haney, B.C.	13,000 00	23/10/44	6,500 00	$5,000.00 Aug. 31/45 $5,000.00 Aug. 31/48	$6,500.00 past due and unpaid June 10, 1947
2969 - 13th Road, Haney, B.C.	16,400 00	1/2/45	4,920 00	⅓ March 1/46 - ⅓ March 1/47	1947 payment past due at June 10, 1947
2690 - 32nd Road, Haney, B.C.	4,500 00	16/12/44	1,887 50	$1,000.00 Dec. 15/45 $2,750.00 Dec. 15/46	$1,887.50 past due and unpaid June 10, 1947
Block "C" Map 669, Cranbrook	10,000 00	22/10/46	6,000 00	$750.00 quarterly from Jan. 1/47 to Oct. 1/48	Payments up to date
Lot 1-13, 18-21, Blk. 3 D.L. 193, North Vancouver	12,000 00	29/3/45	8,750 00	$1,000.00 yearly April 1/46 to April 1/54. $750.00 on April 1/55 (10 year period arranged by Japanese owner)	Payments up to date
546 Ewen Avenue, New Westminster	4,000 00	30/11/44	662 48	Payable $50.00 monthly and balance Jan. 25/47	Paid in full Jan. 7/47
257-259 Boyne Street, New Westminster) 616 Ewen Avenue, New Westminster)	3,800 00	15/1/45	1,250 00	Payable $150.00 quarterly April 15/45 to Oct. 15/46 Balance $1,250.00 Jan. 15/47	Paid in full Jan. 17/47
Rear of 76 Moncton Street, Steveston, B.C.	1,800 00	16/2/45	100 00	Payable $100.00 quarterly May 16/45 to Feb. 16/47	Paid in full Feb. 28/47
2152 Marine Drive, West Vancouver, B.C. Deduct: Enemy one-half interest	2,000 00 1,000 00	23/6/45	250 30 125 15	$41.65 monthly to May 26/47 balance $42.05 on June 23/47	Payments up to date
	$80,950 00				
Principal outstanding - December 31, 1946			$35,827 73		

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Source: Nikkei National Museum, 2018-16-1-47-21-20
www.nikkeimuseum.org

Exhibit 6

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
VANCOUVER, B. C.

JAPANESE EVACUATION SECTION

PROPERTIES UNDER ADMINISTRATION
AS AT DECEMBER 31, 1946

*Asterisk denotes property sold in 1947

Assessed Value	Property Description
	City Property
$ 1,625 00	* 554 East Cordova Street, Vancouver, Dwelling
625 00	* 500 Block East Cordova Street, Vancouver, Vacant land
1,200 00	668 East Cordova Street, Vancouver, Dwelling
2,200 00	2456 McGill Street, Vancouver, Dwelling
615 00	200 Block Triumph Street, Vancouver, Vacant land
2,435 00	152 West Fifth Avenue, Vancouver, Dwelling
200 00	Tide flats, E. Seymour Creek, North Vancouver, Vacant land
1,585 00	5195 Royal Oak Avenue, Burnaby, Dwelling
2,550 00	115 South Gilmore Avenue, Burnaby, Dwelling
	Rural Property
1,000 00	Lot 1, Block B, D.L. 20, Bamfield, Dwelling
100 00	Lot E, Pt. N.E. ¼ 20, Bamfield, Vacant land
630 00	* Lot 14, Block 29, Map 2281, Comox Land District, Dwelling
1,715 00	Lot 59, Block 7 D.L. 1, Prince Rupert, Dwelling
70 00	Lot 9, Block 36, Clark Avenue, Cranbrook, Vacant land
1,935 00	Lot 33, Block 17, D.L. 1, Prince Rupert, Dwelling
110 00	Lot 23, Block 19, D.L. 7, Prince Rupert, Vacant land
1,450 00	1734 Sixth Avenue, Prince Rupert, Dwelling
285 00	Lot 10 W.40' Block 1, Map 537, Port Essington, Dwelling
2,075 00	Lot 12 W.33' Block 1, Map 537, Port Essington, Dwelling
670 00	Lot 13 W.22' Block 1, Map 537, Port Essington, Dwelling
1,100 00	Assgd A of 3 Block 2, Map 537, Port Essington, Store
1,725 00	Lots 7 and 8, Block 2, Map 537, Port Essington, Store
965 00	Lot 304, Block (125 ac m/l) Tp. R. 5, Port Essington, Dwelling
480 00	Lot 30, 31, Block 14, Map 949, Hoysport, Dwelling
125 00	Lot 1, Block 6, Port Essington, Dwelling
1,700 00	Shannon Road, Richmond, Dwelling
1,550 00	East 60', Lot 10, Block 1, Fort Simpson, Port Essington, Dwelling
	Societies
5,800 00	Nippon Kyoritsu Go-Gakko Maintenance Ass'n. (Japanese Language School) 459 Alexander Street
23,800 00	Nippon Kyoritsu Go-Gakko Maintenance Ass'n. (Japanese Language School) 475 Alexander Street
625 00	Hompa Buddhist Temple, 500 East Cordova Street, Vancouver
1,575 00	Hompa Buddhist Temple, 549 East Cordova Street, Vancouver
$62,520 00	Carried Forward

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Source: Nikkei National Museum, 2018-16-1-47-21-21
www.nikkeimuseum.org

Department of the Secretary of State
Office of the Custodian
Vancouver, B. C.
Japanese Evacuation Section
Properties under Administration
As at December 31, 1946

*Asterisk denotes property sold in 1947

Property Description

Assessed Value	Societies (Continued)
$ 62,520 00	Brought Forward
11,825 00	* Hompa Buddhist Temple, 604 East Cordova Street, Vancouver
5,800 00	Kitsilano Japanese Language Association School, 1672 West 1st Avenue, Vancouver
3,400 00	Kitsilano Buddhist Mission Church, 1684 West 1st Avenue, Vancouver
9,360 00	Fairview Buddhist Church, 715 West 7th Avenue, Vancouver
2,855 00	New Westminster Japanese Language School Society, 815 Agnes Street, New Westminster
7,300 00	Japanese Buddhist Church, 120 - 10th Street, Vancouver
1,320 00	* M. Nishiguchi and Co. Ltd., Langley
6,000 00	Japanese School Maintainers Association, Power Line Road, Hammond
7,650 00	Haney Fruit Ranchers Association, 14th Avenue and Dewdney Trunk Road, Haney
50 00	Trustees Maple Ridge Buddha Mission, 2583 Dewdney Trunk Road, Haney
4,400 00	Trustees Maple Ridge Buddha Mission, 2585 Dewdney Trunk Road, Haney
1,650 00	Whonnock, Ruskin, Albion Japanese Farmers Association, Ruskin
2,700 00	Whonnock, Ruskin, Albion Japanese Farmers Association, Whonnock
1,300 00	Buddhist Church Mission, Village of Mission
4,600 00	Western Canada Hop Co-operative Union, Municipality of Mission
2,425 00	Surrey Berry Growers Co-operative Association, Sandell Road, New Westminster
2,540 00	Canadian Mio Sonjinkai, 82 Moncton Street, Steveston
2,232 00	Steveston Japanese Association, No. 1 Road at Chatham, Steveston
12,244 00	Steveston Japanese Association, No. 1 Road at Chatham, Steveston
5,258 00	Steveston Japanese Association, No. 1 Road at Chatham, Steveston
2,395 00	Steveston Buddhist Mission, 1st Avenue between Moncton and Bayview, Steveston
4,822 00	Steveston Buddhist Mission, West side of 1st Avenue, Steveston
360 00	Canadian Japanese Association, Townsite of Port Essington
2,335 00	Prince Rupert Japanese Association, Prince Rupert
$167,341 00	Carried Forward

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Source: Nikkei National Museum, 2018-16-1-47-21-22
www.nikkeimuseum.org

Exhibit 6
Sheet 3

Department of the Secretary of State
Office of the Custodian
Vancouver, B. C.
Japanese Evacuation Section
Properties under Administration
as at December 31, 1946

*Asterisk denotes property sold in 1947

Assessed Value	Property Description	
$167,341 00	Brought Forward	
	Miscellaneous Trusts	
4,955 00	Hachiro Miyazawa, 3223 Fraser Avenue, Vancouver, Dry cleaning plant	
1,450 00	Mrs. Yonejiro Nagai (Chiye) 4160 Union Street, Vancouver, Dwelling, garage and woodshed	
1,352 00	(Toshiyasu and Minoru Ota, 231 Ewen Avenue, New Westminster) (Mrs. Hiyoshi Murata, 231 Ewen Avenue, New Westminster) (Mrs. Yoshikazu Muguchi, 231 Ewen Avenue, New Westminster)	Dwelling
$175,098 00		

P. S. ROSS & SONS

Source: Nikkei National Museum, 2018-16-1-47-21-23
www.nikkeimuseum.org

REPORT ON EXAMINATION

JAPANESE EVACUATION SECTION

OF

THE CUSTODIAN'S OFFICE

VANCOUVER, B. C.

OCTOBER 20, 1943

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P. S. ROSS & SONS

Source: Nikkei National Museum, 2018-16-1-47-21-24
www.nikkeimuseum.org

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H. S. HAWTHORNE — G. M. HAWTHORN
F. E. H. GATES — I. A. ROSS
J. A. ROSS — H. I. ROSS
F. A. COFFEY — G. M. SMITH
G. G. HARRIS — W. M. BRACE

CHARTERED ACCOUNTANTS
MONTREAL TORONTO WINNIPEG
CALGARY VANCOUVER

ROYAL BANK BUILDING
360 ST. JAMES STREET
MONTREAL 1, QUE.

October 20, 1943.

The Secretary of State of Canada,
Ottawa,
Ont.

Sir:

Pursuant to instructions received from the Deputy Custodian under date of July 20, 1943, we beg to report having made an examination of the books of account and other records maintained by the Evacuee Section of the Custodian's Office located in Vancouver, British Columbia. This examination covered the period commencing with the taking over of real property, securities, chattels and personal effects of persons of the Japanese race as they were evacuated up to July 31, 1943. The period was approximately sixteen months.

Upon our arrival at the Vancouver office we discussed with the Director and the Comptroller the nature of the activities of the Evacuee Section and made a survey of the records and documents kept by the Evacuee Section for the purpose of determining the scope of our present examination.

Resulting from these discussions and survey the following observations were made:

1. Approximately 21,600 persons of the Japanese race were evacuated from that part of British Columbia designated as the protected area. These persons were, if they so desired, permitted to take with them to their new locations any cash and securities they owned and a limited amount of personal belongings. They were required to turn over all their other assets to the Custodian, who would deal with such assets for the accounts of the

Source: Nikkei National Museum, 2018-16-1-47-21-25
www.nikkeimuseum.org

individual owners.

2. The recording of the assets coming in to the possession of the Custodian as a result of the aforementioned evacuation required the opening of approximately 14,500 individual files.

3. The disposal of certain classes of assets, such as fishing vessels, fishing nets and gear, automobiles and trucks had been almost finished. Sales of some of the farm equipment and chattels had been made and a number of small businesses had been liquidated.

The sale of approximately 769 agricultural properties to The Director, The Veterans' Land Act had been arranged and the necessary work to complete the sale of such properties was in progress. The Director, The Veterans' Land Act was engaged in the survey of a number of other properties with a view to their purchase.

A catalogue comprising 464 properties in Greater Vancouver had been prepared and circulated offering the properties listed therein for sale. The properties listed in this catalogue were divided into three groups - A, B and C. Tenders received on properties in Group A consisting of 167 properties were under consideration. We understand the date for receiving tenders on the 297 properties in the groups B and C would be announced in the near future.

4. Numerous requests had been and were being received, through the British Columbia Security Commission, from evacuees requesting shipment to them, at their expense, of various household and personal effects, presently in storage under the control of the Custodian's office.

5. It was contemplated that within a comparatively short period of time the chattels remaining under the Custodian's control would be sold.

From the foregoing it seemed apparent to us that progressive

Source: Nikkei National Museum, 2018-16-1-47-21-26
www.nikkeimuseum.org

action was being taken to dispose of all assets of the evacuated persons which came under the Custodian's control.

In view of these circumstances we considered it advisable not to extend our interim examination to include a verification of the individual accounts of evacuees but to defer such verification until the assets held for their accounts now in course of liquidation had been sold.

Consequently our interim examination embraced:

1. A full detailed audit of the administration expenses of the Evacuee Section from its inception to July 31, 1943.
2. An examination of the accounts controlling Trust Funds consisting of the receipts from sales of assets and rentals from properties and disbursements to or for accounts of evacuated persons.
3. Review of the accounting system to satisfy ourselves that the internal check and control was adequate.

Administration Expenses:

We have made a complete examination of the administrative expenses incurred up to July 31, 1943, a period of approximately sixteen months. There is submitted herewith as Exhibit "A" a statement setting out in detail the expenses to July 31, 1943 which may be summarized as follows:

Advances from Custodian of Enemy Property, Trust Account No. 2, (Enemy Section) for purposes of paying expenses pending reimbursement from Public Funds	$306,000 00
Accumulated expenses to July 31, 1943	302,858 51
Unexpended balance at July 30., 1943	$ 3,141 49

In connection with our audit of the foregoing expenditures we make the following comments:

It would appear that during the first three or four months of the period covered by our audit, the accounting records were somewhat of a temporary nature and there was no well defined system. Subsequently a study was made of the accounting requirements and a suitable system,

Source: Nikkei National Museum, 2018-16-1-47-21-27
www.nikkeimuseum.org

designed to meet the needs as then determined, installed as from September 1, 1942. This system has been functioning efficiently since that date. However although certain difficulties were experienced by us in our audit of the transactions of the period prior to September 1, 1942 we have been able to substantiate to our satisfaction the expenditures made throughout the whole period to July 31, 1943.

The expenses of the "Evacuee" Section have been kept, as far as possible, separate from the expenses of the "Enemy" Section of the Vancouver office. In view of the accounting staff performing all accounting functions for both sections, the expenses of the accounting office for salaries, rent and light have been apportioned three fourths to the Evacuee Section and one fourth to the Enemy Section. The salary of the Director, who is responsible for the activities of the whole office, has been paid half by the Evacuee Section and half by the Enemy Section. One fifth of the basic charge for the telephone switchboard and $50.00 per month of the salary of the Manager of the Title Investigation Office have been paid by the Enemy section and the remainder of these expenses have been borne by the Evacuee Section.

These apportionments, which were approved by Mr. G. W. McPherson some time ago, appear to us to be equitable.

We have made certain suggestions to the Director and Comptroller in connection with the accounting records which they have agreed to adopt and which we believe will improve the records and facilitate subsequent verification.

As a result of our examination, we are of the opinion that the statement of expenses appended hereto as Exhibit "A", a summary of which is given above, correctly sets forth the expenses of the Evacuee Section of the Custodian's Vancouver office for the period from its inception to July 31, 1943 and accordingly we recommend the reimbursement of the sum of $306,000.00 to the Custodian of Enemy Property, No. 2 Trust Account.

Source: Nikkei National Museum, 2018-16-1-47-21-28
www.nikkeimuseum.org

Trust Funds:

Trust Funds includes monies received from the sale of assets, rentals from properties and chattels, interest from mortgages and sundry other sales relating to assets under the control of the Custodian as the result of the evacuation of people of the Japanese race.

These monies which are deposited in a separate bank account designated "No. 4 account" are held for the persons whose assets have been sold or administered. Individual accounts have been maintained in which is recorded at the credit of these persons details of amounts realized from the administration and/or sale of assets and at their debit amounts paid out for their respective accounts and cash paid to them.

Detail verification of these accounts was not made at the time of our visit because we felt it would be desirable to wait until the liquidation of assets, which was in active progress, was completed. Then the Custodian's Office in Vancouver will be holding only cash balances for a large number of the evacuees and possibly many of these cash balances will have been paid over to such persons. Consequently in making an audit of the individual accounts after all assets have been sold it would be necessary to make only one examination of the files relating to such accounts. This procedure seemed desirable also from the point of view of providing an opportunity to have the information on the files rearranged in the manner suggested later in this report under the caption "Files of Evacuated Persons".

We have, however, examined into the procedure followed with respect to the recording of the proceeds from the sale of assets and the income derived from interest bearing securities and the rentals from real estate and the due depositing of all incoming monies. We also examined into the control and internal check over such items and have satisfied ourselves that the same is adequate. We further have tested the correctness of the Trust Funds by checking in detail the bank account for the month of July 1943 and have reconciled the balance of the bank account in the name

Source: Nikkei National Museum, 2018-16-1-47-21-29
www.nikkeimuseum.org

of the Custodian of Enemy Property, Account No. 4 at July 31, 1943, which has further been confirmed by certificate received direct from the bankers, namely the Royal Bank of Canada.

We have prepared from the records a preliminary statement of the Trust Fund Account at July 31, 1943 showing the Receipts and Disbursements during the period ended that date. This statement is appended hereto as Exhibit "B". We would point out that the classification of items on this statement may be subject to amendment at the time verification of the accounts is made.

Fishing Vessels:

It would appear from Order in Council P. C. 6247 that the majority of the boats owned by persons of the Japanese race within waters adjacent to the West Coast of Canada which were seized by order of the Minister of Fisheries had been sold prior to August 1, 1942 by a committee known as the Japanese Fishing Vessel Disposal Committee. We are informed that the proceeds from such sales were paid to the original owners by the Committee.

As of August 1, 1942 the unsold vessels under the control of the aforesaid Disposal Committee were to have been turned over to the Custodian, but between that date and the actual date the boats were turned over, the Disposal Committee made further sales. As a consequence, the Custodian received from the Disposal Committee (a) 171 vessels; (b) cash in the amount of $11,133.34 representing the proceeds from some of the sales of boats made subsequent to August 1, 1942 after deducting therefrom the Committee's charges on the other boats sold; (c) accounts receivable totalling $64,920.00, due by Governmental Departments, being the uncollected sale prices of certain other boats sold to the Army, Navy and Airforce since August 1, 1942.

We understand the records of the Japanese Fishing Vessel Disposal Committee have been examined by representatives of the Treasury Department. We had exhibited to us a statement certified by representatives

Source: Nikkei National Museum, 2018-16-1-47-21-30
www.nikkeimuseum.org

of that Department in respect of items (b) and (c) above but we have not had exhibited to us a list of the 171 boats, certified to by the Disposal Committee as being all of the unsold boats at the time they were turned over to the Custodian.

