

No. J. R. 6882-42.

143841

FILE CHECKED FOR MPV
SEE BACK COVER
DOSSIER VERIFIE POUR DSUU
VOIR ENDOS DE LA CHEMISE

Date MAY 29, 1942.

CONFIDENTIAL

REGISTRY

Department of Justice

PERMANENT RETENTION
IN JUSTICE
CONSERVATION PERMANENTE
A LA JUSTICE

From NATIONAL DEFENCE.

REMARKS:

SUBJECT:

CUSTODY OF JAPANESE FISHING VESSELS.

Charged to D.W.M.

CROSS REFERENCE:

No. J. R. 6882-42.

MPV / DESU / ON FINE / SUR DOSSIER
YES / OUI (R) / NO / NON ()

ABSTRACTOR / REDACTEUR: DD

DATE: 17 June 1981



TIP-BACK
FILE COVER
CAN. PAT. NO. 361978



FILE-TEX STOCK
To Duplicate Order

No. Sp. 1378



MUST BE COMPLETED ON CLOSING THE FILE
BY THE APPROPRIATE OFFICER.

DOIT ÊTRE COMPLÉTÉ À LA FERMETURE DU
DOSSIER PAR LE FONCTIONNAIRE CONCERNÉ.

I PLEASE INDICATE:
VEUILLEZ INDIQUER:

A) Department Justice
Ministère

B) File No. 143841
N° du dossier

II PLEASE CHECK THE APPROPRIATE SQUARES:
VEUILLEZ COCHER À L'ENDROIT APPROPRIÉ:

This file contains material of precedential value
Ce dossier contient des documents susceptibles d'utilisation ultérieure

Yes Oui

No Non

Send to the Opinions and Precedents
Retrieval Unit

Envoyez au Unité de Recherches des
Opinions et de la Jurisprudence

Send to the Files Control Centre.

Envoyez au Centre de contrôle des dossiers.

DEFINITION

"Material of precedential value — letters, memoranda,
judgments or other documents containing opinions,
research, studies, pleadings or factums which may be
useful in other future matters."

<<Documents susceptibles d'utilisation ultérieure —
lettres, notes, jugements ou autres documents conte-
nant des opinions, recherches, études, conclusions
ou mémoires pouvant servir dans d'autres cas.>>

III OPINIONS AND PRECEDENTS RETRIEVAL UNIT PLEASE INDEX THE FOLLOWING MATERIAL:

UNITÉ DE RECHERCHES DES OPINIONS ET DE LA JURISPRUDENCE VEUILLEZ RÉPERTORIER LES
DOCUMENTS SUIVANTS:

- A) Letter dated: _____
Date de la lettre: _____
- B) Memorandum dated: _____
Date de la note: _____
- C) Judgment dated: _____
Date du jugement: _____
- D) Other material dated: _____
Date des autres documents: _____

DATE: _____

Signature _____

IV FOR FILE RETIREMENT SECTION ONLY:

POUR LA SECTION CHARGÉE DE LA DISPOSITION DES DOSSIERS SEULEMENT:

SCHEDULE — CALENDRIER

Scheduled for destruction À éliminer	<input type="checkbox"/>	Master card checked Carte principale à jour	Date of transfer to P.A.R.C.* Date de l'envoi au D.C.A.P.*
Scheduled for retention À conserver	<input checked="" type="checkbox"/>	Yes — Oui <input type="checkbox"/>	_____
Not scheduled En attente de décision	<input type="checkbox"/>	No — Non <input type="checkbox"/>	Date of destruction Date d'élimination
PAC Approval No. Approbation des APC No.	88/002		_____
Sec. Art.	2	S. Sec. Para.	4
		1977	
Retention Period Durée de conservation			
In Justice Au Ministère	Records Management Branch of P.A.C. À la direction de la gestion des documents d'A.P.C.		Total No. of years Nombre total d'années
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* P.A.R.C.: Public Archives Records Centre — D.C.A.P.: Dépôt Central des Archives Publiques
* P.A.C.: Public Archives of Canada — A.P.C.: Archives Publiques du Canada

Signature RA

To be kept in chronological order as per this date:
À être gardé en ordre chronologique selon cette date:

June 23/93

À CONSERVER DANS CE DOSSIER

TO BE KEPT IN THIS FILE



OFFICE OF THE DEPUTY MINISTER OF FISHERIES
OTTAWA

August 17th, 1942.

792-17-1

Dear Sir,

Adverting to your letter of the 10th instant, file J.R. 6882-42, and my reply of the 13th instant, I beg to inform you that confirmation has now been received from the Japanese Fishing Vessels Disposal Committee that transfer of custody of the remaining Japanese fishing vessels from Naval Service to the Custodian of Enemy Property was completed on the 5th instant.

A large, stylized handwritten signature in dark ink, possibly reading "H. Sutherland", written over a diagonal line.

Yours truly,

A handwritten signature in dark ink, appearing to read "D. H. Sutherland".
D. H. Sutherland,
Acting Deputy Minister.

E. Miall, Esq.,
Assistant Deputy Minister,
Department of Justice,
O t t a w a.



OFFICE OF THE DEPUTY MINISTER OF FISHERIES
OTTAWA

August 13th, 1942.

792-17-1



Dear Sir,

In reply to your letter of the 10th instant, file J.R. 6882-42, I would state that while the Japanese Fishing Vessels Disposal Committee was requested to make arrangements with the local Naval authorities and the Custodian of Enemy Property, pursuant to Order in Council P.C. 6247 of July 20th, whereby the vessels and equipment remaining undisposed of at July 31st would be turned over to the Custodian, it is understood that it was not until August 5th that all Naval personnel was relieved from duties in connection with the custody of the vessels.

This Department is immediately obtaining confirmation of this understanding from the Japanese Fishing Vessels Disposal Committee.

Yours truly,

D. H. Sutherland
D. H. Sutherland,
Acting Deputy Minister.

E. Miall, Esq.,
Assistant Deputy Minister,
Department of Justice,
O t t a w a.

File away
When prescriptions received advise
(1) copy
(2) file

[Handwritten signature]

DWM/DC

August 10th 42.

J.R. 6882-42
Re: Disposal of Japanese Fishing Vessels

Dear Sir:

I acknowledge your letter of July 25th, together with copy of Order in Council P.C. 6247, dated July 20th, enclosed therewith.

I should be glad if you would advise me whether it has been found possible to relieve the Naval personnel charged with the safekeeping of Japanese fishing vessels on the West Coast, from their duties in this connection.

Yours truly,

R. Miall

Assistant Deputy Minister.

The Deputy Minister,
Department of Fisheries,
O t t a w a .

Department of Justice
AUG 11 1942
REGISTRY



OFFICE OF THE DEPUTY MINISTER OF FISHERIES
OTTAWA



July 25th, 1942.

Dear Sir:

Adverting to recent correspondence, your file JR6882-12, regarding proposed arrangements for turning over to the Custodian of Enemy Property such Japanese owned vessels and equipment that may remain undisposed of as of July 31st, 1942, and which are presently under the supervision of the Japanese Fishing Vessel Disposal Committee, I beg to enclose herewith, in case it has not already come before you, mimeographed copy of Order in Council dated July 20th, P.C. 6247, by which such arrangements are authorized.

It will be observed that this arrangement contemplates release of naval personnel presently assigned to safeguarding the vessels.

This Department has communicated with the Committee to the end that it will collaborate at once with the local representative of the Custodian and the Local Naval Authorities for placing the vessels and equipment with the Custodian as contemplated by the Order.



Yours truly,

D. B. Finn,
Deputy Minister.

F. P. Varcoe, Esq., K.C.,
Deputy Minister of Justice,
Ottawa, Ontario.

25th July,

42.

J.R. 6892-42
Your File No. 792-17-1

Dear Sir:



Yours truly,

F. P. Varcoe

Deputy Minister.

The Deputy Minister,
Department of Fisheries,
O T T A W A.

Department of Justice
JUL 27 1942
REGISTRY

P.C. 6247

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 20th day of JULY, 1942
PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Fisheries reports that by virtue of the authority of Order in Council of December 16th, 1941, P.C. 9761, vessels used or operated by persons of the Japanese race within waters adjacent to the West Coast of Canada were seized and detained;

That under the supervision of the Committee, under the chairmanship of Honourable Justice Sidney A. Smith of Vancouver, appointed by Order in Council of January 13th, 1942, P.C. 288, for the disposal of vessels and equipment so seized and detained, 1,027 vessels of a total of 1,265 vessels registered with the Committee have been disposed of;

That under its terms of reference the Committee so organized the disposal arrangements to first assure that boats and equipment would be available to the British Columbia fishing industry as might be needed to maintain essential fisheries production;

That the Committee has reported having achieved this objective up to the point where little further absorption may be immediately expected by the British Columbia fishing industry excepting such vessels as may be disposed of in the course of the next two or three weeks;

That pursuant to the duty attached to its appointment,-

To report on steps that should be taken to dispose of vessels which the present owners are unable to sell, charter, lease or otherwise transfer,

the Committee has reported that while the market has not

The Honourable
the Minister of Fisheries

yet been completely exhausted, the bulk of the remaining 238 vessels will have to be stored for a considerable period particularly as in general, the best vessels have already been disposed of;

