

CO-OPERATIVE COMMITTEE ON JAPANESE -  
CANADIANS : MEMORANDA RE CLAIMS.

⑥



CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS: MEMORANDUM RE CLAIMS. (6)

STATEMENT FROM THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

In view of the dissatisfaction expressed by spokesmen for a group of Toronto Claimants on Saturday, February 4th, the Co-operative Committee on Japanese Canadians feels it advisable to make the following statement:

1. At each stage the Committee has carefully considered any question affecting the interests of Claimants who retained it and unanimous decisions have finally been reached after full discussion of matters involved.
2. Throughout the proceedings the Committee has worked in close co-operation with the National JCCA and its representatives across Canada and, in particular, with its National Executive Secretary who has been of great assistance. Representing the National JCCA, George Tanaka and Roger Obata have been active members of the Committee and have agreed with all decisions made.
3. This Committee has full confidence in the legal counsel retained to represent Claimants and is of the opinion that the most effective services possible have been rendered - in particular, by Mr. R. J. McMaster of Vancouver, who has had the major responsibility for presenting cases of Claimants to the Commissioner.
4. Some objection has recently been expressed to the method of procedure adopted by the Commissioner; namely, the fixing of percentages in respect to various categories and the hearing of special cases where special evidence was available. This Committee is convinced that this procedure which was adopted was definitely in the interest of Claimants, although some of the percentages fixed were not satisfactory to Claimants counsel. In such cases, Counsel made every effort to have percentages raised, but final decision rested with the Commissioner.

All Claimants were consulted by letter, and of those expressing their opinions by letter, or at meetings, an overwhelming majority approved of the method proposed.

5. Claimants with special claims have repeatedly been invited to get in touch with Counsel, and many have done so.
6. Findings of the Commissioner may be reported shortly. This Committee will urge the Government to implement his findings by prompt payment, with interest on all claims from the date of sale. In addition, it will press for special consideration of claims outside the terms of reference which for this reason were rejected by the Commissioner.
7. With regard to specific requests made through the National JCCA:

- (a) Re Representation - It was suggested that additional representatives of Claimants be added to the Co-operative Committee. At its meeting on January 20th, it was agreed that such would be welcome, provided that they be appointed by and represent the National JCCA.
- (b) Re Further Costs - Claimants were assessed 1% of their claims and most of them have made this payment. A further 1% has been paid by a considerable number. We hope no additional assessment will be necessary.

*claimants org. Nov. 25/49*

The balance of expenses will be paid on a percentage basis out of claims allowed, in accordance with retainers signed by each claimant represented by the Committee. It is not possible to determine exactly how much will be required from successful claimants for this purpose.

All expenses and legal fees will be submitted to independent counsel for checking. In addition, a statement by the Committee's auditors for the period, Sept. 1st, 1947, to August 31st, 1948, has been submitted: audited statements for the period from Sept. 1st, 1948, to August 31st, 1949, will be made available this month.

CO-OPERATIVE COMMITTEE ON JAPANESE  
CANADIANS,

per: REV. J. M. FINLAY, Chairman.

February 7, 1950.



DRAFT RE TERMS OF REFERENCE TO JAPANESE CANADIAN PROPERTY CLAIMS.

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

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

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

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

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

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

(b) The Commission shall not consider any claim

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

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

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

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

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

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

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

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

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

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDA RE CLAIMS.

(6)



THE CO-OPERATIVE COMMITTEE  
ON  
JAPANESE CANADIANS

TORONTO, ONT.

94 Homewood Ave.,  
Toronto 5, Ont.,  
June 23rd, 1948.

MEMORANDUM TO CO-OPERATIVE COMMITTEE MEMBERS

The enclosed statement regarding Claims Fund receipts and disbursements to June 15th (an audited statement will be circulated in the near future) and minutes of our Sub-committees on Finance and Publications, are being mailed to members in lieu of holding a Committee meeting at this time so that such reports could be made.

If you have any comments or suggestions to make regarding the enclosures, will you be good enough to let me have them - either by mail or telephone (KI. 4274)? (The Editorial Committee will be meeting again shortly to arrange further details regarding its publication plans.)

Your co-operation in this effort to eliminate the necessity for a general committee meeting just now will be appreciated.

Sincerely,

*M.K. Boos*

SECRETARY

MKB.

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDA RE CLAIMS.

6



THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

Claims Fund Statement to June 15th, 1948

TOTAL RECEIPTS

\$ 31,094.88

TOTAL DISBURSEMENTS:

Exchange	47.60
Solicitors' Fees	7,750.00
Solicitors' Expenses	4,013.30
Valuation Expenses	1,416.00
Sundry Expenses	<u>1,497.84</u>

14,730.74

BALANCE - as at 15.6.48.

\$ 16,364.14



# THE CO-OPERATIVE COMMITTEE

ON

## JAPANESE CANADIANS

TORONTO, ONT.

67 Riverdale Ave.,  
Toronto 6, Ontario,  
December 10th, 1948.

Dear Claimant:

You are one of the claimants on whose behalf the Co-operative Committee is presenting claims to the Japanese-Canadian Property Claims Commission.

A copy of the recently published Co-operative Committee Claims Fund financial statement is enclosed herewith. The balance shown, however, has been greatly reduced during the past three months.

It is now clear:

- (a) that a tremendous work has been done by the Co-operative Committee and its legal representatives on behalf of roughly one thousand claimants, who presented claims totalling between three and four million dollars;
- (b) that the duration of the Commission and the size of the task have turned out to be much greater than anyone could have expected;
- (c) that perhaps the most important part of the work -- if substantial recovery is to be made -- remains for the future in Vancouver, when detailed evidence of expert valuers of real estate and other forms of property is presented to the Commission, together with statistical information, records of sales of comparable property and legal argument. In Vancouver also it will be necessary to cross-examine the Government witnesses and valuers in detail;
- (d) that, in preparation for final hearings, a staff of expert real estate valuers has been engaged since early in the summer, and much statistical work has been done.

However, the full time work of our counsel and valuation staff will be required for at least six months longer to complete the work. In light of these facts, the 1% retainer fee which was originally set (previous to widening of the terms of reference) has turned out to be entirely inadequate. Consequently, the Committee will shortly run out of the necessary funds to carry through properly the remaining and most important stages of the Commission. The various legal counsel across Canada have been able to devote much time to the claims work without asking present payment, but it is not possible for our Vancouver representatives, who will be putting their entire time on this matter for several months, to wait for payment, nor is it possible to employ the valuers on such a basis.

In view of these facts, the Co-operative Committee now urgently requests claimants to advance a further sum equal to 1% of their claim, to enable the work to be carried through on their behalf. We regret this necessity, but believe all claimants will agree that the payment in advance of a total of 2% of the claim (instead of the original 1%) still represents a tremendous saving over what would have been possible without the Committee's co-operation. If it had been necessary for each claimant to employ individual solicitors and valuers, very much higher payments would have been required.

By the year end the Committee's Claims Fund will be entirely exhausted. Unless remittances are received, it will be impossible to carry on the work of presenting claims adequately. Please, therefore, forward your remittance for the amount indicated on the enclosed form, which should be signed and returned with your cheque or money order at the earliest possible date to the above address.

Yours very truly,

*Margaret Boos*  
SECRETARY.

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDA RE CLAIMS.  
⑥



當協同委員會は皆様に代つて日系カナダ人財産損害賠償調査員へ要求を提  
言してゐるのでありますが、別紙會計報告を封入して置きます。これは三ヶ月前のもので、  
以来多くの支出がありましたので、残金は餘程減じて居ります。

今や左の事々が明確となりました。

(一) 總額幾百萬から四百萬弗に上る約一千名によつて提出された賠償要求のために、協同委員  
會及び法律代言によつて莫大なる仕事が行なされた事。

(二) 調査委員の期間及びその仕事の範圍が豫想以上に廣大になつた事。

(三) この運動によつて相當の効果を収めるには、これからバンクーバーにて行はれる残つた仕事がいよいよ重  
要である事。不動産及び動産の價額に就いて専門家の詳細なる報告や證明、財産  
賣却の比較統計等がコミッショナーに提言されなければならないし、バンクーバーには又、政  
府側の證人及び評價に對する反對訊問も必要であります。

(四) 最後の聴取の準備として、夏以来土地評價の専門家を聘して多くの統計作製を行  
ひつゝある事

然し仕事を完成するには少くとも向六ヶ月間、代言及び評價部員が全力を費さねばなり  
ません。これらの事實により、最初に決定した(調査範圍擴大前に)一セントの料金は全然  
足りなくなりました。従つて最も大切な残つた仕事を完成するに必要な資金が不十分とな  
りました。今まで代言の多くは代金を要求しないで多くの時間を献げてくれましたが、幾ヶ月  
間全部この事に時間を費して来たバンクーバーの代言や評價専門家はさう言ふ譯には参り  
ません。

以上の如き事實に基き、協同委員會では、この事業の完成のために、更に一セントの料金を  
追加して頂くよう要求者は皆様に願ひする事に致しました。これが必要となつた事と遺憾と  
する者であります。要求額の二セントは決して高い料金とは言はれないと存じます。  
若し個人々々で代言や評價専門家を僱ふとしたら、その幾倍かの費用を要すると存じ  
ます。

この年末までには協同委員會の資金は全く盡きてしまひます。皆様の御協力を得な  
ければ満足にこの仕事を續ける事困難です。何卒御諒解の上、同封の用紙に要項御記  
へ、出来るだけ早く小切手なり郵便為替にて左記の宛に御送金下さるよう、切に  
御願ひ申し上げます。

一九四八年十二月十日

日系カナダ人協同委員會

幹事 マーガレット ブース

(トロント市リベラル街六十七番地)

損害賠償要求者の皆々様



CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

94 Homewood Ave., Apt. 28,  
January 15th, 1950.

Dear Committee Member:

I have just been asked by George Tanaka to bring to the attention of the Co-operative Committee a request from the recently organized Toronto Claimants Committee. An excerpt from his letter is being included with this notice of meeting, in order that the time at our disposal on ~~Wed.~~ Jan. 20th may be utilized to the best advantage. We plan to meet in Mr. Finlay's study at 5:00 p.m.; if you are not able to be present, will you please contact me or Mr. Finlay, so that we will know your mind in this matter.

"The Toronto Claimants Committee has recently contacted the National Executive Committee, informing that they would like to hold a meeting with our JCCA committee. A joint committee meeting was therefore held with a representative group from both committees. At this meeting, which was held on Friday, Jan. 6, the Toronto Claimants Committee expressed the desire to the National JCCA Executive Committee that it would like the following three points to be given consideration:

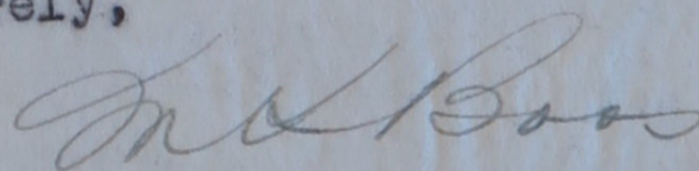
1. That they desire to have representation from the Toronto Claimants group on the Co-operative Committee.
2. That a meeting of the Co-operative Committee be held in the near future and at that time representatives of the Toronto Claimants Committee be in attendance. The purpose of the meeting would be to discuss the whole evacuation claims question.
3. That they also desire to know what further charges would be assessed claimants over and above the 2% already assessed.

"Our National Executive Committee in Toronto, at its meeting held Jan. 8th spent considerable time in considering this whole question and concluded that, under the circumstances, it would be the wisest course of action to submit a recommendation to the Co-operative Committee that the submission of the Toronto Claimants Committee be given the fullest consideration."

Perhaps I should also add for your information that there has been a difference of opinion over the claims question among members of the National JCCA. In a recent issue of the New Canadian a public statement of resignation was made by Roger Obata and Jack Oki in this connection. At present Roger and Kunio Hidaka, who has also resigned from the Executive Committee, are actively associated with the Toronto claimants who recently held a Claimants meeting and elected a twelve-man committee, which includes Roger and Kunio.

Latest word from Andy Brewin is to the effect that possibly two months more work is yet to be done.

Sincerely,



SECRETARY

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS : MEMORANDA RE CLAIMS

6



C O P Y

Miss Margaret Boos, Secretary,  
Co-operative Committee on Japanese Canadians,  
Toronto, Ontario.

Dear Miss Boos:

We have been advised by our representatives that the Co-operative Committee is of the view that its work on evacuation losses should terminate with the payment of awards for claims filed with the royal commission on evacuation losses. We understand, moreover, that the Committee is of the opinion that additional representations to the government, if any, regarding economic losses should be made by the National JCCA alone.

As the representatives of Toronto claimants, we feel that we must question the advisability of pursuing such a policy. We state our reasons as follows:

- (1) Although the Co-operative Committee at the present time divides evacuation losses into two distinct categories, namely, those coming within the terms of reference of the Bird Inquiry, and those not covered by the Inquiry; these two groups were considered as part and parcel of one strategy when economic losses were first investigated by the JCCD and the JCCA and brought before the Co-operative Committee.
- (2) When the terms of reference of the royal commission were announced in their final form, a large number of persons in Toronto still considered them too exclusive, and advocated a complete boycott. Mr. Brewin, however, argued at that time in favour of filing claims on the contention that the findings of the royal commission could be used as "concrete proof of loss" when making subsequent representations to the government in order to have the terms of inquiry extended to cover forced sales, depreciation before sale by the Custodian, etc. It was on this advice, directed through the National JCCA, that these persons decided to submit their claims to the royal commission, despite the inadequate coverage of the inquiry.
- (3) Now that the government, in agreeing to pay the losses recommended by the royal commission, recognizes the "concrete proof of loss", every effort should be made to follow the course of action on which a large number of evacuees have been depending by carrying out the original plan of strategy. To do otherwise would be highly unfair; it would mean that the Co-operative Committee had first influenced a group of people to accept the terms of reference conditionally, then had abandoned them merely because a portion of the group were about to receive some compensation, without having fulfilled the condition.

