NAME

COMMISSION
Re: Japanese Claims.

No.

1.19

COPY/G

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

June 29th, 1950.

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

Dear Mr. Shears:

Re: Japanese Claims Commission.

I have for acknowledgment your communication of the 26th instant. The information therein has been transmitted to Mr. Stein and no doubt he will bring the matter to the Minister's attention. Mr. Brewin spoke to me about allowing interest and left my office to see Mr. Garson. I have no further word on the matter. I suggested that Counsel for the Japanese should have submitted the question of interes to Mr. Justice Bird during the course of the enquiry.

As to the claim for $57,000.00. the Commissioner indicated that he had no means of verifying the statements of disbursements. It would appear necessary for you to examine all the material in Mr. McMaster's possession and made a recommendation with respect to payment. I appreciate that this must be decided wihtout delay in order that the solicitors may fix their charges for legal services.

I see no objection to your suggestion that 2 cheques issue - one to the solicitor and one to the claimant - provided proper authority is given to the Custodian in every case.

Yours very truly,

K. W. Wright,
Chief Counsel.

KWW/G

STATEMENT OF

EXPENDITURES INCURRED BY THE NATIONAL JCCA ON CLAIMS WORK

1. National Executive Secretary - 5 months period, Sept. 1947, to Jan. 1948.....$1,250.00

2. National Headquarter's Office Secretary - 4 months period, Sept. 1947 to Jan. 1948 750.00

(Drafting, printing and distribution of claim forms and considerable other related informational and instructional material in English and in Japanese. Providing complete information, advice and assistance in the filing of claims to claimants directly and through JCCA channels and other media. Attending to considerable correspondence on claims matters with claimants).

3. National Executive Secretary - 7 mos. during 11 month period, Feb. 1948 - Dec. 1948 .. 1,750.00

4. National Headquarter's Office Secretary - 7 mos. during 11 mos. period, Feb. 1948 - Dec. 1948..... 1,050.00

(Printing and distribution of pre-hearing claim forms in English and in Japanese. Directing and completing the tabulation of claims. Providing for claimants' interpreters. Interviewing claimants and providing for and giving direct assistance to claimants prior to claimant's hearings. Attending to considerable correspondence on claims matters with claimants. Enabling the functioning of the JCCA organizational machinery throughout Canada which has greatly assisted the work of the Commission during claimants' hearings).

5. National Executive Secretary - 1 month during period of April, 1949 to May, 1949 250.00

(Special trip across Canada to consult with the Provincial JCCA Chapter executives enabling the presentation of the Commissioner's over-all settlement proposal to claimants at various local claimants meetings. Further attended claimants meetings in various centres to explain the settlement proposal, etc.)

6. British Columbia JCCA General Secretary - 4 mos. Oct. 1947 to Jan. 1948..... 600.00

(Attending to the complete distribution of claims forms and related material to B.C. claimants. Attending to numerous detailed matters pertaining to the providing of direct assistance to claimants in the filing of claims throughout the Province).

7. B.C. JCCA President - 21 days, during November, 1947, @ $8.00 per day..... 168.00

(Travelling throughout British Columbia attending claimants meetings to fully inform and explain the Terms of Reference and related matters pertaining to the submission of claims for property losses to the Commission)

8. B. C. JCCA General Secretary - 3 mos. Jan. 1948 to June, 1948 ..... 450.00

(Attending to the work of providing assistance to claimants prior to claimants' hearings before the Commission including the providing of interpreters and enabling the function of the B. C. JCCA machinery whish has greatly assisted the work of the Commission during claimants' hearings).

TOTAL $6,268.00

COPY OF STATEMENT FORWARDED TO CAMPBELL, BRAZIER & COMPANY

BY VIRTUE, RUSSELL & MORGAN
Lethbridge

Travelling expenses Virtue & Russell to Ottawa - May 6 to 11, 1947	299.40
Miscellaneous disbursements V & R - May 6, 1947 to Nov. 30, 1947	3.60
Travelling expenses V & R to Vancouver - Nov. 30, 1947 to Dec. 4, 1947	195.20
Paid Miscellaneous disbursements V & R - November, 1947 to Jan. 6, 1948	8.44
Travelling expenses V & R to Vancouver - Jan. 7, 1948 to Jan. 12, 1948	140.00
Miscellaneous disbursements V & R - January, 1948 to Sept. 19, 1948	96.98
Travelling expenses V & R to Vancouver - September 19, 1948 to September 25, 1948	116.25
Disbursements V & R - Sept. 19, 1948 to Jan. 31, 1949	66.26
Travelling expenses to V & R to Vancouver - Jan. 31, 1949 to Feb. 16, 1949	295.35
Disbursements V & R. Jan. 31, 1949 to March 12, 1949	1.40
Travelling expenses V & R to Vancouver - March 12, 1949 to March 18, 1949	142.25
Disbursements V & R - Jan. 12 to March 22, 1949	.77
Committee in connection with making up of claims	586.20
Telephoning and like expenses of committee including travelling	103.00
Paid by Committee wages of Harry Aoki (clerk employed in preparing claims, etc.)	1500.00
Expenses of Harry Aoki	121.54
Printing	372.24
Expenses of Taber District Committee re claims, travelling expenses, etc.	26.50
To travelling expenses A. G. Virtue to Vancouver, B.C. September 17th, 1949 to October 1st, 1949	267.25
To paid miscellaneous phone calls and postage	10.00
To paid packing filing cabinet for shipment to Vancouver - September 10th	4.00
To paid shipping filing cabinet from Vancouver to Lethbridge	15.95

To meals, hotel, taxi, etc. in Toronto, Ontario conferring with Mr. Brewin	15.00
To travelling and clerical expenses of Southern Alberta Central Committee since 12th April, 1949, and up to conclusion of whole matter, estimated	300.00
	$4,687.58