That the Committee is of the opinion, after consideration of all factors involved, that responsibility for administration of remaining boats and equipment might logically be turned over to the Custodian of Enemy Property, who is now administering other properties of persons of the Japanese race in British Columbia; and

That it is important that personnel of the Department of National Defence for Naval Services, presently employed in the care and maintenance of the remaining vessels, should be released for urgent duties elsewhere at the earliest possible moment;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, concurred in by the Secretary of State and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased, notwithstanding anything contained in the Regulations established by Order in Council of March 4th, 1942, P.C. 1665, as amended by Order in Council of March 27th, 1942, P.C. 2483, to order and it is hereby ordered as follows:

1. As a protective measure only all vessels and equipment seized and detained under the authority of Order in Council of December 16th, 1941, P.C. 9761, which have not been disposed of under the supervision of the Committee appointed by Order in Council of January 13th, 1942, P.C. 288, shall on and after August 1st, 1942, be vested in and subject to the control and management of the Custodian, as defined in the Consolidated Regulations Respecting Trading with the Enemy, (1939); provided, however, that no commission shall be charged by the Custodian in respect to such control and management.
2. For the purpose of the control and management of such property by the Custodian, the Consolidated Regulations Respecting Trading with the Enemy, 1939, shall apply mutatis mutandis, to the same extent as if the property belonged to an enemy within the meaning of the said Consolidated Regulations.
3. All unfinished business of such Committee in respect of any vessels or equipment vested in the Custodian pursuant to these Regulations, shall on and after August 1st, 1942, be transferred to the Custodian.
4. Such arrangements as will make it possible for the present owners of any vessels or equipment vested in the

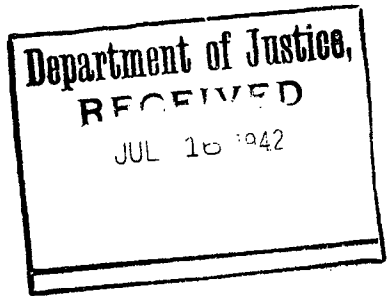
Custodian pursuant to this Order to freely negotiate for charters, leases or sales of such vessels and equipment as they own to persons other than those of Japanese origin, shall be made by the Custodian, provided that the Custodian approves of such charters, leases or sales, which approval shall be a prerequisite for the use of such vessels and equipment in any capacity.

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



Pringle

OFFICE OF THE DEPUTY MINISTER OF FISHERIES
OTTAWA



792-17-1

s.23

July 16th, 1942.

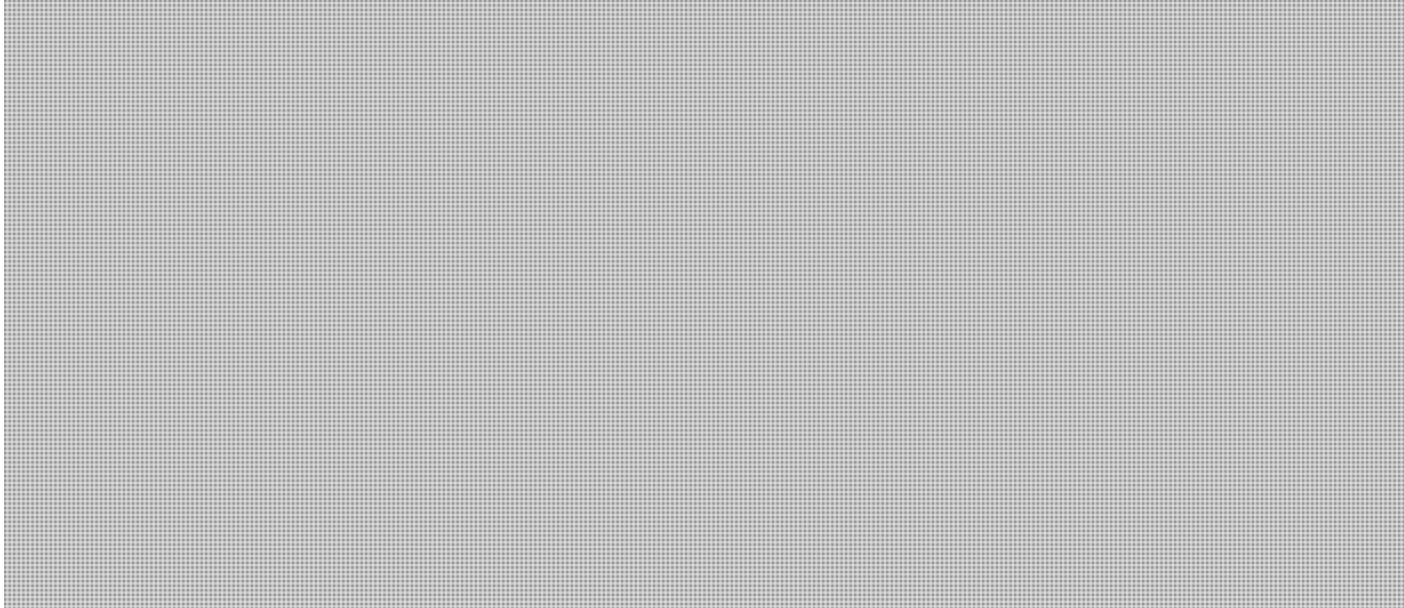
BY HAND

Dear Sir,



The Deputy Minister,
Department of Justice,
O t t a w a.

2.



Yours truly,

D. B. Finn.

D. B. Finn. *D.B.*
Deputy Minister.

Committee

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

Hon. Mr. Justice Sidney Smith,
Chairman
Cdr. B.L. Johnson, D.S.O., R.C.N.R.
Kishizo Kimura
A.E. McMaster, Executive Assistant
TO THE REGISTRAR OF SHIPPING
VANCOUVER, B.C.

1528 Marine Building
Vancouver, B.C.

Sir,

Re Ex-Japanese Fishing Vessel: _____

Length: _____ Breadth: _____ Depth: _____

Engine: _____

The owner of this vessel, _____ declines to sell at a reasonable price.

_____ whose signature, for identification purposes, appears below, has offered to purchase the vessel for the sum of \$ _____ (Dollars (\$) which sum is considered reasonable and has been accepted as the purchase price by this Committee and is being held in trust by the Committee pending completion of Bill of Sale.

You are requested to permit the purchaser _____ to operate this boat until the presently licensed owner _____ completes the execution of Bill of Sale or some other provision has been made.

This letter is issued in duplicate, one copy of which is to be retained in your files; the other to be in the possession of _____ for clearance and navigation purposes.

Yours faithfully,

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

A.E. McMaster
Executive Assistant

Signature of:

6892-42



Order in Council authorizing that boats and equipment owned by persons of the Japanese race, be vested in and subject to the control of the Custodian of Enemy Property.

P. C. 6247

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 20th day of JULY, 1942

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Fisheries reports that by virtue of the authority of Order in Council of December 16th, 1941, P.C. 9761, vessels used or operated by persons of the Japanese race within waters adjacent to the West Coast of Canada were seized and detained;

That under the supervision of the Committee, under the chairmanship of Honourable Justice Sidney A. Smith of Vancouver, appointed by Order in Council of January 13th, 1942, P.C. 283, for the disposal of vessels and equipment so seized and detained, 1,027 vessels of a total of 1,265 vessels registered with the Committee have been disposed of;

That under its terms of reference the Committee so organized the disposal arrangements to first assure that boats and equipment would be available to the British Columbia fishing industry as might be needed to maintain essential fisheries production;

That the Committee has reported having achieved this objective up to the point where little further absorption may be immediately expected by the British Columbia fishing industry excepting such vessels as may be disposed of in the course of the next two or three weeks;

That pursuant to the duty attached to its appointment, -

To report on steps that should be taken to dispose of vessels which the present owners are unable to sell, charter, lease or otherwise transfer, the Committee has reported that while the market has not yet been completely exhausted, the bulk of the remaining 233 vessels will have to be stored for a considerable period particularly as in general, the best vessels have already been disposed of;

That the Committee is of the opinion, after consideration of all factors involved, that responsibility for administration of remaining boats and equipment might logically be turned over to the Custodian of Enemy Property, who is now administering other properties of persons of the Japanese race in British Columbia; and

That/

P. C. 6247

That it is important that personnel of the Department of National Defence for Naval Services, presently employed in the care and maintenance of the remaining vessels, should be released for urgent duties elsewhere at the earliest possible moment;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, concurred in by the Secretary of State and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased, notwithstanding anything contained in the Regulations established by Order in Council of March 4th, 1942, P.C. 1365, as amended by Order in Council of March 27th, 1942, P.C. 2483, to order and it is hereby ordered as follows:

1. As a protective measure only all vessels and equipment seized and detained under the authority of Order in Council of December 16th, 1941, P.C. 9761, which have not been disposed of under the supervision of the Committee appointed by Order in Council of January 13th, 1942, P.C. 288, shall on and after August 1st, 1942, be vested in and subject to the control and management of the Custodian, as defined in the Consolidated Regulations Respecting Trading with the Enemy, (1939); provided, however, that no commission shall be charged by the Custodian in respect to such control and management.
2. For the purpose of the control and management of such property by the Custodian, the Consolidated Regulations Respecting Trading with the Enemy, 1939, shall apply mutatis mutandis, to the same extent as if the property belonged to an enemy within the meaning of the said Consolidated Regulations.
3. All unfinished business of such Committee in respect of any vessels or equipment vested in the Custodian pursuant to these Regulations, shall on and after August 1st, 1942, be transferred to the Custodian.
4. Such arrangements as will make it possible for the present owners of any vessels or equipment vested in the Custodian pursuant to this Order to freely negotiate for charters, leases or sales of such vessels and equipment as they own to persons other than those of Japanese origin, shall be made by the Custodian, provided that the Custodian approves of such charters, leases or sales, which approval shall be a prerequisite for the use of such vessels and equipment in any capacity.