Of the 171 boats taken over from the Disposal Committee by the Custodian, 17 boats belonged to persons whose affairs were under the control of the Enemy Section of the Vancouver Office, two boats were released by the Custodian and the remaining 152 boats were sold by the Custodian for accounts of evacuees. The net proceeds from the sale of these boats after deducting expenses for reconditioning, towing, wharfage, insurance, appraisals etc. were deposited in the Trust Funds account and credited to the accounts of the individual owners.

In addition to the foregoing the Custodian realized an aggregate amount of $72,903.08 from the sale of 71 additional boats and scows belonging to persons of the Japanese race. The net proceeds from these sales also have been credited to the accounts of the owners and the funds deposited in the Trust Funds account.

The amount of $11,133.34 received by the Disposal Committee was deposited in a separate Trust Funds bank account, designated as No. 5 account. The Custodian has collected and deposited in the No. 5 bank account $58,820.00 of the Accounts Receivable taken over from the Disposal Committee leaving a balance of $6,100.00 due from the Royal Canadian Air Force, which when received will also be deposited in No. 5 bank account.

Certain monies have been paid out of the No. 5 bank account to the former owners of the boats or placed to their credit in the Trust Funds Accounts of the Evacuee Section with the result that at July 31, 1945 there remained in No. 5 bank account an amount of $37,456.64. We were informed that when the balance of $6,100.00, referred to above, is received the balance in the No. 5 bank account will be transferred to the Trust Funds Account of the Evacuee Section designated as No. 4 Account, and the accounts of the former owners credited with the net proceeds from the sale of their respective vessels.

P. S. ROSS & SONS

Source: Nikkei National Museum, 2018-16-1-47-21-31
www.nikkeimuseum.org

Automobiles and Trucks:

Up to July 31, 1945, 405 automobiles and trucks belonging to persons of the Japanese race evacuated from the protected area came under the control of the Custodian and had been sold for an aggregate amount of $147,501.74.

We understand, although the majority of these cars were seized by the police, that the Custodian's Office investigating the affairs of the evacuated persons found certain cars which had not been turned over to, or seized by the police and were thus taken possession of by the Custodian.

The proceeds from the cars and trucks sold, after deducting expenses for storage, insurance, watchmen's wages and appraisal fees incurred by the Custodian - prorated on an equitable basis to such cars and trucks to which these expenses were applicable, have been credited to the individual accounts of the former Japanese owners and the monies deposited in the Trust Funds account, designated No. 4.

Fishing Nets and Gear:

A considerable quantity of fishing nets and fishing gear came under the custody of the Vancouver office as the result of the evacuation of fishermen of Japanese origin from the protected area, principally from Steveston, Prince Rupert, and other places along the British Columbia coast within the protected area.

We understand that at the time the Custodian's Office took possession of these nets, tags bearing the record number, the name of the owner, and the appraised value were attached thereto. In a number of instances, we were informed, these tags became detached from the nets thus making it difficult for the persons charged with the disposal of these nets to make definite reports to the accounting office in respect of the owner's account to be credited with proceeds from the sale. We understand that the services of an independent qualified person were used to establish the value of the individual nets and such valuations served as the basis for

Source: Nikkei National Museum, 2018-16-1-47-21-32
www.nikkeimuseum.org

making sales. At July 31, 1943 there remained unsold a comparatively small quantity of nets in poor condition, or portions of nets, suitable for making repairs to other nets.

The Director informs us that every effort will be made during the current fishing season to sell the remaining nets and fishing gear now in storage.

The aggregate amount realized from the sale of nets and gear to July 31, 1943 amounted to $91,365.46. The full proceeds from the sale of nets have been credited to the personal accounts of the owners.

Chattels:

The household and personal effects of evacuees which they could not take with them to their new abode were, in a large number of instances, removed to central storage places or stored by the evacuees themselves, in most cases in some part of the dwelling being vacated. We noticed from some of the files examined by us that the evacuees recorded on the registration form only a general description of the items turned over to the Custodian.

An inventory record was made by the clerks charged with the responsibility of taking into custody the chattels stored in one or other of the several buildings used as storehouses, and in the cases where chattels were left in the custody of the tenant of the property vacated by the evacuee, a receipt signed by the tenant for such articles was obtained, except in those cases where the chattels were stored in a room which was locked or by other means made inaccessible to the tenant.

We visited some of the places in Vancouver and Steveston used for storing chattels and we noticed that in numerous instances the evacuees had packed belongings in cartons which were not covered or tied, and also that many other articles were in a damaged and much used condition, consequently the inventory of the articles made by the person taking them into storage is, of necessity, of a very indefinite nature.

Source: Nikkei National Museum, 2018-16-1-47-21-33
www.nikkeimuseum.org

We understand that many requests have been received from evacuees to have shipped to them at their present address certain articles which, in some cases, have necessitated the unpacking of a carton or other container in order to locate the particular thing or things requested. We were also informed that the storage places have on a number of occasions been broken into and containers ransacked, and as a result the belongings of one evacuee mixed with those of another, thus destroying means of identification of ownership with the office records.

A number of sales of articles such as refrigerators, washing machines, etc. have been made by the Custodian's Office with the consent of the owners and many articles have been shipped to the owners upon their requests, and with the approval of the British Columbia Security Commission at the expense of the person making the request.

We were informed that in the near future the chattels then on hand will be sold by public auction. This would appear to be desirable so as to relieve the Custodian's Office of the responsibility of maintaining safe custody of numerous articles of little value, many of which, it could be seen by inspection, would rapidly deteriorate and probably become worthless if kept for a protracted period of time.

Real Estate:

From the real estate records maintained in the accounting office it has been determined that at July 31, 1943 the Custodian was vested with 2,026 properties, having an aggregate assessed value of $3,241,402.00.

The properties may be grouped as follows:-

	Total Assessed Value
(a) 769 agricultural properties sold to The Director, The Veterans' Land Act	$1,239,907.00

Source: Nikkei National Museum, 2018-16-1-47-21-34
www.nikkeimuseum.org

		Total Assessed Value
(b)	372 properties now being surveyed in which the Director, The Veterans' Land Act may be interested	$ 416,998.00
(c)	464 commercial, residential or unimproved properties situated in Greater Vancouver, advertised for sale on June 19, 1943 in respect of which tenders have been called	1,176,543.00
(d)	421 other properties located throughout the protected area in respect of which no steps have yet been taken towards disposal	407,954.00

We attach hereto as Exhibit "C" a schedule of these properties grouped by districts.

Definite information is not obtainable as to how many more properties may become vested in the Custodian which, up to this time, have not been declared by the evacuees or reported to the Custodian by other persons having knowledge of Japanese ownership.

In respect of the 769 properties under sale to The Director, The Veterans' Land Act for an aggregate amount of $850,000.00 the Vancouver office was actively engaged in compiling the necessary details relating to each property so that titles to such properties could be transferred and sale price received at the earliest date possible. We understand there are mortgages upon a number of the properties included in this group which in some cases amount to more than the price to be paid for such properties. In these cases, we are informed, it is the intention of the Custodian's Office to ask The Director, The Veterans' Land Act, if he would be prepared to increase the purchase price sufficiently to cover the encumbrances or otherwise to permit him to negotiate directly with the mortgages for the purpose of possibly effecting a compromise settlement. Failing settlement on either of these bases the properties affected would be withdrawn from the sale.

Source: Nikkei National Museum, 2018-16-1-47-21-35
www.nikkeimuseum.org

We are informed that adjustments in respect of rentals, insurance and taxes are to be made as of January 1, 1943.

We prepared and gave to the Director a suggested form of statement, which in our opinion should be compiled in respect of each property sold in order that a complete record of the transaction would be available for the files of the evacuees as well as serve the basis of settlement with the purchaser.

Securities:

The securities held in safekeeping for evacuees as shown by the records were verified by personal inspection. A list of these securities is attached hereto. (Exhibit "D")

At the time of our inspection the securities held for evacuees were in the same safety deposit boxes as securities held for enemy accounts. It would seem to us desirable to have the evacuees' securities kept by themselves in a separate safety deposit box.

Files of Evacuated Persons:

We were informed that there were approximately 14,500 files concerning evacuated individuals. We inspected a number of these files and noticed the information generally was in chronological sequence thus making an examination of the whole file necessary in order to gather information on one subject or with reference to particular assets. Statements giving adequate information relating to sales of assets did not appear to be in the files examined.

We discussed these matters with the Director and as a result it is suggested that a statement giving complete information in respect of the sale or other disposition of each particular asset belonging to each evacuee should be prepared and placed on the files of the persons concerned. To these statements should be attached such documents and letters as relate to each statement and reference made by way of index to the date of any other correspondence on the file which deals with more subjects than the one to which the statement relates. Such correspondence should remain on file

Source: Nikkei National Museum, 2018-16-1-47-21-36
www.nikkeimuseum.org

in chronological sequence for reference. We feel it is very desirable to have the files rearranged in this manner and believe the results to be obtained warrant the expenditure of time and effort required to put the files in the suggested order.

It seems to us that in making the verification of the accounts of the individual Japanese Evacuees these files must form the basis of such verification and therefore if the files are in good order such examination will be greatly expedited.

General:

We are pleased to report that the books and records examined by us were well kept. We also wish to take this opportunity of expressing our appreciation of the courtesies and co-operation of those with whom we came in contact in facilitating our interim examination.

Respectfully submitted,

P. S. Ross & Sons

Source: Nikkei National Museum, 2018-16-1-47-21-37a
www.nikkeimuseum.org

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SECRET

COPY NO 5

CABINET COMMITTEE ON JAPANESE QUESTIONS

Minutes of the ninth meeting of the Cabinet Committee on Japanese Questions held in the Privy Council Chamber at 10:00 a.m. on Wednesday, September 3, 1947.

Present

The Minister of Labour (Mr. H. Mitchell) in the chair

The Minister of Veterans Affairs (Mr. I.A. Mackenzie)

The Secretary of State (Mr. C. Gibson)

From Privy Council Office (Mr. Raymond Ranger Secretary

also Present

From External Affairs (Mr. L.B. Pearson) (Mr. A.R. Menzies)

From Department of Labour (Mr. A.H. Brown)

From Department of Justice (Mr. D.H.W. Henry)

From Custodian's Office (Mr. K.J. Wright)

From Department of Finance (Mr. M.J. Sharp)

1. Representations by University of Toronto Liberal Association

The Secretary read a brief of the University of Toronto Liberal Association, submitted under letter of June 16 to the Prime Minister, copies of which had been circulated, making representations regarding persons of Japanese origin on the following subjects:

(a) Restriction on Movement, Residence and Occupation,
(b) Denial of Federal Franchise, and
(c) Canadian Status of Deportees.

It was represented that restriction on movement, residence and occupation of persons of Japanese origin be abolished, that Canadians of Japanese origin resident in British Columbia be enfranchised, and that Canadian Citizenship be restored to naturalized Canadians of Japanese origin who had been repatriated to Japan, (subject only to a simple request and to the conditions of the Canadian Citizenship Act.)

Source: Nikkei National Museum, 2018-16-1-47-22-1
www.nikkeimuseum.org

The Association particularly requested the relaxation of the administrative order regarding students of Japanese origin attending the University of British Columbia.

Mr. Mitchell stated that on April 14, 1947 under the authority of Order in Council P.C. 946 of February 5, 1943 as amended by P.C. 5798 of December 18, 1945 and P.C. 270 of January 28, 1947, he had issued a revised travel regulation (Administrative Order No. 5) to the following effect:

No person of the Japanese race shall:

(a) enter or reside in the coastal area of British Columbia as defined; or

(b) enter the Province of British Columbia; or

(c) travel a distance of more than fifty miles within the Province of British Columbia; or

(d) if resident in any place in the Province of British Columbia, take up residence elsewhere in the Province of British Columbia

unless such person has obtained a permit in writing to do so from a member of the Royal Canadian Mounted Police.

Notwithstanding the foregoing, the provisions of paragraphs (b) (c) and (d) of this Order shall not apply to any person of the Japanese race who served as a member of the Naval, Military or Air Forces of His Majesty in World War II or in World War 1 (1914-18) nor to the wife or dependent children of such person and that no other orders affecting residence or movement of Japanese in Canada were in effect under P.C. 946.

Mr. Gibson stated that Section 14 (2) (i) of the Dominion Elections Act provides that the following persons are disqualified for the federal franchise;

"Every person who is disqualified by reason of race from voting at an election of a member of the Legislative Assembly of the province in which he or she is resident, who did not serve in the military, naval, or air forces of Canada in the war of 1914-1918, or in the war that began on the 10th day of September 1939".

Section 14(2) (n) which was introduced in 1945 (1944-45, Chapter 20) also provides that the following persons are disqualified for the federal franchise:

"Every person residing in Canada whose racial origin is that of a country at war with Canada who, at the time of the passing of this Act, namely July 1st, 1938, and on the date of the declaration of such war, resided in a province in which on those dates a person of his racial origin was disqualified from voting at an election of a member of the Legislative Assembly of that province, and who did not serve in the naval, military or air forces of Canada in the war of 1914-1918 or in any subsequent war in which Canada may be engaged".

Source: Nikkei National Museum, 2018-16-1-47-22-2
www.nikkeimuseum.org

Mr. Gibson reported that the Deputy Minister of Justice, in his letter of April 21, 1947 to the Under Secretary of State, had stated that a person of the Japanese race who was naturalized as a British Subject in Canada and who was removed or sent from Canada to Japan pursuant to arrangements made under Order in Council P.C. 7355, following a request for repatriation which remained unrevoked on September 1, 1945, is a person who has been "deported" within the meaning of that term as used in Order in Council P.C. 7355 December 15, 1945 and, also, as used in Order in Council P.C. 7356 of the same date and therefore such person has no right to enter into Canada. A person of the Japanese race who was born in Canada, however, has such a right to enter.

Mr. Kenzies pointed out that according to the provisions of Order in Council P.C. 10773 November 26, 1942 and P.C. 7356 December 15, 1945 the Secretary of State shall publish in the Canada Gazette a list of persons of Japanese race who had been repatriated to Japan and had lost their status as Canadians pursuant to these Orders. He said that the publication of such lists would enable the Canadian Liaison Mission in Tokyo and other diplomatic offices in the Far East in identifying the persons who had lost their status as Canadian citizens and British subjects pursuant to the Orders.

(Document JAP #4 circulated April 17, 1947)
(" JAP #6 " August 26, 1947)

The Committee, after discussion, agreed to recommend:

(a) that students of Japanese origin desiring to attend University of British Columbia be given by the Department of Labour through the R.C.M.P. or the Commissioner of Japanese Placement a temporary permit to enter the Province of British Columbia, to enter or remain and take residence in the coastal area of British Columbia, for the duration of their studies, if such students show proof of acceptance by the University of British Columbia;

(b) that, in view of the fact that the Elections Act is coming up for consideration at the next Session of Parliament, special consideration be given to the suggestion of the Association to enfranchise Japanese persons resident in British Columbia, keeping in mind the fact of the Japanese peace treaty being completed and signed in the next 12 months;

(c) that no steps be taken to change the status of persons of Japanese origin who were repatriated or deported to Japan and that the Department of Secretary of State in consultation with the Department of Labour and the Immigration Branch prepare a list of persons of Japanese origin who lost their status as Canadian Citizens and British Subjects under P.C. 10773 of November 26, 1942 and, P.C. 7356 December 15, 1945 such lists to be furnished to the Department of External Affairs for transmission to the Canadian Liaison Mission in Tokyo and other interested Consular offices in the Far East; and

(d) that appropriate steps be taken by the Department of Secretary of State to make note in the records of the Department of the revocation of naturalization of Japanese deported under P.C. 7356 and P.C. 10773.

Source: Nikkei National Museum, 2018-16-1-47-22-3
www.nikkeimuseum.org

2. Repatriation to Japan -- Persons of Japanese Race

The Chairman reported that if the present government policy to repatriate to Japan persons of Japanese origin was continued, government assistance would total approximately $50,000. for the 140-150 persons presently requesting repatriation. He pointed out that following the repeal of Order in Council P.C. 7356 December 15, 1945 effective January 33, 1947 there is now no means by which the Naturalized Japanese Canadian who repatriate to Japan can be deprived of Canadian Citizenship, except under the clauses of the Citizenship Act of 1946 which provide for possible loss of citizenship; e.g. upon acquiring other nationality or after being absent from Canada for at least six consecutive years.

(Document JAP 7 circulated August 26, 1947)

The Committee after discussion agreed to recommend to the Cabinet:

(a) that, the present policy of granting financial assistance to persons of Japanese race who volunteer or volunteered to be repatriated to Japan be discontinued immediately; and

(b) that, from now on persons of Japanese origin who wish to be repatriated to Japan will have to do so at their own expense.,

3. Return to Canada of Persons of Japanese Origin

Mr. Menzies explained in detail the present policy followed regarding persons of Japanese origin (Canadian-born, naturalized or nationals retaining Canadian domicile) who left Canada before the war or who were repatriated and who wish to obtain Consular protection and assistance in Japan and who want to re-enter Canada. The Department of External Affairs recognize the right, under existing law, of Canadian citizens and Japanese nationals retaining Canadian domicile to re-enter Canada, but lays down that the Canadian Liaison Mission in Tokyo shall not for the present (a) help persons of Japanese race to obtain exit permits or buy passage, (b) issue visas to Japanese aliens even if they have technically retained Canadian domicile; and (c) issue or renew passports to Canadian Citizens of Japanese origin except in special circumstances.

It was proposed

(a) The Canadian Liaison Mission in Japan shall be authorized to accept, from persons claiming to be Canadian citizens, applications for certificates of Canadian citizenship to be forwarded after careful examination to the Department of the Secretary of State of Canada along with such documents or affirmations as the Department may, in the circumstances, consider necessary to determine whether

(1) in the case of a person claiming to be a natural-born Canadian citizen he was in fact born a Canadian citizen, and that he has not ceased to be a Canadian citizen

(i) under section 16, 17(1) or 18 of the Canadian Citizenship Act, or

(ii) under P.C. 10773 of November 26, 1942

Source: Nikkei National Museum, 2018-16-1-47-22-4
www.nikkeimuseum.org

(2) in the case of a person claiming to be a Canadian citizen other than natural-born he did in fact acquire Canadian citizenship and that he has not ceased to be a Canadian citizen

(i) under section 21 or 23 of the Canadian Citizenship Act (Wherever there exist grounds for the issue by the Department of the Secretary of State of Canada of a notice of revocation of naturalization, the Head of the Canadian Liaison Mission shall so report), or

(ii) under P.C. 10773 of November 26, 1942, or
(iii) under P.C. 7356 of December 15, 1945

(b) The Department of External Affairs shall determine the extent of Consular protection and assistance to be afforded Canadian citizens in Japan in conformity with Canadian practice in other countries and United States practice in Japan.