STATEMENT OF

J. ARTHUR MacLENNAN

Re: ROYSTON LUMBER COMPANY LIMITED

1948		
Oct. 4th to 8th	Paid travelling expenses J. A. MacLennan, G. K. Uchiyama and K. Kaminishi, Vancouver to Nanaimo to Courtenay to Cumberland to Royston to Victoria, including hotels and meals for J. A. MacLennan, and payment of photostatic copies of plans and other exhibits in possession of E. & N. Land Development Co., Victoria. (This trip was necessary for the purpose of interviewing witnesses and obtaining further particulars for proper presentation of this claim).	$106.49
Oct. 9th	Paid Process Server service of subpoenas on witnesses:	6.00
Oct. 11th	Paid witness fees and expenses of A. J. Edwards on hearing of claim - Mr. Edwards travelling from Royston to Vancouver.	33.90
	Paid witness fees and expenses of witness Frank McHugh travelling from Victoria to Vancouver:	25.15
Oct. 15th	Paid attendances expenses and witness fees of William Byers who testified on hearing:	47.50
	Paid Universal Appraisal Co. for attendances and witness fees of witness Skelding. (Mr. Skelding spent a great deal of time with Counsel for the Claimant in preparation of the evidence on the valuation of the equipment and approximately 3 days on the hearing, and his fee was considered very reasonable).	300.00
Oct. 21st	Paid exchange on cheque received from Toronto Committee:	1.25
Nov. 15th	Paid conduct money witnesses Stekl and Brown appearing under subpoena:	8.00
Nov. 28th	Paid McIntosh, McVicar & Dinsley, Chartered Accountants of Vancouver. (This firm of accountants was retained on behalf of the claimant for analyses of voluminous financial statements of the Liquidator of Royston Lumber Co. Ltd.)	75.00
1949 Nov. 9th	Paid telegrams to G. K. Uchiyama, K. Kaminishi and Iwasa and long distance telephone calls re presentation of arguments and further information required:	3.70
Nov. 30th	Paid long distance telephone calls Vancouver to Victoria and Nanaimo for further information on preparation of argument:	8.15
	Paid postage and miscellaneous disbursements:	3.50
		$ 618.64

STATEMENT OF EXPENSES INCURRED RE JAPANESE CLAIMS COMMISSION BY CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS OTHER THAN EXPENSES BILLED BY CAMPBELL, BRAZIER & CO. UP TO APRIL 28th, 1949.

Audit of Co-operative Committee Accounts re Claims Commission 1947-48	75.00
Bank Exchange	52.00
Caretaker and Hall Rental (For meetings of claimants and preparation of evidence)	70.50
Clerical and Stenographic (This covers the salary of Mr. Gilbert who in Eastern Canada did the same work in preparing written summaries of evidence as Mr. Leckie, and also all additional stenographic assistance required).	3298.42
Express	19.30
Incidentals	40.04
Interpreters	1318.75
Rental of Typewriters	115.50
Postage	193.30
Supplies, printing and stationery	889.05
Telephone and Telegraph	265.92
Transportation, travelling and hotels (This includes expenses of counsel, also expenses of clerical assistance having to travel to such places as Port Arthur, Fort William and Kapuskasing, etc.)	2097.65
Auditing, taxing and winding up, etc.	500.00
	$ 8935.43

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. J-175

Victoria Bldg., 7 O'Connor St.,
Ottawa, 4, Ontario
July 19, 1951

July 20/51.

F. G. Shears
B. Goods

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

Re: Japanese Claims Commission

Dear Mr. Shears:

I enclose herewith copy of communication received from Messrs. Cameron, Weldon, Brewin & McCallum, Toronto, under date of 17th instant.

Please let me have your comments and also advise if any of the Japanese listed in the enclosed have signed releases.

Yours very truly,

K. W. WRIGHT
CHIEF COUNSEL

KWW/JF
Encl.

COPY/G.

CAMERON, WELDON, BREWIN & MCCALLUM
BARRISTERS & SOLICITORS

J. T. Skells R. Scott

Sterling Tower,
Toronto 1, Canada.

July 17, 1951.

Mr. K. W. Wright, K.C.
Department of the Secretary of State,
Victoria Building,
7 O'Connor Street,
Ottawa, Canada.

Re: Japanese Claims Commission

Dear Sir:

We are enclosing herewith a list of claims in respect to which the Co-Operative Committee was retained by the claimants, but in which the claimants have neglected to complete releases.

We are enclosing also a copy of a retainer which was signed by each of these claimants.

You will notice that the claimant undertook to pay his share of legal and valuation and other expenses and disbursements as were approved by the Co-operative Committee, out of monies that might be awarded to him.

The figures shown in the last column on the list, is the amount payable by each of the claimants respectively as computed by our auditors, P.S. Ross & Sons, Chartered Accountants.

We also enclose copies of our correspondence with the claimants from the date of the preparation of the releases, up to the present time.

I am instructed that each of the claimants on the list has received all of these letters, and with the exception of the last two letters, has received translations in the Japanese language as enclosed.

In each of the cases we have received no reply to the correspondence, and believe this to be because for one reason or another, the claimant does not wish to collect the monies due to him.

You will note that after sending releases forms twice to these claimants, and instructions as to the necessity of completing the same in order to recover the award, we have in the last two letters, informed the claimants that if they do not reply to us we would assume that they had discharged the Co-operative Committee from any responsibility to act for them, and would look directly to the Custodian in respect to any negotiations for payment.

We therefore wish to notify you officially that we are no longer acting for these claimants and that any correspondence in respect to the payment of theawards and the completion of releases should be made directly to the claimants concerned.

This further raises the question which we have discussed with you on occasions, as to the payment to the Co-operative Committee of the balance due them. You will observe that the retainer forms contemplate such a payment out of monies awarded. Furthermore that in our correspondence, we made it clear what the amount due by each claimant to the Co-operative Committee was, and told them that we proposed to ask the Custodian to pay these monies owed by the claimants directly to the Co-operative Committee.

We have received no objection in respect to the amounts claimed, and indeed the amounts are varified by the report of P.S. Ross & Sons to which we have referred.

In these circumstances, we would respectfully request that the retainers be treated as an assignment pro tanto of the amount due under the award, and that the amount payable to the Co-operative Committee be paid in each case by the Custodian out of the award due to the claimant. This will enable the Co-operative Committee to close its books.

We suggest that you might wish before making the payments to us, to write to the claimants directly, and tell them that if they have no objection, the Custodian proposes to pay the amounts due to the Co-operative Committee.

The only alternative to this proposed course of action which we respectfully urge upon you, is that the matter might drag on indefinitely and the Custodian be in the position of having to keep his books open until the claimants finally decide whether to collect his claim. We believe that the retainer form is a proper legal assignment and that we would be entitled in law as a result of the retainer form, to a lien for the amount due to the Co-operative Committee. We also venture to point out that the Committee has co-operated fully with the Government and with the Custodian in securing releases from approximately 97% of the claimants, and we suggest that it would be fair for the Custodian to continue his co-operation with the Committee by putting them in a position to close out their books by making the payment outlined above.

When advised as to your attitude in this matter, we will be be glad to send to you:

(a) The written retainer forms signed by the claimants in question.

(b) The report of P.S. Ross & Sons showing the amount due in each case.