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDA RE CLAIMS.

6



(4) Despite the fact that the Co-operative Committee may consider the losses of evacuees outside the terms of reference as a separate issue, it is apparent that the government does not share this view. Insofar as the government is concerned, they are trying to end the whole matter of economic losses with the payment of awards recommended by the royal commission.

There remains, however, an almost inescapable duty on the part of the Co-operative Committee and the National JCCA to see that all evacuation losses are fully compensated. They owe a duty to the evacuees, who, while realizing that their losses were outside the terms of reference of the Bird Inquiry, nevertheless, went along with the advice of the counsel of the Co-operative Committee, in order to conform with the plan of strategy described above.

We wish, therefore, to recommend that the Co-operative Committee do everything possible to see that the issue of evacuation losses is not closed with the payment of awards announced by the government. In order that this be done effectively, vigorous representations should now be made to the government, on the basis of the losses disclosed by the Bird Inquiry and accepted by the government, to provide the means whereby all economic losses arising out of the evacuation may be thoroughly investigated.

As the Toronto Claimants Committee, we are fully aware of the views of evacuees whose losses were excluded from the inquiry, should the Co-operative Committee decide to discontinue its work on economic losses. As a committee having representation on the Co-operative Committee, and as claimants under the Bird Inquiry, we have some responsibility to see that these evacuees are also compensated for their economic losses.

We would appreciate a reply from the Co-operative Committee with a statement of their decision and course of action.

Yours very truly,

Toronto Claimants Committee,

Per: S. Takashima



STATEMENT TO PRESS

It has come to the attention of the Co-operative Committee that a group of Toronto claimants calling themselves the Toronto Claimants' Committee has issued a statement in the Continental Times stating that it is protesting to the Government against the form of the release which the Custodian requires to be signed before awards are paid.

The Co-operative Committee wishes to make it clear to all claimants that the so called Toronto Claimants' Committee is acting without consultation with the Co-operative Committee and has no authority whatsoever from it.

The claimants have retained the Co-operative Committee to represent them, and advice and representations from other groups, acting independently, are only likely to cause confusion.

The Co-operative Committee has carefully considered the form of release, and after legal advice, has come to the conclusion that, in nearly all cases, the form is not objectionable and no harm will come to the interests of claimants by signing it. Where claimants have some legal claim against the Custodian apart from the awards, the release should not be signed before consultation with Counsel representing the Co-operative Committee.

94 Homewood Ave., Apt. 28,  
Toronto 5, Ont.  
Sept. 23, 1950.

M. K. Boos.  
Secretary,  
Co-operative Committee.

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDA RE CLAIMS.

6



THE CO-OPERATIVE COMMITTEE  
ON  
JAPANESE CANADIANS

TORONTO, ONT.

94 Homewood Ave., Apt. 28,  
Toronto 5, Ont.,  
February 22, 1951.

Dear

Both our records and the information we have received from the Custodian, indicate that you have not yet signed and sent in the release which it is necessary for you to complete before you can secure the award to which you are entitled from the Claims Commission.

We have been informed that the Government is putting pressure on the Custodian to close up the office and finish up all matters in connection with the Claims Commission.

We suspect that it will not be long before a time limit for filing releases may be fixed.

Already, out of the one thousand claimants whom we have represented, more than nine hundred have completed their release forms and received the monies which they were awarded.

It may be that you have overlooked completing the release form, or that for some reason you do not intend to complete it. If you do intend to complete the release, we would be much obliged if you would arrange to have the release form completed and sent to us as soon as possible. If on the other hand you do not wish to complete the release form, and do not wish the Co-operative Committee to look after the matter further on your behalf, will you please notify us to that effect.

If we do not hear from you within a reasonable time, we shall have to assume that there is nothing further that you wish the Co-operative Committee to do, and any arrangements in respect to payment of the claims or otherwise would then have to be made directly by you with the Custodian.

You will no doubt have received the statement as to the amount of money which you owe to the Co-operative Committee out of the balance held by the Custodian to your credit.

If you do not intend to complete the release form, would you please nevertheless complete the direction to pay to the Co-operative Committee, the amount owed to them.

May we hear from you as soon as possible.

Yours very truly,

*Margaret H. Boas*  
Secretary.

P.S. If you have recently mailed your forms to the Co-operative Committee, please disregard this letter.

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDA RE CLAIMS.

6



CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDUM RE CLAIMS .  
⑥

STATEMENT TO CLAIMANTS

RE

ORIGIN, NATURE AND WORK OF

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

APRIL, 1950

C O N T E N T S

	<u>Page</u>
1. Introduction	1
2. Origin and Nature of the Co-operative Committee	1
3. Its Early Efforts	1-2
- meetings	
- petitions	
- pamphlets	
- funds raised	
- legal action	
- representation to Prime Minister	
4. Royal Commission	2-3
- delegation	
- our legal counsel	
5. Category Method of Settlement	3-4
- Commissioner determined actual 'settlement'	
formula	
- reason for recommending acceptance	
- special cases	
6. Methods Used to Obtain Evaluation Evidence	4-7
- Fraser Valley Property (DVLA)	
- fishing boats	
- nets	
- cars and trucks	
- Vancouver property	
- effect of restricted interpretation of terms of	
reference by the Commissioner	
- outside real property (other than VLA)	
7. Conclusion	8
8. Finances	8-9
- audited statement	
- itemized breakdown of expenses	



Dear Claimant:-

It is expected that the Royal Commission investigating Japanese Canadian Property Losses arising from the Evacuation will shortly submit its findings to the Government. Since a fairly detailed report on claims work has recently been made by the National J.C.C.A., it is our intention at this time to supplement, rather than duplicate its contents. For over six years now, the Co-operative Committee has existed as a channel through which thousands of Canadians, who desired to see Justice done, could make their voices heard. During these critical years its emphasis has shifted as various issues arose, but basically its concern has been full citizenship rights for Japanese Canadians.

The Co-operative Committee on Japanese Canadians first came into existence in June, 1943. Then a small group of Toronto people -- mainly members of the YWCA and missionary societies -- formed a committee to provide for the needs of the Japanese Canadians who were coming to Toronto from the relocation centers. Shortly afterwards, the committee was broadened to include representatives from the YMCA, Students' Christian Movement, Fellowship of Reconciliation and some Toronto churches. At the suggestion of this committee, the Japanese Canadians organized two sub-committees -- one of men and one of women -- to advise the Co-operative Committee on their needs. Later these two sub-committees jointly initiated the formation of the Toronto Japanese Canadian Committee for Democracy.

At first the Co-operative Committee concentrated on providing housing, jobs, and recreation for the incoming Japanese Canadians. Soon, however, they realized that the problem was too big to be solved by providing aid for individuals, and they began to collect information about the whole subject of the evacuation.

In September, 1943, the Co-operative Committee printed and circulated 10,000 copies of the pamphlet called 'A Challenge to Patriotism and Statesmanship', by Dr. Norman Black, calling attention to the plight of the Japanese Canadians in the relocation centres. In June, 1944, it took part with the Japanese Canadian Committee for Democracy in the campaign to amend Bill 135 which would have disenfranchised all persons of Japanese race for the duration of the war.

#### Worked Against Deportation

When the "voluntary repatriation" plan was initiated in the spring of 1945, and some 10,000 Japanese Canadians were faced with deportation, the Co-operative Committee was broadened to include representatives of many interested organizations, and a campaign was started to have the deportation plan reconsidered. The Committee collected and publicized sworn statements about the way in which the signatures on the "repatriation" forms were secured; circulated copies of two pamphlets: What about the Japanese Canadians? by Howard Norman of British Columbia, and The Japanese Canadians by F.E. LaViolette; printed and distributed 75,000 copies of a leaflet entitled "From Citizens to Refugees - It's Happening Here!" These pamphlets distributed widely throughout Canada by the Co-operative Committee did much to break down wartime prejudice against the Canadian Citizens of Japanese ancestry.

By this time the Co-operative Committee had developed into an organization representing over forty local and national groups. These groups included Baptist, Catholic, Anglican, Presbyterian, United, and Evangelical churches; Y.W.C.A., Y.M.C.A., the Toronto Civil Liberties Association, the Toronto Labour Council, trade unions, youth groups, the J.C.C.D. and other Japanese Canadian committees. It had branches in Vancouver, Edmonton, Calgary, Lethbridge, Regina, Saskatoon, Winnipeg, Ottawa, Montreal, Guelph, Brantford, Hamilton, and London. Its executive became the representative and voice of all those who wanted to see justice done to the Japanese Canadians.

Largely as a result of the Committee's efforts, dozens of public meetings were held across the country, thousands of petitions were circulated, editorials appeared in many leading newspapers, and an avalanche of letters flowed into the office of the Prime Minister protesting the forced deportation. When, despite the public interest, the orders-in-council authorizing the deportations were announced, the Co-operative Committee decided to take legal action. A writ was issued against the Attorney-General of Canada to test the legality of the orders. When a delegation from the Committee interviewed the acting Minister of Justice, the Cabinet agreed to refer the orders to the Supreme Court, to decide whether they were valid. The Co-operative Committee then appealed to organizations and individuals across the country for funds to finance the case. Within a month \$10,000 was subscribed, and some \$20,000 was collected in all.

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDUM RE CLAIMS.

(6)



## Legal Action Taken Opposing Deportation

When the Supreme Court decision was only partly satisfactory, the Committee carried the appeal to the Privy Council in London. In the meantime, it carried on its work of education, distributing 50,000 copies of a leaflet, "Citizens -- Not Exiles"; and "Japanese Canadians" by Edith Fowkes; and sending a printed memorandum on the Orders-in-Council to every member of the House of Commons and the Senate. Its efforts bore fruit when, although the Orders-in-Council were sustained, the Government itself repealed the orders for deportation.

Then the Committee turned its attention to the problem of securing recompense for those Japanese Canadians who had suffered loss when their property was sold without their consent. It received hundreds of detailed statements from Japanese Canadians about their losses through the Japanese Canadian Committee for Democracy which conducted an Economic Losses Survey in Toronto in November, 1946. This survey, which was later extended throughout Canada, indicated such substantial losses that the Co-operative Committee made direct representation to the Prime Minister in May, 1947, urging "that the property losses of the Japanese Canadians be fully investigated by a Commission with authority to inquire into all losses incurred by reason of the Evacuation Orders and to arrive at fair and equitable compensation."

(Feeling that the need for such a large committee no longer existed, a continuing group of the Co-operative Committee, consisting of 10 original group members, plus a new secretary and the legal counsel, was set up in June, 1947. At that time its function was considered advisory, but when co-operative legal representation was thought advisable in the fall of 1947, it assumed executive responsibilities.)

## Representations to the Prime Minister and the Public Accounts Committee

Finally, Prime Minister Mackenzie King announced that consideration would be given the matter of compensation for property losses sustained by Japanese Canadians at the time of evacuation from the B.C. coastal areas. The Co-operative Committee now assumed responsibility for implementation of this promise. Interviews were obtained with the Secretary of State and it was urged that a Commission be set up with authority to inquire into these losses. The Public Accounts Committee of Parliament investigated the administration of the Custodian and received a delegation on May 27, 1947, of Mr. Brewin and Mrs. MacMillan, representing the Co-operative Committee and Mr. George Tanaka, representing the Japanese Canadian Committee for Democracy, and subsequently recommended the appointment of a Judicial Commission.

The original terms of reference which appointed the Hon. Mr. Justice Bird as a Commissioner under the Public Inquiries Act, were a grave disappointment. The Co-operative Committee promptly arranged to interview the Government and express their disappointment that the Commissioner might only recommend the payment of losses due to the negligence or lack of care of the Custodian or his staff. Mr. Brewin at that time saw the Hon. J.L. Ilsley, then Minister of Justice, and the Hon. Colin Gibson, Secretary of State - the ministers chiefly concerned.

We urged that the terms of reference be widened so as to permit inquiry into all tangible property losses arising out of the evacuation which would include losses caused by enforced sales by evacuees themselves. The Government, while not willing to go so far, did amend the terms of reference substantially. As amended, they direct the Commissioner to inquire into losses sustained by persons of the Japanese race resident in Canada, through the sale of their property, both real and personal, by the Custodian, at less than its fair market value, or through the loss, destruction or theft of personal property vested in the Custodian (but not while in the care of some person other than the Custodian, into whose custody, control or management it was committed by the owner). Although not satisfied with the amended terms, the Co-operative Committee, after giving the matter searching thought, decided it wise to advise acceptance of the terms under protest.

## Royal Commission

And so the Commission was set up. This Commission is unique in the history of Canadian jurisprudence. There have, of course, been many cases in which claims have been made against Governments for property expropriated for public purposes, and there have been inquiries into the values of very extensive properties by judicial commissions. There was the case of the properties of the Ukrainian Labor Farmer Temple Association during the last war. But this is the first time that it has been found necessary to inquire into the values of many different sorts of

properties lost to  
of Canada.  
This has proved to be a  
simple one, was the filing  
printed suitable forms, and  
involved a detailed and careful  
done at this stage by the JCC  
Without this assistance and  
have undertaken such a trem  
and heard the evidence of a  
ify the evidence to be pres  
details of the properties  
examined claimants and p  
ment opposed a claim.