Sgd. A.D.P. Heeney

Clerk of the Privy Council.

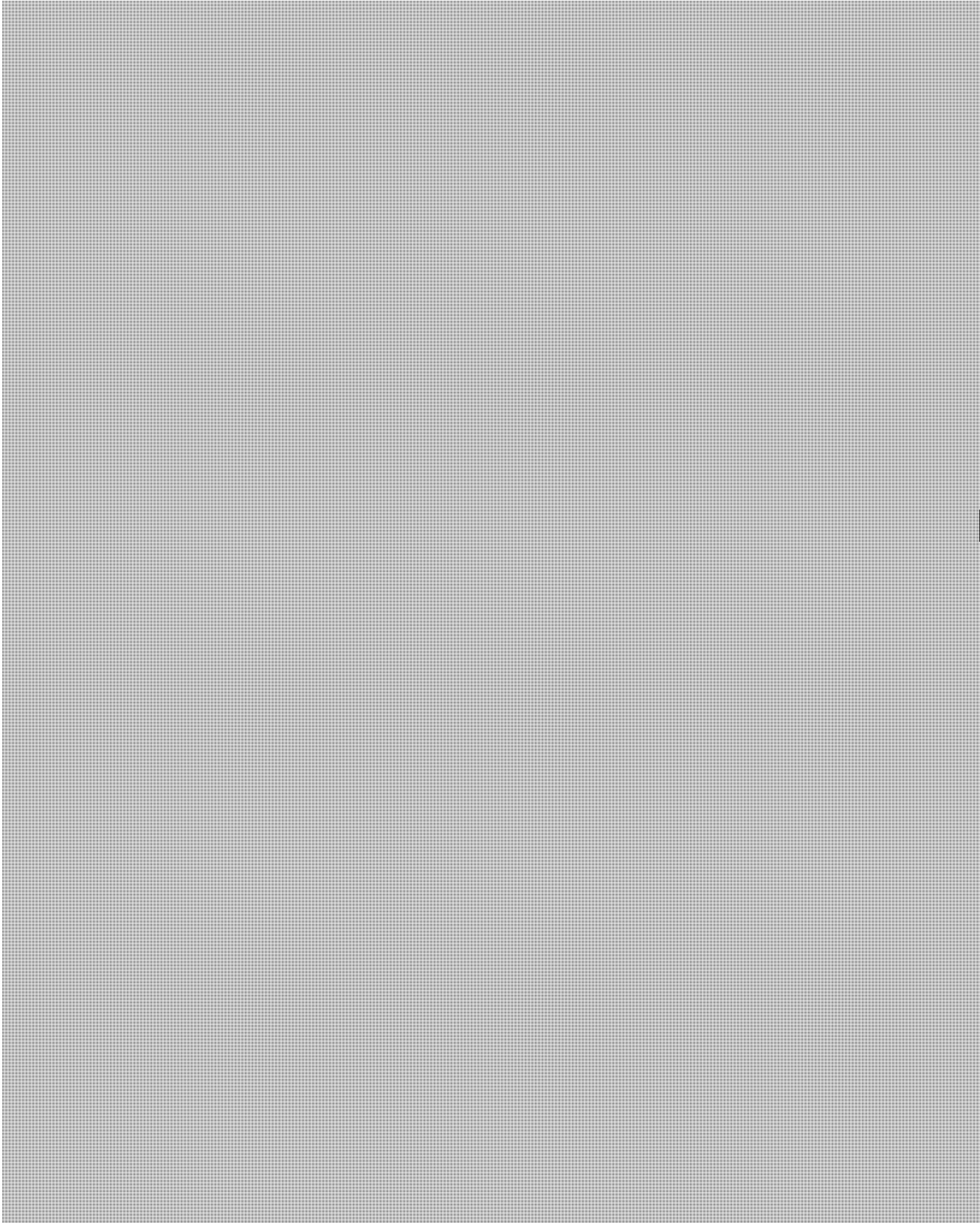
EAD/Mc.

Ottawa, July 23rd. 1942.

s.23

MEMORANDUM FOR THE DEPUTY MINISTER OF JUSTICE

J.R. 6882-42





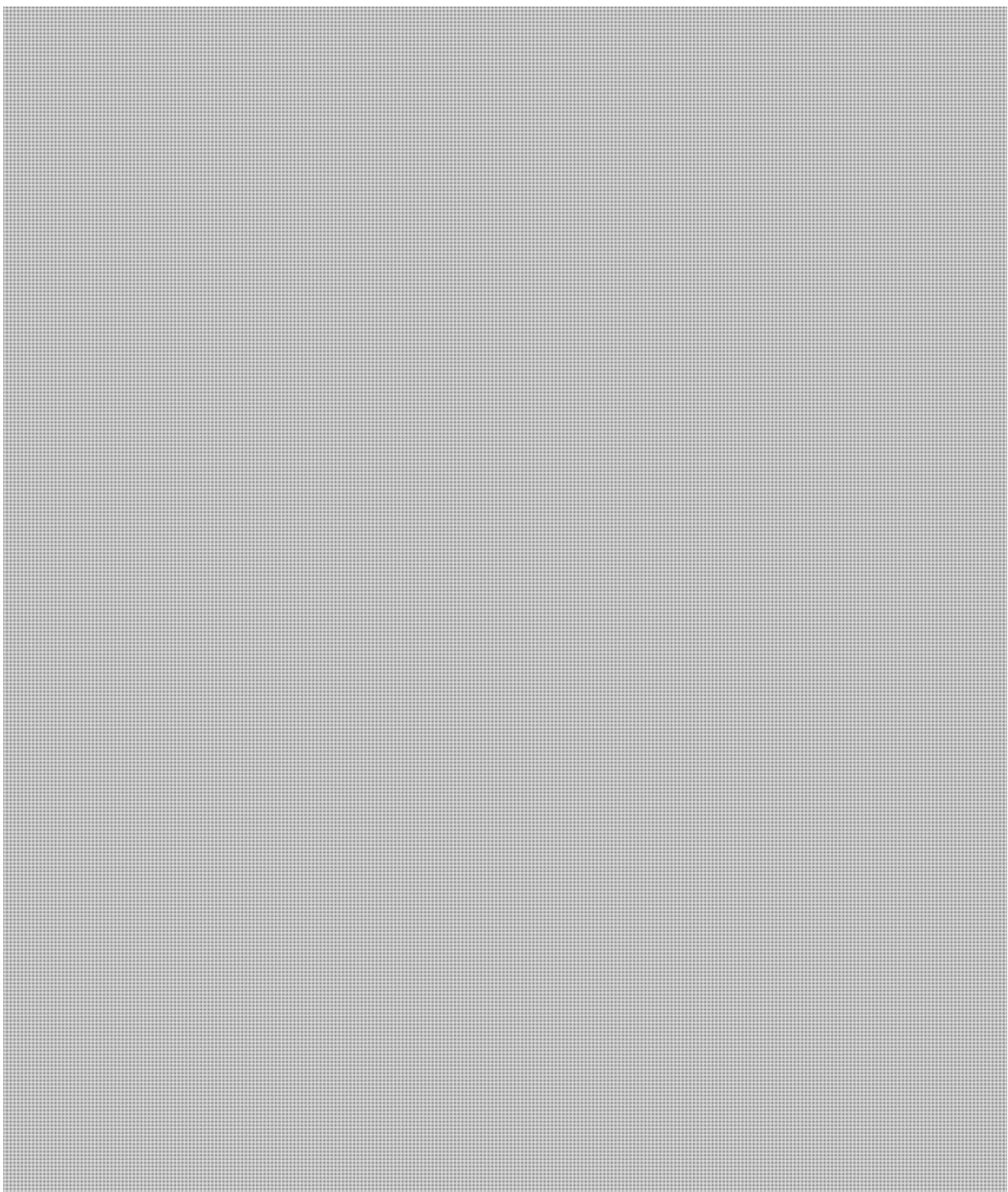
E.A.D.

July 9, 1942.

MEMORANDUM FOR THE DEPUTY MINISTER OF JUSTICE

J.R.6882-42

Re: Custody of Japanese Fishing Vessels



D.W.M.

549

DWM/BG

July 9

42

Your File 792-17-1

J.R.6882-42

Re: Custody of Japanese Fishing Vessels

Dear Sir:

I acknowledge your letter of July 7 together with the enclosures therein referred to.

There would not appear to be any objection, from the point of view of this Department, to the proposed transfer of Japanese Fishing Vessels detained on the west coast, which have not been disposed of by the Committee for the Disposal of Japanese Vessels, to the Custodian of Enemy Property. I should be glad, however, if this matter could be expedited in order that arrangements may be made to relieve the Naval personnel now in charge of these boats, at the earliest possible time.

In the meantime I am advising the Commissioner of the R.C.M.P. to withhold action until a decision on this matter is reached.

Yours truly,

F. P. Varcoe

Deputy Minister.