Yours very truly,

CAMERON, WELDON, BREWIN & McCALLUM

per: F. A. Brewin

FABLHC

CASE	NAME	ADDRESS	COMMENTS	BALANCE PAYABLE
225	NAKANO, Yukio	R.R. 1, Penticton, B.C.		$12.64 ✓
244	HASEBE, Yukio	Midway, B.C.		4.00 ✓
262	YAMASHITA, Kanjiro,	Greenwood, B.C.	(Address unknown)	~~2.08~~ Say OK - Rebate $14.25 due in lieu of this charge.
328	TAMAKI, Ichitaro (Mrs)	1802 West 4th Street, Vanc.	Pd May 18/51	~~2.73~~
370	ATAGI, Kiyomatsu,	Kaslo, B.C.		21.10 ✓
373	HORI, Kyumatsu,	Passmore, B.C.		36.07 ✓
397	SHIMIZU, Torao,	Kaslo, B.C.	(Waiting husband's return in Apr. release held)	4.36 ✓
508	YUKAWA, Matsuo,	(Now trying St Catharines Ontario)		Rebate due $52.11
514	FUKUMOTO, Yukiye,	Welling, Alta.	Pd Mar 6/51	~~.89~~
824	SAITO, Senjuro HINATSU, Kinya	Kamloops, B.C. Box 19, Oakville, Man.	Pd May 28/51	~~36.42~~
~~839~~ 893	HOSAKI, Takeji,	c/o L. Tully, Oakville, Man.		3.25 ✓
967	ONIZ AKI, Sekimatsu	811 Simpson St., Ft. William		1.28 ✓ Say OK. adjusted to ~~3.72~~ 1.41
989	UMAKOSHI, Tasoji	New Denver, B.C.		
992	TANAKA, Hyakutaro	c/o C.V. O'Connor Can. Bank of Commerce Chambers, Ft. William, Ont.		9.15 ✓
1071	OBATA, Mrs. Mary Tami	346 Merton St., Toronto		Rebate due $2.87
1114	MATSUI, Yoshio	117 Browning Ave. Toronto	171	2.82 ✓
1116	SAITO, Chise	217 Winona Drive, Toronto		Say OK ~~.35~~ Rebate due $7.50 in lieu of this charge
1155	MIO, Tamekichi	102 Centre Ave., Toronto		11.20 ✓ Say OK
1243	TSUJI, Ryotaro	30 Mitchell Ave., Toronto		~~5.89~~ Rebate due 4.38 in lieu of this charge
1274	MATSUSAKI, Hajime	106 Wellington St. N. Hamilton, Ont.		1.27 ✓
1390	SUZUKI, Goro	Address unknown at present		13.45 ✓
403	MATSUSHITA Miye	" " "		19.61 ✓
1276	SAITO Hiromitsu	152 Glenholme Ave. Toronto	Release Expected	.21 ✓
921	MITSUNAGA Takehachi	Box 16, St. Pierre, Man.	Release only received	~~56.98~~ Pd. Pd May 2/51
608	OKada, Kiwano	Box 304, Raymond, Alta.	Pd. Mar 1/51	

R E T A I N E R

I hereby retain the Co-operative Committee on Japanese Canadians which is acting in consultation with the National Japanese Canadian Citizens Association to present my claim to the Custodian and to secure such legal assistance, valuators reports, and other information as may be necessary, and I enclose herewith $..... being 1% of the total claim which I have made as a retaining fee and undertake to pay proportionately out of any monies that I may be awarded by the report of the Commissioner my share of such further legal and valuation and other expenses and disbursements as may be approved by the Co-operative Committee.

N.B.: If your financial circumstances do not enable you to pay this fee, kindly mark an X in the blank space after the following statement:

I wish to retain the Co-operative Committee to act for me, but I am not in a financial position to pay any retaining fee. I am willing that my share of the expense of presenting my caseshould be piad out of such monies as I may be awarded by the Commissioner.

.....

.....
Signature

IMPORTANT- make cheques, money order, payable to Co-operative Committee Claims Fund, and send with this retainer form and claim form addressed to the Co-operative Committee ti your provincial Japanese Canadian Citizens Association or Co-operating Committee as listed in accompanying letter.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO FILE NO. J-175

Victoria Building,
7 O'Connor Street,
Ottawa, 4, Ontario.

July 25th, 1951.

EVACUATION SECTION
Rec'd JUL 27 1951
File No.
Ans.
Referred

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

Dear Mr. Shears:

Re: Japanese Claims Commission

Further to my communication of the 19th instant, I enclose herewith copy of letter addressed to Messrs. Cameron, Weldon, Brewin & McCallum.

Under date of June 26th, 1951, you wrote this office in part as follows:

> "We understand that the Co-Operative Committee have sent out letters to their clients suggesting the advisability of completing and returning the Custodian release form without further delay. If thought advisable, it may be necessary for this office to write direct to these claimants if releases remain outstanding."

It is suggested that you communicate with the claimants who have not completed releases and endeavour to have them file the required material.

Yours very truly,

K. W. Wright,
Chief Counsel.

KWW/G
Enc.

J-175

Victoria Building,
7 O'Connor Street,
Ottawa, 4, Ontario.

July 25th, 1951.

F. A. Brewin, Esq., K.C.,
Messrs. Cameron, Weldon, Brewin & McCallum,
Barristers & Solicitors,
Sterling Tower,
Toronto, 1, Ontario.

Dear Sir:

Re: Japanese Claims Commission

I have for acknowledgment your communication of the 17th instant.

I am instructed by the Assistant Deputy Custodian to inform you that the Custodian is not prepared to pay out any portion of the funds recommended to be paid until the required release forms have been signed by the individual claimants.

I am writing Mr. Shears to forward another letter to the claimants urging them to complete the releases.

Yours very truly,

K. W. Wright,
Chief Counsel.

KWW/G

506 Royal Bank Building,
Vancouver, B.C.
31st July, 1951.

K. W. Wright, Esq., K.C.,
Chief Counsel,
Office of the Custodian,
Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

Dear Mr. Wright:

Re: Japanese Claims Commission
Your file No. J-175

Your letter of 19th instant, with enclosures from Mr. Brewin re outstanding releases, arrived when I was away at Victoria. Mr. McMaster has written to Mr. Brewin in regard to some names on his list and has asked me to hold in abeyance a detailed reply to you.

This will acknowledge receipt of your letter and I will write again in due course.

Yours very truly,

F. G. Shears,
Director.

FGS:HA

JAPANESE CANADIAN CITIZENS ASSOCIATION

61 College Street, Toronto 2, Ontario

July 31, 1951.

Mr. R. J. McMaster,
Campbell,Brazier,Fisher,McMaster
and Johnson,
675 West Hastings Street,
VANCOUVER, British Columbia.