## Our Legal Counsel

The Claimants have be  
ing the Co-operative Comm  
Mr. A. Gladstone Virtue,

Counsel representing  
McMaster and Mr. J.A. Ma  
Huckvale of Alberta; Mr.  
Makiaroff in Saskatchewan  
and Mr. R. A. Best in O  
were greatly assisted i  
interviewing claimants,  
of the JCCA whose co-op

We feel certain th  
of Mr. Justice Bird,  
Commissioner himself  
County Court Judges  
all the difficulties  
was presented and th

In all cases of  
establish a fair mark  
valuators. This work  
under the supervision  
section, "Methods used

The Commissioner h  
claims presented by co  
representative cases d  
of valuers on both s  
these representative  
into its category. Cas  
reviewed.

## Category Method of Sett

In the spring of 19  
Commission both from cl  
evident that the proce  
involving much repetiti  
individual case. It wa  
shortened by what has b  
posed that the Commissi  
separate category of cl  
Vancouver City properti  
and should then fix a g  
In such cases where the  
with respect to a claim  
to submit special evide

Commissioner Determined  
Both the Crown and  
sion to permit t  
was suffici



properties lost to a large group of Canadian residents scattered over the whole of Canada.

This has proved to be a tremendous task. The first step, and by no means a simple one, was the filing of claims. The Co-operative Committee and the JCCA printed suitable forms, and the filling in of these was the first task, and involved a detailed and careful examination of each claim. Indispensable work was done at this stage by the JCCA, its national, provincial and local organizations. Without this assistance and co-operation, the Co-operative Committee could not have undertaken such a tremendous task. The Commissioner travelled across Canada and heard the evidence of a very large number of claimants. To shorten and clarify the evidence to be presented, written forms giving some of the necessary details of the properties in question, were prepared. Government Counsel cross-examined claimants and presented documents indicating the reasons why the Government opposed a claim.

#### Our Legal Counsel

The Claimants have been represented in nearly all cases by Counsel representing the Co-operative Committee with the exception of Southern Alberta where Mr. A. Gladstone Virtue, K.C., represented a large group of claimants.

Counsel representing the Co-operative Committee have included; Mr. R. J. McMaster and Mr. J.A. MacLennan of Vancouver; Mr. L.S. Turcotte and Mr. W.E. Huckvale of Alberta; Mr. Morris Shumiatcher, Mr. George Tamaki and Mr. P.G. Makiaroff in Saskatchewan; Mr. S. M. Cherniak of Manitoba; Mr. Andrew Brewin and Mr. R. A. Best in Ontario; and Mr. Roger Ouimet, K.C., in Quebec. They were greatly assisted in the arduous task of preparing the written evidence and interviewing claimants, by Mr. Leckie and Mr. Jack Gilbert, and representatives of the JCCA whose co-operation has been essential.

We feel certain that all claimants were impressed by the courteous attention of Mr. Justice Bird, but in the time available it was found impossible for the Commissioner himself to hear all the evidence of the claimants, and various County Court Judges were appointed to hear evidence of claimants. Considering all the difficulties, it is remarkable how smoothly and efficiently the evidence was presented and the facts brought before the Commissioner.

In all cases of valuation, the opinion of the expert was required. To establish a fair market value, evidence had to be given by expert real estate valuers. This work was done for the claimants by the Co-operative Committee under the supervision of Mr. R.J. McMaster of Vancouver. (For details, see section, "Methods used to obtain evaluation evidence").

The Commissioner heard general evidence presented by Government Counsel, claims presented by corporations, detailed hearings of a selected number of representative cases dealing with special categories of claims. The evidence of valuers on both sides was presented. Upon the principles established in these representative cases, each case was reviewed and where possible fitted into its category. Cases involving special features were all specially reviewed.

#### Category Method of Settlement

In the spring of 1949, after the general evidence had been received by the Commission both from claimants and Government counsel, it became clearly evident that the proceedings would be prolonged for many months, if not years, involving much repetition if the Commissioner were to hear evidence in each individual case. It was suggested that the proceedings could be advantageously shortened by what has been generally described as a "settlement". It was proposed that the Commissioner should hear argument from counsel in respect to each separate category of claim, e.g., Sales of Fraser Valley property to VLA, Vancouver City properties, cars, fishing vessels, nets, chattels sold at auction, and should then fix a general percentage allowance applicable for each category. In such cases where there was available special evidence or some special feature with respect to a claim, both claimants' and Government counsel were permitted to submit special evidence or ask for a special award for a claimant.

#### Commissioner Determined Actual 'Settlement' Formulae

Both the Crown and Claimants' Counsel considered that, if there was provision to permit the submission of special evidence in special claims cases, there was sufficient evidence submitted before the Commissioner on which a general



formulae of awards might be worked out. Counsel for the Co-operative Committee carefully considered this 'overall' proposal together with the offer given by the Commissioner as to percentage allowance he was contemplating in respect to the categories of claims.

The Crown made certain submissions as to what the formulae ought to be and your Counsel did likewise on the basis of the evaluation evidence obtained by our experts. The Commissioner, however, determined the actual formulae not solely upon the representations of Counsel but upon his view of the evidence before him. The formulae of percentages determined by the Commissioner together with the proposed method of shortening the procedure for hearing the claims were then submitted to the claimants on the evident practical basis for approval. The large majority of claimants responding were conditionally in favour of concurrence. Counsel then recommended the method proposed and are now of the opinion that this method has produced results at least as beneficial to the claimants as would have been the case had each case been completed as to hearing in every detail. It should be noted that there was no settlement of agreed amounts. The percentages were the Commissioner's findings on the evidence and argument submitted and were subject to amendments in special cases.

#### Reason for Recommending Acceptance

The Co-operative Committee expressed both to the Commissioner and the Minister of Justice their strong disappointment at some of the Commissioner's suggested figures, particularly in regard to Vancouver properties. However, it was felt that acceptance in general was in the interests of the claimants. It was our opinion that a refusal to accept the proposal would only involve further prolonged delay, with additional expense to claimants, and would not obtain a greater amount of award but would result in less amounts given in many cases.

It was felt the right given to present special cases would prevent individual injustice - where we had evidence that enabled us to prove higher values.

We realized that many would be disappointed, but our duty, bearing in mind the narrow terms of reference and the difficulties of proof, was to obtain the best possible results for all of the claimants - and also to avoid, where possible, delay and additional expense. We had no doubt, then or now, that the advice given to claimants was in the circumstances, wisest, and the vast majority of claimants across Canada, when we sought their opinion on the basis of the advice which could be given, agreed with the proposed method subject to qualifications mentioned previously.

#### Special Cases

For almost a year since that time, your counsel at Vancouver has been going through each case with a fine tooth comb in the application of the Commissioner's formulae and collecting and presenting evidence in special cases and arguing the same before the Commissioner. He reports that he is reasonably satisfied that in every case where some special evidence exists it has been brought to the Commissioner's attention and argued before him.

#### Methods Used to Obtain Evaluation Evidence

The Commissioner has now heard the evidence of all of the claimants. This evidence, while necessary to outline the limits of the claims and to identify the property in respect of which claims are made, is at law of very little weight and value in determining the fair market value of the property claimed. It would require, from a legal point of view, to establish the fair market value of the claims, the necessity of calling experts who from their experience and knowledge could express an opinion as to the value of each item of property. If this were a proceeding relating to the property of one individual, such a task while difficult, having regard to the lapse of six or seven years since evacuation, would be reasonably possible. Where, however, there are some 1300 claimants with a large variety of property, some of it widely scattered along the Coast, the task is an extremely difficult one, if not impossible. We have endeavoured with the resources and personnel available to obtain the maximum amount of expert evidence on this question of fair market value. Due to the immensity of the task and the limitations referred to, it has been necessary in the main to approach the obtaining of such evidence from a broad point of view which would be helpful to all claimants.

#### Fraser Valley Property (DVLA)

In addition to the evidence of the claimants already referred to, we have placed before the Commissioner the evidence of certain experts dealing with the problem of fair market value in general terms. In this connection, we conducted

studies in five of the major relationship between prices 1943 and the prices paid to using as the common factor to it. We employed the services of a statistician, to analyze the shows the value of farm land in 1941 and related these services of Clement Consul the University is closely point of view and Dean G. between the agricultural therefore by DVLA. We all connection with DVLA land an estimated value based of distribution. We are the awards will be based 50% to 250% of Custodian average, excluding certain nature of certain of the evidence was available, awards arising from some \$50,000.00.

#### Fishing Boats

In the case of boats cost of construction. Very few fishing boats sold through boat not available to us, were sold by him in evidence as to the the hands of the N.

We were successful in obtaining certain information which was useful. recommendation at within the terms of increase.

#### Nets

Concerning nets formula based on the engaged the service Japanese and of a opinion that the formula a reasonable sample the opinion of our Japanese fishermen firmed.

One major difficulty identification tags so that it is almost the Custodian was at the date of sale appreciate that it on an individual basis Commissioner is to large sample of claimants reason of the impossibility nets will be 70% of were declared and received from the C.

#### Cars and Trucks



studies in five of the major municipalities in the Fraser Valley as to the relationship between prices obtained by Occidentals who sold their property in 1943 and the prices paid to the Japanese by the Veterans Land Act in that year using as the common factor the assessment with respect to both groups of property. We employed the services of Dr. Drummond of the University, a very capable statistician, to analyze this material and had him present evidence with respect to it. In addition, we carried out a study of the 1941 Agricultural Census which shows the value of farm land in the various municipalities of the Fraser Valley in 1941 and related these to prices paid by the VLA. We also engaged the services of Clement Consulting Service with which the Dean of Agriculture of the University is closely associated to make a study from a purely agricultural point of view and Dean Clement presented evidence showing the great discrepancy between the agricultural value of the lands sold to DVLA and the prices paid therefore by DVLA. We also engaged the services of two farm appraisers in connection with DVLA lands. Each property has been individually appraised and an estimated value based thereon made available to the Commissioner for purposes of distribution. We are assured by the Commissioner that the distribution of the awards will be based on this evidence. Recoveries will range roughly from 50% to 250% of Custodians sale price depending upon the evidence filed. The average, excluding certain special cases, will be 80%. Due to the specialized nature of certain of these properties and in a few cases where strong special evidence was available, special awards were obtained. The increase in the total awards arising from special cases, i.e., in excess of 80% on all VLA will be some \$50,000.00.

#### Fishing Boats

In the case of boats, aside from general information as to the increased cost of construction, it was very difficult to obtain expert information. Very few fishing craft of the type owned by the Japanese were prior to evacuation sold through boat brokers. That source of expert opinion, therefore, was not available to us. The boats which came into the Custodian's hands and which were sold by him included many of the older boats. It was difficult to obtain evidence as to the extent of abuse and depreciation suffered by the boats in the hands of the Navy before the Custodian received them.

We were successful in cross-examination of Crown witnesses in obtaining certain information with respect to the treatment of the boats and their sale which was useful. We were able to persuade the Commissioner to make his recommendation at 23.5% on boats sold to Nelson Bros. and 28.5% on all others within the terms of reference although the Crown originally offered only a 15% increase.

#### Nets

Concerning nets, the Custodian employed an appraiser who worked out a formula based on the type of net, cost price, age and depreciation. We engaged the services of both an Occidental fisherman who is friendly to the Japanese and of a Japanese fisherman to examine this formula and it was their opinion that the formula was reasonably fair. We also applied the formula to a reasonable sample of cases and found that it worked out reasonably fair in the opinion of our experts. We also sought the opinion of some of the other Japanese fishermen concerning its use and had the opinion of our experts confirmed.

One major difficulty with regard to nets, however, was the fact that the identification tags attached to the nets had either been torn off or switched so that it is almost impossible to say in many instances whether the net sold by the Custodian was the property of the person whose name appeared on the tag at the date of sale or of some other person. In these circumstances, you will appreciate that it is impossible, aside from the difficulty that an appraiser at this time would not have an opportunity to examine the net, to deal with nets on an individual basis except in very rare cases. The recommendation of the Commissioner is to large measure based upon a study which we did of a fairly large sample of claims on nets applying the formula referred to above. By reason of the impossibility of identifying sales the individual recovery on nets will be 70% of the claimed value of nets alleged to have been sold or which were declared and/or found or lost, less the amount which claimant actually received from the Custodian.

#### Cars and Trucks

With respect to cars and trucks, we persuaded the Crown to undertake jointly with us a study of actual sales of automobiles which were made by reputable

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDUM RE CLAIMS.  
(6)



automobile sales firms in Vancouver in the summer of 1942, at which date most of the automobiles owned by the Japanese were sold by the Custodian. The study so made indicated that the prices obtained on sales through these Companies were some 40% above the prices obtained by the Custodian. However, evidence was introduced by the Crown, and we were unable to refute it, that when the automobiles sold privately through these Companies they carried with them a guarantee as to the state of repair varying from 90 days to one year. The evidence was that this guarantee materially affected the sale price. In the large majority of cases of automobiles owned by the claimants, some repairs would have required to have been done before the automobiles could have been sold with a mechanical guarantee such as applied to the private sales.

With respect to trucks, we found that it was practically impossible to obtain the same type of information as concerning private sale of automobiles and there was some indication that the Custodian received better prices on the sale of trucks.

Taking these factors into consideration on the evidence obtained, a 25% increase over the sale price of the Custodian would appear to give a reasonable measure of justice. In a small number of cases special awards have been obtained where there was clear evidence of exceptional undervaluation on cars of recent vintage. In total, these special awards amount to approximately \$2,000.00.

