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RECORD GROUP 117

VOLUME 1

FILE 2  
(PART 4)





HR/rfo

MEMORANDUM

CLASSIFICATION

Deputy Minister of Consumer & Corporate Affairs  
& Deputy Custodian

YOUR FILE No.  
Votre dossier

OUR FILE No.  
Notre dossier

DATE January 16, 1969.

FROM  
De Assistant Deputy Custodian  
& Counsel

FOLD  
SUBJECT  
Sujet

Mr. Walter Zyla has asked me to comment on the correspondence from the Presbyterian Church in Canada (The Synod of British Columbia) on the question of the treatment of the Japanese Canadians in British Columbia during the Second World War. I annex photostat of the letter of the Synod dated December 11, 1968 with enclosure and copy of Mr. Zyla's reply to the Synod dated January 10, 1969 together with his note to me dated January 10, 1969.

I annex hereto my memorandum of January 16, 1969 giving a summary of what took place in this respect and wherein I conclude that the Government has given full consideration to the claims of the Japanese-Canadians.

M. Robitaille.

CGIB-150726 9985 Col. No. 3591

After the period of hostilities there had been growing indications that an effort would be made by certain Organizations to induce the Government to give consideration to Japanese claims. We understand that questionnaires were

CGIB-150726 9985 Col. No. 3591



W/rfo

MEMORANDUM

CLASSIFICATION

Mr. Walter Fyfe,  
Special Assistant,  
Minister of Consumer & Corporate Affairs,

YOUR FILE No.  
Votre dossier

OUR FILE No.  
Notre dossier

FROM  
De Assistant Deputy Custodian & Counsel

DATE Jan. 16, 1969.

FOLO  
SUBJECT  
Sujet

Reference is made to the letter dated December 11, 1968, from The Synod of British Columbia, The Presbyterian Church in Canada, with respect to the treatment of Japanese Canadians in B.C. during the Second World War.

As regards the recommendation passed by the Synod "that the Government of Canada create a special Commission to hear and adjudicate claims from Japanese Canadians arising out of the compulsory property sales during World War II", hereunder is a summary of what took place in connection with this matter.

Under Regulation 21 of the Consolidated Regulations Respecting Trading with the Enemy (1939) all property in Canada belonging to enemies became vested in and subject to the control of the Custodian. Order in Council P.C. 9590, passed on December 7, 1941, extended these Regulations to property in Canada of persons residing in Japanese-occupied or controlled territory.

The situation in regard to the Japanese population residing in Canada differed from that of resident nationals of any other country with which Canada was at war, due to the fact that of the many thousands of Japanese in Canada, practically all were domiciled in British Columbia, about 40% of whom had been born in Japan, from which enemy country they had immigrated in the past few decades. This circumstance, in conjunction with the fact that the Pacific Coast presented a vulnerable coast line, created in the opinion of those responsible for this matter the necessity for establishing some security measures against possible attack from within as well as without. Apprehension was widespread, especially in the Province of British Columbia, and in those areas in which concentration of the Japanese population was largest. The establishment of a Protected Area was provided for by Order in Council P.C. 365, dated January 16, 1942.

By Government Notice, dated February 5, 1942, enemy aliens were required to leave the Protected Areas and on February 26, this ruling was extended to include every person of the Japanese Race. To implement and direct the evacuation, Order in Council P.C. 1965, dated March 4, 1942 was passed, establishing the British Columbia Security Commission under the Department of Labour, with wide powers in regard to the movement of all persons of the Japanese Race within and without this area.

Order in Council P.C. 1665, as amended by Order in Council P.C. 2483, dated March 27, 1942 provided for the vesting and control by the Custodian, as a protective measure, of all property delivered up or which upon evacuation was left in the Protected Area. Certain exceptions were made in regard to fishing vessels, deposits of money, shares and other securities. Pursuant to P.C. 469 dated January 19, 1943, an enlargement was made in the interpretation of control and management to include, from the date of vesting in the Custodian, the power to liquidate or otherwise dispose of such property.

After the period of hostilities there had been growing indications that an effort would be made by certain Organizations to induce the Government to give consideration to Japanese claims. We understand that questionnaires were



distributed by the Japanese Canadian Committee for Democracy to secure information establishing claims for such matters as loss of revenue by way of rent, income and wages and for insufficient prices obtained for real estate and personal goods liquidated by the Custodian pursuant to appropriate legislation.

In 1947, in the course of the enquiry conducted by the Public Accounts Committee, evidence was presented relative to the operations of the Vancouver Office of the Custodian and the general administration and liquidation of the real and personal property of approximately 22,000 persons of the Japanese Race, evacuated from the Protected Area of British Columbia.

As a result of the enquiry, Order in Council P.C. 1810 was passed on July 18, 1947, providing for the appointment of The Honourable Mr. Justice Henry Irvine Bird, as Commissioner under the Enquiries Act, to enquire into and report on the claims of the persons above referred to. The report was tabled in the House of Commons on June 13, 1950. The Commissioner found that all available means had been adopted for the protection of property left under Custodian control and that the procedure followed under the policy of liquidation was sound and business-like. The report discloses that, in the Commissioner's opinion, this onerous task had been competently performed.

However, awards were recommended to 1300 claimants. Most claimants who owned real property also owned personal property and considering these as separate claims, the total number of claims was 2249 in respect of which aggregate losses in excess of \$7,750,000 were alleged to have been sustained. Awards amounting to \$1,222,829.26 were given in satisfaction of the said claims and relating to some 2454 units of property. While this number may appear to be considerable, the potential number of claims on the basis of the number of real and personal properties which were sold, might have been approximately 7000. Authorization to carry out the Commissioner's recommendations was granted by Order in Council P.C. 3027 dated June 20, 1950, which directed the Custodian to make such payments out of the Custodian's Administration Account.

To this date all awards have been paid with the exception of four claims amounting to \$211.49, which awards the claimants were not willing to accept. These funds are still held by the Custodian at the disposal of the claimants.

In the light of the foregoing, you will appreciate that the Government has given full consideration to the claims of the Japanese-Canadians arising out of the treatment they received during the Second World War.

M. Robitaille.

Order in Council P.C. 1810 - Appointment of Mr. Justice H. Irvine Bird as Commissioner under the Enquiries Act - Vancouver Office of the Custodian

MEMORANDUM

1947  
July 18  
P.C. 1810



MS 11  
Vol 1  
File 2, pt IV

Notes for reference - RM  
Chief of Police Vancouver  
of Japanese Immigrants  
INACQUES

Mr. Walter Hyla,  
Special Assistant,  
Minister of Consumer & Corporate Affairs,  
Assistant Deputy Custodian & Counsel  
Jan. 16, 1969.

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X. Robitaille.

Original file number - R.M. Registration  
of Vancouver - Vancouver & Territory  
of British Columbia - JACQUES

file 2, pt IV