Dear Bob:

RE: Japanese Claims Commission

I have for acknowledgment copy of your letter of July 26th addressed to Andy drawing to his attention numerous discrepancies in the list of claims cases which he submitted to Mr. Wright a week or two ago. Since Andy is presently on his holidays and will not return to the city until the middle of August at the very earliest, I shall endeavour to deal with the various cases which you have noted.

COPY

First, may I point out that this office compiled the list of cases which Andy submitted to Mr. Wright where authorities to pay fees to the Co-operative Committee have not been received from claimants for various reasons. Some of the cases where authorities were received but releases were not from the claimants were noted by us but were not included in the list Andy submitted. I believe, he was primarily concerned with having the monies owned by claimants to the Co-operative Committee cleaned up as soon as possible by some arrangement with the Custodians since the Co-operative Committee has made every effort to persuade the claimants concerned to complete their cases.

With regard to Case 373 in which you note that the claimant's proper name is "Mori" is verified as correct with our files. All the Committee's mailing to this claimant has been addressed to "Mori". Through a typographical error on Andy's list the mistake was made and the name typed as "Hori".

With regard to Case 1276, Saito, I have noted that the three beneficiaries live in Toronto. However, one of them is presently convalescing in the Sanitorium. I telephoned this family last night and have urged upon them to complete the release and return it to me as soon as possible. They have indicated that due to lack of time they were not able to attend to this before. I have received the assurance of one of the brothers Saito that he will complete the release this week and send it to me. I shall forward the release form to you immediately I receive same.

With regard to Case 508, we have endeavoured to contact Matsuo Yukawa and/or Hatsue Yukawa whose address is listed on the Co-operative Committee file as Box 28, Picture Butte, Alberta. They have a rebate on their retainer coming to them from the Co-operative Committee in the amount of $52.11. Our correspondence

has been returned "undeliberable" by the Postoffice. Your letter, however, indicates that Mrs. Hatsue Yukawa is residing in St. Catharines, Ontario. I shall endeavour to contact her there immediately.

With regard to Cases 262, 1116, and 1243, I wish to verify that the figures for these cases were revised in the supplemental list of charges as you have noted. With reference to Case 989, it would appear that you have credited the claimant $2.87. However, our supplemental list indicates a revised balance recoverable from the claimant of $1.41.

With regard to Case 1071 which you also include in this group, at the moment I do not seem to be able to verify this case as one of the revised ones entered in the supplemental list. I wish to point out that you have noted five cases in this category but have only covered four cases in the revised amounts credited to these claimants.

COPY

With regard to Cases 194, 224, 1033 and 1365, I wish to confirm the point you bring up that of these cases the authority to pay fees has been signed by the claimants but the releases have not yet been completed and returned by the claimants. As I mentioned previously in this letter they were excluded by Andy apparently for the reason that the authorities had been received. I might add at this juncture, that it is my impression that Andy did not submit the list to Mr. Wright on the basis that they covered all cases which have not yet been finalized.

I also verify that we still have on our books Case 809 as not yet finalized, and Case 1017 (Yamanaka, Toronto) which Andy is still dealing with.

With regard to Case 1130, it would appear that upon the basis of the records of the Committee which I have on hand, this case has been completed. However, I do recall having a telephone conversation about two weeks ago with the lawyer representing the Arikado family, that he desired some detailed information pertaining to the claim in order to settle the Estate. It would appear therefore that this case also is not yet finalized. Likewise Case 1137.

With regard to Case 1295, in which there is a rebate on retainer credited to the claimant of $2.19, I have no information at hand as to whether it has been finalized or not.

With regard to the following cases where you point out that

they are finalized, I shall consult with Marg Boos as to whether her records indicate the cases have been finalized; Cases 328, 514, 824, 921 and 608. Off hand, I would think it safe to assume that these cases have been dealt with and may be considered as finalized. Should there be any discrepancy however, I shall notify you as quickly as possible.

All in all, Bob, excepting for Cases 1071 and 1295, the various cases which you note in your letter of July 26th to Andy stand verified with our records.

Should you require additional information, Bob, I shall be glad to be of service.

Sincerely yours,

"George"

George Tanaka,
National Executive Secretary.

COPY

GT-yh

c.c to Mr. Andrew Brewin.

TELEPHONE PACIFIC 9164
CABLE ADDRESS: "CAMBRA"

Campbell, Brazier, Fisher, McMaster & Johnson

Barristers and Solicitors

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

H. C. MURRAY G. B. GARDOM

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

OUR FILE No.

August 7th,
,1 9 5 1

EVACUATION SECTION
Rec'd AUG 8 1951
File No.
Ans.
Returned

F. G. Shears Esq.,
Office of the Custodian,
675 West Hastings Street,
Vancouver, B.C.

Dear Sir:

RE: Japanese Claims Commission

We beg to enclose herewith copy of a letter received from Mr. George Tanaka with respect to the above matter about which we had written to him on July 26th.

With regard to Cases 262, 989, 1071 1116 and 1243, we omitted Case No. 989 from our letter. We are writing today to Mr. Tanaka setting out the correct amounts with respect to these cases and will advise you when the matter has been clarified.

Yours truly

CAMPBELL BRAZIER FISHER McMASTER & JOHNSON

Per. R. J. McMaster
S.

/MG
Encl

CORPORATION AND ASSOCIATION FILES
PREPARED FOR VANCOUVER HEARINGS

Liquidated By	On List Supplied by Sect. to Commissioner	Our Records not Specific re Venue	Japanese Evidence heard or to be heard elsewhere	Defence By	Remarks
P.S.Ross	Cowichan Saltery Co.			McPherson	Johnston
P.S.Ross	Cowichan Saltery & Tanaka & Company			McPherson	Johnston
P.S.Ross	Deep Bay Logging Co.			McPherson	Morris
P.S.Ross	Haney Mills Limited (Y.Takimoto)			McPherson	McMaster
P.S.Ross	Maple Ridge Co-Op.			McPherson	McMaster
P.S.Ross	Royston Lumber			McPherson	McLennan
P.S.Ross	United Marine Prod.			McPherson	McMaster
P.S.Ross		Haney Box Company		McPherson	McMaster says Vancouver (T.Oka)
P.S.Ross		Ocean Fisheries		?	R.A.Best, Toronto
P.S.Ross		River Fish Company		?	Cherniack says permission granted by Bird for Winnipeg.
P.S.Ross			Taiyo Printing	Hunter	Case 1371 Montreal
Custodian	Burrard Fish Company			McPherson	Tiffin Russell
Custodian	Canadian Saltery			McPherson	Tiffin Russell
Custodian	Howe Sound Fisheries			McPherson	Tiffin Russell
Custodian	M.Nishiguchi Co.			McPherson	Johnston
Custodian	Powell Lumber & Fuel			McPherson	McPhee
Custodian	Union Trading Co.			McPherson	W.C.Thomson
Custodian		No.1 Dist.Fishermen's Association		McPherson	McMaster says Vancouver
Custodian			Maikawa Limited	?	Toronto, Sub-Co.
Custodian			Ruskin Box Co.		Withdrawn, Montreal
Custodian			South Port Mann Berry Growers	?	McTavish, Case 110-Kamloops
Custodian			Steveston Nosan Kaisha	Hunter	Case 81
Toronto & Co.			Togo Cleaners	Hunter	Case 1089 Toronto
Custodian			Vancouver Nippon Kyoritsu	Hunter	Case 502 Lethbridge
Custodian			Pitt Meadows Japanese Farmers Assn. (Sato & Hinatsu)	Hunter	Cases 824 & 825 Winnipeg