### Chattels

With regard to personal property other than that mentioned above, we think that it was recognized at the outset that we were confronted with a most difficult problem. To obtain expert opinion as to the value of an article which were sold in 1943 and which it is impossible for the expert to examine is difficult. The only information he has for evaluation purposes is the description given by the claimant and other information as to age and original cost given by the claimant. It will be readily appreciated that when there is a choice between this kind of evidence and the evidence of a person who actually saw the goods at the time of sale, and having regard to the fact that the goods sold for a certain price at the time of sale, a judge is more likely to accept the latter.

We had hoped to obtain expert opinion to state that when goods are sold by auction, they bring a lower price than when sold by other means. However, we have not been able to find anyone qualified as an expert who will substantiate that view. The two auctioneers whose services we used and who were the best we were able to obtain did not consider this to be the case.

We realize that the proposed settlement with regard to chattels will not be just and equitable in a great many individual cases but even in those individual cases and certainly generally we do not feel optimistic that it is possible to prove the fair market value of the chattels. On chattels sold by auction, the claimants will receive 30% of sale price and on goods sold by tender 12%. In most cases these exceed the actual costs charged up to the claimants. After a tremendous amount of detailed examination of individual claims we have arrived at a ratio between claimed value of goods sold at auction to the sale price to determine the recovery on lost goods. On the average, the percent recovery on lost goods will be 46%. This ratio will apply in all cases where none of the claimants goods were sold at auction. It should be kept in mind that the Commissioner excluded claims on chattels:

- (a) not declared and not found by the Custodian
- (b) properly abandoned by the Custodian
- (c) lost while in the care of some person other than the Custodian

### Real Property Other than Vancouver and DVLA

With respect to property outside of Greater Vancouver and not included in the sales to the DVLA it has in most instances been impossible, without considerable expense, to obtain expert advice. Many of the properties are in isolated areas and it would be extremely expensive to have appraisals made.

### Vancouver Property

Concerning Greater Vancouver property, most of the Japanese owned property was either concentrated in two or three areas or alternatively, was scattered throughout the Occidental community. Dealing with the areas in which the Japanese property was concentrated, we were confronted with two difficulties. As advised by the City Assessor and others, these areas had been for some time over-assessed and the City has, in fact, for the last several years been reducing the assessment in these areas. Furthermore, having been areas of concentration of Japanese persons, there were very few Occidental private sales in these areas with which any comparison

could be made  
In the case  
situation exists  
sales but there  
which the Occide  
Valley required  
properties. Whi  
should be unifor  
fact that this  
districts of th  
evidence that g  
prices in the y  
assessment.  
perty below as  
dence was fairl  
weight. Howeve  
it as related  
real estate me  
the Custodian  
to produce fai  
greater weight  
We have had mo  
appraiser and  
would not sub

One of th  
nor counsel c  
tion of the O  
tion affects  
meaning that  
the Custodian  
at that date

You will  
ence serious  
things as bo  
had depreci  
storage. H  
does it me  
was at the  
to the remo  
ties in the  
except in a

During  
the rental r  
and personal  
was impossib  
obnoxious.  
to deliver v  
least 5% in  
instances. M  
at which the  
repair in whi  
selling them  
By reason of  
be appreciated  
is excluded.

The Commis  
value but left  
the Commission  
you add togeth  
the amount rep  
equal to the pe  
claims with res

Outside Real Pr

This proper  
Westminster Adv  
of which proper  
in outlying dist



could be made.

In the case of the properties that were scattered, however, the opposite situation existed, that is, there was a large number of private Occidental sales but there were very few Japanese Sales (through the Custodian) with which the Occidental sales could be compared. The method used in the Fraser Valley required large samples of sales of both Occidental and Japanese properties. While theoretically the assessments in the City of Vancouver should be uniform throughout the City, it is a fairly noted and recognized fact that this is not so and that there are variations between various districts of the City. We did, however, call the City Assessor to give evidence that generally in the City of Vancouver, in his opinion, sale prices in the years 1943-44-45 with respect to private sales exceeded assessment. On the other hand, the Custodian sold most of the Japanese property below assessment. We must admit to ourselves that the assessor's evidence was fairly general although in our opinion it should have carried some weight. However, the Judge has clearly indicated that he places no value upon it as related to the problem in hand. On City property, we also called two real estate men who gave evidence with regard to the methods of sale adopted by the Custodian and expressed the opinion that these methods would not be likely to produce fair market value. However, against this the Judge apparently lays greater weight upon the evidence of the appraisers employed by the Custodian. We have had most of the Greater Vancouver properties appraised by our own appraiser and have received a report from him which even based upon his opinion would not substantiate a very large recovery.

One of the difficulties that we have run into which neither the claimants nor counsel could anticipate has been the effect of the restricted interpretation of the Orders-in-Council placed upon them by the Judge as this interpretation affects City property. The Judge has interpreted the Order-in-Council as meaning that he must determine the fair market value of the property sold by the Custodian as at the date of sale in the condition in which the property was at that date.

You will readily realize that such an interpretation of the terms of reference seriously affects the recovery which may be expected in relation to such things as boats which had depreciated in the hands of the Navy and chattels which had depreciated either in the hands of tenants or by reason of vandalism or storage. However, it hits hardest in relation to City property because not only does it mean that we must take the property in the state of repair in which it was at the date of sale and many of the properties had deteriorated subsequent to the removal of the Japanese but also it means that we must take the properties in the condition of being occupied by tenants who could not be dispossessed except in accordance with the rental regulations.

During the period that the Custodian was selling Greater Vancouver property the rental regulations varied from requiring six months' notice to the tenant and personal occupation of the premises by the owner, to a situation where it was impossible to evict the tenant unless he neglected to pay his rent or was obnoxious. In the opinion of our appraiser, the inability of the Custodian to deliver vacant possession of the premises would make a difference of at least 5% in the sale price in most instances and a larger amount in some instances. Most of the claims we believe were set up on the basis of the price at which the claimants believed the premises could be sold if in the state of repair in which they left them and under circumstances where, if they were selling themselves, they would be able to give the purchaser vacant possession. By reason of the interpretation of the terms of reference, therefore, it must be appreciated that a very large portion of the claim in nearly every instance is excluded.

The Commissioner found that the Custodian sold city property at fair market value but left it open to call evidence in special cases. In about 30 of these, the Commissioner made special awards totalling approximately \$18,000.00. When you add together the total sale price and the total award on city properties, the amount represents 55% of claimed fair market value. This is practically equal to the percentage relationship between total sale price and awards and claims with respect to VLA.

#### Outside Real Property (other than VLA)

This property was mainly dealt with by the Custodian through the New Westminster Advisory Committee. A large block of it was in Steveston, all of which properties we had appraised. Most of this property, however, was in outlying districts, e.g., the Gulf Islands fishing villages on the West Coast



of Vancouver Island, Prince Rupert and isolated communities on the Northern Coast. The Commissioner was prepared to make an over-all recommendation of 10% on these, allowing for the difficulty on the Custodian's part to get proper appraisals and to effect sales. With respect to the property in Steveston and in the Fraser Valley we had appraisals made but except in a few instances where we could hope to make substantial recoveries, we considered the cost of having appraisals made would far exceed the recovery on most of the remainder of these properties. To illustrate, it cost \$150.00 each to have the appraisals made in outlying areas on two special cases. As in the case of all other real property, we made searches in the Land Registry Offices to try to find evidence of recent purchases or subsequent resales. Where such evidence was found the case was taken as a special to the Commissioner. Special awards were obtained in approximately 40 cases amounting in total to about \$26,000.00. When total recovery, i.e., sale price plus awards are taken in relation to claim the results with respect to these properties compare favourably both with VLA and city property.

### Conclusion

The Commissioner has submitted his report to the Government. We have already made representations to the Minister of Justice that the necessary legislation be passed or estimates approved at this session to ensure that the amounts awarded be promptly paid. We have also urged that as claimants have lost the use of the monies represented by the claims allowed for many years they should be allowed interest from the date of sale. This is the usual practice in expropriation cases and would amount to a considerable addition if allowed by the Government. There will also be some formalities required in getting releases signed by claimants when the monies are paid to claimants. We will seek to arrange that there is a minimum of red tape.

There may be a number of other matters arising out of the Commissioner's Report and having to do with the full, fair and prompt carrying out of the Report and payment of the awards to claimants, which will probably require the attention of the Co-operative Committee.

In this, as in everything undertaken by the Committee, it will seek to serve to the best of their ability, the interests and welfare of all those who have looked to it for help.

.....

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS  
CLAIMS FUND  
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS  
FOR THE YEAR ENDED AUGUST 31, 1949

Cash in bank, September 1, 1948 \$11,350.74

### RECEIPTS

Retainer fees from claimants (net of refunds \$141.20)	\$20,466.72	
Aouthern Alberta Central Committee - share of valuation expenses	<u>3,000.00</u>	<u>23,466.72</u>
		<u>\$34,817.46</u>

### DISBURSEMENTS

Solicitors' fees	\$ 9,000.00	
Solicitors' expenses	9,824.43	
Valuation expenses	7,309.66	
Hearings' expenses	1,120.80	
Bank charges	31.19	
Printing and stationery	294.25	
Miscellaneous expenses	<u>692.78</u>	<u>28,273.11</u>

Balance, August 31, 1949:  
Cash in bank

6,544.35  
\$34,817.46

We have compared the above Claims Fund Statement with the books of account and vouchers of the Committee and have found them to be in agreement therewith.

P.S. Ross & Sons,  
Chartered Accountants.

TORONTO, Ontario - March 23, 1950.

SOLICITORS  
Best  
MacLennan  
Campbell  
Cameron  
Chernia  
Cameron  
Campbell  
Paid on  
Jack G.  
Reid S.  
Roger  
VALUATION  
Hewer  
Hewer  
Hewer  
HEARINGS  
Interp  
Interv  
Claims  
Telegr  
Transp  
MISCELLANEOUS  
Refund  
Rubber  
Publis  
Cleric  
Typewr  
Transp  
Teleph  
Travel  
PRINTING &  
Academ  
Stampe  
Inform  
Stenci  
Pamphl  
BANK CHARGES  
Exchan  
For Period  
Cash in Ba  
Retainer  
Solicitors  
Miscellane  
(Travel  
Balance Ma  
Cash in Ba



DETAIL RE EXPENDITURES

SOLICITORS' FEES:

Best  
MacLennan  
Campbell, Brazier, Fisher & McMaster  
Cameron, Weldon & Brewin

\$ 500.00  
1,000.00  
5,000.00  
2,500.00 \$9,000.00

SOLICITORS' EXPENSES:

Cherniack & Cherniack  
Cameron, Weldon & Brewin  
Campbell, Brazier, Fisher & McMaster  
Paid on Acct. " " "  
Jack Gilbert  
Reid Scott  
Roger Ouimet

343.50  
1,156.82  
4,815.01  
3,000.00  
303.10  
150.00  
56.00

\$9,000.00  
9,824.43

VALUATION EXPENSES:

Hewer - Appraisals & Expenses July/48  
Hewer " Aug., Sept., Oct./48  
Hewer " Nov./48 - Mar./49

1,164.13  
3,120.87  
3,024.66

7,309.66

HEARINGS EXPENSES:

Interpreting & Translating  
Interviews  
Claims sheets (litho.-1,600)  
Telegraph & Telephone  
Transportation of files

641.66  
378.62  
31.97  
56.10  
12.45

1,120.80

MISCELLANEOUS EXPENSES:

Refunds to Claimants  
Rubber stamps  
Publishing Financial Statement  
Clerical Assistance (mailings)  
Typewriter rental (J.C.C.A. Office)  
Transportation of files  
Telephone calls  
Travelling Expenses - George Tanaka  
- Miike & Umezuki

141.20  
4.75  
15.12  
73.26  
6.00  
2.62  
2.10  
543.55  
16.00

804.60

PRINTING & STATIONERY:

Academy Press (5,000 forms)  
Stamped envelopes (2,000)  
Information letters & remittance forms  
(litho. 2,000)  
Stencilling supplies (J.C.C.A.)  
Pamphlets - 2,500 of Brewin article

137.50  
86.10  
28.08  
25.29  
17.28

294.25

BANK CHARGES:

Exchange on deposits

31.19

TOTAL

\$ 28,384.93

FINANCE COMMITTEE STATEMENT

For Period September 1, 1949 to March 31, 1950  
Cash in Bank September 1, 1949

\$ 6,573.73

Retainer

RECEIPTS

21.00

6,594.73

DISBURSEMENTS

Solicitors' Expenses  
Miscellaneous "  
(Travel, printing, office supplies, etc.)