The Deputy Minister,
Department of Fisheries,
O t t a w a.

Department of Justice
JUL 9 1942
REGISTRY

DWM/BG

July 9

42

J.R.6882-42
 Re: Custody of Japanese Fishing Vessels
Your File N.S.1030-6-14 F.D.3

Dear Sir:

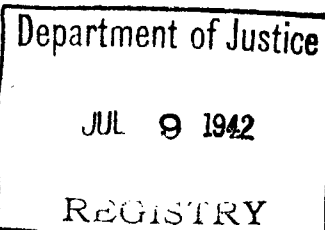
Further to my letter to you of June 30, I am now advised by the Deputy Minister of Fisheries that he is discussing with the Custodian of Enemy Property the desirability of turning over to the Custodian all Japanese Fishing Vessels remaining undisposed of at the end of July. If this proposal is implemented the custody of these vessels will be taken over by the Custodian. In such case it is not anticipated that the services of the R. C. M. Police will be required to maintain the vessels in safe-keeping. In the circumstances, it would appear to be undesirable for additional personnel to be taken on the strength of the R.C.M. Police for the purpose of guarding these vessels, at least until a decision is reached as to whether the vessels will be taken over by the Custodian. I have requested the Deputy Minister of Fisheries to expedite this matter and immediately I am advised as to his decision thereon, I shall communicate with you.

Yours truly,

F. P. Varcoe

Deputy Minister.

The Deputy Minister, (Naval Service)
 Department of National Defence,
 O t t a w a.



DWM/BG

July 9

42

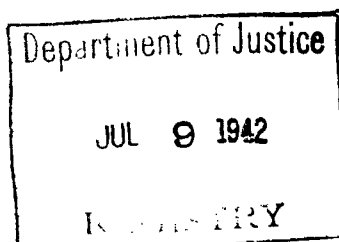
J.R.6882-42
Re: Custody of Japanese Fishing Vessels

Dear Sir:

I acknowledge your letter of July 7 together with the enclosures therein referred to. I am also in receipt of a letter dated July 7 from the Deputy Minister of Fisheries relative to this matter.

I am advising the Deputy Minister of Fisheries that, from the point of view of this Department, there is no objection to the proposed transfer of the remaining vessels, to the Custodian. In view of the request made by the Minister of National Defence for Naval Services that the Naval Personnel be relieved of their responsibility for the safe-keeping of these vessels I have requested the Deputy Minister of Fisheries to expedite the matter. In the meantime, until a decision is reached as to whether this course of action will be followed, I do not think it will be necessary to take any further action with regard to taking charge of these vessels.

Yours truly,
F. P. Varcoe
Deputy Minister.



The Commissioner,
Royal Canadian Mounted Police,
O t t a w a.

Your File 41 D 269-1 J4.



PLEASE QUOTE:.....

By direction of the *Secretary of State for External Affairs*
the attached letter No. of July 9 1942
to The Deputy Minister of Fisheries
is referred to the *Minister of Justice*

FOR RECORD

Referred also to:

Under Secretary of State

Ottawa..... July 11 1942

HFA/LP

002020

Under-Secretary of State for External Affairs

July 9, 1942

Dear Dr. Finn,

I have considered your letter of July 8th and the enclosures which outlined the proposal that the impounded fishing vessels owned by Canadians of Japanese racial origin which remain on hand as of July 31st should be turned over to the Custodian of Enemy Property.

I am in agreement with the general idea of allowing the committee constituted by P.C. 288 of January 13, 1942 to turn over the ships to the Custodian. I do, however, think it extremely important that the new arrangement should make it clear that the Custodian, like the committee which he is to replace, is bound to respect the freedom of the owners of the ships to dispose of their property on reasonable terms. In other words, the duties imposed on the committee in order-in-council P.C. 288 should so far as they are applicable be imposed on the Custodian. The first of these duties is: "To make such arrangements as will make it possible for the present owners of detained vessels to freely negotiate for charters, leases, or sales of such vessels as they own to persons other than those of Japanese origin, provided that the committee approve of such charters, leases, or sales, which approval shall be a prerequisite for the use of such vessel under fishing license".

If the Custodian is left free to dispose of the vessels as may seem fit to him then, although he will no doubt feel bound to act with due regard for the interests of the owners, the appearance of the arrangement will be unfortunate. It will seem

Dr. D.S. Finn,
Deputy Minister of Fisheries,
O t t a w a.

as if the first arrangement which afforded ample protection for the Japanese owners has been replaced by new arrangements which give them much less protection.

I note that a draft order-in-council is enclosed in your letter dated July 7th. The suggestion which I am making would be in substance to add the equivalent of the paragraph which I have quoted as regulation four on page two of the draft order. It is also suggested that it might be convenient if the clause beginning with the word "notwithstanding" were separated from the operative part of regulation one so that the clause would apply to all of the regulations and not merely to the first.

Yours sincerely,

N.A. Robertson

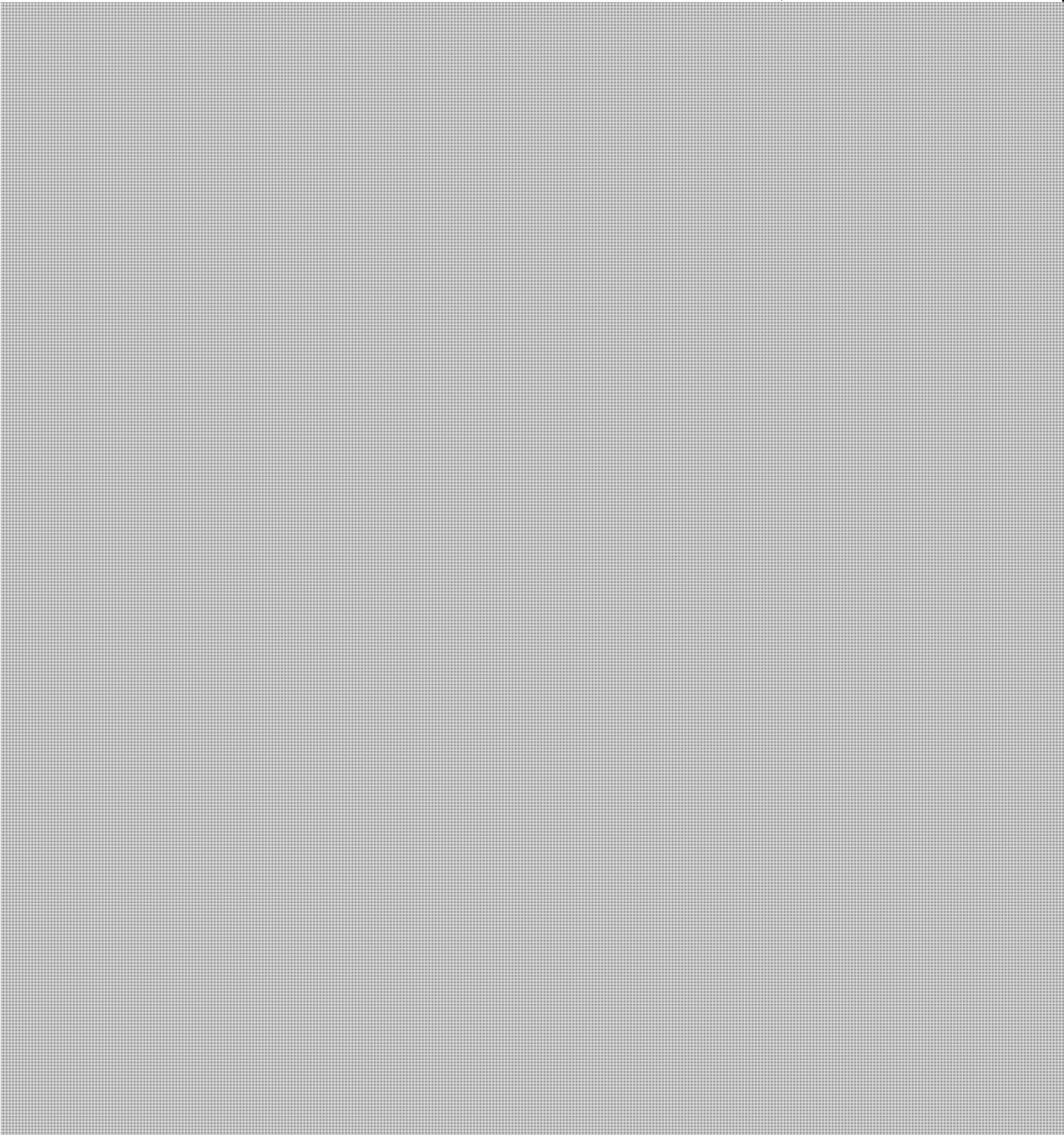
Under Secretary of State for
External Affairs.