INDIVIDUAL CLAIM FILES PREPARED FOR VANCOUVER HEARINGS

Custodian	Senkichi Fukuyama			Hunter	Tiffin Russell
P.S.Ross	Eikichi Kagetsu (with Deep Bay Logging)			McPherson	Morris
Custodian	A.K.& M.Nishiguchi (with Nishiguchi Co.)			? McPherson	Johnston
Custodian	Chiyo (Mrs.) Sugiyama			Hunter	Tiffin Russell
"	Iwakichi Sugiyama			Hunter	Tiffin Russell
"	Goro Suzuki			Hunter	McMaster
"	Gennosuke Suzuki			Hunter	McMaster
"	Tatsuro Suzuki			Hunter	McMaster
"	Renzo Suzumoto (with Cowichan Saltery)			?McPherson	Johnston
"	George Uchiyama (with Royston Lumber)			? Mc Pherson	McLennan

ESTABLISHED 1858

CABLE ADDRESS PHILROSS

P. S. Ross & Sons

CHARTERED ACCOUNTANTS

MONTREAL TORONTO WINNIPEG
CALGARY VANCOUVER
SAINT JOHN, N.B.

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

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

August 31, 1948.

Mr. G. W. Macpherson,
Office of the Custodian,
Department of Secretary of State,
Royal Bank Building,
Vancouver, B. C.

Dear Glen:

I have just had a long chat with Guy regarding the order in which the Corporation cases should be dealt with. He shares my opinion that it would be preferable to open with one of the larger cases such as Royston Lumber Company provided you feel fully prepared to do so.

I told him that you had expressed the opinion that it would be advisable for him to put in an appearance at the hearings and he will arrange to be present but, owing to an unavoidable trip to North Carolina, he cannot be in Vancouver on the 20th but will plan to arrive not later than the 26th.

I am planning to leave by train on the night of the 15th so as to arrive in Vancouver on the morning of the 19th.

These plans are based on the assumption that the hearings will open on the morning of the 20th. It would of course suit Guy and I much better if the hearings were to open on the 27th. Will you please let me know as soon as possible the date set for the opening of the Corporation cases.

As soon as you have prepared your draft of the General Statement which you propose to make, it is my understanding that you will forward a copy in order that Guy and I may review it and submit any suggestions which might occur to us.

I shall be pleased to receive any suggestions that you might wish to make regarding the plans outlined above.

Best regards.

Yours sincerely,

Frank H. Wales

ESTABLISHED 1858

CABLE ADDRESS PHILROSS

P. S. Ross & Sons

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MONTREAL TORONTO WINNIPEG
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W. G. JEPHCOTT
H. S. HAWTHORNE
F. E. H. GATES
H. I. ROSS
G. M. SMITH
W. M. BRACE

September 2, 1948.

G. W. McPherson, Esq.
Office of the Custodian,
Department of Secretary of State,
Royal Bank Building,
Vancouver, B. C.

Dear Glenn:

I returned to the office on August 31st after having a solid four weeks' vacation and I can tell you that the sojourn by the sea was very beneficial to Mabe, the family and myself.

I had a long talk with Frank Gates yesterday in regard to the Vancouver situation and in particular in regard to the interview that you and he had about ten days or so ago here in Montreal. It is my understanding that Frank is going to write you indicating that I concur with his and your views as to procedure at the forthcoming hearings.

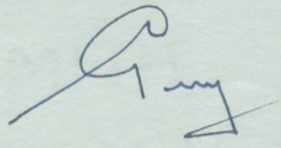
Frank said that you felt it would make a good impression on the Commission if I were to put in an appearance. I will do this gladly and am laying plans accordingly, although it will be difficult if not impossible for me to be in Vancouver on September 20th or 21st owing to prior business engagements. As it looks now the earliest that I could be there would be the end of the week of September 20th. So if by any chance your plans or proceedings were delayed for a week it certainly would fit my book much better.

The following is a brief outline of my program. I have to be in New York from the 13th to the 15th of September. I leave New York sometime in the afternoon of the 15th for North Carolina where I have to spend four days at a firm conference of Lybrand, Ross Bros. & Montgomery for whom, as you know, we do considerable work in Canada. I do not think that I will arrive back in Montreal until the morning of September 21st and I am planning to leave Montreal for Vancouver on Wednesday, the 22nd. I realize that I could fly to Vancouver instead of travelling by ox cart but there are some members of my family who prefer that I stay on the ground. Will you please let me know if it will be satisfactory if I arrive in Vancouver on Sunday morning, the 25th. Incidentally, I have some other things that I can do in Vancouver while I am out there.

We had a most enjoyable holiday but it is nice to get back in harness again and come down to earth. In all probability I will have to make a trip to Ottawa sometime next week and, if so, I certainly will call and see Mercia.

With kind regards,

Yours sincerely,



COPY

CAMERON, WELDON & BREWIN

Barristers & Solicitors

Sterling Tower
TORONTO 1, Canada

April 8, 1949.

(Confidential)

The Honourable Stewart Garson, P.C., K.C.,
Minister of Justice,
Ottawa, Canada.

Re: Japanese Canadian Claims Commission

Dear Mr. Garson:

As you know, I am the general counsel representing probably 80% of the claimants.

As you are no doubt aware, for the past month or more a very careful effort has been made by all concerned to see whether or not a settlement could be arrived at in respect to the different categories of claims which the Government would be prepared to accept, and which at the same time we could recommend to our clients as a fair settlement in all the circumstances and having regard to the terms of reference.