(c) Where a Canadian citizen of Japanese origin "stood out" in Japan during the war and suffered proven hardship on that account and is desirous of returning to Canada the Head of the Canadian Liaison Mission in Japan may consult the Department of External Affairs to determine what assistance, if any, may be afforded such person to return to Canada.

(d) Passports shall not be issued to Canadian citizens of Japanese origin to enable them to leave Japan unless they are able to produce evidence that they have secured passage for Canada and will be able to obtain the necessary exit permit from Japan.

(e) Visas for travel to Canada shall not be issued to Japanese nationals claiming domicile in Canada without prior reference to the Immigration Branch. In all such cases the Director of Immigration shall determine whether such persons may be deemed to have lost Canadian domicile. Even in approved cases visas shall not be granted unless the persons concerned are able to produce evidence that they have secured passage for Canada and will be able to obtain the necessary exit permit from Japan.

(f) The Department of External Affairs and the Immigration Branch shall be authorized to consider and approve applications for temporary entry into Canada on behalf of Japanese nationals whose visits abroad are approved by Headquarters, Supreme Commander for the Allied Powers in Japan and who would be coming to Canada for conference, educational or other approved temporary purposes that would be of assistance in the democratic re-education of Japan.

(Document JAP 3 circulated April 16, 1947)

The Committee, after discussion approved the proposals submitted by the Department of External Affairs and agreed to recommend to the Cabinet that these proposals be implemented immediately with the proviso that the right of Canadian domicile of any Japanese national shall be considered lost after six years' absence from Canada, unless they can show that they maintained their intention throughout the war of returning to Canada at the earliest opportunity.- In the interpretation of the foregoing "maintenance of intention", attention should be paid to the actions of such Japanese nationals throughout

Source: Nikkei National Museum, 2018-16-1-47-22-5
www.nikkeimuseum.org

the period of the war.

4. Displaced Japanese Persons: Arrangements with Provinces

The Chairman explained the present residential status of displaced Japanese in the various provinces. The Government has been reimbursing the provinces for maintenance and welfare costs of indigent Japanese. Furthermore, the Department of Labour operates a sanatorium in British Columbia. The estimated cost of maintenance cases in this sanatorium run from $80,000.00 to $100,000.00 per annum.

It was proposed that all provinces be asked to accept as residents of the province, for the purpose of all welfare acts and regulations, the evacuated Japanese, who have been resident in the province and in self-sustaining employment for a period of twenty-four months, and their dependents.

In connection with the province of British Columbia it was proposed:

(a) That in the case of all evacuated Japanese and their dependants who are in self-supporting employment in the Province, the Dominion advance the same proposal as was advanced in the case of other provinces, and that,

(b) that, in the case of the maintenance and T.B. cases at New Denver, who are presently on maintenance, the Department of Labour enter into discussions with the Province to determine whether the province will accept any financial responsibility in connection with this group; the provincial authorities expressing themselves as willing to undertake welfare administration for this group as agent for the Dominion but not indicating that they will recognize any financial responsibility in respect thereto.

(Document JAP 8 circulated August 26, 1947)

The Committee, after discussion approved and agreed that the Minister of Labour carry on his negotiations with the provinces regarding the maintenance and welfare of those persons of Japanese origin who had been relocated and to report further to this Committee on the progress of his negotiations.

5. Liquidation -- Properties of Japanese Associations or Societies

Mr. Gibson reported that, in connection with properties vested in an association or other body that is incorporated and whose members are persons of Japanese origin, the Deputy Minister of Justice in a letter dated January 24, 1947 stated that:

(a) Order in Council P.C. 1665 March 4, 1942 as amended is not applicable to vest the property of such a corporation in the Custodian, and furthermore; and,

(b) that, the National Emergency Transitional Powers Act, 1945 does not authorize the Governor in Council to make an order or regulation vesting the property of these associations in the Custodian.

The Committee, after discussion, approved and agreed:

(a) that this question be allowed to develop further for a period of six months; and

(b) that the situation be analyzed with a view of contemplating possible legislative action.

Privy Council Office,

Raymond Konger,
Secretary.

Source: Nikkei National Museum, 2018-16-1-47-22-6
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DOCUMENT JAP 7

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MEMORANDUM FOR THE CABINET COMMITTEE
ON JAPANESE QUESTIONS

Secret

Repatriation from Canada to Japan of Persons of Japanese Origin

(1) 3,964 Japanese were assisted during 1946 by the Canadian Government in voluntary return to Japan, at a total cost of $1,131,733.81, and consisting of

1,355	Japanese Nationals
630	Naturalized Japanese Canadians
658	Canadian Born 16 years and over
1,321	Canadian Born under 16 years
3,964	

(2) The following assistance is provided by the Government for those volunteering to go to Japan, under the authority of Order in Council P.C. 7355 of December 15, 1945, as amended by P.C. 268 of January 23, 1947:

a/ Transportation of individuals and reasonable amounts of baggage from present addresses anywhere in Canada to debarkation depot in Japan;

b/ Medical inspection and necessary inoculations prior to departure;

c/ Transfer of full proceeds of all assets of an individual in Canada to the Bank of Japan to his credit, at the official U.S. exchange rate;

d/ Grant sufficient to bring the funds of an individual up to a minimum amount of $200 for an adult and $50 for each dependent child.

(3) The number listed as volunteering to return to Japan on the sixth repatriation ship (scheduled for October next) now stands at 166. These are divided approximately as follows:

Japanese Nationals	76	B.C.	76
Naturalized Canadians	32	Alta.	36
Canadian Born 16 and over	27	Sask.	6
		Man.	19
Canadian Born under 16 years	31	Ont.	25
		Que.	4
	166		166

(4) It is expected that government assistance in the repatriation of this group will total approximately $50,000.00.

(5) Following the repeal of Order in Council P.C.7356 (dated December 15, 1945) effective January 23, 1947, there is now no means by which the Naturalized Japanese Canadians who repatriate to Japan can be deprived of Canadian citizenship, except under the clauses of the Citizenship Act of 1946 which provide for possible loss of citizenship: e.g. upon acquiring other nationality or after being absent from Canada for at least six consecutive years.

Source: Nikkei National Museum, 2018-16-1-47-23-1
www.nikkeimuseum.org

(6) The situation arises therefore that no legal bar remains to prevent the return to Canada of these repatriated Naturalized Japanese Canadians as well as Canadian born of Japanese origin, provided that they can obtain ship accommodation from Japan to Canada. Only repatriated Japanese Nationals can be prohibited from returning to Canada.

(7) There are three alternatives which might be considered:

a/ To cut off all government assistance of those Japanese in Canada who now desire or in the future may desire to go to Japan;

b/ To give government assistance only to Japanese Nationals and their dependent children under 16 years of age;

c/ To continue the present policy of assisting all Japanese in Canada who volunteer to go to Japan, facing the possibility that a certain number may later desire to come back to Canada.

(8) If a/ or b/ is determined upon as future policy, it will also be necessary to decide whether the amended policy will go into effect at once, or after the next sailing in October for which 166 persons have volunteered on the basis of present arrangements.

(9) The Department of Labour favours a/ above - that is to discontinue immediately the policy of granting financial assistance to persons of Japanese race to go to Japan for the reasons:

(a) that the numbers now involved in such repatriation are so few as to have no appreciable effect in the matter of the disposition of Japanese evacuated from the coastal areas of British Columbia; and,

(b) that as there is no effective means now available to prevent the return of Canadian citizens who are given assistance in going to Japan, the project is open to valid criticism as involving useless expenditure of public funds.

Privy Council Office
August 12, 1947.

Raymond Ranger,
Secretary.

Source: Nikkei National Museum, 2018-16-1-47-23-2
www.nikkeimuseum.org

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

B91

Tuesday, August 26, 1947.

Co-operative Committee on Japanese Canadians

Memo - Re: Procedure for Presenting Claims.

The Co-operative Committee on Japanese Canadians is now prepared to offer assistance to Japanese Canadians in presenting their claims for property losses before the Commissioner appointed by the Government, although the details of the method of procedure are not yet known.

It is expected that the Commissioner will begin hearings early in October.

Forms approved by the Commissioner will be required for the filing of claims. The completed forms or copies will then be sent to the local co-operating committees. They will be notified later where the forms are to be sent.

The Ontario claimants will send forms to Mr. Brewin; for Manitoba, Mr. Cherniack; for British Columbia, Mr. MacMaster. In due time, the names of offices in Montreal, Saskatchewan and Alberta will be announced.

While it is difficult now to know what evidence is to be presented, it will be in two parts.

The first will be the presentation of oral evidence to the Commissioner as he moves across Canada. The second is the correlation of the evidence - records of the Government and valuation of property in British Columbia itself.

If the order is not amended it will be necessary to examine officials (of the Custodian office) to indicate whether or not there was a lack of care.

In regard to the first part of evidence, we expect legal counsel in each province to take responsibility for presenting the claims. Plans will be made and announced later for arranging consultation either at time of hearing or if possible before the hearing.

In regard to the second part of the evidence which will have to be presented in Vancouver, arrangements will have to be made for legal counsel from the various areas to be present at the crucial hearings. Every effort should be made for legal counsel to have full access to the government records before each case is heard.

* We regard the present terms quite unsatisfactory and we are making every effort to have the terms extended.

* If the terms are not extended, we believe that it is still worthwhile to present evidence of the losses in respect of property sold by the Custodian, so that even if the Commissioner feels himself bound by the terms of reference not to make awards except where the Custodian's lack of care is shown, a basis may be laid in the evidence for further representations to the Government and in Parliament.

The Co-operative Committee have asked the legal committee to consult with the Japanese Canadians about the matter of legal fees.

We hope to be able to announce a satisfactory arrangement within a short time.

(Mrs Hugh) Donalda MacMillan, Secretary,
126 Eastbourne Ave.,
Toronto, Ont.

Source: Nikkei National Museum, 2018-16-1-47-24
www.nikkeimuseum.org

September 15, 1947.

MEMO FOR MR. TANAKA

My office telephoned to-day to the Minister of Justice and were informed that the text of the Order-in-Council amending the terms of reference would not be available until Wednesday or Thursday.

I have had a letter from Mr. MacLennan of Norris & MacLennan to the effect that the Exchequer Court action brought by the Japanese Canadian claimant has been dismissed, and further expressing Mr. MacLennan's opinion that no appeal could successfully be taken.

In my opinion any consideration of boycotting the Commission is premature, furthermore my offhand opinion is that any such action would be unwise, and I would not at this stage be prepared to advise the Japanese Canadian Committee on Democracy or the Co-operative Committee to proceed with a boycott. It would appear that the amendment to the terms of reference removes the main objection which was made to the original terms, namely, the necessity of proving a lack of care on the part of the Custodian. I do not believe that public support could be obtained in any effort to get the terms of reference further widened at this stage, and I think it would be too much to expect those claimants who may have some reasonable prospective success, to forego the right to present their claims.

I believe that your Committee should dissociate themselves from the view taken by the Toronto claimants and should advise the Toronto claimants to reconsider what seems to have been a hasty decision. I would further suggest that as soon as the amended terms of reference are available to us later this week, plans should be made forthwith to present claims as efficiently and vigorously as possible.

F. A. BREWIN

Source: Nikkei National Museum, 2018-16-1-47-25
www.nikkeimuseum.org

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

B 94

Friday, September 19, 1947.

STATEMENT BY THE CO-OPERATIVE COMMITTEE
ON JAPANESE CANADIANS

The Minister of Justice has announced the terms of an Order-in-Council amending the Order-in-Council which appointed a Commissioner to investigate the property claims of Japanese Canadians. We enclose a copy of the amending order.*

This amendment removes the most serious objection taken by us to the terms of reference set out in the original Order, namely, that it was necessary for a claimant to prove that his loss was caused by lack of care on the part of the Custodian or his agents.**

We urged that the case of the Japanese Canadians in no way depended upon any lack of care on the part of the Custodian, and that in all cases where property was sold at less than a fair market value, compensation should be made.

We were so convinced that the orginal terms of reference imposed an impossible or extremely difficult burden on the claimants that we seriously contemplated advising the Japanese Canadians who might have claims, not to present them to a Commission whose powers were so restricted.

We therefore welcome the amendment contained in the new Order-in-Council insofar as it removes this objection and enables all those whose property was vested in the Custodian, and was sold at less than a fair market value, to present claims with some real hope of success.

We regret very much, however, that the Government has not accepted our representations that in order to do full justice all claims for losses to property fairly arising out of the evacuation orders should be investigated and compensation allowed.

* There are a considerable number of cases in which losses are still excluded from the terms of reference because the properties in question were not vested in the Custodian and loss was sustained before the appointment of the Custodian, either through forced sales, theft or vandalism, or the acts or omissions of other agencies.

We will continue to urge that more complete justice be done in respect to this class of claims and we plan to assist in the preparation of the necessary information, so that the cases of this group of claimants may be put before Parliament and the Government.

** Nevertheless we do not think it would be in the interests of the Japanese Canadians that those who are entitled to present their claims under the amended terms of reference should seek to boycott the Commission on the ground that the terms of reference are still not broad enough to cover all of those who in justice may be thought to be entitled to compensation.

Indeed we urge all those who have suffered loss through sale by the Custodian or through destruction or theft of personal property, after the property was vested in the Custodian, to take advantage of the Commission and to present their fair claims as vigorously as they can.

Our view has been strengthened by the information that the test case taken in the Exchequer Court against the Crown in regard to the legal right of the Custodian to sell the property of Japanese Canadians under the various Orders-in-Council, has been dismissed.*

It is our opinion based on the advice of the solicitors who represent the Japanese Canadians in these cases that there is little to be hoped for in the way of legal

(over)

Source: Nikkei National Museum, 2018-16-1-47-26-1
www.nikkeimuseum.org

Proceedings in the Courts and those who have based their hope on this means to secure compensation for losses must now abandon such hope.

It is the intention of the Co-operative Committee acting through and in co-operation with the National Japanese Canadian Citizens Association in the various provinces, to propose a plan whereby legal assistance in presenting the claims may be made available to those who may find such assistance necessary or desirable.

We shall shortly be issuing a further statement giving the details of this plan and setting out what steps should be taken by the Japanese Canadian Claimants to present their claims to the Commissioner.

(Mrs. Hugh) Donalda MacMillan, Secretary,
126 Eastbourne Ave.,
Toronto, Ontario.

Source: Nikkei National Museum, 2018-16-1-47-26-2
www.nikkeimuseum.org

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

B92

Tuesday, August 26, 1947.

Co-operative Committee on Japanese Canadians

Report of Interview with the Minister of Justice and the Secretary of State.

Mrs. Hugh MacMillan and George Tanaka met Mr. Brewin in Ottawa for a consultation before his interview with the Minister of Justice and the Secretary of State.

Mr. Brewin again presented the Co-operative Committee's contention that the present terms of reference which restrict claims to cases in which the Custodian was shown to be at fault was too narrow and did not do justice.

He urged that the Order-in-Council setting up the Commission be amended so as to provide that all losses reasonably and naturally arising out of the evacuation orders should be compensated for on the same lines as in the Bill before Congress as presented by the Government of the United States.

He also pointed out that the terms of reference were considerably narrower than that which was indicated in the statement made by the Prime Minister on January 24, 1947, and the recommendation by the Public Accounts Committee.

The Ministers discussed the matter thoroughly with Mr. Brewin and intimated that the matter would be referred to the Cabinet and an early decision would be made as to whether or not the orders would be amended.

Source: Nikkei National Museum, 2018-16-1-47-27
www.nikkeimuseum.org

B 108

GEORGE TANAKA
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1486 Rometown Drive Port Credit, Ont.

C O P Y

Order-in Council P. C. 3737

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 17 September 1947.

The Committee of the Privy Council have had before them a report dated 11th September 1947, from the Secretary of State, stating that, after further consideration of the Order in Council P. C. 1810, the 18th July, 1947, providing for an inquiry into property claims of Japanese persons evacuated from the coast of British Columbia as a war measure, he is of opinion that the terms of reference should be expressed in terms in line with the Fourth Report of the Standing Committee of the House of Commons on Public Accounts, which Report dealt with the general administration and liquidation of property owned by Japanese evacuees and was concurred in by the House of Commons.

The Committee, therefore, on the recommendation of the Secretary of State, advise that the terms of reference contained in the Order in Council P. C. 1810 aforesaid be amended:

1. By striking out paragraphs (a) and (b) of Clause numbered 1 and substituting the following:

"(a) that real and personal property vested in the Custodian pursuant to the above mentioned Orders was disposed of by the Custodian for less than the fair market value thereof at the time of sale resulting in loss to the Claimants equal to the difference between the amounts received from the sale and the fair market value aforesaid ; and

(b) that personal property vested in the Custodian pursuant to the above mentioned Orders was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen; provided that 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. By striking out the words "for failure of the Custodian to exercise reasonable care" from Clause numbered 2.

"A.J.P. Heeney"

Clerk of the Privy Council.

Source: Nikkei National Museum, 2018-16-1-47-28
www.nikkeimuseum.org

COPY

MEMORANDUM

Re: Request for the issuance of licenses to British subjects of other than white or native origin in the Northwest Territories.

While it had been fairly well known for a number of years that there were considerable fisheries resources in Great Slave Lake in the Northwest Territories the fisheries there had not been exploited on account of the transportation difficulties and the availability closer to market of adequate fish supplies.

Following investigations by the Fisheries Research Board confirming the fact that fish exist in commercialy quantity, the McInnes Products Limited of Edmonton, Alberta, undertook operations in Great Slave Lake on a considerable scale in 1945 and have been operating there each season since that time. It may be added that the regulations permit the taking up to two and one half million pounds of whitefish and trout and one million pounds in the winter on the understanding that any portion of the summer limitation not taken may be added to the winter limitation. Summer operations have been carried on with headquarters at Gros Cap while winter operations are carried on in the Hay River area of the Lake.