5,685.91  
490.21

6,176.12

Balance March 31, 1950:  
Cash in Bank

418.61

\$ 6,594.73

on the Northern Coast,  
ation of 10% on these,  
proper appraisals and  
on and in the Fraser Valley  
e we could hope to make  
appraisals made would far  
operties. To illustrate,  
lying areas on two special  
ade searches in the Land  
chases or subsequent resales,  
special to the Commissioner,  
s amounting in total to about  
us awards are taken in relation  
compare favourably both with

the Government. We have already  
at the necessary legislation be  
sure that the amounts awarded be  
ts have lost the use of the  
years they should be allowed  
l practice in expropriation cases  
allowed by the Government. There  
g releases signed by claimants when  
to arrange that there is a minimum

ising out of the Commissioner's  
d prompt carrying out of the Report  
will probably require the attention

the Committee, it will seek to serve  
nd welfare of all those who have

ON JAPANESE CANADIANS  
FUND  
TS AND DISBURSEMENTS  
AUGUST 31, 1949

\$20,466.72  
3,000.00

\$ 9,000.00  
9,824.43  
7,309.66  
1,120.80  
31.19  
294.25  
692.78



日系カナダ人の爲のコーペラチヴ・コミニティーの起源  
性質及びその仕事に関する説明書  
一九五〇年四月 賠償要求者に対して発表

目 次

- (一) 緒言
- (二) コーペラチヴ・コミニティーの起源と性質
- (三) 初期に於ける努力——組合の請願、バンク・リット・資金  
募集、集約的行動の道程に対する文書
- (四) コーヤル・コミニティー——代表者派遣の吾々の側の弁護士
- (五) 解決方法——コミニティーの解決方式決定の妥協と進言  
した理由のスピーチ・アクト
- (六) 証拠の証拠を得るに用いた方法——インザバーガーの帰還兵  
土地局、買収家の漁船、漁網、自動車とトウジツ、晩香波の  
財産のコミニティーの調査条件、制限されたことから生じた  
影響、帰還兵土地局以外の地方の財産
- (七) 結論 (一) 戦後——會計監査報告の支出の概算  
の弁護依頼費用未納者に対する訴え

要求者各位

總務部から送った日系カナダ人の被害に関するコーヤル・コミニティーの調査結果は  
正に政府に提出されるべきものであります。たゞに全加日系市民協会の可なり詳細  
正に報告書が最近発表されたものであるが、コーペラチヴ・コミニティーに於けるこれ  
更に補足するべき点も出て来りました。正に政府に提出する多数のカナ  
人の聲と行動を代表する機関としてコーペラチヴ・コミニティーが既に大勢に  
なる。この重大なる何もの間には、我々の力の不足は、生起する  
色々な問題から問題へと轉換されて来ても、基本的には、その関心事は  
日系カナダ人の現在なる市民権という点に在るものである。

日系人のためのコーペラチヴ・コミニティーは一九四三年六月に組織された。その  
當時、ロビーの、主としてワシントン・ポスト及び敵国関係の、多数のグル  
ープによる、インフラ・タクトの、この假居住地からロビーに来つてある  
日系カナダ人の必要をみたすために、一つの委員会を組織した。それから  
間もなく委員会には、ワシントン・ポスト、学生キリスト教青年會、ワシントン・  
ポスト、ワシントン・ポスト、及びロビーの敵国関係の代表者も含まれる  
まで拡大された。たゞ、この委員会の進言によつて、日系カナダ人は二つの  
の委員会——カナダと日本人間の——を組織し、彼等の必要としてコー  
ペラチヴ・コミニティーに助言するようになった。後でこの二つの委員会  
双方合同してロビーの日系カナダ人による一委員会組織に着手した。

最初、コーペラチヴ・コミニティーは、ロビーに入つて来る日系カナダ人生活  
ワシントン・ポストの助言を受けることに努力を集中した。しかし下らぬ彼等は



個人に援助を要する解決を行なはねば、問題が大きいことも発見  
し、總務部の全事務能に及する情報を集めることに着手した。

一九四三年九月、コペラダ、コミラーは、ノーマン・ブリング博士の著した「愛  
国主義と経済」に対する挑戦と題するパンフレットを一万部印刷して各方面  
配付した。これはインテリゲンチヤに於ける日系カナダ人の状態に注意を喚起さ  
せたいものである。一九四四年六月には、コペラダ、コミラーは日系カナダ人テラウ  
ー委員会と共に、戦時中、あらゆる日系人の選挙権を剥奪しようとした  
議案番号一三五号の修正運動をした。

### ④ 追放反対運動

一九四五年の春、カナダ政府の「自発的帰国申請」計画が起ると、  
一万餘人の日系カナダ人が追放に直面したとき、コペラダ、コミラーは内題に  
関心を持つ多くの団体代表者を召集して更に組織を拡大し、政府に対し  
追放方針を再考を促せよと要求する運動を開始した。委員会では「帰  
国申請書」にどういふ風に「サイン」が行われたかに関する宣傳をした。コ  
ペラダ、コミラーは「パンフレット」の「カード」・ノーマン氏の著した「日系  
カナダ人は、こんな目に會つて ようのか」と題するもの、及び「イン  
テリゲンチヤ」の著した「日系カナダ人と題する二つのパンフレット」も  
配付し、市民から避難民へ——それは二つを起つてある——と題す  
るパンフレットを五万部を印刷して配付した。コペラダ、コミラーのこれら  
のパンフレットは、カナダ中に配付されたのである。これによつて、日系カナ  
ダ人に対する戦時中の偏見は太に打破されたのである。

この頃には、コペラダ、コミラーは、四十の地方的及び全国的グル  
ープの代表機関にまで進展した。これらのグループの中には、バプタスト・カトリ  
ック、合同、エヴァンゼリカル等の各教会、ワシントン・エー、ワグネル・  
エー、ロスト市民自由協会、トロント労働會議、労働組合、青年團、  
ゼー・リーダー（日系人毛織物・皮革会）及びその他の日系カナダ人各会等も  
あり、ウエスタン・エドモントン、カルガリー、レズブリッジ、レズブリ  
サカ、ウィニペグ、大ケ、モントリオール、グエルフ、ブランクフォード、  
レズブリッジ、ロジック等には支店を設けて、その役員は日系カナダ人に対する  
正義が行われることを欲する人々總の聲を代表する機関となった。

主として委員会の方力の結果として、全国にわたる数多くの大集  
會が開かれ、無数のペタシヨ（請願書）が送られ、多くの有力な新聞  
は社説を書き、強制的追放に抗議する手紙は、首相のデスクにまでた  
びだした。このレズブリッジの要求となる南と、世論の反対に拘らず、政府は  
追放命令を發表した。コペラダ、コミラーでは法律的多般に出ること  
を決定した。カナダ政府の總事務局長に於いて、命令が合法的であるか  
否かを試問する文書も提出した。委員会代表者や首相代理と會  
見したとき、政府は追放命令を大審院に送附し、それが有効であるか  
否かを裁定し、世に示すことに同意した。そこでコペラダ、コミラーは、國  
民の國情や個人に於いて、訴訟費用の寄附を集めたが、一月以内



一万冊、すくなくとも二万冊を集めた。

## ④ 追放反対の討論

カナダ憲法の判事は、部分的に満足できなかった。コペラウ・コミテは、英領植民地にも上訴した。一方は、敵意運動も続け、市民で追放されるべき流刑者ではない、と述べている。リット・エリス・フォーリス氏の書信に、日米力大と述べているものも五万枚、追放命令に同意する意見書も五万枚、大々的議会上、下両院の全議員に送付した。この努力は、追放に反対する論議をとり消した。この努力は、追放に反対する論議をとり消した。

ついでコペラウ・コミテは、その注意を、持主の同意なくして、追放命令に反対する日米力大の戦争損害賠償問題に向け、一九四七年五月、この問題に反対する人々を、委員会が行った経済的損害調査による得た、日米の損害に反対する詳細なるシートメントの多数も受取った。この調査は、ついでカナダ在国に及ぼされたのである。この結果、莫大なる損害があることが判明したので、コペラウ・コミテは一九四七年五月に、首相に直接文書を送り、総務勅令の妨げに起るあらゆる損害を調査し、正なる賠償を見出す権能を持つたコミソコシによる、損害を全面的に調査する、事を主張し要請した。

（一九四七年六月、コペラウ・コミテは、在米のよう大きな委員会を、最早必要がないと見て、最初の十のグループ・メーバーに新しい、戦争及非難士を加えた、委員会と改題するに決めた。その当時、委員会の機能は、諮問機関と考へられていたが、一九四七年の秋に、執行的に法律上の行動をとることが決定されたこと、この機能は、執行機関としての責任も、このことになった。）

## ⑤ 首相及び議会の、ブリック・アカウ・ト委員会への代表を派遣

漸く、コペラウ・コミテは、首相、日米力大が、上院から移動した時に、戦争損害賠償問題の考慮があることを発表した。そこでコペラウ・コミテは、この約束を遂行させるために行動するに決めた。先づ、閣内閣と意見することが出来、損害調査の権能を持つコミソコシを設置すべきであることも主張した。議会のブリック・アカウ・ト委員会、カスト・グ・ア・の代表を任命し調査し、一九四七年五月二十七日、コペラウ・コミテのフコ・イト・非難士とミセ、その間の戦争及び日米力大が、上院に委員会の中心、カー・ミ氏からなる代表團の陳述を聴取し、ついで裁判官のコミソコシを任命することに進言した。

調査会法による、バード判事がコミソコシに任命された最初の調査条件は、非常に不満足なものであった。コペラウ・コミテは、時を移さず、政府と意見する暇を、コミソコシは、只、単にカスト・グ・ア・に至る、この事案の、不満足による、生じた損害に、対し、その賠償することに進言する、知れぬ、その不満足を







コソビのヤーマー・マウ氏、大坂市のブリー・イ・ベスト氏、  
エベックのウィー・氏等である。そして証拠書類作成の用意や  
五市五町の金見等の思ひのたれるにまな、しき、ギルバート両氏と、この場を  
絶好的に必要とした同市場の代表者によるなど、弁護士の大きな  
援助を得たのである。

コソビが下すような態度を示したという印象を要求者たちが  
受けたであろうことは疑いなくあるが、当時の関係上からコソビが  
一瞬間でもこの要求者の証拠を聴取することは不可能であること  
を見出したので、方々の区裁判所の判事が代ってこれを聴取するため  
に任ぜられた。あらゆる困難があつたにもかかわらず、コソビの道に事実  
が持ち出されて効果的に証拠が提示されたのは、奇蹟ともいえる。

あらゆるケースの評価については、専断的な意見が必要とされた。  
公正なる評価を設けるためには、専断の土地査定評価者から証  
言が得られねばならなかった。コソビが、コソビでほらア・ウ・  
ア・のウィリアム・アスター氏監獄の下に、要求者のためにこの仕事をした。  
(詳細は、評価証拠を得る方法に用いた方法の項にある。)

コソビは、政府側と要求者側双方の弁護士が提出した  
一般的証拠、會任関係から提出した要求、特別種類の要求に  
関係する代表者のケースにはなる詳細を聴取した。評価者の  
証言は、政府側、要求者側双方により提出された。これらの  
代表者のケースに打ちまわられた原則による、各々のケースは  
再調査され、種類別に分類された。特別な特徴を有するもの  
は更に別個に再調査された。

### ④ 解決の種類の別方法

一九四九年の春、コソビによつて、要求者、政府側双方の  
弁護士から一般的証拠が聴取された。そして、コソビが各々の  
個々のケースに亘つて一々証拠を聴取することになれば、多くの反復を  
繰り返さなければならぬ長年間に亘るであろうことが明らかとなつて  
来た。そこで、手続は、普通には「セツト・ル・メント」(解決)と呼ば  
れた方法によることによつて、有利に短縮することが出来ることと提言された。  
コソビは、各々の別個の種類の要求——即ち「ザ・バー」の「帰還」  
と土地、同様の土地、グランド・グランドの財産、自動車、船舶、  
漁網、競馬場、たばこ、道具類等々——に關して、弁護士からの  
并論を聴取し、その上で各々の種類に適用し得る賠償の一般  
的妥協を決定すべきであることがコソビから提議され  
た。特別な証拠の乏しい特別な特徴ある要求については、要求  
者及び政府側双方の弁護士は、特別証拠を提出し、又は要求者の  
ために特別賠償を要求することが許された。

### ⑤ コソビの實際上の解決方式決定



2. 政府側は要求者側双方の主張を、ある特定の要求のみに対して、  
証拠を提出するにすぎない規定があるならば、コミッテ-に提出  
した十分な証拠によって、賠償の一般的方法を作り出すことが出来  
るだろうと考えた。コープランド・ニミ-の主張は、この「オバ-ホ-ル」  
提議も、コミッテ-から提議を来た種類の中に、西側と同様に、  
考慮して、賠償を決定するべきであると考えた。

政府側は、方式がどうなるものであるかについて、確たる提議を  
して、コープランド・ニミ-の主張を述べた。西側の専門家に  
よって得られた証拠を基に、提議をした。しかしながら、  
コミッテ-は、実際の方法は、米側からの提議を基にせず、  
彼の方針にある証拠に基づく、彼自身の意見によって決定した。  
コミッテ-が決定した方式は、調査の手続きが短縮でき  
るという提議された方法と共に、やがて要求者に提示された。要求者の  
大多数は、条件つきでこれに賛成を表明した。コミッテ-の提議  
された方法も、このことにはなるのであるが、今では、この方法は、  
要求者にとっては、何のサービスが、あらゆる詳細に亘って調査され、  
利益を受けることを求めている。実際の賠償額については、コープランド・  
ニミ-の主張も、この場合は、何の保証もしてはなかつたのである。  
また、証拠や辯論によるコミッテ-が決定したことになる。  
特別サービスの方は修正されていることになるのである。

### ④ 受諾を勧告した理由

コープランド・ニミ-では、コミッテ-及び両側の双方に對し、  
コミッテ-の提議した数値の或る部分、特に「オバ-ホ-ル」の数量に對して、  
強硬なる不満を表明した。しかしながら、總体としては、要求者の利益のた  
めには受諾すべきであると感じた。提議を拒否するとは、更に損失が長  
び、要求者と費用がかさむ、多くのサービスが得られないという結果に  
なるであろう、多くのサービス。そしてまた、多くのサービス  
価値を証拠として、正確なる取扱いと賠償の権利を失うことになる人々に  
對する正義を阻害することになることを述べた。