This matter has also been discussed with Mr. Justice Bird who has prepared recommendations which we understand are to be shortly transmitted, if they have not already been, to the Government.

By and large, we as counsel for the claimants are prepared to recommend to our clients the acceptance of the proposed settlement, although naturally are not entirely satisfied in respect to some of them, and we have always maintained that the terms of reference were too narrow to do full justice. However we appreciate the fact that both the Government and the claimants will be far better served if an early settlement can be made, than if the hearings of the Commission drag on into the indefinite future and further heavy expenses are incurred.

There is, however, one aspect of the recommendations made, that we are frankly unable conscientiously to recommend to our clients, and that is in respect to properties in the City of Vancouver.

The Government counsel originally made a tentative proposal that he would be willing to recommend to the Government an allowance of 10% over and above the sale price, this amount bearing in mind a claim that commissions of roughly 5% were charged to claimants in respect to which some doubt existed.

On the other hand, we stated that we would be prepared somewhat reluctantly to recommend to our clients an overall increase of 15% on the Vancouver properties. It now transpires that Mr. Justice Bird is not willing to recommend a settlement of more than 5%, this being based on a rebate of commissions. He expressed the view that in no cases were these properties sold at less than a fair market value.

We do not propose in this letter to review all of the evidence in respect to these claims. However, the fact is that we have had the properties appraised by a Mr. Armstrong, formerly I believe associated with the Toronto General Trusts Corporation in Vancouver, whom we regard as a most conservative appraiser and the average of his appraisals on cases selected as category cases is an average increase of 13%(this, of course, is without commissions.)

Mr. Justice Bird has, of course, not yet heard this evidence, although I presume Mr. McMaster has told him that we propose to adduce such evidence.

There is another aspect of the matter, namely, that under the terms of reference the Commissioner is only authorized to find that actual market price at the date of sale. Most of these properties were tennanted at the date of sale owing to the evacuation of the Japanese Canadians and the obvious desirability of putting tenants into the properties. Our appraiser informs us and we believe that it is generally conceded, that the difference in sale price between tenanted properties and properties in which vacant possession could be given, would be between $500.00 and $1000.00 in nearly every case.

It was, of course, no fault of the Japanese Canadians themselves that when these properties came to be sold they were sold subject to existing tenancies protected by the wartime regulations, and indeed had the Government originally at the time of the evacuation adopted the policy subsequently adopted, of liquidation and sale, the properties would have been sold in nearly every case with vacant possession.

We do not dispute the correctness of Mr. Justice Bird's view that this aspect of the situation could not on an interpretation of the terms of reference, properly be taken into account. We do respectfully submit that it is a matter which the Government is proposing an overall settlement could and should consider.

Although we know that we shall have some difficulty with some of our clients in persuading them of the reasonableness and justice of the proposal, we are prepared to recommend to them an acceptance of the original offer of 10% increase. We do not, however, see how we can possibly recommend the 5% increase now proposed, and if we did, we are strongly of the opinion that our clients would be extremely dissatisfied, and would reject our recommendation.

The actual amount involved in the change we propose is not substantial. It would mean on an overall settlement on an amount approaching $800,000 in respect to all of the claims (except corporation claims), an increase of roughly $30,000.

There are at least some 175 claimants concerned with the city property, and we do not see how we can recommend a settlement that we believe would be entirely unsatisfactory to these claimants, in order to secure what in some aspects might be regarded as satisfactory for other claimants who have claims in respect to other types of property.

May I most strongly urge that the Government give serious consideration to restoring the original tentative offer of 10% on these Vancouver properties.

We believe that all sides in this matter are deeply concerned that the Government's purpose in establishing a Commission be carried out fully, namely that the matter be finally settled without any continuing or rankling sense of grievance in the minds of the claimants or those who support their claim. We believe that the recommendation of counsel for the claimants conscientiously given, can be of great assistance to this end. We are anxious to see that this whole matter be closed out without further controversy and serious disappointment.

I would also like to stress that even if under a strict interpretation of the terms of reference, some of the claimants in respect to the Vancouver properties might recover little or nothing if the proceedings went on, nevertheless the whole idea of settlement involves the notion, that those who have better claims, or rather claims more susceptible of legal proof, should be prepared to sacrifice their expectations in order to achieve an overall settlement in which all claimants receive some compensation.

Certainly this has been the attitude of those claimants with whom we have discussed the matter in confidence.

We have no doubt whatever that unless the 5% can be increased at least to 10% on the Vancouver properties, a substantial body of claimants will be clamorously indignant and will be anxious to repudiate the whole idea of settlement. We think this would be most unfortunate from any point of view.

The writer would be glad to discuss this matter with you further, at any convenient time. There is, however, some urgency in having the matter disposed of as quickly as the Commissioner has asked us to advise him as to whether the claimants are willing to accept the settlement, by the end of this month, and it is necessary for us in some form or other to do our best to consult them. This, of course, is a difficult task as they are scattered in many different areas.

Yours respectfully,

"F. A. Brewin"

FAB:HC

506 Royal Bank Building,
Vancouver, B.C.,
April 26, 1949.

K.W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Bldg.,
7 O'Connor St.,
Ottawa, Ont.

Dear Mr. Wright:

Received your letter of April 20th asking for my comments in regard to Mr. Brewin's letter to the Honourable Stewart Garson, copy of which you enclosed.

Mr. Brewin's attack is against our most fortified position, as in connection with Greater Vancouver Properties, I feel that our policy and the manner in which it was carried out could only result in sales realizing the fair market value.

Mr. Brewin suggests that they are placing reliance in a Mr. Armstrong, formerly of the Toronto General Trust, and that Mr. Justice Bird has not yet heard this evidence. Mr. Armstrong did present evidence on February 4th, and on referring to the transcript, I recall that I was present. At that time Mr. Armstrong stated that he had looked at about one hundred properties in 1948 but made no suggestion of individual or careful appraisal. He deprecated somewhat our method of sale by tender rather than stating a fixed price. He seemed to overlook the fact that our method provided a double protection by securing offers by tender and at the same time establishing a valuation by qualified appraisers. He stated he did not know some of our appraisers and apparently was not aware of the extent to which use was made of advertising our properties by catalogue as a means of advising the general public. He admitted that sales made by the Toronto General Trust were mostly in connection with mortgaged properties under foreclosure proceedings.

I did not think his evidence had any material weight, and I doubt if the Commissioner was greatly impressed by it, so that even if he has again inspected any properties which I somewhat doubt, I do not think his appraisal would be accepted in preference to the reputable appraisers which we employed.