P.C. 288

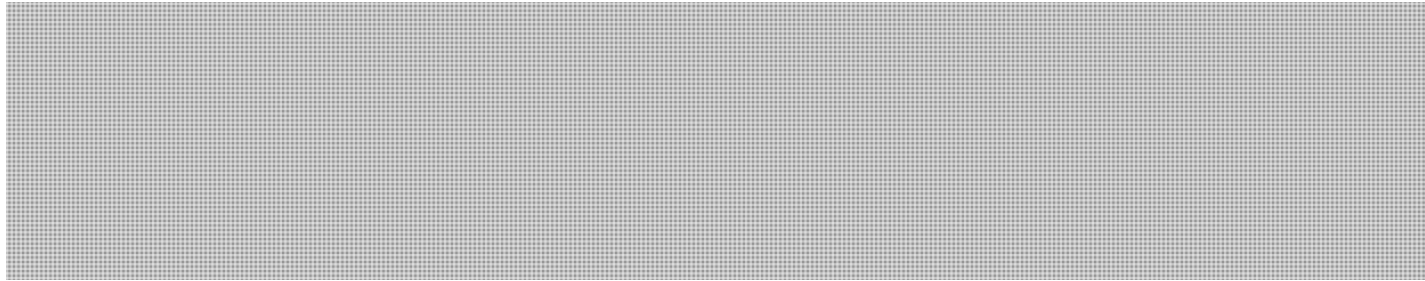
Certified to be a true copy of a Minute of a Meeting of the
Committee of the Privy Council, approved by His
Excellency the Governor General on the 13th January, 1942.

The Honourable
the Minister of Fisheries

9



3.



The Committee concur in the foregoing recommendation and submit the same for approval.

(sgd) A.D.P. Heeney,
Clerk of the Privy Council.

s.23

**Pages 2026 to / à 2027
are withheld pursuant to section
sont retenues en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

2.

Copies of this letter and enclosures are being sent to the Department of Justice and to the Department of External Affairs.

Yours truly,

D. B. Finn,
Deputy Minister.



OFFICE OF THE DEPUTY MINISTER OF FISHERIES
OTTAWA

Department of Justice,
RECEIVED
JUL 7 1942

July 7th, 1942.

792-17-1

Dear Sir,

Adverting to your communication of the 30th ultimo, file J.R.6882-12, in connection with the custody of Japanese-owned vessels and equipment in British Columbia, I beg to enclose, herewith, copy of communication of even date, and enclosures referred to therein, to Doctor E.H. Coleman, regarding proposal that these impounded vessels and their equipment which remain on hand as of July 31st be turned over to the Custodian of Enemy Property.

Yours truly,

D. B. Finn,
Deputy Minister.



The Deputy Minister,
Department of Justice,
O t t a w a.

DRAFT

Ottawa, July 7th, 1942.

TO HIS EXCELLENCY

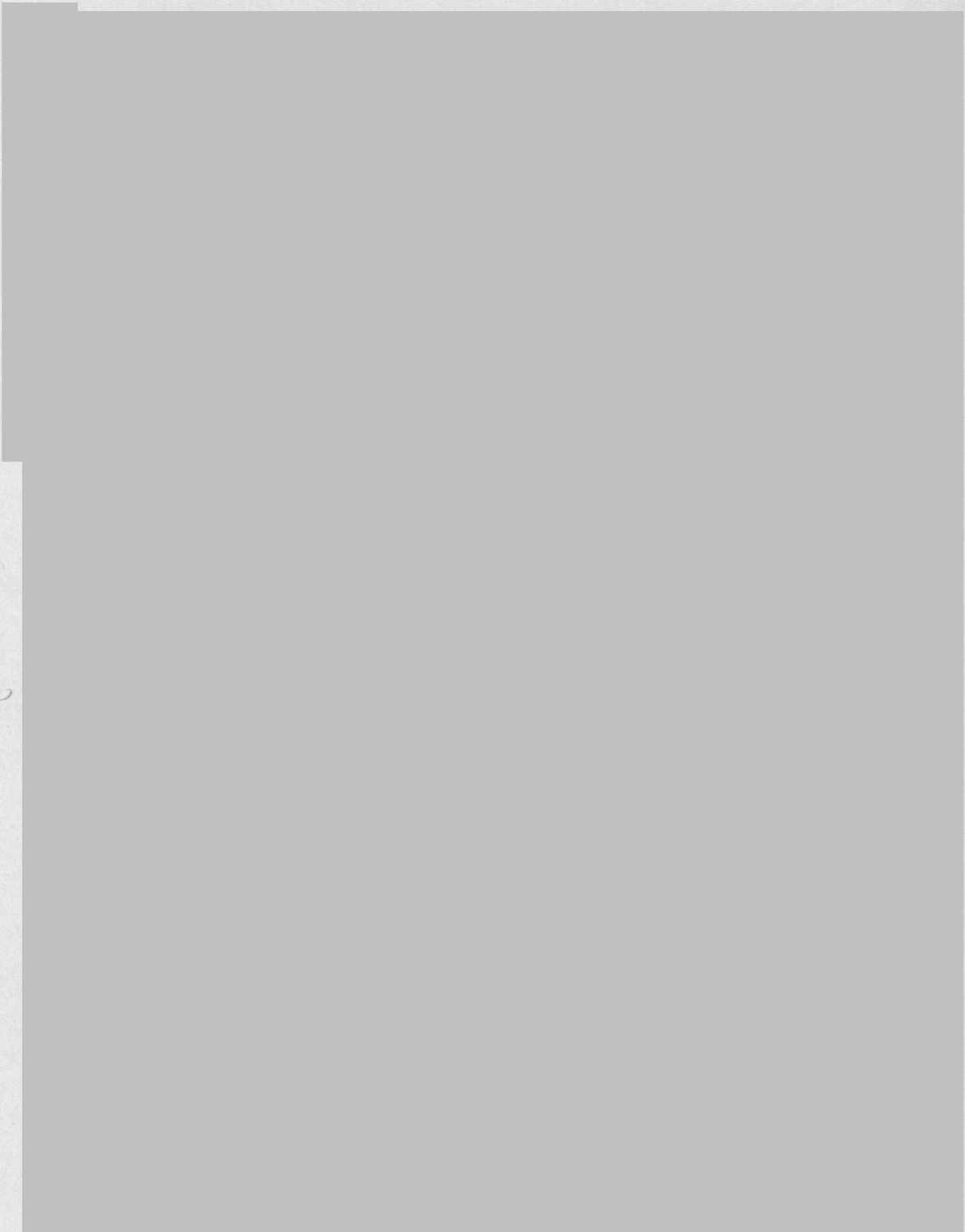
THE GOVERNOR IN COUNCIL

The undersigned has the honour to report,-



s.23

2.



Respectfully submitted,

MINISTER OF FISHERIES

MEMORANDUM AS TO
FINAL DISPOSITION OF REMAINING FISHING VESSELS
for
DISCUSSION WITH - Mr. W.C. McPHERSON

The fishing industry now has a sufficient number of the Japanese fishing vessels to warrant that the production of that industry will not suffer by reason of the immobilization of the Japanese fishing fleet.

Japanese owners of these vessels have been given every opportunity over the past five months to sell their vessels through the offices of the Committee and as it now seems that the markets for these vessels are about exhausted or very soon will be, the problem of disposing of those now remaining appears to be one of storage.

Of immediate urgency in this respect is that of relieving Naval personnel from custodianship, particularly of the Fraser river boats.

It was with this in view that the Committee hoped to induce the principal fishing companies to immediately accept custodianship of these vessels through a plan submitted to them.

Negotiations having finally resulted in a rejection of this plan by the companies it is now imperative that other prompt action be taken to relieve the Navy personnel.

The committee is of the opinion that while the market for these vessels has not yet been completely exhausted the bulk of the remaining boats will have to be stored for a considerable period, particularly as in general the best vessels have already been released.

In view of this position the most practical solution would seem to favour custodianship being assumed by a permanent Government department such as the R.C.M.P. the Chief Supervisor of Fisheries in B.C. or the Custodian of Alien Enemy Property.

Consideration of all factors involved seems to favour the latter as the logical organization to assume this responsibility. The Custodian is not only administering alien enemy property but all the properties of Canadian citizens of Japanese origin excepting only fishing vessels coming under the administration of this Committee.

The main purpose of this Committee has been achieved. It

Extra Strong

will probably require the entire month of July to clear up the numerous Naval claims remaining to be reviewed and to prepare permanent records of all vessel transactions. Sales of vessels will continue during the winding up period.

Should it be decided that the Custodian take over the remaining vessels from Naval service, consideration should be given to the proposition that the remaining work of this committee and the final records of the committee should be absorbed by the Custodian.

This would simplify the winding up of the committee's administration and would permit a continuity of any part of this work which appears desirable under a permanent department. The committee feels that this consolidation of authority over all Japanese property under one department would be the most economical method of dealing with this problem.

VANCOUVER, June 29, 1942

COPY

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

1533 Marine Building
Vancouver, B.C.
July 2nd, 1942.

Dr. D.B. Finn,
Deputy Minister of Fisheries,
Ottawa, Canada.

Dear Sir,

Relieving Naval Service from the Custody
of the Remaining Fishing Vessels
Ref. your letter June 15, 1942, file 792-4-1
Our letters June 20 and June 26, 1942

The Committee has suggested that to secure prompt transfer of the custodianship of the remaining fishing vessels, one of the local offices of a permanent Department of Government should assume this responsibility.

We have discussed this matter with Col. Hill of the R.C.M.P. Mr. Motherwell and Mr. W.G. McPherson, Custodian of Alien Enemy Property. You will note from the copy of our memorandum of June 29th attached, which was used as a basis for our last discussion with Mr. McPherson, that the Committee's opinion favours the Custodian as the logical agency to take over.

Col. Hill and Mr. Motherwell both concur in this and we believe Mr. McPherson has written the Honourable the Secretary of State on the subject.