吾人は、多くの人が失望するであろうことを認めたにはあるが、しか  
しながら、決定的調査報告と証拠との困難さを心に留めて、總ての要  
求者にとって最善の結果を得ると共に、損失が長びく費用がかさむの  
を避けるように努めるのが、多くの責任だと感じたのである。その  
當時では、またあるで、要求者に対して行った多くの勧告は、二つに  
事情の上には、最も賢明なものであることを、吾人は疑わぬ。  
そしてまた各地の要求者の大部分は、提議された方法に對する意見  
を求めたのに對して、上記の二つの条件つきで賛成したのである。

### ⑤ スピード・アップ

その時から幾日か経たずに、スピード・アップにはいるコープランド・



その時から強じやうにめたり、少やうにめたり、このコープウヤウ、  
コミッシーの井戸は、各々のケースとコミッシーの井戸を照らし合せて、  
詳細に調べ、スパン、ケースの証拠を集めて提示し、コミッシーの前に  
於てこれを議論して来たが、その結果については相當に満足すべきものがある  
と井戸は報告している。

### ④ 評價証拠を得るために用いた方法

コミッシーは、この要求者の提出した証拠を聴取した。この証  
拠は、要求の限界を定め、その財産に対する要求であるかを見分ける  
必要があるものがあるが、裁判では、公正なる中價決定の点に、大した意味  
を価値は認められ、ない。法律上の見地からは、要求の公正なる中  
價決定は、経験と知識から、各々の財産の価値に対する意見を  
表明し得る専門家の意見を要求されるのである。もし  
この手続きが一個人の財産に適用してあるなら、總移動が大、七身で  
経過した後で、困難はあるとはいへ、こうした仕事も全然不可能で  
あるとは言えない。けれども、種々種々な種類別になつて、  
その所在を散在している千三百餘名の要求者の場合は、それは不可能  
であり、よしと可能であるといへ、恐ろしく困難である。吾々は、  
この公正なる中價の問題では、専門家の証拠を最大限度まで得  
ることに、出来る限りの資料と人物を使ひ努力した。仕事の大きさ  
と、そのものの性質と困難さからして、吾々は、すべての要求者を  
援助できるように、最も實際的な、六、七の場から、こうした証拠を  
得ることに意を用いる必要があつた。

### ⑤ フザ、バリーの賦立生

既に要求者が提出している証拠の上で、吾々は、公正なる中價の問題について  
専門家の証拠をコミッシーに提出した。これについて吾々は、フザ、バリーの  
五つの主なる村に於て、一九四三年に西洋人が土地を買つて得た値段と、同じ年に  
帰還兵土地局が日本人に支払った値段とを、課税評價額を基準にして比  
較調査した。吾々は有能なる統計家であるヒュー・大学のドウモント博士を  
雇つてこの材料を分析し、同博士からこれに因する証拠を提出して貰つた。  
その上吾々は、一九四三年の農業国勢調査を研究したが、これはフザ、バリー  
各村の農地の値打ちを示したもので、これを帰還兵土地局が支払った値段と  
対照してみた。吾々はまた、クレスト・コサラング・サーブイスの機関をも  
依頼したが、ヒュー大学の農科学長であるクレスト博士は、純然たる農  
業の立場から研究した結果、帰還兵土地局に賣つた農地の~~価値~~価値  
と、同局が支払った値段との間に大きな開きがあることを示す証拠を提  
出してこれだ。帰還兵土地局関係の土地開闢と、二人の農地評價者を  
雇つた。各々の土地は個々別々に評價し、それによる見積り價格を  
作り、コミッシーが賠償配分のために使うことが出来るようにした。吾  
々は、コミッシーから、賠償の配分は、この証拠を基礎に行われ  
るであらうという保証を得た。賠償率は、提出された証拠によつて



美軍は、カストグエの賣却値段の、見えてゐるペーストから  
二五〇ペーストになつてゐる。或る特別ケースを除いて、平均すると八  
ペーストになつてゐる。これらの戦後の特殊な状況の、及び特に強い  
証拠を得た分は、特別賠償を得られる。特別ケースとして増加した賠  
償額は、帰還兵土地の収入のペーストの外に約五万ポンドに上る。

### ④ 漁 船 (フイッシング・ボート)

ボートの場合は、造船の費用が増加するといふ一般的情報以外には  
専門家の情報を得るに非常に困難だ。總務部の前に日本人が所有  
したような型のボートが、ボート仲買人の手を通じて買収されたのは  
ごく少数しかあつた。だから此の方の専門家の意見は得られなかつた。  
カストグエの手を渡さなかったボートの中は、多くの古い船があつた。  
カストグエがボートを接収するに、海軍が押収した際に、牛乳の  
投下方せしめ、破壊したのだが、この程度であつたのを証拠とする  
困難であつた。

吾々はボートの扱い方や売却問題と、政府側証人を反対証人にさせる  
程度の情報を得ることが出来たが、これは有用なものである。吾々は調査報告の  
範圍内に於いて、フイッシング業者の所有したボートに對しては二三・五ポンド  
その他に對しては二・五ペーストの賠償を進言するよう、コミッ  
ションを説得することが出来た。政府側では最初、僅かに一五ペースト  
しか提議してゐたのである。

### ⑤ 漁 網 (ネット)

ネットに関しては、カストグエは賠償金を産んで、その種類、原価、  
使用年数、使用価値低下等を基礎にした方法を創設させた。吾々の方では、  
日本人に好意を以てゐる西洋人漁者と、日本人漁者とを鑑み、此の方法を  
調べて貰つたが、彼等の意見では、カストグエの作らうとした方法は、可なり公正な  
ものであるといふことが出来た。吾々はまた、二の法を、他にカストグエに適用せよと  
みたが、吾々の方の専門家の意見では、これ可なり公正に適用出来ることを  
発見した。同時に吾々は、他の日本人漁者の意見も求めたが、吾々の専門  
家の意見は、公正であると確認された。

然しながら、ネットに関する吾々の主なる困難の二つは、ネットに  
使つた名札がちぎれたり又は取り換へられたりして、カストグエの買  
つたネットに附けられてゐる名札が、果して其の所有者のものであるか、又は  
別な人のものであるかを区別することが極めて不可能だつたといふ場合が、  
数多くあつたといふのである。二つは事實の二つは、賠償者が既に買収  
したネットを調べる機會のなかりに明らかで、ごく少数のケースを除けば、  
ネットを個々別々の基礎に於て取扱うことは不可能であつた。そこで、コミ  
ッションは、ネットに對する要求の可なり多数の見本に、上記の形式を  
採用したので、吾々が調査したところを基礎にしたところの、總體的な  
方法による整理することを進言したのである。こうしてネットは個々別々の



した。これは、不払いに對する原告の何れも多數の見本に上記の形式も  
あることは、原告が認めたところである。従つて、この總體的な  
傾向によつて推定するに足るべきである。このことについて個人間の

主張を比較するに、これが出来たもので、貴部を以て、紛失したり  
したからと云ふこと、西要求額の七〇パーセントを認めること  
である。一例をば、百車の西要求額が七〇パーセントを認めること  
である。カスタダの西要求額が五十車だったとすれば、七十車か認められる  
とした三十車か賠償額となり、紛失等でも西要求額を認め、これに六十車は、貴  
部に見られる五十車に三十車を加えた七十車といふことになる。

### ④ 自動車とトラック

自動車とトラックに関しては、吾らは政府側として、吾らと合同して、日  
本の自動車類の大部分がカスタダによつて買取られた一九四三年の夏に、  
トラックで信用のある自動車業者が、実際に自動車を賣つた  
ところを調査することを得た。この調査で判明したことは、これらの会社  
を通じて買取られた値段は、カスタダが得た額よりも四〇パーセント  
高くなつてゐた。しかし政府側から提出された、吾らもこれを反論し  
するに、これが出来た証拠によると、これらの会社を通じて買取られ  
た自動車類は、九十車から一車向の、一ペーアの保証が附いてゐた。この  
保証は実際に買取られた値段に、影響したことを証言した。要求者が所  
有していた自動車の大部分は、個人会社で機械に保証をつけるのと同じ  
やり方で買取るものは、買取る前に一ペーアをしなければならぬといふ  
のでした。

トラックの方は、個人会社を通じて自動車と同様と同じような  
情報を得ることは、実際上不可能であることを見出したが、カスタダは  
なによりも買取られたものは、良い値段を得たといふことである。

得られた証拠に照らしてこれらのことを考えると、カスタダの買  
取の五二・二五パーセント増すこと、何れも程度に公正な賠償  
だといふことが出来る。少数ではあるが、新し、自動車の値段が特に  
低く見られるところに対して明確なる証拠を挙げ得たことに對しては  
特別賠償が得られた。これらは合計して約二十車である。

### ④ 諸道具類

以上に掲げた以外の諸道具に関しては、吾らは最も困難なる問題に  
直面した。一九四三年に買取られた諸道具の値段は、買主の専断の意  
見を得ることは、これを調べるに困難なために不可能である。評價のため  
に得られる唯一の情報は、要求者が作った品種別目録と、それらの  
品の買取及び買主から何年たったか等々に關することだけである。  
これらの証拠と、買取られた時には實際にその品物を見た人の証拠と  
の二つうち何れかを基とせねばならぬと、又或る値段でそれらが買  
取られたこと、事實は、判事としては、後者の証拠とするで  
あらうと認めなければならぬ。

吾らは、品物が競賣された場合には、その他の方法によるよりも  
低い値段になるものであることについて、専断の意見が得られる



二とを主張したのであるが、この見解を立証する材料は見つかることが出来なかった。要するに、これは正なるという文の競争を懸念して、彼等は、この見解を支障を立証する二が出来なかった。

諸道具に關する提議した結果、多くの個々のケースに對して公正ではないと考えなければ、これらの個々のケースでなく、いかんや一般的に見て、諸道具の公正なる主張を立証する事が可能であるを樂觀しなされた。諸道具のうち競争されたものにしては、主要の三。パーセント、これによる賣られるものにおよそ一パーセントも要求は回収でたるとしてなっている。多くの場合、これは要求をほとんど掛けである實際の費用を越えている。個々の要求に對して非常なせを付けて詳細に調べたのちに吾々は、紛失した物品に對する回収額を決定するところの、要求額と競争価値の割合を作る事が出来た、平均して紛失した物品に對する回収額は四六パーセントになるでである。この割合は、競争による賣られる物品のほんのすべてのケースに適用されるであろう。この比率は次の三項にわたる諸道具に適用する要求は除外した。

- (一) 申入れが、カストガムによる発見されなかった分。
- (二) カストガムによる価値なしとして見棄てられた分。
- (三) カストガム以外のものを世話とした上に紛失した分。

### ④ 晩香坡多川邊兵士地局板、以外の不動産

大ザンクワ・多川邊兵士地局板、以外の不動産は、大抵の場合、多額の費用をかけることには、専断の助言を受けることは不可能であった。多くの戦後五邊、不便な地域にある。評價するには非常に多くの費用がかかるものばかりであった。

### ⑤ ズアングワ・アールの戦生

大ザンクワ・アールの日本人所有の戦後の多は、二つ乃至三つの区域に固まっていたが、又は西洋人区域に散在しているかであった。日本人戦後のかたまりは、この区域の分属、要するに二つの困難に遭遇した。これらの区域では、これまで課税評価を高く上げていたのを、事実上市場では、過半数の区域に亘って評価を削減していたことが、その課税評価をその地から表明された。そのためにこれらの区域では日本人が集結していたのに、西洋人所有の費用は、その少くからなる、それらと比較しようがなかった。

戦後の散在した区域では、それと反對な事態がある。即ち、これらの区域では、多数の西洋人戦後の費用があるが、それと比較しようがなかった。要するに、日本人戦後の費用(カストガムを過)は、ごく少数であった。この「一」に適用された方法は、西洋人と日本人双方の戦後費用の多数の出来を考慮した。それら「一」は、その課税の目的の評價は、理論上は、その金時を過して、一見たもののなれは、それが、實際には、その各区域を變動があること、一般に知られている。



ところである。しかしながら、吾等は、その課税のそのの評価者と呼んで  
証言させたが、彼の意見では、一九四三、四、五年の戦費価値額は、評  
価額を越えているというにある。一方、カストザン氏は、日本人戦費の大  
部を評価額以下で賣つたのである。評價者の証言が、ごく一般的に  
ものであることを吾等は認めなければならぬ。なお、吾等は、吾等の  
程度に力になることを吾等は考へた。ところが判事は、尚ほ延滞について  
このことに価値を持たせることは出来ないと、いつか述べた。カストザン  
の戦費に關してのみならず、他に二人の土地買収業者を呼んで、カストザンが  
戦費に賣つた方法に關して証言をさせた。カストザンの用いた方  
法では、公正なる市價を出すことは出来ないと、こののが彼等の意見  
である。だが、判事は、これに對して、カストザンの雇つた評價者の  
証言の方に、より大きな重味を持たせたらうとした。吾等は、大がかり  
の戦費の戦費の強さを全部を對して、吾等の自らの評價者により評  
價を行つたのであるが、その結果報告では、彼等の意見によつて  
も、餘り大きな回収を主張することは出来ないと、いつか述べた。

要するに、并發に双方ともが予期できなかった一つの困難は、判事に  
よつて、完全の解釋が制限されたことに、それが、カストザン氏の戦費に  
影響したといふことである。判事は、カストザン氏による賣つた戦  
費の公正なる市價は、戦費が賣つた時における戦費の狀態に  
よつて決定しなければならぬといふように完全な解釋したのである。