I entirely disagree with Mr. Brewin's suggestion that selling Japanese properties at the time of evacuation would have produced better results, merely on account of the question of vacant possession. Such a policy might indeed have been called a "dumping policy" and in addition all evidence presented indicates that market conditions were improving at and after our policy and liquidation became effective.

I understand that Mr. Justice Bird has reached the conclusion that Greater Vancouver Properties were sold for fair market value, and I would be disappointed if this recommendation were not accepted. I have no particular argument against the award of 5% to cover the commissions charged. Mr. Justice Bird has recently asked if any other charges were made, and I have informed him that $4.00 was charged against each property listed in the catalogue covering the cost of printing and the appraisers' fees, varying from $5.00 to $10.00, and in the case of those properties not listed in the catalogue but specially advertised, the cost of advertising, and the appraisers' fees. At the time Mr. Justice Bird arrived at his conclusion to award 5%, he was not aware of these charges being made. I believe it may now be his intention to include these in his recommendation. If these charges are also included in the award, I would consider it reasonable, but I am not prepared to suggest that there is any reason why the awards should be in any way enlarged beyond what Mr. Justice Bird finally proposes.

I suppose there is the possibility of the odd property having been somewhat undersold, but I assume that if any special case of this nature could be found, the Commissioner would not be averse to giving it special consideration.

Yours very truly,

F.G. Shears,
Director.

FGS/GN

506 Royal Bank Bldg.,
Vancouver, B.C.,
May 29, 1950.

K. W. Wright, Esq.,
Chief Counsel,
Office of the Custodian,
Victoria Bldg.,
7 O'Connor St.,
Ottawa, Ont.

C
O
P
Y

Dear Mr. Wright:

Re: Japanese Claims Commission

I received your letter of May 25th and copy of memorandum from the Canadian Ambassador to the United States to the Secretary of State for External Affairs, Canada.

I am enclosing a draft answer to the three paragraphs of the memorandum, and trust this will be in line with what you consider is required. You may wish to say in reply to paragraph 1 that as soon as the Commissioner's report has been tabled, a copy of the report would be forwarded.

Information concerning all the expenses of the Commission would need to be obtained from Justice Department. The cost of the transcript of evidence was approximately $32,000.00.

For the purpose of a final report which I hope to make when the whole matter of the Claims Commission is finished, I would appreciate having a confidential letter with the information you receive from Justice Department.

Yours very truly,

F. G. Shears,
Director

FGS/GN
Encl.

TELETYPE

FROM THE CANADIAN AMBASSADOR TO THE UNITED STATES

TO THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

COPY

SECRET

CYPHER - AUTO

Washington, May 18, 1950

WA-1141

Secret. Handling of claims by Canadians of Japanese origin.

1. We received an inquiry from the United States Justice Department today asking for any published information or reports which may be available on the manner in which the Canadian Government has handled the adjudication and settlement of claims by Canadians of Japanese origin in British Columbia.

2. The Attorney General of the United States has now received necessary appropriations from Congress enabling him to proceed with the adjudication and settlement of Nisei claims in the United States. The Justice Department, in approaching us, observed that considerable admiration existed among those concerned with the administration of the Japanese problem here for the competent way in which it was handled in Canada under Royal Commission procedures.

3. United States authorities would like to profit from our experience in this field. While the United States authorities would like to have any general information we could give them on the way in which this problem of adjudication and settlement of Japanese claims has been handled in Canada, they would particularly like to know the relation of administrative expenditures to the value of claims for the purpose of making their own budgetary allocations and arranging the employment of necessary statistical experts and economists. Any information of this character would be appreciated as soon as possible.

CANADIAN AMBASSADOR

REPLY TO COMMUNICATION FROM THE CANADIAN AMBASSADOR TO THE UNITED STATES TO THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA, RE JAPANESE CLAIMS COMMISSION

---

1. Up to the present time there has been no report published by any authority which deals with the manner in which claims of persons of the Japanese race against the Canadian Government have been adjudicated. The report of the Commissioner, Mr. Justice Henry Irvine Bird, has been completed and was forwarded to the Justice Department at Ottawa early in April. This report has thus far not been tabled in the House of Commons. The report itself consists of 66 pages, to which is attached a schedule recommending awards to 1300 claimants. The manner in which claims were dealt with may be set out briefly as follows:

The purpose and scope of the Inquiry was set forth in the terms of reference by Order-in-council P.C. 1810, July 18, 1947 as amended. It limited the Inquiry to claims -

> (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.

Prospective claimants were given notice of the Inquiry by public advertisement and were required to file their claims indicating the amount of loss alleged to have been sustained. The procedure adopted for hearing the claimants' evidence was as follows:

The Commissioner and eight sub-commissioners subsequently appointed, presided at sessions of the Commission which were held in twelve cities across Canada, which could with convenience, be reached by the claimant. The majority of claims were channelled

through an association known as the Japanese Canadian Citizens' Association, and the claimants were represented at the various hearings by counsel. Each claimant appeared personally, and presented evidence in support of his claim and was subject to cross-examination by Government Counsel.

The hearing of Japanese evidence proceeded almost continuously from December 3, 1947 to February 7, 1949.

Subsequent to the hearing of claimants' evidence, the Commissioner examined officials of the Custodian's Department responsible for the carrying out of Government policy in connection with property left in the Protected Area by persons of the Japanese race upon their evacuation, and witnesses who were concerned with the protection given to personal property, and also appraisers of real and personal property, and other technical experts.

All real property was offered for sale by public tender and personal property either sold by tender or at public auction.

An exception to the above policy of sale by advertisement and tender was made in regard to a group of 700 small farm lands in the Fraser Valley area. These were appraised by a Government authority and sold to the Department of Veterans' Affairs and held by them for the settlement of returned soldiers.

At the conclusion of the evidence referred to above, the Commissioner considered that he was able to separate all claims into certain categories and arrive at an over-all percentage of award applicable to each category. Agreement in this regard was arrived at between counsel for the Government and claimant's counsel and a schedule prepared for the Commissioner which reflected the results so obtained.

The basic reasons assigned for the recommendation of awards were mainly as follows:

That deductions which had been made for selling and administrative expenses incurred in connection with the sale of property had to that extent, failed to achieve fair market value.

That a limited market for the sale of property in rural areas did not permit a full realization of fair market value.

That the appraisals of the Fraser Valley farm lands referred to above had been influenced by the ultimate use of these lands for veteran settlement and that private sales of comparable property indicated that the appraisal did not reflect the true market value to which the Japanese owner was entitled.

That the policy of evacuation which often required persons of the Japanese race to leave their homes and chattels without adequate protection, had resulted in loss by pilferage and vandalism, in spite of all reasonable efforts on the part of the Custodian. In this connection the Commissioner considered that Government responsibility existed from the time of evacuation, which in most cases was before it was possible for the Custodian to assume physical possession.