The Committee feels that should the Ministers concerned agree to this plan the procedure should be about as follows;

1. The staff of our Committee would immediately cooperate with the Custodian in taking over from Naval Service, assisting in both organizing the extension of his department and in administration insofar as he desired it, but on condition that the responsibility when the fleet is taken over, rests with the Custodian and not with the Department of Fisheries.
2. Your Committee to function as at present in the disposal of vessels, the handling of claims against Naval Service and in the preparation of permanent records.

Unless unforeseen circumstances arise this work would be so far completed at the end of July that transfer of any services requiring continuity could be made to the permanent offices of the Custodian and the work of the Committee concluded.

In our letter of June 26th we advised that the market could not be considered as entirely exhausted as yet. During the month of June 120 vessels were sold, 37 of which were sold in the last ten days of the month. Active negotiations are under way for 20 to 30 more at this writing; and if this rate of disposal continues for the first few weeks of this month the storage problem will be much simplified in that the fleet concerned at Fraser river moorings should not greatly exceed 100 to 125 vessels.

Yours truly,

Signed A.E. McMaster
Executive Assistant

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 13th January, 1942.

The Committee of the Privy Council have had before them a report, dated 13th January, 1942, from the Minister of Fisheries, representing that the defence and security of Canada has made necessary the immobilization of fishing vessels owned by people of Japanese origin and operated in British Columbia waters;

That some 1,100 boats and their equipment, having a value of between \$2,000,000 and \$3,000,000, are involved, of which about 950 are impounded near New Westminster and the remainder at Prince Rupert and other ports;

That the owners of these vessels, though being of Japanese origin, are Canadian citizens whose productive power, by virtue of this ownership, contributed significantly to the fishing industry;

That a conference has been held between the Standing Committee on Orientals in British Columbia and the interested government departments, at which it was considered that the war needs of Great Britain and the Allies make it imperative that the production of the British Columbian fishing industry be maintained and increased and that, therefore, a way should be found of putting these vessels back into production in hands other than those of Japanese origin, and otherwise consistent with the needs of national defence and security, as well as with due regard to the equity of the Japanese Canadian owners;

That it is, therefore, deemed desirable to implement the release of these Japanese Canadian fishing vessels in accordance with the above considerations; and

That such a purpose could best be accomplished by the establishment of a committee to consist of three persons, with a jurist to act as chairman, another to be appointed from the Department of National Defence (Naval Services), and the third to be chosen to represent the Japanese Canadian owners.

The Minister, therefore, with the concurrence of the Minister of National Defence for Naval Services, recommends that, under the authority of the War Measures Act,-

The Honourable
the Minister of Fisheries

The Honourable Sidney A. Smith,
Puisne Judge of the Supreme Court of
British Columbia, Vancouver, B.C.

Commander E.L. Johnson, R.C.N.R.,
Vancouver, B.C.

and

Kishizo Kimura,
Vancouver, B.C.

be hereby constituted a committee on the disposal of Japanese fishing vessels, the duties of the said committee to be:

- (1) To make such arrangements as will make it possible for the present owners of detained vessels to freely negotiate for charters, leases, or sales of such vessels as they own to persons other than those of Japanese origin, provided that the committee approve of such charters, leases, or sales, which approval shall be a prerequisite for the use of such vessel under fishing license.
- (2) Where necessary, to arbitrate disagreements on price between owners and intending purchasers with a view to preventing advantage being taken of duress.
- (3) To report on claims which may be made on the government for damage to, or deterioration of, the vessels and equipment while under detention.
- (4) To report on claims which may be made on the government for the returning of the detained vessels from their present storage place to places where they were picked up.
- (5) By consultation with the Department of Fisheries, to determine which of the detained vessels shall first come under the arrangements to be put back into production.
- (6) To report on steps that should be taken to dispose of vessels which the present owners are unable to sell, charter, lease or otherwise transfer.

That the committee be authorized to employ stenographic and other assistance and to incur such other expenses as they find necessary to facilitate the fulfilment of their function as outlined above, with actual travelling and living expenses as may be approved by the Minister of Fisheries;

3.

That the committee, which shall act without remuneration, be paid travelling and living expenses while away from their place of residence on the work of the committee where these are not already provided for; and

That the cost of the committee be charged against the War Appropriation.

The Committee concur in the foregoing recommendation and submit the same for approval.

(sgd) A.D.P. Heeney,
Clerk of the Privy Council.

ALL CORRESPONDENCE TO BE ADDRESSED:-
THE COMMISSIONER
R.C.M. POLICE
OTTAWA



Department of Justice,
RECEIVED
JUL 7 1942

s.15(1)(d)ii ROYAL CANADIAN MOUNTED POLICE
OFFICE OF THE COMMISSIONER
OTTAWA

153897

REF. NO [REDACTED]

July 7th 1942.

CONFIDENTIAL.

Dear Sir,

Re: Custody of Japanese Fishing Vessels.

1. Referring to your letter of the 30th of June last, a copy of which I took the liberty of forwarding to our Officer in Vancouver:
2. I now have a reply, and consider it best that I attach copies of the correspondence, which I would ask you to return after it has served its purpose.
3. You will note that the Japanese Fishing Vessels Disposal Committee recommends that the responsibility for guarding, maintenance and eventual disposal of these vessels be transferred to the Custodian of Alien Enemy Property, the reasons for which are set forth in the memorandum dated Vancouver June 29th, 1942. Our Officer in charge recommends this procedure, and it seems to me this is the logical move.
4. May I have your further instructions, please ?

Yours very truly,

S.T. Wood
(S.T. Wood)
Commissioner.

F.P.Varcoe, Esq., K.C.,
Deputy Minister of Justice,
Department of Justice,
OTTAWA, Ontario.

s.15(1)(d)ii

[REDACTED]

July 7th 1942.

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1. Referring to your letter of the 30th of June last, a copy of which I took the liberty of forwarding to our Officer in Vancouver:
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4. May I have your further instructions, please ?

Yours very truly,

F.P.Varcoe, Esq., K.C.,
Deputy Minister of Justice,
Department of Justice,
OTTAWA, Ontario.

(S.T.Wood)
Commissioner.

C
C
P
Y

JAPANESE FISHING VESSELS
DISPOSAL COMMITTEE

1528 Marine Building
Vancouver, B.C.

July 3, 1942.

Col. C.H. Hill,
The Officer Commanding,
Royal Canadian Mounted Police,
VANCOUVER, B.C.

Dear Col. Hill:

Confirming our telephone conversation of this afternoon, we enclose in duplicate our letter of July 2 to Dr. Fim, Deputy Minister of Fisheries, in respect to the transfer of custody of the remaining fishing vessels.

My reference was to the conversation that we had some weeks ago, at which time you advised that if your Department did take over the guarding of these boats you would have to engage the necessary staff to do so.

The limited custodianship contained in your instructions from Ottawa, would only partially cover the responsibility now held by Naval Service. The moorings of these boats have to be watched continually and adjusted when necessary. They have to be pumped out, and until the market for them is entirely exhausted, boats sold through this office must be taken away from their moorings and released to the new owners.

From this you will see that if the apparent intentions were carried out you would have a distinct case of divided responsibility which I do not think desirable.

The Committee's considered opinion is explained in the attached letter and memorandum.

Should the Custodian of Alien Enemy Property take over from Naval Service, they have these alternatives:

1. Organizing the necessary staff to provide for guarding and servicing the fleet.
2. Contracting with a reliable marine firm on a monthly basis to carry out this work.

My personal opinion is that the vessels should be held at their present moorings until the early fall and those remaining then, beached at a suitable place along the river, shored up and guarded. They would probably be in this final storage position for some considerable time, and depreciation might be somewhat more rapid than in moored storage; but when the time comes to adopt this form of storage, Governmental Authorities will have done what they reasonably could be expected to do under the circumstances.

I shall be glad to discuss this with you if you desire any further information on the subject.

Yours very truly,

(SGD)

A.E. McMaster,
Executive Assistant.

AEM/PH
Encl.

"E" DIVISION.

s.15(1)(d)ii

C.I.B.

SECRET.

M.J. 16-1

Vancouver, B.C.
July 3, 1942.

AIRMAIL

The Commissioner,
R.C.M. Police,
OTTAWA, Ont.

Sir:

Re: Custody of Japanese Fishing
Vessels.

Referring to your airmail letter of July 2nd, enclosing copy of a letter from the Deputy Minister, Department of Justice, I have today discussed this matter with Mr. A.E. McMaster, Executive Assistant for the Japanese Fishing Vessels Disposal Committee and attach hereto copies of his letter and furthermore, copy of a letter dated July 2nd from Mr. McMaster to the Deputy Minister of Fisheries.

2. I fully agree with paragraph 3 of Mr. McMaster's letter to me and consider that it would be a far more satisfactory arrangement if recommendations made in his letter to the Deputy Minister of Fisheries were carried out.

3. I will await your further instructions regarding this matter.

(SGD)

CHH/G
Encls.

(C.H.Hill) A/Comm'r.,
Commanding "E" Division.

*Copy
for Col Hill*

July 2, 1942.

AIR MAIL

Dr. D. B. Finn,
Deputy Minister of Fisheries,
OTTAWA, CANADA.