The Company has been utilizing as packers, scalers, etc., a number of Canadian citizens of Japanese origin who had, prior to the war, been engaged in fishing in British Columbia. They have not, however, been carrying on any fishing operations which requires licensing.

When the Department's Chief Inspector of Fisheries at Winnipeg, who is responsible for administration in the Northwest Territories, visited that area recently, he was interviewed by a spokesman for a group of Canadian-born Japanese, a Mr. Tak Shikatani. Mr. Shikatani advised the Chief Inspector that from eight to ten Canadian-born Japanese with previous fishing experience in British Columbia would likely take advantage of any concession granted by the Department with respect to commercial fishing licenses.

By Order in Council of January 13th, 1942, P.C. 251, which was enacted under the authority of the then War Measures Act provided that no licenses should be issued to persons of Japanese racial origin and that such persons shall not be

Source: Nikkei National Museum, 2018-16-1-47-29-1
www.nikkeimuseum.org

permitted to serve on fishing vessels. This applied to British Columbia only and still continues under the special legislation of last Session.

Prior to the war the number of licenses to persons of other than white or native origin in British Columbia was restricted and the endeavour was that through the years they would be gradually reduced. This restriction was put into effect through the absolute discretion to the Minister by Section 7 of the Fisheries Act to issue or authorize to be issued leases and licenses for fisheries and/or fishing.

On account of their frugal means of living and their acceptance of long hours of work together with their fishing ability, fishermen of Japanese origin would likely make it impossible for white fishermen to compete with them if licensing privileges are granted.

At least so long as the prohibition exists on the Pacific Coast it would, in this Department's opinion, be of doubtful wisdom to grant licenses to such persons in other provinces than British Columbia.

Ottawa, Ontario,
September 24, 1947.

Stewart Bates,
Deputy Minister of Fisheries.

Source: Nikkei National Museum, 2018-16-1-47-29-2
www.nikkeimuseum.org

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

B95

September 30, 1947.

ANNOUNCEMENT BY THE CO-OPERATIVE COMMITTEE
ON JAPANESE CANADIANS

The Commissioner appointed to inquire into property losses of Japanese Canadians will shortly be announcing in the press or by the time this is published may have announced the steps to be taken by claimants. In the light of the revised terms of reference, the Co-operative Committee has already advised all who have claims to take advantage of the Commission and to present their claims to the Commissioner with moderation, but with vigour. After consultation with officers of the National Japanese Canadian Citizens Association, the Co-operative Committee now presents a plan for assisting those who have just claims to present them to the Commissioner.*

The first step will be for all claimants to file claims verified by affidavits containing the information required by the notice to be published in the press by the Commissioner. The Co-operative Committee will have forms complying with these requirements printed, and will circulate them with instructions as to how they should be filled in and sent to the Commissioner. All who filed in Economic Losses Survey Forms with claims that are within the terms of reference will receive forms, and others who may desire to use them may secure same. The next step will be the presentation of oral evidence of claimants to the Commissioner at various centres throughout Canada where the Commissioner will sit. The last step will be the presentation of evidence of valuations and other similar evidence in British Columbia.

It is obvious that in these last two steps, legal counsel will be required if a strong and effective case for compensation is to be established. The Co-operative Committee has, therefore, evolved a scheme for legal assistance. Claimants may, of course, obtain independent legal advice, if they prefer to do so. It appears, however, that many may not be able to do so, and that the co-ordinated presentation of cases of claimants will save expense and in other ways be more effective. It is proposed, therefore, that the Co-operative Committee will name its legal representatives in each province, who will co-operate with each other in presenting claims in each province. To provide a minimum fund to cover legal fees, expenses of valuation and other necessary disbursements, each claimant who desires to take part in the scheme will be asked to pay a retaining fee of 1% of the total loss claimed by him. Additional legal expenses will be paid proportionately by the successful claimants out of claims allowed by the Commissioner. A partial list of legal representatives of the Co-operative Committee is as follows:

Vancouver - Norris & MacLennan, 602 Hastings St., W., Vancouver, B.C.; R. J. McMaster, c/o Campbell, Brazier, Fisher & McMaster, 675 Hastings St., W., Vancouver, B.C.

Alberta - W. E. Huckvale, Ritchie & Huckvale, 612 Third Ave., S., Lethbridge, Alta; L. S. Turcotte, Barrister, Lethbridge, Alta.

Manitoba - S. M. Cherniack, 460 Main St., Winnipeg, Man.

Ontario - F. A. Brewin, Cameron, Welldon & Brewin, 372 Bay St., Toronto; R. A. Best, 15 Toronto St., Toronto.

Saskatchewan and Quebec - to be announced.

The Co-operative Committee believes that in this way much time and great expense can be saved and a co-ordinated and co-operative effort made to ensure that the Commissioner receives an adequate presentation of the just claims of the Japanese Canadians. Announcements as to further steps to be taken in co-operation with the National Japanese Canadian Citizens Association will be made as soon as possible.

Miss Margaret K. Boos,
Secretary for the Committee,
94 Homewood Ave., Apt. 28,
Toronto, Ontario.

Source: Nikkei National Museum, 2018-16-1-47-30
www.nikkeimuseum.org

GEORGE TANAKA
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1486 Rometown Drive Port Credit, Ont.

B101

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

Bulletin #10, October 1, 1947

check Hansard

* OUR PREVIOUS BULLETIN was written when the disposition of Japanese Canadian property on the West Coast was being discussed in Parliament. Reports made by the Deputy Custodian indicated that property had been stolen and also some had been destroyed by vandals. Following the debate the question was referred to the Public Accounts Committee of the House of Commons. On May 27th, the Secretary of State announced that a commission would be set up to investigate property losses incurred through the sale of property by the Custodian.

Co-operative Committee Representatives before the Public Accounts Committee.

Mr. Brewin, Mr. George Tanaka and Mrs. Hugh MacMillan appeared before the Public Accounts Committee in Ottawa on May 27th. They urged that the Commission should have broad enough powers to deal with all losses fairly arising out of the evacuation. On On June 17th the Public Accounts Committee recommended a commission "to enquire 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."

Commission Appointed, but with Narrow Terms of Reference.

On July 18th the Government passed Order-in-Council P.C. 1810 appointing Mr. Justice Henry Irving Bird of B. C. as a Commissioner to investigate and to make recommendations to the Governor in Council. The Co-operative Committee issued a statement to the press and to co-operating groups across the country stating that the Order-in-Council's terms of reference were so restricted as to be worse than inadequate and in fact practically useless, because they would allow claims only where it could be shown that the Custodian had been careless. The committee considered advising the Japanese Canadians to have nothing to do with the Commission unless the terms were broadened. A letter was sent to the Prime Minister expressing the Committee's disappointment and asking for an interview at the earliest possible date. Mr. MacKenzie King replied that an interview would be arranged to discuss the matter with the Minister of Justice.

Interview with the Minister of Justice, August 26th. ← NB

Representatives of the Co-operative Committee who went to Ottawa for the interview pointed out that the terms of reference for the Commission did not fulfil the promise of the Prime Minister on January 24, nor did they meet the recommendation made by the Public Accounts Committee. Mr. Ilsley promised that the matter would be brought before the Cabinet at an early date. + P. Accts recommendation + UofT Lib Assoc - June → Cabin Sept Hyde Hodden

Terms Widened

On September 13th the Canadian Press reported that the Commission's terms of reference had been widened in accordance with the recommendation of the Public Accounts Committee. These terms allow all claims for property sold by the Custodian below fair market value to be presented to the Commission. In view of this change the Co-operative Committee has recommended to the Japanese Canadians that they present their claims and has offered assistance. Legal sub-committees are being set up in the various provinces to assist them in presenting claims. The Committee also is pointing out to the Government and to Parliament that a considerable number of cases of loss are still excluded from the terms of reference, namely those sustained before the property was vested in the Custodian.

Source: Nikkei National Museum, 2018-16-1-47-31-1
www.nikkeimuseum.org

News Bulletin #10, October 1, 1947 (Continued)

Remaining Restrictions

Restrictions on movement and on the issuance of fishing licenses to all Japanese Canadians in the Province of British Columbia will remain in effect till May 31, 1948. Parliament on April 24, 1947 passed this (105-31) although 107 members were absent.

Franchise

Japanese Canadians in British Columbia are disqualified from voting in a Dominion election under the Dominion Elections Act as follows:

"Paragraph (i) Sub-section 2 of Section 14 of the Dominion Elections Act, 1938, reads as follows:

"Every person who is disqualified by reason of race from voting at an election of a member of the Legislative Assembly of the Province in which he or she resides, and who did not serve in the military, naval or air forces of Canada in the war of 1914-1918 or in the war that began on the 10th day of September, 1939;' is disqualified from voting in a Dominion election.'"

In Alberta, evacuees are not granted the franchise on the grounds that they are temporary residents only.

Co-operative Committee Finance.

Two pieces of work call for the continued attention of the Committee and for the support of friends across Canada. First, a good deal of preliminary work must be accomplished before claims for property losses are presented before the Commission. The Committee is setting up an over-all plan for assisting the Japanese-Canadian people in filing and presenting claims, however, from then on the actual legal presentation of these claims becomes the responsibility of the Japanese Canadians themselves. Second, the Committee feels that two accounts of the evacuation should be written for the Canadian reading public; one by the Japanese Canadians themselves, and one of the story of the work of the Co-operative Committee. To carry out these projects a sum of $ 2,000.00 has been budgeted.

New Address of the Co-operative Committee.

Owing to the return of Mr. and Mrs. Hugh MacMillan to Formosa, China, Miss Margaret K. Boos, who has been closely associated with the work of the Committee for many months, has been chosen to act as secretary. Miss Constance Chappell has also relinquished her work as Treasurer owing to her return to Tokyo, Japan, and Rev. E. M. Nichols has been named the new Treasurer. The address of the Committee is now 94 HOMEWOOD AVE., APT. 28, TORONTO. Communications with the Secretary or contributions toward the Committee's financial needs should be made through the above address.

The Co-operative Committee on Japanese Canadians
94 Homewood Avenue, Apt. 28, Toronto, Ontario

Source: Nikkei National Museum, 2018-16-1-47-31-2
www.nikkeimuseum.org

A47

National JCCA Bulletin #2
84 Gerrard St., East,
Toronto 2, Ont.,
Tues., Oct. 7, 1947.

This Office, while working in close co-operation with the Co-operative Committee on Japanese Canadians and Mr. Brewin on the claims issue had recently been advised by Mr. Brewin that the Claims Commissioner, Justice Bird, planned to insert an advertisement in the newspapers which would instruct the claimants as to the procedure for filing claims to the Commissioner. (The Commissioner's instructions to claimants have now been published in the New Canadian and newspapers across Canada.)

Also, this Office had been advised by Mr. Brewin over a week ago, of the appointment by the Government of a Mr. John Hunter, Toronto lawyer, to represent the Custodian (Govt) at the hearings, etc. Mr. Hunter, who met with Mr. Brewin on September 22, stated that the Commissioner's tentative plan, at the time, was to announce through the press shortly, the claimants instructions as to the filing of claims and also the deadline for filing claims as November 30, 1947. This Office has stressed to Mr. Brewin the need to ensure adequate time be given by the Commissioner for the filing of claims and stated that at least a very minimum of 4 months should be extended to the claimants. It was stated also, that 6 months should not be considered an unreasonable request of time for the filing of claims. Mr. Brewin wired Mr. Hunter who is now in Vancouver requesting that the time limit for the filing of claims be extended.

During the next month when it is expected the work of filing claims on a national scale will be well underway, should it become definitely known to the National JCCA through its Provincial chapter organizations, that it is impossible for all claimants to file claims within the time limit set (Nov. 30) this Office is prepared to ask the Commissioner that the Nov. 30 deadline be extended. Mr. Brewin believes that the Commissioner has no legal right to fix an unreasonable arbitrary deadline for the filing of claims and has given assurance that every effort will be made to obtain adequate time for filing claims. Upon meeting with Mr. Brewin on Friday, September 26th, the above matter was discussed fully and also certain co-operative plans to be undertaken between the Co-operative Committee and the National JCCA outlined. The printing of a claim form for the use of claimants was discussed. Drafting of this form has now been undertaken by the Co-op. Committee legal committee and the National JCCA this week.

The claims form will comply with the Commissioner's published instructions and the terms of reference. It is expected that the form will be printed within a few days. It will be mailed to those who have submitted JCCD economic losses survey forms with claims which come within the terms of reference. Forms will also be made available to JCCA Provincial chapters for local distribution.

The National Executive Committee held a meeting on Monday, September 29, when this question of loss claims and the legal fee charge of 1% was discussed. It was felt by the Issei members that a legal fee charge based upon a percentage of claim for loss (1%) would not be acceptable to the claimants for the following reasons: (a) in the case of large claims for losses, the initial fee would be excessively high in view of the fact that no guarantee in given to the claimant that restitution will be made; (b) the total sum realized from all claimants may be far in excess of the $10,000.00 initial legal fee required as estimated by Mr. Brewin.

This Office discussed the above matter fully with Mr. Brewin and Mr. Best. We quote the following letter received from Mr. Brewin.

(Contd. on other side)

Source: Nikkei National Museum, 2018-16-1-47-32-1a
www.nikkeimuseum.org

Executive Committee,
National Japanese Canadian Citizens Association,
Toronto, Ontario.

Attention Mr. George Tanaka

Dear Sirs: I understand that there has been some question in your organization in regard to the proposal of the Co-operative Committee to provide legal assistance for a preliminary retaining fee of 1% of all claims.

When this matter was first discussed as you will recall, the writer suggested that a minimum figure for expenses was $10,000.00 and it appears that as the losses claimed will probably exceed one million dollars, that provisions for a 1% retaining fee would bring in more than the required amount.

At the time the writer made the suggestion of $10,000.00, the Government had not amended the terms of reference and the writer had in mind in suggesting that figure, that the terms of reference might discourage a number of claimants and thereby greatly reduce the amount in proof of claims. With the amended terms of reference the amount of claims may be very much more considerable, but the increased amount of the claims will also increase the expense and time involved.

On the previous occasion, the writer roughly estimated a total amount of claims that were to be made at five million dollars; however, for the practical purpose this should be very considerably reduced. First of all there will be a considerable number of claims which cannot be presented to the Commission because of the fact that the properties in question did not vest in the Custodian. This might reduce the claims by 25%.

It must also be borne in mind that the larger figure took in account, that claims were made for loss of earnings which cannot be recovered through the Commission.

In addition it is quite probably that very many of those who signed forms will not when the matter comes to a point and when it is necessary to present evidence, etc. to the Commission, will not wish to go to the trouble of actually presenting their cases.

It is also the view of the Co-operative Committee that legal assistance should be made available to those who for one reason or another were not financially able to pay the retaining fee.

On the other hand it seems to the writer now that the estimate of $10,000.00 was inadequate. This might take account of minimum legal fees, but inasmuch as the emphasis is placed under the new terms of reference upon the value of the properties, it will be important to have a fund available to employ expert valuators. It may also be necessary to employ someone to gather statistical information as to sales of other properties in the areas concerned and relation of selling values to assessed values.

All in all it is now my opinion that a sum nearer to $20,000.00 would be more adequate. This would be made up of legal fees of some $11,000.00 valuation fees of $5,000.00 and travelling expenses and contingencies fund or statistical material, etc. $4,000.00.

These, of course, are the very roughest estimates because it is extremely difficult to foretell precisely how much work will be done or how much expense will be involved.

I can assure you, however, that although the sum may seem large, it is quite small in relation to claims which in total may range between one million and five million dollars. Indeed if individual claimants had to employ lawyers of their own on an individual basis, it is probably that the amount required would be many times larger altogether.

Source: Nikkei National Museum, 2018-16-1-47-32-1b
www.nikkeimuseum.org

The suggestion has been made that a basic retaining fee of $10.00 be set irrespective of the amount of individual claims. We do not feel that this proposal would be fair. Some of the claims may be quite small and involve comparatively little time, other claims as the writer knows are very substantial and will involve a great deal of investigation. It would not be fair to ask the person whose furniture has been sold and who is claiming $300.00 or $400.00 to pay $10.00 and to ask a person whose business is sold and who may be claiming anywhere from $10,000 to $100,000.00 to pay the same amount.

It is, of course, to be understood that if the claimants are unable to pay the retaining fee suggested, for any reason, that the legal assistance will nevertheless be given if the Japanese Canadian organizations recommend that it should be. I think that the suggestion made by the Co-operative Committee that a retaining fee of 1% be paid, is fair and reasonable, and will probably provide enough but not too much in the way of financial resources to see that the claims are vigorously presented to the Commission.

I would regret it if your organization felt that this was not a fair proposal. We would, of course, be willing to discuss with you any variation that you suggest.

Yours very truly,

CAMERON,WELDON &BREWIN.
per: F.A. Brewin.

Since it is apparent from the above letter that the 1% fee cannot be changed or modified, and as it is considered a modest charge under ordinary circumstances, this Office cannot do otherwise but to accept the conditions outlined.

At the present time, the National JCCA is awaiting word from the Provincial Chapter Organizations regarding the claimants' decision in the respective provinces on the question as to whether they wish to accept or reject the present terms of reference. At the present time only the eastern provincial chapters have indicated to any extent the wishes of the claimants.

The National Organization, at the recent National Conference, decided as a matter of policy not to take any positive stand, except in voicing recommendation, on the matter of the terms of reference until it was known the majority opinion and wish of the claimants across Canada.

Owing to the urgency of the present situation, brought about in part by the Claims Commissioner's published announcement, it is imperative that the National Organization take action on certain vital matters which brook no delay. It is assumed, to some degree based from reports from Ontario and Quebec Provincial Chapters, that many claimants will signify their intention to accept the present amended terms of reference under strong protest.

It can be reported at the present time that the claims form will be printed in duplicate or triplicate with an explanatory letter attached. The claimant will be instructed to fill out one form and send it by registered mail directly to the Office of the Custodian, Vancouver, B.C. as requested by the Commissioner; a second form together with the 1% legal fee to either the JCCA Provincial Chapters or the Regional Co-operating Committees. Further instructions on this matter will be made available to the Provincial chapter organizations in the near future.