調査條件を、このように解釋した。吾等の自らの戦費の途中にある高に  
價值が低下したポートや、儲けの半の半にある間、又は、無行ない、は  
ストリーに、これである間に、價值が低下した道具類等について、二重に  
なる影響が起るであろう。吾等が判事に對して、それは、カストザン  
氏の戦費に關して、最も強い攻撃を及ぼしたのである。  
こののは、それは、戦費が賣つた時のありのままの狀態を、そしてまた  
日本人が移動したのに、値打ちが下つたことを、そのままの條件で吾等が認  
めなければならぬといふことになるのみならず、シート規定に從う以外に  
は、借入人も立ちのけることが出来ないと、狀態にある戦費は、その要條件の  
おまのものを認めなければならぬといふことになるからである。

カストザン氏が、大がかりの戦費を賣つた期間、シート規  
定は、六ヶ月間の通告を與へなければ、借入人も立ちのけることが出来  
ないといふことも、シートを、シートを、シートを、シートを、シートを、  
人ではない、それは、シートを、シートを、シートを、シートを、シートを、  
吾等の評價者は、カストザン氏が、戦費を賣つたことを、吾等が認  
め、その場合、價值は、シートを、シートを、シートを、シートを、シートを、  
差を生じたといふ意見である。要求の大部分は、要求者が、自力で  
賣るならば、そのおまの狀態を、吾等に、吾等に、吾等に、吾等に、  
の價值を、吾等に、吾等に、吾等に、吾等に、吾等に、吾等に、  
の解釋の、吾等に、吾等に、吾等に、吾等に、吾等に、吾等に、  
知らなければならぬ。







[illegible]

西來名曰女擲之石其用 二〇、田六六事七二仙  
(擲石一田一事二〇仙元陽之)

評定費は分擔者の  
二、〇〇〇円

三十一 收  
 二 入  
 三 二  
 四 三  
 九 四  
 一 六  
 七 六  
 四 七  
 六 二  
 妙 仙

支	出
井護士料	九・〇・〇・〇
井護士の費用	九・八・二・四・四・三・仙
評價の費用	七・三・〇・九・六・六
調査会の費用	一・一・二・〇・八・〇
バニラの費用	二・九・三・一・一・九
印刷物及紙代等	六・九・二・七・八
計	二・八・二・七・三・一・一・仙
差引残金(銀行預金)	六・五・四・四・三・五・仙

(一九四〇年三月十五日、上野市役所にて、H.A. ロッス 博士が調査済時)

井護土料金 支出の内訳 九、〇〇〇・〇〇仙

△ベスト氏西面村△マッラ氏西面村△サヤノ氏・ワリス・  
アイ・シヤ・ア・ド・カラスター 五千部 △カマロシ。  
主・ドン・フリゴ・イ・シ 二千五百部

九、八二四・四三

評價邦定用

△同月(西九月) 三、〇二四・六六



ワーキング(調査会)費用 一、一〇〇・二〇  
△通函(ハンダ) 大西一・六六 △下調べ(金) 三六・六二  
△要求書 三六・九七 △電信(金) 五五・一〇 △郵費 三・四四  
八〇四・六〇

印刷費  
△要紙(紙) 一五・二〇 △バースタンプ 四・七五  
△金計(紙) 一五・二〇 △ワーキング 七三・二六  
△タイ(紙) 一・〇〇 △フアイル 二・六二  
△ワーキング 一・〇〇 △紙 五五・三・五五  
△印刷(紙) 一六・〇〇

印刷及諸用紙代 二九四・二五

銀行手数料  
△カシ(紙) 一・〇〇 △金(紙) 一・〇〇  
△金(紙) 一・〇〇 △金(紙) 一・〇〇  
△金(紙) 一・〇〇 △金(紙) 一・〇〇  
△金(紙) 一・〇〇 △金(紙) 一・〇〇

銀行手数料 三一・一九

計 二、三八四・九三

財政委員会(文) 一・一・一

一九四九年九月十日現在 五五・三・三

一九四九年九月十日現在 五五・三・三

并發計(文) 一・〇〇

計 五五・三・三

並發主(文) 五・六・五・九一

並發主(文) 五・六・五・九一

計 一七六・一一

並發主(文) 五・六・五・九一

計 一七六・一一



THE CO-OPERATIVE COMMITTEE

ON

JAPANESE CANADIANS

94 Homewood Ave., Apt. 28,  
Toronto 5, Ontario.  
April 28th, 1950.

Dear Claimant:-

When a Royal Commission was finally set up in the fall of 1947 "to inquire into losses sustained by persons of the Japanese race resident in Canada, through the sale of their property, both real and personal, by the Custodian, at less than its fair market value, or through the loss, destruction or theft of personal property vested in the Custodian", it became apparent that co-operative presentation of the hundreds of claims would be more effective and much less costly than individual. Acting in consultation, therefore, with the National Japanese Canadian Citizens' Association, the Co-operative Committee on Japanese Canadians made arrangements for the presentation of claims for any claimant wishing to retain the services it made available. Since the great majority took advantage of this offer, it became a tremendous undertaking.

We regret that fuller reporting has not been possible during the intervening months. Occasional progress reports have been made, but as the proceedings now draw to a close, we are attempting to draw the threads together and report at greater length. Of necessity, this report must be general in nature, but it is our hope that it will give you a clearer picture of what we have been doing and what we plan to do from now on. (Each claimant will, of course, receive a detailed statement concerning his or her individual claim at the time of settlement.)

Since Justice Bird's findings have not yet been made public, we must emphasize the fact that much of the information contained in the enclosed report is of a confidential nature and for claimants only until such time as his report is released. We feel sure that, in the best interests of all concerned, it will be so treated.

Sincerely,

*Margaret F. Boas*

Secretary.

MKB.

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDUM RE CLAIMS.

(6)



要求者各位

（五）<sup>五</sup>の「ロイヤル・コミッショ」が遂に設置される力になる  
目録力大が、カストラムによる、公正なる中傷以下で被害の  
被害を被害を被害と見做すに起る損害を調査する』にと  
なると、多数の要求者が個々別々に要求を提出するもの  
で、協同して、これを提出する方が、遂に効果的であり、且つ  
費用も少なくて済むことが明らかとなりました。そこで私たちは  
全加国日本民協會と相談して、協同して要求をしたい人のために  
この手續を定める取り決めを作りました。そして大多数の  
要求者は、この協定を取り決めに従って手續を定める事に従い、  
それは大なる仕事と見て承知しました。

問題の経過については時々報告は致しましたものの、その進  
捗状態もその程度に全面的に報告することが出来なかつ  
たのは遺憾で、したが、手續きは最期や終局に近づいてい  
るに、可なり詳細に亘る報告をするに致し、また、  
同封の報告書は一般的なものではありませんが、私たちが、これ  
までにして来た仕事と、これから何ういふ風に進めようとい  
うかも明らかに示し得るものだと感じます。

（五）の各要求者は、各人の要求に關しては、最後の  
解決がいつかは、詳細なるスタート・アップを取ること  
となるでしょう。）

（六）<sup>六</sup>の「ロイヤル・コミッショ」の調査報告は、まだ公表されていません。同  
封の報告書に於ける情報の方は、同様に、進展的なもの  
と見て、判断の報告が公表されるまでは、要求者への通知  
を控えるものであることと見做す解下。そうであることが、周知  
されるべきことと見て、最善の利益であると、私たちは感ず  
るものと見ています。

五の「ロイヤル・コミッショ」

コープランド・ロイヤル・コミッショ・報告書・パート・ブース



MEMORANDUM TO CLAIMANTS:

Re: Offer of Settlement, Japanese  
Claims Commission.

You will have received from the Toronto Co-operative Committee a memorandum of the proposed settlement in this matter. After careful consideration and in consultation with Counsel, the Committee are recommending acceptance of the settlement upon the basis outlined in the Co-operative Committee letter. It is the understanding that Counsel and the Committee will do their utmost to have the offer improved insofar as it relates to property in the City of Vancouver.

Before dealing with the individual items of the proposed settlement and to understand the willingness of the Committee to consider the same and to recommend it at this stage, it is wise to consider the present status of the proceedings. The Commissioner has heard the evidence of practically all of the claimants. This evidence while necessary to outline the limits of the claims and to identify the property in respect of which claims are made is at law of very little weight and value in determining the fair market value of the property claimed. It would require, from a legal point of view, to establish the fair market value of the claims the necessity of calling experts who from their experience and knowledge could express an opinion as to the value of each item of property. If this were a proceeding relating to the property of one individual such a task while difficult, having regard to the lapse of six or seven years since evacuation, would be reasonably possible. Where, however, there are some 1400 claimants with a large variety of property, some of it widely scattered along the Coast, the task is an extremely difficult one, if not impossible. We have endeavoured with the resources and personnel available to obtain the maximum amount of expert evidence on this question of fair market value. Due to the immensity of the task and the limitations referred to, it has been necessary in the main to approach the obtaining of such evidence from a broad point of view which would be helpful to all claimants and we have only been able to a very limited extent to approach it from an individual claimant's point of view except with respect to real property situated on the lower main land most of which we have had appraised.

In addition to the evidence of the claimants already referred to, we have placed before the Commissioner to date the evidence of certain experts dealing with the problem of fair market value in general terms. With respect to property sold to the DVLA which was the area in which we could hope to make the largest recovery and with respect to which the greatest injustice occurred, we have presented to the Commissioner quite strong evidence dealing with the general problem and it is our belief that had it not been for that evidence, the proposed settlement of DVLA on the basis outlined in the memorandum forwarded by the Committee would have been considerably less, if not half as much. In this connection, we conducted studies in five of the major municipalities in the Fraser Valley as to the relationship between prices obtained by Occidentals who sold their property in 1943 and the prices paid to the Japanese by the Veterans Land Act in that year using as the common factor the assessment with respect to both groups of property. We employed the services of Dr. Drumond of the University, a very capable statistician, to analyze this material and had him present evidence with respect to it. In addition, we carried out a study of the 1941 Agricultural Census which shows the value of farm land in the various municipalities of the Fraser Valley in 1941 and related these to prices paid by the VLA. We also engaged the services of Clement Consulting Service with which the Dean of Agriculture of the University is closely associated to make a study from a purely agricultural point of view and Dean Clement presented evidence showing the great discrepancy between the agricultural value of the lands sold to DVLA and the prices paid therefore by DVLA. In this connection, we were also able to use evidence presented by the Crown which showed that when property was withdrawn for one reason or another from the DVLA transaction and sold by the Custodian by public offer, the prices obtained by him substantially exceeded the prices offered by DVLA with respect to these lands.

We engaged the services of two farm appraisers in connection with DVLA lands. While it was difficult for them by reason of the fact that in a number of instances VLA has re-subdivided parcels of lands formerly owned by Japanese and in some instances torn down or renovated

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDA RE CLAIMS.

6



buildings situated on the lands, their appraisals indicate that if we make the recovery indicated in the proposed settlement that a substantial measure of justice will be done. If the proposed settlement is agreed upon it will be necessary to use the information which they have collected as a bases of distribution.

In the case of boats, aside from general information as to the increased cost of construction, it was very difficult to obtain expert information. Very few fishing craft of the type owned by the Japanese were prior to evacuation sold through boat brokers. That source of expert opinion, therefore, was not available to us. The boats which came into the Custodian's hands and were sold by him included many of the older boats. It was difficult to obtain evidence as to the extent of abuse and depreciation suffered by the boats in the hands of the Navy before the Custodian received them. Furthermore, a fairly large number of the types of persons who might have been able to give evidence from personal knowledge, e.g., fishermen and fishing companies, were involved directly or indirectly in the transactions with the Japanese Fishing Vessel Disposal Committee and the Custodian and were reluctant or unwilling to give evidence which would be helpful to the claimants. Again, we were successful in cross-examination of Crown witnesses in obtaining certain information with respect to the treatment of the boats and their sale which was useful. Were the proceedings to be carried on to their ultimate conclusion, however, it appears unlikely that we would be able to obtain any further specific expert evidence that would be of use. We were able to persuade the Commissioner to make his recommendation at the proposed figure although the Crown originally offered only a 15% increase.

Concerning nets, the Custodian employed an appraiser who worked out a formula based on the type of net, cost price, age and depreciation. We engaged the services of both an Occidental fisherman who is friendly to the Japanese and of a Japanese fisherman to examine this formula and it was their opinion that the formula was reasonably fair. We also applied the formula to a reasonable sample of cases and found that it worked out reasonable fairly in the opinion of our experts. We also sought the opinion of some of the other Japanese fishermen concerning its use and had the opinion of our experts confirmed. One major difficulty with regard to nets, however, was the fact that while a large number of them were appraised by the Custodian's appraiser using the aforesaid formula before the sale of the nets so appraised the identification tags attached to the nets had either been torn off or switched so that it is almost impossible to say in many instances whether the net sold by the Custodian was the property of the person whose name appeared on the tag at the date of sale or of some other person. In these circumstances you will appreciate that it is impossible, aside from the difficulty that an appraiser at this time would not have an opportunity to examine the net, to deal with nets on an individual basis except in very rare cases. The recommendation of the Commissioner is to large measure based upon a study which we did of a fairly large sample of claims on nets applying the formula referred to above.