Dear Sir:

Relieving Naval Service from the Custody
of the Remaining Fishing Vessels

Ref. Your Letter June 15, 1942, File 792-4-1
Our Letters June 20 and June 26, 1942

The Committee has suggested that to secure prompt transfer of the custodianship of the remaining fishing vessels, one of the local offices of a permanent Department of the Government should assume this responsibility.

We have discussed this matter with Col. Hill of the R.C.M.P., Mr. Motherwell, and Mr. W.G. McPherson Custodian of Alien Enemy Property. You will note from the copy of our memorandum of June 29th, attached, which was used as a basis for our last discussion with Mr. McPherson, that the Committee's opinion favors the Custodian as the logical agency to take over.

Col. Hill and Mr. Motherwell both concur in this, and we believe Mr. McPherson has written the Honourable the Secretary of State on the subject.

The Committee feels that should the Ministers concerned, agree to this plan, the procedure should be about as follows:

1. The staff of your Committee would immediately cooperate with the Custodian in taking over from Naval Service, assisting in both organizing the extension of his department and in administration, insofar as he desired it, but on condition that the responsibility, when the fleet is taken over, rests with the Custodian and not with the Department of Fisheries.

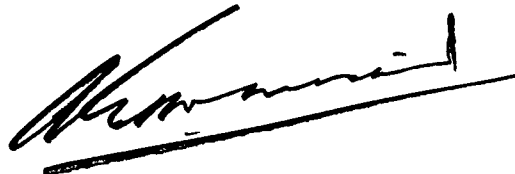
2. Your Committee to function as at present in the disposal of vessels, the handling of claims against Naval Service, and in the preparation of permanent records.

Dr. D. B. Finn.

Unless unforeseen circumstances arise this work would be so far completed at the end of July that transfer of any services requiring continuity could be made to the permanent offices of the Custodian and the work of the Committee concluded.

In our letter of June 26th we advised that the market could not be considered as entirely exhausted as yet. During the month of June 120 vessels were sold, 37 of which were sold in the last ten days of the month. Active negotiations are under way for 20 to 30 more at this writing; and if this rate of disposal continues for the first few weeks of this month, the storage problem will be much simplified in that the fleet concerned at Fraser River moorings should not greatly exceed 100 to 125 vessels.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'A. E. McMaster', written over a horizontal line.

A. E. McMaster,
Executive Assistant.

AEM/PH.
Encl.1.

MEMORANDUM AS TO
FINAL DISPOSITION OF REMAINING FISHING VESSELS
for
DISCUSSION WITH - Mr. W.G. McPHERSON

The Fishing Industry now has a sufficient number of the Japanese fishing vessels to warrant that the production of that industry will not suffer by reason of the immobilization of the Japanese Fishing Fleet.

Japanese owners of these vessels have been given every opportunity, over the past five months, to sell their vessels through the offices of the Committee and as it now seems that the markets for these vessels are about exhausted or very soon will be, the problem of disposing of those now remaining, appears to be one of storage.

Of immediate urgency in this respect is that of relieving Naval personnel from custodianship, particularly of the Fraser River boats.

It was with this in view that the Committee hoped to induce the principal Fishing Companies to immediately accept custodianship of these vessels through a plan submitted to them.

Negotiations having finally resulted in a rejection of this plan by the Companies, it is now imperative that other prompt action be taken to relieve the Navy personnel.

The Committee is of the opinion that, while the market for these vessels has not yet been completely exhausted, the bulk of the remaining boats will have to be stored for a considerable period, particularly as in general, the best vessels have already been released.

In view of this position, the most practical solution would seem to favor custodianship being assumed by a permanent Government Department, such as the R.C.M.F., the Chief Supervisor of Fisheries in B.C. or the Custodian of Alien Enemy Property.

Consideration of all factors involved seems to favor the latter as the logical organization to assume this responsibility. The Custodian is not only administering alien enemy property but all the properties of Canadian Citizens of Japanese origin excepting only fishing vessels coming under the administration of this Committee.

The main purpose of this Committee has been achieved. It will probably require the entire month of July to clear up the numerous Naval claims remaining to be reviewed and to prepare permanent records of all vessel transactions. Sales of vessels will continue during the winding up period.

Should it be decided that the Custodian take over the remaining vessels from Naval Service, consideration should be given to the proposition that the remaining work of this Committee and the final records of the Committee, should be absorbed by the Custodian.

This would simplify the winding up of the Committee's administration, and would permit a continuity of any part of this work which appears desirable, under a permanent Department. The Committee feels that this consolidation of authority over all Japanese property under one Department would be the most economical method of dealing with this problem.

WAGS:UMR - June 29, 1942.
JH/TH.

299

DEW/DC

June 30th, 42.

J.R. 6882-42
Re: Custody of Japanese Fishing Vessels
Your File N.S. 1030-6-14 P.D. 3

Dear Sir:-

Further to my letter of June 9th, I wish to advise that arrangements are being made to relieve the Naval personnel now engaged in the custody of Japanese vessels seized on the West Coast which have not been disposed of by the Committee for the Disposal of Japanese Fishing Vessels.

The Committee has been requested to communicate with your Officer Commanding on the Pacific Coast and with the officers of the Royal Canadian Mounted Police in order to facilitate these arrangements. It is my understanding that the Naval personnel will maintain custody until relieved.

Yours truly,

F. P. Varcoe

Deputy Minister.

The Deputy Minister,
Department of National Defence
for Naval Service,
OTTAWA.

Department of Justice
JUL 1 1942
REGISTRY

DAM/DC

June 30th, 42.

J.D. 6882-42
Re: Custody of Japanese Fishing Vessels

Dear Sir:

Further to telephone conversations between Mr. Whitmore of your Department and Mr. Mundell of this Department, I enclose herewith copy of a letter which I have to-day written to Commissioner Wood of the R.C.M. Police.

Commissioner Wood points out that members of his Force are not able to undertake the servicing and maintenance of these vessels and that it will accordingly be necessary for other arrangements to be made for this purpose. I understand from Mr. Whitmore that these arrangements will be made by the Committee. I should be glad if the arrangements could be expedited in order to relieve the Naval personnel presently engaged in the safe-keeping of these vessels as early as possible.

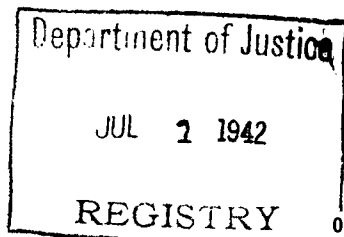
Yours truly,

Enc.

F. P. Varcoe

Deputy Minister.

The Deputy Minister of Fisheries,
O t t a w a .



DWM/DC

June 30th, 42.

J.R. 6882-42
Re: Custody of Japanese Fishing Vessels

Dear Sir:

I am writing you in accordance with the telephone conversations which you had this morning with Mr. Mundell of this Department relative to the custody of the Japanese fishing vessels seized on the West Coast which have not been disposed of by the Committee for the disposal of Japanese vessels.

As you know, the Minister of National Defence for Naval Services has requested the Minister of Justice to make the necessary arrangements for the custody of these vessels. It is understood that members of your Force are not in a position to undertake the maintenance of these vessels but that you are prepared to make the necessary arrangements for the maintenance of a guard for their safe-keeping. I am informed by Mr. Whitmore of the Department of Fisheries that if arrangements can be made for the guarding and safe-keeping of the vessels the Committee for the Disposal of Japanese Fishing Vessels will make the necessary arrangements for their maintenance.

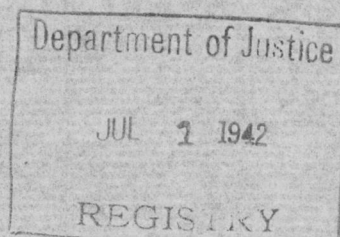
I am requesting the Deputy Minister of Fisheries to instruct the Committee to communicate with the Naval Officer Commanding on the Pacific Coast and with your officers in order to facilitate the making of the necessary arrangements.

Yours truly,

F. P. Varcoe

Deputy Minister.

The Commissioner,
R.C.M. Police,
OTTAWA.



DMM/DC

June 9th,

42.

J.R. 6882-42

Dear Sir:

I acknowledge your letter of June 4th, advising that it is proposed to remove the Naval guard on the Japanese fishing vessels on the West Coast on July 1st, 1942. I wish to confirm that other arrangements for the custody of these vessels will be made commencing on that date.

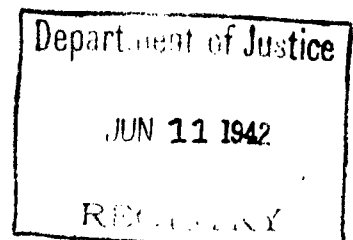
Yours truly,

J. P. Varcoe

Deputy Minister.

The Deputy Minister (Naval Service),
Department of National Defence,
O t t a w a .

Your H.S. 1030-6-14
F.D. 3



DTM/DC

June 9th, 42.

J.R. 6882-42

Dear Sir:

Further to conversations between Mr. Whitmore of your Department and Mr. Mundell of this Department, I enclose herewith copy of a letter, dated June 4th, from the Deputy Minister of National Defence (Naval Service) advising that it is proposed to remove the Naval guard on the Japanese fishing vessels seized on the West Coast, on July 1st, 1942.