2. The appreciative remarks made in paragraph 2 concerning the manner in which the Inquiry has been carried out, are observed with interest. In this connection it can also be stated that expressions of opinion which have come from counsel representing the claimants and from witnesses called by the Commissioner, or appearing on behalf of the Japanese, have been most favourable.

The careful consideration given by the Commissioner in dealing with the mass of detail which the problem involved has been a matter of frequent comment. It can be fairly stated that the attitude of the Commissioner tended towards an approach to the problem which resulted in a generous consideration of the claimant's case.

3. Insofar as the relation of administrative expenditures to the amount of the claims is concerned, it will be necessary to secure information in regard to the cost of the Inquiry from Justice Department.

The claimed value of the property on which claims were made was approximately $7,750,000.00. The amount realized by the Custodian was approximately $2,500,000.00, leaving a net claim of $5,250,000.00. The total award recommended by the Commissioner is approximately $1,250,000.00.

The sessions held by the Commissioner occupied a period of 205 days and sub-commission hearings totalled a period of 147 days. The Government supplied interpreters at all hearings at which Japanese were giving evidence, and the Government was represented by counsel at every hearing of the Commission. A Secretary to the Commission was also employed.

Approximately 9,300 exhibits were filed and over 25,000 pages of transcript of evidence were required.

In view of the fact that the Commissioner has considered that the claimants are entitled to receive awards, it has been suggested that consideration should be given to the question of out-of-pocket expenses incurred by counsel for the claimants, apart from the purely legal fees for which the claimant was responsible. The amount of expenses indicated in this connection is $50,000.00.

506 Royal Bank Bldg.,
Vancouver, B. C.,
June 14, 1950.

K. W. Wright, Esq.,
Chief Counsel,
Office of the Custodian,
Victoria Building,
7 O'Connor St.,
Ottawa, Ont.

Dear Mr. Wright:

Re: Japanese Property Claims Commission

You will be interested in the Vancouver newspaper comments concerning Commissioner Bird's Report and recommendations, and will be glad to note that references to our Department are not unfavourable. The brief C.B.C. broadcast at 10 o'clock last night was rather disappointing as it indicated that fair market value had not been achieved and that 1300 claimants were receiving an average of $1000.00 each. However, the fuller newspaper reports are more satisfactory.

I am enclosing an analysis of the total award of $1,222,829.26 from which you will see that when the claims are broken down the award to achieve fair market value on the sale of properties for which this office was most directly responsible is $199,104.78. I think it should not be overlooked that this total includes awards on special types of property such as greenhouses, store property, as well as property in such areas as Steveston, which were depopulated by evacuation, and that in these cases the Commissioner has interpreted his terms of reference very widely and has made his recommendations in the light of a "value to the owner", while at the same time agreeing that the best possible price was obtained at the time of sale.

Yours very truly,

F. G. Shears,
Director.

FGS/GN
Encl.

506 Royal Bank Bldg.,
Vancouver, B. C.,

April 6, 1950.

K. W. Wright, Esq.,
Chief Counsel,
Office of the Custodian,
Victoria Building,
7 O'Connor St.,
Ottawa, Ont.

Dear Mr. Wright:

Re: Japanese Property Claims Commission

This office has prepared the schedule of recommendations (Appendix I) for payment of awards for the claims which have been considered by the Honourable Mr. Justice Henry Bird. We have supplied the Commissioner with three copies, two of which he will attach to the report he is sending to the Minister of Justice today.

I am mailing you under separate cover two copies for the use of the Custodian's Department. Totals on the last page indicate that awards have been recommended to 1300 claimants covering 2249 claims on various types of property as shown below:

204	claims,	Greater Vancouver Property	$ 60,447.42
204	"	Rural Property	237,534.96
502	"	V.L.A. Property	615,655.86
13	"	Mission V.L.A. Property	16,570.75
145	"	Motor Vehicles	18,223.81
95	"	Boats & Gear	19,744.95
182	"	Nets & Gear	52,759.54
904	"	Chattels	201,891.97
			$1,222,829.26

My instructions from the Commissioner are to the effect that until this report is tabled, counsel for claimants are not to receive a copy. We have two copies held for this purpose.

It should not be supposed that the award of $1,222,829.26 represents what the Commissioner considers is the difference between

sale price and the fair market value, as the figure includes the return of real estate agents' commissions, auctioneers' charges and other expenses, as well as the full value of goods which were not accounted for by reason of theft and other considerations.

For our own satisfaction, and to provide what I consider will be of interest to the Custodian, we are now preparing a breakdown of the claims and the awards. This information I hope to be able to forward perhaps at the end of next week or very soon after.

I will be interested in knowing what the Commissioner incorporates in his report, but I feel very strongly that the amount recommended for awards has been influenced by a very generous approach, and the procedure which has been followed by Government Counsel has favoured settlement rather than a consistent effort to prove that the prices obtained by the Custodian were adequate.

I would be very glad to have the opportunity for a conference with Mr. Stein should this be thought desirable. This may depend upon whether it is expected that discussion or questions may be asked in the House, and whether it is considered that you have sufficient information as far as the Custodian is concerned.

Yours very truly,

F. G. Shears,
Director.

FGS/GN

ANALYSIS OF COMMISSIONER'S RECOMMENDATIONS

		Award to achieve Fair Market Value	Rebate of Real Estate Commissions, Auction and other Charges	Award for Missing Goods
Greater Vancouver	Real Property	$ 27,488.34	$	$
" "	Commissions		29,400.91	
" "	Charges		3,558.17	
Rural Real Property	Special	55,843.18		
"	10%	41,423.45		
"	Commissions		13,663.67	
"	Charges		2,757.95	
Motor Vehicles		17,004.81		
Fishing Vessels		1,322.40		
" "	Charges		10,670.89	
Boat Equipment		1,221.41		
" "	Missing			6,530.25
Nets & Gear	70% (of sale price)	11,657.05		
" "	Missing			41,102.49
Chattels		43,144.14		
"	Charges, auction etc.		34,133.13	
"	Missing			108,541.43
Award to achieve fair market value		$ 199,104.78	$ 94,184.72	$ 156,174.17
Rebate of Charges & Commissions		94,184.72		
Award for Missing Goods		156,174.17		
Sales by P.S. Ross & Sons		141,138.98		
Sales to V.L.A.		632,226.61		
		$1,222,829.26		

NAME

COMMISSION
Re: Japanese Claims.

No.

Communication re

claims

(Prior To Commission)