It is expected the Co-operative Committee will assume some measure of responsibility for all monies received from the claimants which is in payment of the 1% legal fee.

(Contd. on otherside)

Source: Nikkei National Museum, 2018-16-1-47-32-2a
www.nikkeimuseum.org

At the present time The National JCCA is placed in a very difficult position of responsibility, unasmuch as the Commissioner"s published instructions to claimants - requires the claims to be filed before November 30, and it is now very necessary for the Co-operative Committee to make immediate action in order to make proper claims forms available to the claimants without delay, which makes it imperative at this time for the National JCCA to take upon itself the responsibility of assisting and advising the Co-operative Committee on the matter of claims form, legal fees, etc., without first attempting to consult with the provincial chapters and the majority of claimants.

Summary Re Claims Form
Wed., Oct. 8, 1947

The Co-operative Committee on Japanese Canadians in close consultation with the National J.C.C.A. have undertaken to assist Japanese Canadians to present their claims to the Commissioner. A form complying with the Commissioner's instructions to claimants has been drafted and is now at the printers. It is expected that the form, together with the accompanying explanatory letter by the Co-operative Committee and Retainer Form, and all necessary Japanese translations will be ready for mailing to the claimants in approximately ten days time.

The form provides for claimant's statutory declaration. The official form properly filled out in duplicate, must be sent by the claimant to the Office of the Custodian, Vancouver, B. C. (registered mail suggested). The third form, addressed to the Co-operative Committee, should contain the same information as the official forms and should be sent, together with the Retainer Form and 1% fee, by the claimant to his provincial Japanese Canadian organization who are authorized to receive the form addressed to the Co-operative Committee and the legal fee on behalf of the Co-operative Committee.

In provinces where the Japanese Canadian organization is not in a position to handle these third forms and legal fees, an arrangement can be made with the regional Co-operative Committee to carry out this work.

It was felt that the Japanese Canadian organizations could best handle the work as it is probable that some claimants may write covering letter in Japanese.

It is also suggested that the legal fees received by the provincial Japanese Canadian organizations be banked locally on behalf of the Co-operative Committee. The form addressed to the Co-operative Committee, together with the "Retainer" form, should be forwarded to the regional Co-operative Committee.

The above outline of procedure is put forth on a tentative basis at the present time.

It is hoped that the information given above be regarded as an attempt by this Office to acquaint the J.C.C.A. Provincial Chapters on what may be regarded as the probable plan of procedure to be carried out in the near future. Further definite information will be communicated at the earliest possible date.

George Tanaka,

National Executive Secretary.

Source: Nikkei National Museum, 2018-16-1-47-32-2b
www.nikkeimuseum.org

Brewin Papers - Vol 1
MG 32 C26

TELEPHONE PACIFIC 9164

Campbell, Brazier, Fisher & McMaster
Barristers and Solicitors

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

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

OUR FILE No.

RECEIVED
OCT 25 1947
CAMERON WELDON
& BREWIN

October 25, 1947

Andrew Brewin, Esq.,
Barrister and Solicitor,
Sterling Tower Building,
Toronto 1, Ontario.

Dear Andrew:

Re. Japanese Canadian Claims

I have for acknowledgment receipt of your letter of the 14th instant with enclosures which arrived shortly before it was necessary to spend several days over on Vancouver Island this past week. As you comment therein, it looks as though we may have some difficulty with our friend in Alberta. However, that cannot be avoided and we will be in a better position to know where we stand when the claims are actually filed.

I appeared before the Court of Appeal in Victoria on Wednesday and Mr. Justice Bird passed down a note asking me to see him through the noon hour. I expressed to him our wish that the original opening hearing might be delayed a few days in December, to say December 4th, so that you would have an opportunity to consult with us before the hearing and to spend a few days at the Coast. He indicated that this was satisfactory to him but suggested that you and Hunter might agree on an opening date.

I indicated to him that with respect to the matters which you had raised in your letter to Mr. Hunter that we still had his reply thereto under consideration but told him that I felt free to discuss some of the problems with the understanding that the discussion was not to be considered a finality as to our position.

I pointed out to him that he had apparently misunderstood your suggestion concerning the Commissioner

Source: Nikkei National Museum, 2018-16-1-47-33-1
www.nikkeimuseum.org

appointing some person to do statistical work and explained to him the idea which we had in mind which I think he now fully grasps. At the time we discussed it he suggested that you ought to try to get the idea across to Hunter as he would like to have some agreement concerning it. After we had left this point and discussed a number of other matters and just before I left his office he referred again to the idea and said that he tought it might be a very good one as a means of assisting the Commission and also the parties. I would be interested in knowing whether you have had an opportunity to pursue the idea further yourself and also whether you had an opportunity to check it with your real estate friend in Toronto.

Mr. Justice Bird at the moment is inclined to feel that the question of production of documents is a matter which you and Hunter will have to try and work out between yourselves and on which he might hear argument at the opening unless some arrangement is made between counsel beforehand. While he did not express a definite opinion, I got the feeling that he thought that if the Government refused to produce the files he might not have the power to force them to although certainly I also felt that he thought it was desirable that they should be produced.

I discussed with him briefly the problem of rebuttal evidence and put forward to him the suggestion that the necessity for his returning to the various centres where he takes evidence might be more readily obviated if the Custodian were required to produce his files at each place and to put in his evidence, other than the findings of valuators, upon the hearing of each claim. He was inclined to agree that this system might work more satisfactorily but the problem which arises is that it would necessitate the Custodian, or at least someone from his office, travelling across the country with the Commission. Mr. Justice Bird suggested that I might have a discussion with Mr. Shiers, the Custodian, with regard to this proposal. I have not had an opportunity to do so yet and am not inclined to press the matter too hard with the Custodian until I receive your views as to whether it is a desirable course of action from our point of view. I am inclined personally

Source: Nikkei National Museum, 2018-16-1-47-33-2
www.nikkeimuseum.org

to believe that it would be much more satisfactory if the files of the Custodian were produced to the counsel actually appearing on the claims a few days before the hearing of the claims in each centre. It would not only be more satisfactory to counsel but it would save a tremendous amount of work.

Mr. Justice Bird pointed out that assuming that some agreement might be arrived at for the examination of documents it would materially facilitate matters if at least some claims could be filed at the earliest possible date and I promised him that I would urge upon the national committees that they send out the request across the country to have claims filed at the earliest possible date.

I told Mr. Justice Bird that if it were his wish, as he had expressed it, to commence his hearings in Western Canada that I felt obliged to take the matter as a closed issue but I thought I should point out to him that the claimants were much better organized in the Province of Ontario than they are in the Province of British Columbia and that therefore it is likely that claims will be completed and filed more rapidly in that Province. In these circumstances, despite his desire to commence sittings in B. C., it might facilitate the work of the Commission to commence sittings in Eastern Canada. I was rather surprised that he indicated that if on the filing of the claims such appeared to be the case, consideration might have to be given to re-organizing the agenda. You will be interested, by the way, to note that on the basis of Virtue's letter he has estimated that there might be as many as 3000 claims and apparently he considers it may be necessary to spend a month in each centre. In other words, he realizes that this investigation is going to take some time.

Mr. Justice Bird apparently is quite reconciled to the opening hearing and after our discussion it seemed to me that he was beginning to become reconciled to the idea that he might not get his actual hearings commenced until January, subject to what happens at the opening hearing.

Source: Nikkei National Museum, 2018-16-1-47-33-3
www.nikkeimuseum.org

Andrew Brewin, Esq. October 25, 1947

Upon his return the writer got in touch with Dr. Norman Black whom he had requested before leaving to head up a local Committee. Dr. Black unfortunately has had an attach of pneumonia and has been unable to do anything. We do not think that this is the only factor, however. He apparently is somewhat upset regarding relationships with the Civil Liberties Union, whose president is Dr. Lewis of the University, and feels that he has not been treated with the greatest courtesy. Accordingly he suggested that I get in touch with Dr. Lewis. However, I find that Dr. Lewis has also been suffering from an attach of pneumonia and at that time was just beginning to get around again. Accordingly I have left the matter over but I will in the next few days communicate with him and urge that a Committee be set up. I do not see any necessity at the moment that the Committee should consist of more than five to seven persons. However, in the meantime, the need for a Committee has been duly demonstrated.

We had a telephone call from Greenwood yesterday in which they requested Mr. T. Norris and the writer to go up to Greenwood at the earliest possible date to discuss with their Council the many questions which have arisen since the forms arrived. I discussed the matter with Norris & McLennan. Mr. Norris is unable to attend but Mr. McLennan will be able to do so. We discussed the necessity of both of us attending. However, after some discussion, although I was a bit reluctant to take the time out right now, we decided that in this instance it might be advisable for us both to go. If there had been a Committee in existence the whole matter could have been referred to them. It it were only a matter of advising on the completion of claims I would have felt that it would have been sufficient for McLennan to go up but undoubtedly there will also be questions as to the whole scheme of operation, and in view of my recent discussions with you concerning the same we felt that perhaps I ought to go also. Mr. McLennan would not budge, however, until we had some assurance that the Japanese Committee in Greenwood would put us in funds. I am afraid I am not as hard boiled. Accordingly we advised them that we would require $300.00 which if they advanced we would expect they would subsequently have reimbursed to them out of the general funds when it is established. This they have agreed to do. I mention the

Source: Nikkei National Museum, 2018-16-1-47-33-4
www.nikkeimuseum.org

financial aspect of the problem so that you will understand it in the event that you receive reports concerning it and also because it raises the problem which is going to recur concerning the provision of funds for disbursements. Presumably once the 1% starts rolling in advances will be made to counsel for such occasions as these if, as and when required.

After further discussion with McLennan we were fairly satisfied that we could arrange all work with that firm in an equitable manner in respect of these matters. McLennan was a bit concerned as to whether they were going to get adequately paid for the work done on this business and was rather inclined to feel that the percentage of collection in the first instance ought to be a little higher. I explained to him the discussions which we had in Toronto and told him that it appeared to me that assuming we met with any success at all, ultimately it looked as if we should be reasonably reimbursed.

You will be interested, by the way, in a case which McLennan referred me to of a client of their firm where the Custodian was going to sell a piece of property at a figure of $7800.00 which was the valuation put on it by the Custodian's valuator. McLennan persuaded him to delay the sale for four months to give McLennan a chance to try to sell it privately. He sold the premises for $14,000.00. This may be an exceptional case but it certainly is along the line of the allegations which have been made. It would seem to me that if we are able to give any evidence as to the claims in general that it is possible this particular instance ought to be brought out in evidence.

The writer had a discussion with a real estate man in Vancouver the other day, whom he knows fairly well and for whom he has done some business, to try to ascertain whether the Real Estate Association had any figures of the relation between assessed values and sale prices during the relevant periods and gathers that there is little hope of assistance from that source. Apparently the Financial Post maintain a clerk in the Land Registry Office at Vancouver who lists all the sales every day and as far as this

Source: Nikkei National Museum, 2018-16-1-47-33-5
www.nikkeimuseum.org

real estate man is concerned he did not believe that they produced any statistical material from these figures. We will try at an early date to follow this through and see if there is any hope of getting assistance from this source. We realized after our discussion with this man, however, that one of the difficulties we are going to be concerned with is that almost every real estate man in the City of Vancouver has at some time had dealings with sales of Japanese property for the Custodian. They are all, therefore, going to be very hesitant about giving evidence for fear they themselves might be attacked for having sold properties at an unfair price. Some of the best known valuators in the City were employed by the Custodian so that it will be difficult to obtain the services of a good valuator. It is rather interesting that it was one of the best known valuators who evalued the property referred to above at $7800.00 and which McLennan sold for some $14,000.00.

I am sorry that this is such a long letter but I feel that you would be interested in the matters set forth, and would particularly like to receive your reaction to the advisability of my pressing the Custodian to agree to producing his files at each centre and giving his evidence at each centre.

Yours very truly,

CAMPBELL BRAZIER FISHER & McMASTER

Per R.J. McMaster

RJM:PG

Source: Nikkei National Museum, 2018-16-1-47-33-6
www.nikkeimuseum.org

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NATIONAL JAP. CANADIAN CITIZENS ASSOCIATION

October 27, 1947.

Mr. W. S. Wallace, Secretary
Lethbridge Co-operative Committee
Box 629
Lethbridge, Alta.

Dear Mr. Wallace:

Owing to the fact that Mrs. Hugh MacMillan has left the Co-operative Committee, it has taken a little time to re-organize the Co-operative Committee executives and familiarize the new secretary with the various duties. Therefore, you may not have received correspondence informing you of the various details of procedure for assisting the claimants as you would ordinarily have had when Mrs. MacMillan was the Secretary for the Co-operative Committee.

I am faced with a rather different situation in respect to conditions in Alberta. In all the other provinces I am able to rely on the assistance of the various provincial chapters of the Japanese Canadian Citizens Association in carrying out the work of assisting the claimants in filing of their claims and also in receiving "Retainer" form, form addressed to the Co-operative Committee and legal fee. In Alberta, as you are aware, the situation is such that it is difficult to rely on the co-ordinated co-operation between the Issei and Nisei groups. We have the full support and co-operation of the Southern Alberta Youth Council, but find it difficult to rely on any amount of co-operation from the Issei groups. It appears that some of them still wish to retain the "Gladstone" virtues as legal counsel. I believe a good many of the claimants now seek the assistance of your Committee and legal counsel which you are able to extend to them. I gather from the information which I have received from time to time from Mrs. MacMillan when she was here and subsequently from Mr. Brewin, that you are now well prepared to assist the Alberta claimants. I have written to all the various provincial J.C.C.A. chapters, but overlooked communicating with you regarding the matter of informing the claimants as to whom they should seek or write to for claims forms, etc. I had taken for granted that your address as representing the Lethbridge Co-operative Committee would be used in this claims matter as the Japanese Canadians are not so well organized in Lethbridge as elsewhere and seem unable to take on this job. I believe the Southern Alberta Youth Council is co-operating with your organization to the fullest extent possible in matters such as these.

I hope I have not been too presumptious to take for granted in using your address for the Lethbridge Co-operative Committee and that claimants in Alberta should write to you for forms and also that they send forms addressed to the Co-operative Committee, "Retainer" form and legal fee to the Lethbridge Co-operative Committee, care of your address.

I expect to receive the claims forms, etc., from the printers tomorrow. Mimeographed Japanese translations of these forms will be ready this week, therefore, I hope to

(p.t.o.)

Source: Nikkei National Museum, 2018-16-1-47-34
www.nikkeimuseum.org

National JCCA Bulletin #3
84 Gerrard St., East,
Toronto 2, Ontario,
Sat., Nov. 14, 1947

Progress report on claims issue

On Friday, September 26, several members of the National Executive Committee and the Executive Secretary met with Mr. Andrew Brewin for discussion on matters pertaining to probable general procedure on the claims issue.

September 30, 1947: This Office and Mr. Brewin, legal Counsel to the Co-operative Committee, received The New Canadian which contained the Commissioner's notice to claimants with notice of November 30 deadline for filing claims.

October 6 - 15: Claims forms, Letter to Japanese Canadian claimants from Co-operative Committee on Japanese Canadians, etc., drafted by the Co-operative Committee and the National J.C.C.A.

October 16: Final drafts handed to printers.

October 21 - 23: Proofs from printers received and corrected.

October 28: Claims forms, Letter to Claimants from the Co-operative Committee, Retainer form, received from printers. (30,000 sheets of printed matter received from printers. Cost of printing amounting to $ 250.00 borne by the Co-operative Committee's own fund)

October 29-30-31: 20,000 sheets of Japanese translations of forms, letter and retainer form mimeographed by the National J.C.C.A. Office. Stapling of printed claims forms addressed to Commissioner (5,000 in duplicate) and claims form addressed to Co-operative Committee with retainer form (5,000 each) carried out.

November 1: Claims forms and other printed material, including mimeographed Japanese translations sorted, counted and wrapped and sent from this Office to Provincial JCCA Chapters and co-operating organizations as follows: British Columbia J.C.C.A. (1,000 of each); Alberta (Lethbridge Co-operative Committee, 400 of each); Saskatchewan (Regina Nisei Organization 100 of each); Manitoba J.C.C.A. (300 of each); Ontario (available); and Quebec J.C.C.A. (300 of each).

50 claims forms and other printed material sent to the following Co-operative Committee lawyers:

British Columbia:	Norris & MacLennan, 602 Hastings St., W., Vancouver, B. C. R. J. McMaster, c/o Campbell, Brazier, Fisher & McMaster, 675 Hastings St., W., Vancouver, B. C.
Alberta:	W. E. Huckvale, Ritchie & Huckvale, 612 Third Ave., S. Lethbridge, Alta. L. S. Turcotte, Barrister, Lethbridge, Alta.
Saskatchewan:	Dr. M. C. Shumiatcher, 2060 Rae St., Regina, Sask.
Manitoba:	S. M. Cherniack, 460 Main St., Winnipeg, Man.
Ontario:	F. A. Brewin, Cameron, Welldon & Brewin, 372 Bay St., Toronto
Quebec:	Roger Ouimet, K.C., 152 Notre Dame, East, Montreal, P.Q.

(over)

Source: Nikkei National Museum, 2018-16-1-47-35-1a
www.nikkeimuseum.org

November 30 deadline for filing claims

Should claimants find it impossible to file their claims before the November 30 deadline as set by the Commissioner, they are requested to notify their Provincial J.C.C.A. Chapter of this matter through their local organization in order that such definite information from the claimants themselves as to the inadequate filing time may be forwarded to the National J.C.C.A. Office during the last week in November. All local organizations should be prepared to send the above information to their Provincial J.C.C.A. headquarters in order that full information on this matter may be forwarded by letter or telegram to the National Office.

With such definite information at hand, the National J.C.C.A. will be in a stronger position to request the Commissioner for a reasonable extension of filing time.

Letter to The Honourable Mr. Justice Bird

This Office has written the following letter to Mr. Justice Bird, giving the Commissioner fair notice as to the inadequate filing time allowed claimants. Failing a satisfactory reply to our request, stronger request for the extension of filing time will be made at the end of November. In the meantime we should be sincere in our efforts to comply with the Commissioner's instructions.

Quote: "The Honourable Mr. Justice Bird, c/o The Law Courts, Victoria, B. C. (dated November 10, 1947) Dear Sir:

As the national organization which represents Japanese Canadians throughout Canada, we respectfully bring to your attention a matter which is of great concern to Japanese Canadian claimants.