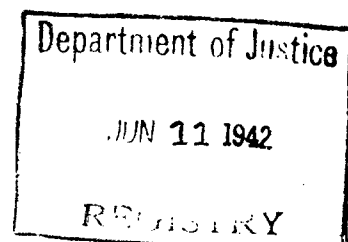
It is my understanding from Mr. Whitmore that these vessels will finally be disposed of prior to that date, but, in the event that the Committee is not successful in so doing, this Department will be advised sufficiently in advance in order to make arrangements for their custody on and after that date.

Yours truly,

F. P. Varcoe

Deputy Minister.

The Deputy Minister,
Department of Fisheries,
O t t a w a .





Department of National Defence
Naval Service

IN REPLY PLEASE QUOTE

No. N.S. 1030-6-14
F.D. 3

Ottawa, Canada.

4th June, 1942.

SR-6882-22



Dear Sir:

My Minister has referred to me your letter of the 26th May, 1942, with reference to the custody of Japanese fishing vessels seized on the West Coast.

Pursuant to your request, the Naval Service has agreed to maintain the existing guard until the 30th June, 1942.

As it is proposed to remove the Naval guard on the 1st July, 1942, confirmation is requested that relief from this duty will be provided on that date, to permit the return of the Naval ratings involved to other urgent commitments.

Yours very truly,

(W.G. Mills)
DEPUTY MINISTER.

The Deputy Minister of Justice,
O T T A W A.

June 9, 1942.

DWM/DC

MEMORANDUM FOR THE DEPUTY MINISTER OF JUSTICE:

J.R. 6882-42

You will recall that the Minister of National Defence for Naval Services wrote to the Minister of Justice on May 15th requesting that arrangements be made to relieve the Naval Service of the responsibility for the custody of Japanese fishing vessels seized on the West Coasts. On May 26th you replied, requesting that the Naval Service continue to maintain the custody of these vessels until the end of June. The Deputy Minister of National Defence (Naval Service) now advises that it is proposed to remove the naval guard on July 1, 1942.

Mr. Whitmore of the Department of Fisheries advises that arrangements are being made to dispose of all vessels in the hands of the Committee for the disposal of Japanese vessels before June 30th. He has suggested that a copy of the letter from the Deputy Minister of Naval Service be forwarded to him and in the event that the Committee is unsuccessful in its efforts this Department will be advised sufficiently in advance to make arrangements for the custody of the remaining vessels.

Attached are draft letters to the Deputy Minister of Naval Services confirming that it will be in order to remove the naval guard on July 1st and forwarding a copy of his letter to the Deputy Minister of Fisheries.

D. W. M.

s.23

734

DWM/DC

May 26th, 42.

Dear Sir:



...

The Minister of National Defence for Naval Services,
O t t a w a .

[REDACTED]

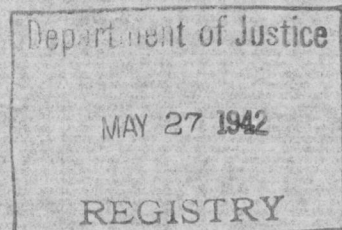
It would be much appreciated if you would let me have your observations on this question in view of the foregoing.

Yours truly,

F. P. Varcoe

s.23

Deputy Minister.



DWM/DC

s.23

May 21, 1942.

MEMORANDUM FOR THE DEPUTY MINISTER OF JUSTICE:

Re: Custody of Japanese Fishing Vessels

D. W. M.

CREN

Antares



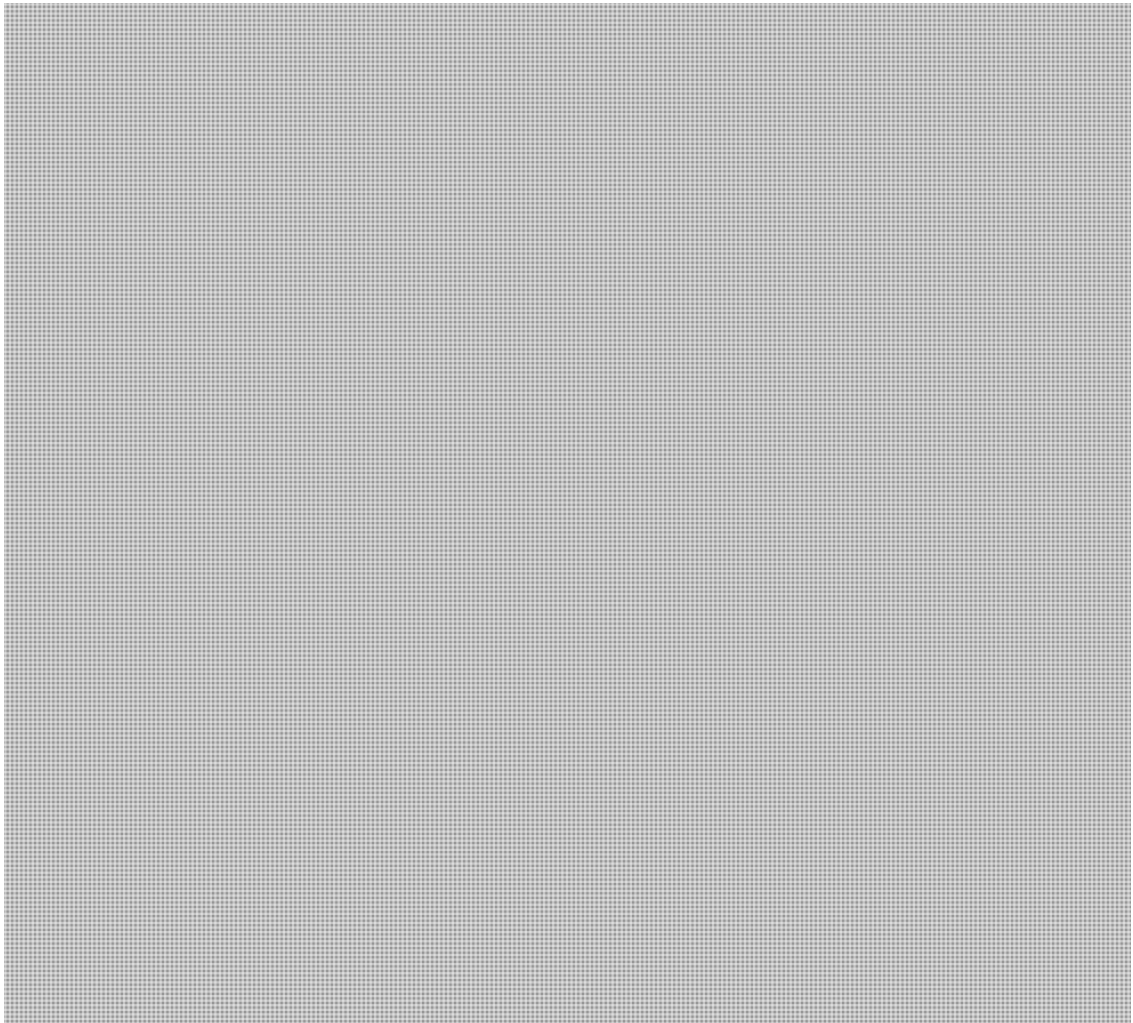
CANADA

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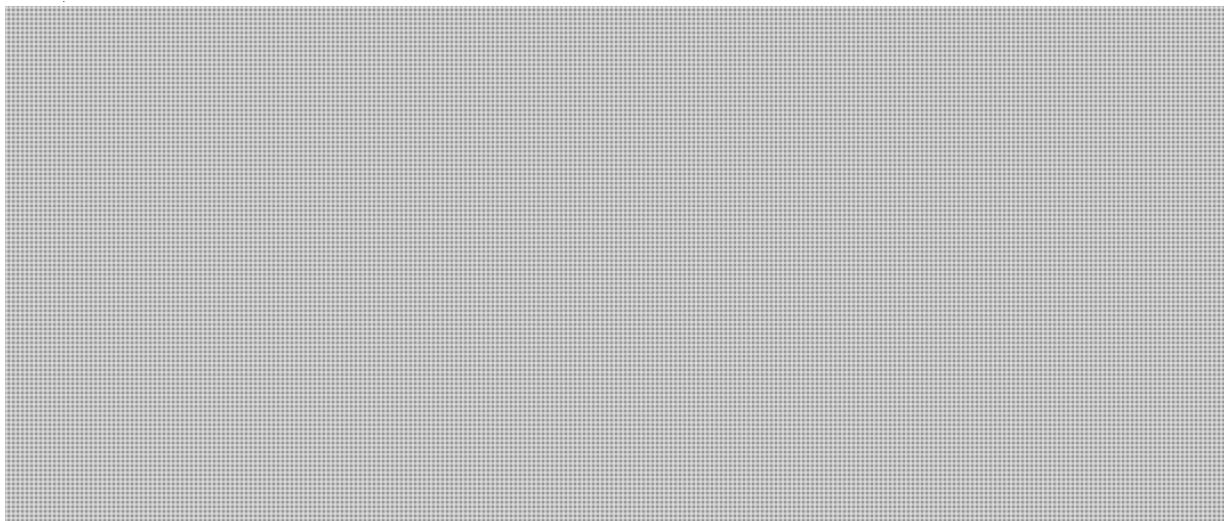
MINISTER OF NATIONAL DEFENCE
FOR NAVAL SERVICES

May 15th, 1942.

My dear Colleague:



The Minister of Justice,
Department of Justice,
O T T A W A.



Yours faithfully,

M. [unclear]

s.23