Referring to your printed instructions to claimants for filing of claims, which, we believe, was first announced in the September issue of The New Canadian, we wish to state the 60 days filing time given claimants has now dwindled to less than 14 days.

We are certain, at this writing, the majority of claimants are not in a position to file their claims.

Two main factors contribute to this situation, (1) The claimants' inability, in most cases, to understand clearly your instructions in terms of filing claims containing clear, specific information as requested, (2) The wide dispersal throughout Canada of Japanese Canadians as a result of the evacuation.

Our experience during the past year, while carrying out our economic losses survey, has indicated to us that claimants are completely confused when considering their property losses in terms of statement of clear, specific information. Even with the aid of a simple form, their attempt at statement of losses if often but a confused listing of such losses.

Therefore, even while faced with your announced November 30 deadline for filing of claims which was brought to our attention for the first time in The New Canadian on September 30, we felt it absolutely necessary to make available to claimants a claim form complying with your instructions together with a Japanese translation.

We assure you that every effort was made to have the forms available to claimants at the earliest possible date. The following record of time required for printing of forms is submitted:

September 30, 1947: Received The New Canadian which contained the Commissioner's notice

Source: Nikkei National Museum, 2018-16-1-47-35-1b
www.nikkeimuseum.org

to claimants with notice of November 30 deadline for filing claims.

October 6 - 15: Claims forms, etc., drafted by the Co-operative Committee on Japanese Canadians and the National Japanese Canadian Citizens Association.

October 16: Final drafts handed to printers.

October 21 - 23: Proofs from printers received and corrected.

October 28: Claims forms, etc., received from printers.

November 1: Claims forms and other printed instructional material including mimeographed Japanese translation of form sent from the National Japanese Canadian Citizens Association office to co-operating organizations in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, and Quebec for distribution to claimants.

Owing to the widespread dispersal of Japanese Canadians, we are certain many will not receive forms until the second or third week in November. The National Japanese Canadian Citizens Associations and its many co-operating local organizations in each province are doing everything possible to assist claimants to file claims according to your instructions.

Your fair consideration is respectfully requested for the extension of the filing time for claims.

The approaching November 30 deadline for filing claims is a serious handicap to claimants excluding any possibility that careful consideration may be given to claims filed. Consequently the oral hearings may be conducted under some state of confusion due to the claimant's inability to understand clearly his case for loss claim. We are also concerned that cases of losses will be overlooked and dropped in despair by harassed people in misunderstandment.

Trusting that our sincere request on behalf of the Japanese Canadian claimants be granted your fair and just consideration. Respectfully yours, George Tanaka, Nat. Exec. Secretary."

Retainer fee:

Claimants should enclose the 1% retainer fee when making application to retain the Co-operative Committee to present their case to the Commissioner. Only in cases where the claimant is destitute and cannot possibly pay the 1% retainer fee, can the National J.C.C.A. recommend to the Co-operative Committee, as stated in last paragraph of "letter to Japanese Canadian claimants from the Co-operative Committee," that their application be accepted. Should an unreasonable number of claimants seek the assistance of the Co-operative Committee's legal services, etc., without paying the 1% retainer fee, it may be necessary to request payment from the claimants concerned.

Appointment of Valuators:

It is expected the western legal representatives of the Co-operative Committee, Mr. R. J. McMaster and Norris & MacLennan, will be able to report shortly the appointment of a qualified valuator whose duties will embrace such work as carrying out planned valuation work in the various localities concerned in order to establish fair market value levels as at the time of evacuation which can be applied to support the claimants' in their loss claims.

The National JCCA has given consideration to the proposal of appointing someone from amongst the Japanese Canadians who is qualified and who could work in close co-operation with a valuator appointed by the Co-operative Committee. Such a person could act as the direct representative of the National JCCA and assist greatly in the valuation work.

(over)

Source: Nikkei National Museum, 2018-16-1-47-35-2a
www.nikkeimuseum.org

Re: Commissioner's Proposed Itinerary

It is understood at the present time that the Commissioner plans to hold a preliminary meeting with the Co-operative Committee lawyers during the first week of December, 1947 (about December 3rd) in Vancouver. The Commissioner had intimated this several weeks ago presumably on the understanding that most of the claims would have been filed by November 30th. It is believed that he will proceed to Kamloops to conduct the first oral hearings, in the early part of December. At the oral hearings, according to Mr. Brewin, the Commissioner will hear whatever evidence the claimants make in respect to their claims filed. Subsequent to the first hearing, it is believed he intends to return to Vancouver for the Christmas Holidays and in the new year will proceed from where he left off. It is expected that the Commissioner will continue conducting oral hearings throughout the different centres, gradually working his way eastward across Canada. Although the Commissioner has intimated in his correspondence with Mr. Brewin that the hearings would be conducted with dispatch conforming to a time table of some three months, this Office believes that he will be forced to change his plans regarding time schedule as they seem to be very optimistic as to the time required to conduct the oral hearings.

Upon completion of oral hearings, the Commissioner will return to Vancouver where the crucial hearings will be conducted. At this time the Co-operative Committee lawyers from each province, representing the claimants in their respective districts will proceed to Vancouver to take part in the crucial hearings. Each claimant's case will be reviewed and the Co-operative Committee lawyers will have the opportunity to present all the material which has been gathered to substantiate the claimants' loss claims. It is understood that the Co-operative Committee legal counsel will make every effort to have the Custodian's files available to the Co-operative Committee lawyers in order that full information as possible regarding the claimants' cases, which are in the hands of the Custodian, will be made available to them. Such information, it is believed, will play an important part in the proceedings. Also during this time the information gathered by the valuators appointed by the Co-operative Committee , who will be assisted in their work by qualified Japanese Canadian, will play an important part, it is believed, in aiding the lawyers in presenting their cases on behalf of the claimants. (An example of the kind of valuable services the statisticians and appraisers could give in order to assist in substantiating claimants' loss claims is as follows: By a method of graph or other means used by statisticians a general level of property valuations in each district concerned as at the time of evacuation could be established and it could be pointed out by the use of this information, should the Custodian sale price of the claimant's property be out of line with this valuation level, that the loss claimed is reasonably justified).

Owners Forced Sale Loss Claims:

It has been estimated by this Office, after tabulating some 570 Economic Losses Survey Claims taken at random, that approximately 20% of the claimants' loss claims are not covered by the present terms of reference, therefore, these claimants are unable, at the present time, to file claims to the Commissioner.

It has always been the contention of the Co-operative Committee and, of course, also the Japanese Canadian organizations in which, at the present time, the National J.C.C.A. reiterates, that all claims for losses should be considered by the Government on the basis that they were suffered as a direct result of Government's order of evacuation.

The National J.C.C.A. has not overlooked the claimants' loss claims which, at the present time, can not be considered by the Commissioner. These claims for losses cover all cases where owners were forced to sell their property and also where fishing boats and gears

Source: Nikkei National Museum, 2018-16-1-47-35-2b
www.nikkeimuseum.org

were sold by a Committee appointed by the Government under Order-in-Council P.C. 288, January 13th, 1942. Every effort will be made by the Co-operative Committee and the National J.C.C.A. to make representation to the Government in order that these claims will also be considered. Of course, they can not be brought directly to the attention of the Commissioner during presentation of claims which can be considered, but it is hoped that sufficient information will be brought to the attention of the Commissioner indiredtly regarding the inadequency of the present terms of reference.

It is strongly urged upon all local organizations and the J.C.C.A. Provincial Chapters to obtain as complete information as possible on all loss claim cases which are not covered by the present terms of reference such as owners forced sale of property and fishing boats and gears sold by Special Committee, etc. This information will be required at a later date, in not too distant future, when representation will be made to Ottawa that consideration be given to such loss claims with further widening of the present terms of reference. Full information regarding these loss claims not covered by the present terms of reference should be recorded and made available to the National J.C.C.A. Office.

Re Naturalization Question :

This Office having written to Dr. E. H. Coleman, Under Secretary of State, Ottawa, regarding naturalization received the following reply. Both the letter written to Ottawa and the reply received are quoted as follows:

Dr. E. H. Coleman, Under Secretary of State, Ottawa, Canada. Dear Sir:

May we ask of your assistance in clarifying certain matters pertaining to the present status of Japanese Nationals who have made application for Canadian citizenship.

It is our understanding that all alien residents in Canada who wish to become Canadian citizens, upon fulfilling certain basic requirements for naturalization, are granted Canadian citizenship.

We are aware of a number of cases where Japanese Nationals who have made their declaration of intention to become naturalized over 18 months ago and who have proceeded beyond the initial stage of naturalization, still await further word as to whether citizenship will be granted.

It is the policy of our organization to educate and assist Japanese to become good Canadian citizens.

We would like to know whether Japanese are treated on the same basis as other alien nationality groups when naturalization applications are being considered. We are under the impression that Japanese are required to undergo a greater waiting time for naturalization than other alien groups.

Could you please let us know if there are any special qualifications imposed on Japanese Nationals which perhaps prevent them from obtaining Canadian citizenship.

Sincerely yours, George Tanaka, Nat. Exec. Secretary

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George Tanaka, Esq., National Exec. Sec'ry. 84 Gerrard St., E., Toronto, Ont., Dear Sir:

I have today received your letter of November 8th. There are no special regulations re-

(over)

Source: Nikkei National Museum, 2018-16-1-47-35-3a
www.nikkeimuseum.org

gulations relating to applications under the Canadian Citizenship Act by Japanese Nationals.

I am enclosing a copy of the Canadian Citizenship Act. Japanese Nationals who apply for citizenship in Canada are treated, so far as this Department is concerned, exactly in the same manner as any other alien applicants.

Yours sincerely, E. H. Coleman, Under Sec'y. of State

The reply from the Under Secretary of State does not justify situation which exists wherein it is known that a number of Japanese Nationals who have applied for naturalization and who, having made their declaration of intention for naturalization over two years ago, are still awaiting the granting of Canadian citizenship. Further correspondence with Ottawa has been made with specific attention to individual cases where it is known that the applicant has waited far beyond what should be considered a reasonable waiting period. Every effort should be made by organizations to send in full information as to applicants in their districts who have applied for naturalization in order that a greatly substantiated representation can be made to Ottawa on this matter.

Stranded Japanese Canadians in Japan:

The following letter has been written to both the Under Secretary of State for External Affairs and the Deputy Minister of Mines and Resources, Ottawa, regarding the question as to the position of stranded Japanese Canadians in Japan. We quote the following letter written to both departments. At the present time this Office is awaiting reply on the above letter.

Under Secretary of State for External Affairs, Deputy Minister of Mines and Resources, Ottawa, Ontario. Dear Sir:

We would greatly appreciate receiving whatever information you can give us on the matter of the present status of Canadians of Japanese ancestry now stranded in Japan.

As you are aware, a number of Japanese Canadians are now in Japan unable to rejoin their families in Canada due to the fact that they were in Japan when Canada declared war.

These people were, previous to the declaration of hostilities, on visit to Japan as Canadian citizens, but who now find themselves unable to rejoin their families in Canada due to the present uncertain conditions.

We feel that Japanese Nationals who have made Canada their home, but are also stranded in Japan under similar conditions and who have their families living in Canada, should be placed under the same category of concern.

As there are a number of Japanese Canadian families greatly concerned about this matter, we wish to know what official machinery it is intended the Government set up, to take care of this matter.

May we point out that the United States Government has already set up official machinery whereby, after due consideration of the eligibility of applicants, stranded Japanese Americans are now permitted to return to the United States.

Trusting that we shall hear from you, may we extend our thanks,

Sincerely yours, George Tanaka, Nat. Exec. Secretary

George Tanaka, National Exec. Secretary

Source: Nikkei National Museum, 2018-16-1-47-35-3b
www.nikkeimuseum.org

CANADIAN DELEGATION

DÉLÉGATION DU CANADA

The Biltmore,
New York City,
18th November, 1947.

SECRET

Dear Mr. Ranger,-

I have your letter of November 14th, enclosing copy of a memorandum regarding the request for the issuance of fishing licenses to British subjects of other than white or native origin in the Northwest Territories.

The suggestion in the last paragraph of Mr. Bates' memorandum would appear to be reasonable, namely that as long as the prohibition exists on the Pacific Coast the same prohibition should exist in other provinces. However, I feel that within a reasonable time the prohibition will have to be abolished, both on the Pacific Coast and in the other Provinces, as a prohibition based on racial grounds is not defensible, having in mind the principles to which Canada has subscribed as a member of the United Nations.

Yours very truly,

Raymond Ranger, Esq.,
Secretary,
Cabinet Committee on Japanese Questions,
Privy Council,
O t t a w a, Canada.

Source: Nikkei National Museum, 2018-16-1-47-36
www.nikkeimuseum.org

Fisheries File 716-14-19 vol 1

MEMORANDUM FOR THE MINISTER

re Japanese Fishermen in British Columbia and inland provinces.

The following notes outline for your information the essentials of the previous history of this question. They show that before this war, the policy leading to the exclusion of fishermen of Japanese origin had been operative in British Columbia. During the war, an Order in Council for reasons of defence and security, decreed that no fishing licenses be issued to persons of Japanese racial origin and also that no such persons be permitted to serve on fishing vessels. This Order is still in effect, having been carried forward from last session under the legislation in the Transitional Measures Act. The British Columbia fishing industry has, of course, now adopted itself to Whites and Indians exclusively, and there are enough of these to exploit the fishery fully. In short, from the point of view of the industry and the fishery, there is no demand for Japanese labour in British Columbia and the return of Japanese to the fishery would involve serious dislocation. There has been a request to allow Japanese fishermen to operate in the Northwest Territories.

There are other Orders relating to the Japanese and this one affecting Japanese fishermen has to be considered along with the others as part of the general Government policy, but from a Fisheries point of view the above statement relating to the British Columbia position outlines also our Departmental view. It is important, we think, that decisions as to exclusion of Japanese should be Governmental decisions based on general policy. Hence the need for having the Japanese fishermen question considered along with other Japanese questions, as different aspects of one problem.

ENTERED ON DAVOS

The following notes outline for your own information, the history of this question:

1. Fishing for salmon for canning purposes in British Columbia began on the Fraser River about 1876. For the first number of years white fishermen and native Indians

Source: Nikkei National Museum, 2018-16-1-47-37-1
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were employed during the short season that fishing was carried on each year. As industrial developments progressed in the province the tendency was for Whites to go out of fishing. Orientals were employed in their places.

2. At the close of the 1914-1918 War, Oriental fishermen were quite largely employed and were mainly used in addition to Indians in many of the important fishing areas. With the return of the soldiers from overseas the extent to which fishermen of Oriental origin had become entrenched in the fisheries, resulting in lack of opportunity for other classes, became an issue of primary importance. Another question at issue at the time was that there were restrictions on the number of canning and salmon fishery licenses of the different kinds. In 1919, the general policy of restricting the number of licenses was withdrawn in favour of "open" fishing and in conjunction with this change it was decided, with a view to encouraging a White and Indian fishing population, there should be no increase in privileges available to others than White and Indian fishermen engaging in the salmon and herring fisheries, and that no more fishing licenses to fishermen of Oriental origin should be granted in 1920 than were issued in 1919. It was also decided the provision in the Fisheries Act authorizing the Minister of Fisheries to issue fishing licenses should be the agency of control in these arrangements.

3. Licenses in 1921 were issued on the same basis as those of 1920. In 1922 the first step to reduce the number of others than Whites and Indians was taken, when a reduction of 33 1/3% in the number of salmon trolling licenses on the basis of the number issued to them in the preceding year was applied.

4. In 1922, the British Columbia Fisheries Commission was appointed. Its report recommended 40% reduction in 1923 in all fishery licenses to persons of Oriental origin and that for salmon purse-seine and drag-seine fishing, no licenses be issued at all to that class. This recommendation was carried out.

5. Continuing this policy, reductions were applied with certain exceptions, from 1924 to 1927 on a varying basis, but no instance exceeded 15% in any one year.

6. In 1925, the Fisheries Committee of the House of Commons recommended, beginning with 1927, an annual reduction of 10%

Source: Nikkei National Museum, 2018-16-1-47-37-2
www.nikkeimuseum.org

on the basis of 1926 licenses so that by 1937 the industry would be entirely in the hands of Whites and Native Indians. Before the final report of the Committee could be submitted for approval the House dissolved.

7. Late in 1927, the Minister's authority to issue licenses as he had been doing to bring about the reductions was challenged. Privy Council decision in 1929 upholding that of the Supreme Court was adverse to the Department. In the meantime, the Fisheries Act had been amended to give the Minister absolute discretion in the issue of licenses.

8. Each year from then, no more licenses or greater privileges were granted to fishermen of Oriental origin than obtained in 1927.

9. In 1940 and 1941, about 15% of the fishing licenses issued in British Columbia were to Japanese, 60% to Whites, and the remaining 25% to Indians. With the entry of Japan into the war, Order in Council P.C. 251 of the 13th January, 1942, was passed, and for reasons of defence, as mentioned in the first paragraph, no licenses could be issued to persons of Japanese origin and no such persons were permitted to serve on fishing vessels. This was passed under the authority of the War Measures Act and is still in effect by reasons of the Transitional Measures Act.

10. The effect of the above Order in British Columbia is shown in the following table, which indicates the number of fishing licenses issued in 1941 and in 1946. It reveals both the exclusion of the Japanese and the large increase in the number of fishing licenses. The number of licenses has increased from over 13,000 to around 20,000. Quite often individual fishermen hold more than one license so that these figures do not quite represent the number of fishermen, but the fact remains that there is a substantial increase in White fishermen with only a modest increase among the Indians:

	1941	%	1946	%
Whites	8,023	59.8	16,508	82.6
Indians	3,305	24.6	3,476	17.3
Japanese	2,053	15.3	—	—
Japanese ret'd soldiers	37	.3	—	—
Chinese	—	—	18	.1
TOTAL	13,418		20,002	

Source: Nikkei National Museum, 2018-16-1-47-37-3
www.nikkeimuseum.org

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11. If licenses were to be issued again to persons of Japanese racial origin, it is to be expected that the majority of those who formerly engaged in fishing would return, since Japanese have some racial aptitude for fishing. However, the present numbers in the fishery are sufficient to exploit it to the full on the West Coast, and indeed the numbers at present are perhaps in excess of the optimum necessary for proper exploitation. Likewise, in plant labour in fish canneries where substantial numbers of Japanese women were employed, white women have taken their places since the removal of the Japanese from the coastal regions in 1941. A return of the Japanese to the coastal regions would, therefore, dislocate not merely the fishery but the employment of white women in the canneries.

12. Government policy will have to determine whether for reasons of defence and security, the Japanese are likely to be excluded from British Columbia. Even if Japanese are allowed to return to that Province, policy will have to determine whether for reasons of defence, they should be granted fishing licenses or be permitted to serve on fishing vessels. Thirdly, even if Japanese are excluded from fishing in British Columbia, policy will have to determine whether fishing licenses might be granted to them for fishing in inland waters, although here again if defence reasons entered consideration, this Department would have to be instructed as to the particular zones in which licenses could be granted.

O t t a w a,

November 22nd, 1947

Source: Nikkei National Museum, 2018-16-1-47-37-4
www.nikkeimuseum.org

(#5)

ADDENDUM TO THE MINUTES OF THE NATIONAL EXECUTIVE COMMITTEE MEETING, DECEMBER 11, 1947

(1) Re Naturalization: The National Executive Secretary reported on correspondence which has been carried on between the National Office and Dr. E. H. Coleman, Under Secretary of State, regarding the present status of Japanese nationals applying for naturalization. He stated that in answer to his first letter regarding this matter, the Under Secretary replied that to his knowledge there were no regulations against Japanese applying for naturalization. Further to this correspondence, the Executive Secretary reported that he had written to the Under Secretary of State citing two cases where Japanese nationals had proceeded with declaration of intention to be naturalized over two years ago and that they still await further word as to whether they will receive Canadian citizenship. The Executive Secretary reported that the National Office is still awaiting reply from Ottawa to the last letter.

(2) Re Bill 104: The Executive Secretary reported on the restrictive controls against Japanese Canadians which are contained in "The Continuation of Transitional Measures Act, 1947" known as Bill 104. He stated that under the Dominion Statute of 1947, it is provided that the Transitional Measures Act was to expire on the 31st day of December, 1947 should Parliament meet during November or December, 1947. As Parliament convened on December 5, 1947, this provision, therefore, takes effect and under ordinary circumstances, the Act containing the restrictive controls against Japanese Canadians would expire on December 31st, 1947. Knowing the attitude of certain members of Parliament whose contention as expressed in the House of Commons during the last session of Parliament has been that they favoured continuation of these restrictive controls for at least another five or ten year, every effort should be made at this time to enlist the support of sympathetic members of Parliament against the continuation of these controls. Furthermore the consensus indicates in all probability that the Act would be continued either to March 31, 1948 or a further period of one year. Under Bill 104 it was pointed out that the two restrictive controls against Japanese Canadians were Order-in-Council PC251 which prohibits Japanese Canadians from fishing in British Columbia and Order-in-Council PC946 which prohibits free movement of Japanese in British Columbia as well as maintains the 100-mile protective zone along the B.C. coastal areas.

(3) Re Constitution Committee: The Chairman, Kinzie Tanaka, of the Constitution Committee reported that progress was being made on the National constitution and that the Committee had met some five times to date and it was expected that the first draft of the National constitution would be ready about the end of January, 1948. He stated that the rough outline drawn up by Peter Yamada had been considered to great length during the five meetings, but that since the matter was of great importance, progress on the constitution was, of necessity, very slow.

Source: Nikkei National Museum, 2018-16-1-47-38
www.nikkeimuseum.org

Brewin Papers MG32 C26 Vol 1

TELEPHONE PACIFIC 9164

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
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R. J. McMASTER
A. J. F. JOHNSON

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

OUR FILE NO.

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DEC 19 1947
CAMERON WELDON
& BREWIN

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

Source: Nikkei National Museum, 2018-16-1-47-39-1
www.nikkeimuseum.org

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

Source: Nikkei National Museum, 2018-16-1-47-39-2
www.nikkeimuseum.org

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.

Source: Nikkei National Museum, 2018-16-1-47-39-3
www.nikkeimuseum.org

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

Source: Nikkei National Museum, 2018-16-1-47-39-4
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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.

Source: Nikkei National Museum, 2018-16-1-47-39-5
www.nikkeimuseum.org

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 Commissioner had wholly disposed of the question of the status of Corporate claimants. We may find this point arising again at the January hearing

Source: Nikkei National Museum, 2018-16-1-47-39-6
www.nikkeimuseum.org

Lewis Papers MG 32 C26

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, whereas 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

Source: Nikkei National Museum, 2018-16-1-47-40-1
www.nikkeimuseum.org

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.

Source: Nikkei National Museum, 2018-16-1-47-40-2
www.nikkeimuseum.org

R. J. McMaster December 19, 1947.

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

Source: Nikkei National Museum, 2018-16-1-47-40-3
www.nikkeimuseum.org

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

Source: Nikkei National Museum, 2018-16-1-47-40-4
www.nikkeimuseum.org

One Man's Opinion

By Richard J. Needham

DEC 19 1947

Immigration – Canada – Japanese

We made some reference yesterday to the prejudice against Japanese-Canadians in Southern Alberta. The worst aspect of this prejudice is that it prevents them from getting employment on the basis of their ability, and even bars certain lines of training to them.

Last summer, for instance, Miss Joan Toyama of Coaldale, formerly of Vancouver, applied to enter Galt Hospital, Lethbridge, as a student nurse. The superintendent of nurses wrote back: "I am sorry that girls of Japanese origin are not accepted in Lethbridge hospitals. In the past, they have been admitted to the School of Nursing at Lamont, Alberta, and I would suggest you submit your application there."

Miss Toyama is not going to train at Lamont. Instead, she has applied to, and been accepted by, the General Hospital, Winnipeg. Yet Alberta is badly in need of graduate nurses.

* * *

This incident explains the tendency among the young Japanese-Canadians to drift away to other provinces, particularly Ontario, where they do not find so many barriers erected against them. Southern Alberta has little to offer the boys but the back-breaking, low-paid work of the beet fields, and it has little to offer the girls but domestic work in homes or institutions.

The precedent for this was set during the war years, when well-to-do Lethbridge women saw their domestics vanish into marriage and munitions factories. Accordingly, they brought in dozens of Japanese-Canadian evacuees, sometimes with official permission, and sometimes without. This aroused resentment among patriotic elements in the city, who felt, no doubt sincerely, that they could help to save democracy in Europe by harassing racial minorities in Canada.

The controversy had its comic aspects. It posed an alarming problem for prominent members of the community. Should they lay their patriotism open to question by defending the right of the Japanese girls to work in the city? Or should they arouse the wrath of their wives by demanding that the Japanese girls be put out? The victory, we need scarcely say, went to the wives.

Somewhat less comic was an incident that took place at the blood donor clinic at the Lethbridge Red Cross Branch in the summer of 1944. Four Japanese-Canadian girls came in one day to offer their blood for our overseas forces. With some hesitancy, and muttering among the staff, they were accepted. The next Monday, four more showed up. They were turned away, till an official ruling could be obtained. The awful problem went to divisional headquarters at Calgary, and thence all the way to national headquarters at Toronto, where it was officially decided that the use of plasma obtained from Japanese-Canadian donors would not harm the bodies or sap the loyalty of wounded men overseas.

Prejudice is not the pattern, however, throughout the whole of Southern Alberta. In the rural areas there has been more of a disposition to accept the Japanese, particularly among young people. An interesting example is Coaldale, which has welcomed the evacuees into its community activities. A Japanese lay preacher is in charge of the Coaldale United Church and Japanese teachers have been engaged in the schools. Right now, residents of the district are raising $4,000 to send an evacuee girl, Cheiko Saito, to the Mayo Clinic at Rochester for special treatment.

* * *

It is not our intention to suggest that Lethbridge is a singularly intolerant city. The intolerance has come out there simply because it is the centre of the district where the evacuees were placed. If they had been placed around Calgary or Edmonton, no doubt the story would have been the same. Prejudice exists in all cities of Alberta.

As we remarked yesterday, this prejudice cannot be wiped out by legislation. It is not the responsibility of the people who govern Alberta, but of the people who live in it. There is one thing the government can do, however, to alleviate it. That is to release the Dominion government from its 1942 agreement to remove the evacuees after the war. This action would automatically change the status of the 3,300 evacuees in Alberta from that of temporary residents to that of permanent residents, entitled to the same civil rights as anybody else. It can, and we think it should, be taken immediately.

Immigration – Canada – Japanese

Japanese Evacuees Leaving in Droves

FEB 17 1947

LETHBRIDGE, Feb. 17 (CP) The Lethbridge Herald today said that Japanese evacuees were leaving "in droves since completion of 1946 sugar beet labor contracts.

The Herald said that according to various officials associated with them their chief reason for going was concern over their future here as a result of statements by Alberta government authorities.

About 200 Japanese have gone to Ontario and Quebec from this area in recent months and applications have been received from as many more. The movements eastward were giving much concern to officials of Alberta's sugar beet industry who already are facing a shortage of labor for the 1947 crop of beets.

Local officials of the Japanese division of the federal department of labor told The Herald that not a single Japanese evacuee had been permitted to return to British Columbia from Southern Alberta and that there are still about 4,000 Japanese in this region. Between 3,300 and 3,400 of them are evacuees and the others are Japanese who have been residing in Southern Alberta for up to and over 40 years.

"They are anxious to become re-established but do not know what their future will be in Alberta," stated one official. "They do not know whether they will be permitted to stay here another six months or six years. They do not know whether they will be permitted to keep a farm if they buy one in Alberta. Because of the uncertainties in this province, many of them are anxious to go elsewhere to try and re-establish themselves."

Many of the Japanese evacuee families in Southern Alberta are anxious to farm on their own and spokesmen for the Japanese explained that from 75 to 90 per cent of the evacuees would prefer to remain in Southern Alberta if the uncertainty over their future here did not exist.

Source: Nikkei National Museum, 2018-16-1-47-41
www.nikkeimuseum.org

National J.C.C.A. Bulletin #4
84 Gerrard St., East
Toronto, Ontario
Monday, December 29, 1947

Progress Report on Claims Issue

On Thursday, November 27, 1947 this Office received word from the Commissioner of the extended filing time which he has granted to claimants as a result of representation made by the National J.C.C.A. and which was reported in Bulletin #3. Extension was granted to December 31, 1947 for B.C. and January 15, 1948 for other provinces.

On Thursday, November 27th the Executive Secretary in consultation with Mr. Brewin was made aware that George Tamaki's services would be of great assistance to the Co-operative Committee lawyers during the Commissioner's preliminary meeting, etc., in Vancouver during the week of December 3, 1947. In connection with this matter Mr. Brewin had some two weeks previously written Mr. Tamaki on the desirability of his attending the December 3rd hearing in Vancouver. Therefore, this Office wired George Tamaki as to whether he would be able to work with Mr. Brewin and attend the Commissioner's preliminary hearing on December 3rd. We wish to report that as a result of this wire, Mr. Tamaki was able to attend the meetings held in Vancouver and represented the National JCCA, especially where representation was required on matters peculiar to Japanese Canadian viewpoint.

Re Appointment of Mr. Y. Yamaga

During the week of December 1st - 5th while Mr. George Tamaki and Mr. Brewin were in Vancouver attending the Commissioner's preliminary meeting, etc., correspondence further to obtaining the services of a qualified Japanese Canadian for valuation work was carried on between this Office and both Mr. Tamaki and the B.C. JCCA in Greenwood. We wish to report that as a result of this correspondence, Mr. Tamaki contacted the Greenwood headquarters of the B.C. JCCA by telephone and discussed the matter of obtaining the services of a suitable person for valuation work. Subsequent to this consultation between Mr. Tamaki and Mr. Ishiwara, President of the B.C. JCCA, Mr. Yamaga was approached by the B.C. Chapter for his services. We have subsequently been informed by the B.C. JCCA that Mr. Yamaga is willing to offer his services in the capacity as assistant valuator to work with the Co-operative Committee valuators and also as the representative of the National JCCA. It is expected that his services will be particularly helpful in connection with valuation work on Fraser Valley properties as he has a very wide knowledge of such properties.

The opinion of the executive members of the B.C. JCCA who met with Mr. Yamaga recently for the purpose of discussing his appointment for valuation work concurs with the opinion of the National Executive Committee who, having discussed this matter of appointment of a Japanese Canadian to work with the Co-operative Committee valuators at a previously held National Executive Committee meeting when Mr. Yamaga's name was suggested by some members of the Committee who were well acquainted with his qualifications, decided that his services should be sought for this work.

Source: Nikkei National Museum, 2018-16-1-47-42-1a
www.nikkeimuseum.org

The following report on preliminary meeting held in Vancouver between the Commissioner and the Co-operative Committee lawyers, Mr. Brewin, Mr. McMaster and Mr. George Tamaki, was submitted by Mr. Brewin subsequent to his trip to Vancouver.

MEMORANDUM FOR MR. TANAKA

The opening hearing of the Commission took place in Vancouver on December 3rd. Before the hearing I had an opportunity to confer with Mr. McMaster, MacLennan and Mr. George Tamaki, representing the Co-operative Committee, and also Mr. Gladstone Virtue representing some 200 claimants in Alberta.

At the preliminary hearing various relevant Orders-in-Council were filed. Mr. Hunter for the Commissioner, then raised the point that the terms of reference in regard to personal property lost, destroyed or stolen restricted the Commissioner to cases where such property was lost, destroyed or stolen when in the actual or physical possession of the Custodian.

I argued for the Committee that this was not necessary, that possession and control over properties vested in the Custodian at the date of the relevant Orders-in-Council. This enabled us not only to deal with this point but to discuss generally the interpretation which we said should be put upon the terms of reference, which we said should be a gerous one as the purpose was to do justice and provide fair compensation.

The Commissioner reserved his ruling, but our impression was that we had the best of this argument.

It is probable that the Commissioner will give his ruling shortly and we will hear from Mr. McMaster about this.

We then took up with the Commissioner the question of claims by companies whose shareholders "were of the Japanese race", and were evacuated. Considerable argument developed on this, and the Commissioner ruled that he would accept and investigate such claims, reserving the question till after evidence was given as to whether he had a right under the terms of reference to make findings in regard to them.

We should, therefore, notify all claimants that such claims should be filed, and we believe that even if the terms of reference are not amended, the Commissioner will make the necessary findings even if he has not strict legal authority to do so, and if it is shown that properties of such corporations were sold at less than a fair market value, the government will pay compensation.

Such claims should be completed and filed in the name of the corporation concerned, and an affidavit should no doubt be completed by the President or Secretary of the Corporation. The next point which was taken up was the question of fishing vessels disposed of by the fishing vessels disposal committee, known as the Smith Committee. It was conceded by all concerned that the terms of reference were not broad enough to include all claims in respect to such fishing vessels and the Commissioner so ruled.

I intimated that an application would be made to the government to enlarge the terms of reference to include these fishing vessels. In this connection it is important that we should collect as soon as possible details in respect to prospective claims for the sale or deterioration of fishing vessels sold by the Smith Committee.

We should also get a report on this matter as soon as possible from Mr. K. Kimura, Alpine Inn, British Columbia, as he was a member of the Committee.

Would you write to Mr. Kimura asking him for a report as to what was done and any cir-

Source: Nikkei National Museum, 2018-16-1-47-42-1b
www.nikkeimuseum.org

cumstances within his knowledge which would indicate that sales were perforce at less than fair market value.

The situation in respect to these vessels is complicated by the fact that the property in the vessels was not vested in the committee and the actual sales, although arranged by the committee were carried through by means of documents signed by the owners. Furthermore a fund of $ 80,000.00 subsequently increased, was set up to compensate for loss, presumably the loss in respect to the deterioration of the vessels while tied up after evacuation, and before their sale.

We should like to have all possible information in regard to this.

It would be advisable that this information be secured as soon as possible so that application may be made to the government to enlarge the terms of reference before the Commissioner has gone very far in hearing claims.

The other problems which were discussed at the opening hearing were chiefly on matters of procedure. The Commissioner agreed with our contention that he would not be bound by the strict rules of evidence, but would hear evidence wherever he could. It was agreed in a general way that the Commission would hear what the claimants had to say and supporting local evidence in a series of hearings arranged across the country. He proposed to sit for one week at Kamloops, and has as you know been sitting this week. He would then resume hearings in British Columbia in the New Year.

He anticipated that he might be altogether, a further two months in British Columbia and two months in Alberta and Saskatchewan, and suggested that he might come to Toronto for hearing of Ontario claims in May.

After all the claimants evidence has been heard, the Commissioner will hear evidence of valuations in British Columbia.

The question of production of the Custodian's files was discussed, and we were informed that in respect to the valuation made by the Soldier Settelemt Board in respect to properties sold to the D.V.A., photostatic copies of the appraisals would be made and were being sent out to the claimants or their solicitors. Claimants for whom the Co-operative Committee is acting should, therefore, be asked to send these photostatic copies of appraisals in to be put on the files of the various lawyers acting, as soon as possible after received.

It was also understood that the Custodian's files should be open for inspection by the solicitors for the claimants, but as an inspection of these bulky files would involve too big a job for our legal representatives in Vancouver, it was agreed that the Custodian would send relevant material in the files including all documents to which he proposed to refer on the hearings, to the solicitors involved, at least one week before the claimants were heard, so as to give an opportunity for study of these files by the solicitors.

It was also agreed that one copy of the evidence should be supplied free of charge to the solicitor for the claimants. There was also some discussion in regard to interpretoers. However, we will hear from him if anything has to be done in this regard.

In general it may be said that the opening hearing was valuable.

Subsequently to the hearing the Commissioner together with the Custodian's representative Col. Hunter, Mr. Tamaki and myself visited a number of properties in question in the Fraser Valley.

This was not, of course, done for the purpose of any actual evidence or valuations, but

Source: Nikkei National Museum, 2018-16-1-47-42-2a
www.nikkeimuseum.org

so that we might have some idea of the type of property which was being discussed. Mr. Tamaki is to furnish a memorandum of his impressions as to changes in the properties and other points of interest arising out of this trip.

The presence of the various lawyers in Vancouver enabled a discussion to be had about other matters of importance, and in particular in respect to the valuations that would be necessary. Mr. McMaster and Mr. MacLennan undertook to take the following steps.

1. To interview Professor Farr in regard to statistical material to be prepared for the claimants.

2. Mr. Norris and Mr. MacLennan or Mr. McMaster undertook to interview Mr. Mansell of Pembertons who was suggested as one who may be employed as an expert valuator, and who might make suggestions as to others.

3. It was decided to ask the National J.C.C.A. to get in touch with Mr. Yamaga at present at Hope, B.C. and to secure his services if possible. Arrangements as to payment for his services to be discussed between the Co-operative Committee and the National J.C.C.A. Mr. Yamaga was on the original Whiteside Committee and was secretary of the Co-operative and has a wide knowledge of the properties in the Fraser Valley, and subsequently resigned from the Committee when the sales to the D.V.A. was proposed. We believe every effort should be made to secure Mr. Yamaga's expert services.

4. Finally Mr. McMaster was to discuss the whole question of valuations, etc. with Prof. Angus. It was agreed that a job much required to be done before the valuators were actually put on the job was the organization of the claims by municipalities and with respect to different types of property, e.g. fishing vessels, cars, etc.

Each claim would be separately numbered. For this purpose it was proposed that Mr. Tanaka and his staff should be asked to do this as soon as the claims had been filed. For this it would be necessary that copies of the claims be made and sent in to the office of the National J.C.C.A., 84 Gerrard Street, East, Toronto.

Later, copies of evidence relating to each case and the relevant Custodian's productions would be added to the files and made available to our valuators and experts.

We also discussed the sort of questions that would be asked all claimants and it was pointed out that the following points should be est blished.

1. Date of sale.
2. Assessed values.
3. Income from property or rentals.
4. Offers if any for the property in question or adjoining properties.
5. Corroborated materials such as insurance accounts, bills for material put into the improvements or for property purchased.

The claimants should be asked what other witnesses are available to give evidence on the hearings.

6. Expenditures on the property by way of improvements and otherwise.
7. Condition of the property at the date of evacuation.
8. Arrangements made when leaving.
9. Whether any of the personal property has been received from the Custodian.

It was decided that after the first few hearings had taken place and experience had been gained as a result of them, Mr. McMaster would report to the Committee and a letter be prepared to claimants to be sent to them before they gave evidence, outlining the sort of evidence that would be required.

Source: Nikkei National Museum, 2018-16-1-47-42-2b
www.nikkeimuseum.org

Report received from Mr. George Tamaki on the Commissioner's preliminary meeting held in Vancouver on December 3rd and also on discussions which took place with the Co-operative Committee lawyers in Vancouver.

The preliminary hearing opened at 10:30 a.m., Wednesday, December 3rd, at which time various matters of general importance, as well as procedure, were taken up. The Commissioner appears to be very fair and anxious to do justice to the claimants. There are, however, one or two things that the claimants should keep in mind. At the outset it became evident that the Commissioner was not interested in hearing complaints about the actions of the Custodian, but that he considered that his only function under the terms of reference of the Commission was whether property was lost or was sold at less than fair market value at the time of sale or loss. The claimants will be well advised to concur in this attitude. It would better the claimants' case in the long run not to take any attitude which alleges any negligence on the part of the Custodian, and grant that he had a very difficult job to do and that he did his best under the circumstances, but that the claimants still suffered loss. I think the point that we should not be looking to attach blame on the Custodian is very important, as the Commissioner feels that his job is merely to decide what compensation should be given to the claimants. It is also important that the claimants be represented by counsel. It must be pointed out to the claimants that unless they are represented by counsel, they will be at a great disadvantage in presenting their cases. Since the Government and Custodian will be represented by counsel and as the time which the Commissioner can give to each case will be limited, the claimants must present their case in the best light without wasting too much time of the Commission.

It may be that some claimants feel that the only requirement is to appear before the Commission and state their case. They fail to realize, however, that although this inquiry will not be conducted as in court, there are such matters as valuation, etc., which will definitely have to be proved by the claimants and the presentation of a claim means more than giving one's opinion of the amount of losses which he has suffered. With reference to the question of appraisers, this matter was discussed in detail during the conferences before and after the preliminary hearing on December 3rd. In this connection, it was agreed by everyone that there should be one or two qualified Japanese to work with the valuators.

On Wednesday, December 3rd the Commissioner suggested that he and the Council view certain parts of the properties in the Fraser Valley in order that everyone concerned may get a better picture of what the claims are all about. On Friday the Commissioner, Mr. Shears, Mr. Hunter, (counsel for the Government) Mr. Brewin, and myself went on this tour to Haney and Whonnock, as well as to Strawberry Hill and Sunbury. Most of the farms were in a dilapidated condition, but I think it was realized that a great deal of depreciation occurred in the five or six years since evacuation.

Commissioner to hold second hearing on January 9th, 1948

We wish to report that Mr. Brewin has received communication from Mr. MacMaster stating that the Commissioner proposes to hold a special hearing to be held in Vancouver on January 9, 1948. It appears that the Commissioner's decision to hold this hearing is a result of his recent experiences in conducting the first oral hearings of claimants in Kamloops. It is understood that the Commissioner is concerned with the great amount of time required in conducting oral hearings and it is very possible that he will make every effort to simplify these hearings by pronouncing certain judgment at the meeting scheduled for January 9th. The Co-operative Committee lawyers, including Mr. MacMaster and Mr. Brewin, have been advised to attend the hearing should they wish to do so in order to present argument on several important points on which the Commissioner will declare ruling.

Source: Nikkei National Museum, 2018-16-1-47-42-3a
www.nikkeimuseum.org

The National JCCA is of the opinion that this hearing will in all probability be of a very crucial nature and it is very possible, should the Commissioner hand down adverse rulings against various types of claims now submitted by the claimants, that a number of claimants will be denied the opportunity to submit loss claims.

The following are several points upon which it is expected the Commissioner will hand down judgment on January 9th, 1948:

(1) Whether commissions paid by the Custodian and charged to the claimants are to be included or excluded from the amount received from the sale of their property (National JCCA submission -- 'Commissions (including storage charges) should be excluded from the amount received from the sale of property').

(2) Has chattel property an additional value when it is related to a business in the form of goodwill and whether such comes within the terms of reference. (National JCCA submission -- 'Chattel property has additional value as part of a going concern')

(3) Is the Custodian under any obligation to collect Accounts Receivable owing by debtors to a claimant who has been evacuated, or should only those accounts which the Custodian has been able to collect be held accountable. (In other words, are Accounts Receivable personal property and where the Custodian has not pursued the usual methods for collecting same, have they been lost, destroyed or stolen) (National JCCA submission -- 'Custodian should be held responsible for all accounts and businesses uncollected.')

(4) Once real estate is vested in the Custodian, does the fact that the claimant has consented to the sale of a property at less than its fair market value exclude such claimant from making a claim under the terms of reference. (National JCCA submission -- 'This should not exclude claimant's claim as owner's consent of sale was made as there was no alternative open for claimants')

(5) The question as to whether the provision in the terms of reference that the Commission 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. (National JCCA submission -- 'As according to terms of reference, valuation is made as at the date of sale, but in cases where excessive depreciation of property has occurred, such as farms and certain businesses subsequent to the evacuation, valuation should be based as at the time of evacuation. It is hoped that the Co-operative Committee counsel will argue that where property has depreciated excessively, valuation when made as at the date of sale should take into consideration value of such property if it were kept up or continued as a going concern up to such date of sale')

The National Executive Committee having met on December 18, 1947 and having considered the above-mentioned points, is of the opinion that every effort should be made to ensure proper representation on behalf of claimants at the special hearing which is being called by the Commissioner on January 9, 1948 and that Mr. Brewin should also take part at this hearing.

The Co-operative Committee which met on Monday, December 29, 1947, also considered these important points and concur with the decision of the National Executive Committee that Mr. Brewin should attend this important hearing called by the Commissioner.

Source: Nikkei National Museum, 2018-16-1-47-42-3b
www.nikkeimuseum.org

Report to Mr. G. Tanaka on Impressions of Visit to the Fraser Valley on December 3, 1947.

At the preliminary hearing of the Royal Commission on Japanese Canadian property claims on December 3, 1947, the Commissioner suggested that counsel and himself view Fraser Valley farm properties subject to claim in order that all concerned may have a better general picture of properties to be considered by the Commission. By arrangement, the Commissioner, Mr. Hunter (counsel for the Government), Mr. Brewin, Mr. Shears, Mr. William Anderson (formerly of the Custodian's office), and myself left Vancouver at 10:30 a.m. Friday, December 5, and returned to Vancouver at 4:30 p.m. the same day, having covered the following localities: Haney, Whonnock, Strawberry Hill, and Sunbury. It was not the purpose of the trip to examine particular properties but rather to get a general view of former Japanese properties.

In general, Japanese properties had deteriorated greatly in appearance as compared to pre-evacuation. For the most part, farms which were formerly neat and well kept were now covered with weeds and used lumber, junk, etc. were strewn over the properties. The fact that this view was taken in the middle of winter also detracted from the general appearance. An additional factor was that for the most part Japanese homes and buildings were unpainted.

From the point of view of the claimants in general and the Co-operative Committee and the J.C.C.A. the following would appear to be of some interest:

1. In view of the general impression of dilapidation which may have been created from this trip, it is necessary for claimants to be prepared to offer proof of what the properties were like prior to evacuation. This, I think, may best be done by means of photographs, insurance coverages, and statutory declarations of persons who were acquainted with the properties. This evidence must later be supplemented by reports of our own appraisers as to the value of property at the time of sale.

2. From this trip, I became more convinced that in assisting the work of the appraisers it is necessary that aid be obtained of persons (preferably Japanese) who were acquainted with Japanese properties before evacuation. In this connection, I am glad to note that my suggestion that the services of Mr. Yamaga be obtained for the Fraser Valley properties has been acted upon.

3. It is my understanding that sales of farm property to the Soldiers Settlement Board have been made effective as at January 1, 1943, whereas V.L.A. appraisals were made any time from July, 1942 to August, 1943. There may, therefore, be some discrepancies between the fair market value at the date of sale and the V.L.A. appraisals, and this should be pointed out to the appraisers we appoint and counsel.

4. It was noted that many Japanese homes were constructed differently from Occidental homes. Where the construction was exactly the same as that of Occidentals, this should be pointed out to the Commissioner. Where differences are admitted it would be important to establish that these differences would not detract from the fair market value. In this connection, it is important that the principle be established that fair market value means normal market value without the introduction of the special circumstance of evacuation.

5. It was noted that in many cases farms were small in comparison with farms as we know them in Eastern Canada. It will, therefore, be necessary to point out that Japanese farms were intensively cultivated and that a five acre farm, say, was a source of

Source: Nikkei National Museum, 2018-16-1-47-42-4a
www.nikkeimuseum.org

considerable income to the family. In this connection, it may be argued by the Custodian that these farms were in most cases merely a source of supplemental income to workmen in the mills, etc. If this is not so, this should be pointed out to the Commissioner.

This view of the properties has fortified my original belief that the Commission can obtain very little useful evidence with respect to valuation of property, especially farm real property, by hearing claimants across country, unless this was fortified by the evidence of competent appraisers capable of countering valuations set by V.L.A. or other valuators.

December 20th, 1947. G. Tamaki.

Source: Nikkei National Museum, 2018-16-1-47-42-4b
www.nikkeimuseum.org

Re Stranded Japanese Canadians in Japan

We report the following, as intimated in Bulletin #3, letter received by this Office, dated December 3rd, from the Deputy Minister of Mines and Resources, H. L. Keenleyside, regarding the formalities required for re-entry into Canada by these people.

We are informed by the Deputy Minister that Canadian citizens of Japanese ancestry, whether natural born or naturalized, are re-admissible to Canada. This does not apply to people of Japanese ancestry, natural born Canadians or otherwise, who, under Order-in-Council PC10773 of November 26th, 1942, were deprived of their citizenship, leaving Canada under the wartime exchange agreement and of naturalized Canadians of Japanese ancestry, who, under Order-in-Council PC7356 of December 15th, 1945, were deprived of their citizenship, when willingly consented to be repatriated to Japan under the provisions of PC7355 of December 15, 1945. It must be pointed out, also, that certificates of naturalization of any naturalized persons long absent from Canada may also be subject to revocation. Canadian citizens of Japanese ancestry who wish to return to Canada should apply to the Canadian Liaison Mission, 16 Omote-Machi, 3 Chome, Akasaka-Ku, Tokyo, for their travel documents.

Applications for return to Canada by Japanese subjects claiming retention of Canadian domicile may be submitted to the Canadian Liaison Mission, 16 Omote-Machi, 3 Chome, Akasaka-Ku, Tokyo, or to the Director of Immigration, Immigration Branch, Department of Mines and Resources, Ottawa, Such applications will be examined on their merits to be determined whether the individuals have in fact retained Canadian domicile and are re-admissible to Canada, we are informed.

The position of Canadian citizens of Japanese origin who served in the Japanese armed forces, we are informed, is still under study by the Canadian Government.

Re Naturalization

In connection with applications made by Japanese nationals for naturalization, we report further to information noted in Bulletin #3. We quote the following letter written from this Office to Dr. E. H. Coleman, Under Secretary of State, Ottawa, Canada.

"

Thursday, November 20, 1947.

Dear Sir:

I wish to acknowledge with appreciation your letter of November 11th in reply to our request for clarification on the subject concerning the question of the existence of special regulations against Japanese nationals applying for Canadian citizenship.

With your assurance that no special regulations are imposed upon Japanese applicants, it may not be too presumptious on our part to assume that aliens, including Japanese nationals, on filing their declaration of intention for naturalization, can reasonably expect receiving Canadian citizenship status within an 18 months period.

We bring to your attention two specific cases wherein declaration of intention for naturalization was made 2 years ago or over, with applicants still awaiting word as to whether they will be granted Canadian citizenship.

(Case #1) - A Toronto resident, Stephen Atsumi Kamino, filed his declaration of intention in Toronto while residing at Humber Bay, Ont., November 28, 1945. He appeared before the General Sessions Court, on January 13, 1947. The presiding judge approved the applicant.

Source: Nikkei National Museum, 2018-16-1-47-42-5a
www.nikkeimuseum.org

No further word has been received as to whether citizenship has been granted although applicants of other nationalities who appeared at the same hearing have already received their Canadian citizenship certificates.

(Case #2) - Kinzie Tanaka filed his declaration of intention on May 21, 1945. He appeared before General Sessions Court, York County, City Hall, Toronto, on November 4, 1946, was examined and approved by the presiding judge. He has now waited fully two and a half years without receiving word as to whether he is to be granted Canadian citizenship.

May I be permitted to introduce a personal note as to Kinzie Tanaka's case. He is the younger brother of this writer who is a Canadian veteran of World War II.

A critical appraisal of the existing situation regarding apparent non-granting of Canadian citizenship to Japanese seems to indicate the existence of some hidden lack of sympathy on the part of some branch of the Citizenship department, or the existence of Government policy which is intended to withhold granting of citizenship to Japanese until some future date as yet undisclosed.

Trusting that clarification on this matter will be made.

Sincerely yours,
George Tanaka, National Exec. Secretary "

We quote the following letter in answer to the above correspondence received by this Office from Dr. E. H. Coleman.

Ottawa, December 19, 1947."

Dear Sir,-

Your letter of November 20th was received during my absence in Western Canada.

I have now had the opportunity of looking into the files of the two cases mentioned in your letter. Within the next few days certificates of citizenship will be forwarded to the Court to be delivered when the applicants appear and take their Oaths of Allegiance.

Yours truly,
E.H. Coleman,
Under Secretary of State "

At the present writing no further word has been received by the two applicants concerned regarding their citizenship status, but it is expected that they will be notified shortly by the local Court concerned.

A further report will be made on this matter as soon as verification is received by this Office that the two applicants have received their Canadian citizenship.

Continuation of Transitional Measures Act, 1947

"From the House of Commons, Ottawa, Canada, Routine Proceedings and Orders of the Day #4, dated Wednesday, December 10, 1947."

In Government notices of motions, December 5, the Minister of Justice proposed a resolution to Parliament which has declared The Continuation of Transitional Measures Act, 1947, to be continued in force until the 31st day of March, one thousand nine hundred and forty-eight.

Source: Nikkei National Museum, 2018-16-1-47-42-5b
www.nikkeimuseum.org

This Office wrote to Angus MacInnis, M.P., on December 15th concerning this Measure. We brought to the attention of Mr. MacInnis our concern over certain discriminatory measures contained in this Act known as Bill 104, specifically Order-in-Council PC 251, which prohibits fishing license to persons of Japanese ancestry, and Order-in-Council PC 946, which discriminates against the free movement of persons of Japanese ancestry in Canada. Also stated concern as to whether discussion would take place during the present session of Parliament in any manner which may influence the continuation of the above-mentioned discriminatory orders-in-council for a further period beyond March 31st, 1948.

We quote the following reply received from Mr. MacInnis.

"

Ottawa, Ontario, December 17, 1947

Dear Mr. Tanaka:

This will acknowledge receipt of your Special Delivery letter of December 15th, re "The Continuation of Transitional Measures Act, 1947".

When this Act was passed during the last session, it was made to expire on December 31st, 1947 if parliament met during that time or on March 31st, 1948 or sixty days after the opening of the 1948 session of parliament whichever date came the earlier. By resolution of both Houses of Parliament the measure could be continued for a longer period but as I remember it in no case to exceed December 31st, 1948.

The CCF parliamentary group found itself in a rather difficult situation in regard to this measure. We were aware that Orders-in-Council P.C. 251 and P.C. 946, which discriminates against persons of Japanese ancestry in Canada, were maintained in force by virtue of this Act. We were also aware that the government's power to impose price controls was also held under this Act. We feel that the matter of price control is one of the most important questions facing the Canadian people at this time. Although we are not satisfied with the way the government has handled prices under the powers of this measure, we still want the government to have that power and we hope that by pressure we might be able to make the government use its powers. The Act now will be effective until March 31st, 1948, and if it should be considered desirable to continue it after that time, we will make an effort to have the Orders-in-Council referred to be deleted from the Act.

Yours sincerely,
Angus MacInnis

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It is the intention of the National JCCA to make every effort early in 1948, which, it is hoped, will influence towards the deletion of this discriminatory legislation against Japanese Canadians contained in Bill 104.

George Tanaka,
National Executive Secretary.

Source: Nikkei National Museum, 2018-16-1-47-42-6
www.nikkeimuseum.org