With respect to the subject matter of cars and trucks, we persuaded the Crown to undertake jointly with us a study of actual sales of automobiles which were made by reputable automobile sales firms in Vancouver in the summer of 1942, at which date most of the automobiles owned by the Japanese were sold by the Custodian. The study so made indicated that the prices obtained on sales through these Companies were some 40% above the prices obtained by the Custodian. However, evidence was introduced by the Crown and we were unable to refute it that when the automobiles sold privately through these Companies they carried with them a guarantee as to the state of repair varying from 90 days to one year. The evidence was that this guarantee materially affected the sale price. In the large majority of cases of automobiles owned by the claimants, some repairs would have required to have been done before the automobiles could have been sold with a mechanical guarantee such as applied to the private sales. Furthermore, when it came to the matter of trucks, we found that it was practically impossible to obtain the same type of information concerning private sale of trucks as we were able to with regard to automobiles and there was some indication that the Custodian received better prices on the sale of the trucks than he did on the sale of the cars. Taking these factors into consideration on the evidence available at this stage (and we do not foresee that we would be able to obtain much stronger evidence if the proceedings are continued) a 25% increase over the sale price of the Custodian would appear to give a reasonable measure of justice. The

JAPANESE - 6  
CLAIMS



market for used motor vehicles in the summer and fall of 1942 due to gas and tire rationing was very poor, this situation changed within one year thereafter, but by the terms of reference we are limited to fair market value at the date of sale.

With respect to personal property other than that mentioned above, we think that it was recognized at the outset that we were up against a most difficult problem. To obtain expert opinion as to the value of an article which was sold in 1942 and which it is impossible for the expert to examine is difficult. The only thing that he has to go on is the description given by the claimant and other information as to age and original cost given by the claimant. It will be readily appreciated that when there is a choice between this kind of evidence and the evidence of a person who actually saw the goods at the time of sale, and having regard to the fact that the goods sold for a certain price at the time of sale, a judge is more likely to accept the latter. We had hoped that we would be able to obtain expert opinion that when goods are sold by auction, they bring a lower price than when sold by other means. However, we have not been able to find anyone qualified as an expert who will substantiate that view. The two auctioneers whose services we used and who were the best we were able to obtain did not consider this to be the case. We did engage the services of one of the oldest auctioneers in Vancouver to give evidence. It was his opinion that the manner of sale and the places at which the sales were conducted were open to criticism and might have resulted in less than the fair market value being obtained. However, without an examination of all of the chattels this evidence was not very strong. We did have him examine a fairly large number of chattel claims where persons had owned household goods and chattels and other specialized chattels and provided him with the information given by the claimant in his evidence concerning the description, age and original cost price. Even using our best chattel claims we do not feel that the opinions which he expresses with respect to these would be too helpful if the proceedings are continued, although his valuations are somewhat higher than the sale prices, by reason of the difficulties described above. If each personal chattel claim were gone into in the manner in which it ought to be to try to determine the fair market value as at the date of sale, a great deal of expense would be involved and furthermore, the Commission would require to sit for at least a further year to hear the evidence. We are satisfied that the proposed settlement with regard to chattels will not be just and equitable in a great many individual cases but even in those individual cases and certainly generally we are not optimistic that it is possible to prove the fair market value of the chattels should the proceedings continue.

With respect to property outside of Greater Vancouver and not included in the sales to the DVLA it has in most instances been impossible to date, without considerable expense, to obtain expert advice. Many of the properties are in isolated areas and it would be extremely expensive to have appraisals made. In some of the areas which are not so isolated we have approached the problem from two points of view. One, by having our appraiser examine a large number of the properties and the other by comparing the prices obtained by the Custodian on sales of these properties with prices obtained by him where like properties were sold to DVLA. There is no doubt about it that when the Custodian made a sale other than to DVLA he obtained considerably better prices which would be closer to the fair market value. Furthermore, the evidence of our own appraisers going back from four to six years would not encourage us to believe that if the proceedings were carried through to the end the ultimate recovery would substantially exceed that set forth in the proposed settlement.

Concerning Greater Vancouver property, it did not appear that a study similar to that carried out in the municipalities in the Fraser Valley and related to assessment would be productive of the same satisfactory results. In the City of Vancouver particularly most of the Japanese owned property was either concentrated in two or three areas or alternatively, was scattered throughout the Occidental community. Dealing with the areas in which the Japanese property was concentrated, we were confronted with two difficulties. As advised by the City Assessor and others, these areas had been for some time over-assessed and the City has, in fact, for the last several years been reducing the assessment in these areas. Furthermore, having been areas of concentration of Japanese persons, there were very few Occidental private sales in these areas with which any comparison could be made.



In the case of the properties that were scattered, however, the opposite situation existed, that is, there was a large number of private Occidental sales but there were very few Japanese Sales (through the Custodian) with which the Occidental sales could be compared. The method used in the Fraser Valley required large samples of sales of both occidental and Japanese properties. While theoretically the assessments in the City of Vancouver should be uniform throughout the City, it is a fairly noted and recognized fact that this is not so and that there are variations between various districts of the City. We did, however, call the City Assessor to give evidence that generally in the City of Vancouver in his opinion, sale prices in the years 1943-44-45 with respect to private sales exceeded assessment. On the other hand, the Custodian sold most of the Japanese property below assessment. We must admit to ourselves that the assessor's evidence was fairly general although in our opinion it should have carried some weight. However, the Judge has clearly indicated that he places no value upon it as related to the problem in hand. On City property we also called two real estate men who gave evidence with regard to the methods of sale adopted by the Custodian and expressed the opinion that these methods would not be likely to produce fair market value. However, against this the Judge apparently lays greater weight upon the evidence of the appraisers employed by the Custodian. We have had most of the greater Vancouver properties appraised by our own appraiser and have received a tentative report from him which even based upon his opinion <sup>would</sup> not substantiate a very large recovery. One of the difficulties that we have run into which neither the claimants nor counsel could anticipate has been the effect of the restricted interpretation of the Orders-in-Council placed upon them by the Judge as this interpretation affects City property. The Judge has interpreted the Order-in-Council as meaning that he must determine the fair market value of the property sold by the Custodian as at the date of sale in the condition in which the property was at that date. You will readily realize that such an interpretation of the terms of reference seriously affects the recovery which may be expected in relation to such things as boats which had depreciated in the hands of the Navy and chattels which had depreciated either in the hands of tenants or by reason of vandalism or storage. However, it hits hardest in relation to City property because not only does it mean that we must take the property in the state of repair in which it was at the date of sale and many of the properties had deteriorated subsequent to the removal of the Japanese but also it means that we must take the properties in the condition of being occupied by tenants who could not be dispossessed except in accordance with the rental regulations. During the period that the Custodian was selling Greater Vancouver property the rental regulations varied from requiring six months' notice to the tenant and personal occupation of the premises by the owner, to a situation where it was impossible to evict the tenant unless he neglected to pay his rent or was obnoxious. In the opinion of our appraiser, the inability of the Custodian to deliver vacant possession of the premises would make a difference of from \$500.00 to \$1,000.00 in the sale price in most instances and a larger amount in some instances. Most of the claims we believe were set up on the basis of the price at which the claimants believed the premises could be sold if in the state of repair in which they left them and under circumstances where, if they were selling themselves, they would be able to give the purchaser vacant possession. By reason of the interpretation of the terms of reference, therefore, it must be appreciated that a very large portion of the claim in nearly every instance is excluded.

In addition to the evidence which we have so far adduced on behalf of the claimants the Crown have put in their general evidence. Some of the evidence which they gave was useful particularly with regard to nets and boats. We also were able by cross-examination to obtain some good evidence in our favour particularly with regard to the Veterans Land Act transactions. On the subject matter of City property, however, they called Douglas Reeve to give evidence as to the appraisals. He is one of the best known appraisers in the City of Vancouver and has had a great deal of experience in giving evidence in the Courts. It was difficult to try to shake his evidence and from the Judge's reaction we take it that we were not successful. We ran into a similar type of difficulty with regard to the sale of chattels where we felt that the auctioneers were on the defensive and could obtain from them no admissions which were useful.

The Judge has intimated his impression of the evidence to date and in considering the matter of accepting the proposed settlement it is important to keep in mind the views which he has expressed as,

already been written  
ing that these plac  
sale, it must  
have particula  
posed to C  
opinions  
JAPANESE -  
CLAIMS  
6



CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDA RE CLAIMS

6

If the proceedings continue, strong evidence will have to be called to vary those views. For instance, with regard to City real estate, chattels (excluding nets and cars) and with respect to boats, the Judge has expressed the view that the Custodian obtained the fair market value and is only prepared to recommend the proposed settlement on the basis of rebate of certain charges made by the Custodian and in the case of boats, an allowance for extraordinary depreciation in certain instances.

While your Counsel feels that there is evidence which has already been placed before the Commission which would justify a finding that these items did not all receive their fair market value on sale, it must be recognized that the Commissioner is the Judge. We have particularly urged the Commissioner to change his views with respect to City property and have found that he is extremely firm in his opinions in that respect. It is therefore apparent that if the proposed settlement is not consummated that we will have an uphill job to change his views with respect to these matters and, as indicated above, with respect to some of them, the evidence which we are now in a position to call is not too strong.

Consideration must be given in dealing with the proposed settlement to the fact that the Commissioner is prepared to recommend it but in doing so is recommending payments which will total approximately \$100,000.00 which are outside the terms of reference. For instance, the basis of his recommendation on boats and chattels sold by auction as well as on City property are entirely outside the terms of reference. His recommendation with regard to the payment of certain of the costs likewise are outside the terms of reference. While the Government has intimated that with a view to settlement they are prepared to have him do so for the purposes of settlement and with a view to saving the expense of carrying the Commission on for another nine months to a year. Accordingly, if the proposed settlement is not accepted and the proceedings are carried on for a prolonged period to enable us to call evidence in individual cases, it is to be anticipated that in the ultimate outcome we would not recover these monies. In the opinion of Counsel it is doubtful whether in view of the views now expressed by the Commissioner we would succeed in recovering anything like the amount which we would stand to lose by dropping that portion of the proposed settlement which is outside the terms of reference.

It is true that if the proceedings were continued that some individuals might stand a chance of making a larger recovery than they would under the proposed terms. Looking at the matter from the standpoint of the large majority of the claimants, it is our opinion that if the proceedings are continued they will stand a chance of recovering less than they would under the proposed terms of settlement. It must be kept in mind that whether the proposed settlement is made or the proceedings are carried through, having regard to the immensity of the enquiry and the impossibility of the Commissioner going into complete detail in every case whatever the outcome may be, it will provide only a measure of rough justice to all and cannot hope to attain equity between all the claimants. It is with regard to both of these factors that the Committee, having regard to the welfare and interest of all of the claimants have recommended the acceptance of the proposed settlement subject to the condition in the first paragraph mentioned.

The claimants undoubtedly will be concerned with the question as to how the monies recommended to be paid will be distributed amongst them. Concerning Greater Vancouver property, the claimants will be rebated the actual commissions charged them on the sale of their property. In the case of property outside of Greater Vancouver, excluding VLA, they will receive 10% on the sale price and plus a rebate of the commissions charged, being on the average 2.96%. Concerning motor vehicles, they will receive 25% on the sale price. On nets and gear due to the fact that it is impossible to ascertain whether or not the nets sold by the Custodian were the actual nets of the claimant, we have recommended to the Commissioner that in the event of the proposed settlement being accepted the fund created by 25% on sales and the allowance on nets declared or found by the Custodian and now missing should be distributed amongst all the claimants by a percentage deduction from their claimed value. Each claimant will therefore receive approximately 65% of the claimed value of nets which he had declared or which were found by the Custodian less the amount actually received by him from the Custodian purportedly from the sale of his nets. It is not possible at this time to determine exactly what the percentage will be but it appears likely that it will be somewhere between 60% and 70%. While this will create certain inequities as between claimants



who were more conservative in placing their values on nets, the inequities would not be as great in our opinion as they would be if it were based upon the sale by the Custodian due to the fact that so many of the tags on the nets were switched or destroyed and proper identification is not possible. Furthermore most claimants had fixed the value of their nets at the time of the evacuation.

With respect to boats and gear, it will partly depend on whether the boat was sold by the Custodian to Nelson Brothers or by other sale what will be the recovery. The boats sold to Nelson Brothers were actually transferred into their custody in the Spring of 1942 and in the opinion of the Commissioner did not suffer as great depreciation as did the boats which were disposed of by the Custodian otherwise. Accordingly, on the 21 vessels sold to Nelson Brothers the claimants will receive 23.5% of sale price and on the boats otherwise disposed of by the Custodian the claimants will receive 28.5%. This method of distribution is based upon the information presently given by the Custodian that a charge of 13.5% for administration was made against each boat. It should be made clear to the claimants that this 13.5% was not the only charge made against their boats by the Custodian as this related only to administration expenses and that other charges such as insurance and repairs may have been made against them which will not be repaid. With respect to chattels other than those dealt with, while the Custodian represents that the rebate of charges on auction sales will average 22%, the actual amount credited to each claimant will be the amount which he was charged in relation to the goods claimed so that some claimants may receive less than 22% and some claimants may receive more. In the case of goods that were sold by tender, however, the 10% will be applied to the sale price in every instance. This 10% will include an average allowance for charges made by the Custodian of 3.7%. However, there will be no attempt to distribute the 3.7% on the basis of actual charges as the amount would be extremely small. Before dealing with VLA it might be advisable to explain the manner in which the settlement will work if adopted with respect to goods and chattels which were declared or found by the Custodian and are now missing. Each claim will be examined to ascertain the amount for which the Custodian sold at auction the goods of the claimant (if so sold). This amount will then be related to the amount which the claimant claimed for these goods and the rate which the

one bears to the other will be applied to the claimed value of the missing goods to determine how much the Custodian would have received had he sold the missing goods, and the amount so arrived at will be payable to the claimant. For instance, if a claimant claimed \$100.00 for goods which the Custodian actually sold at auction and the Custodian received on the sale of the goods \$35.00 and if the claimant claimed for goods which had been declared and not found \$100.00 then for these latter goods he would receive 35% of \$100.00 or \$35.00. In addition to this he would recover the charges made by the Custodian with respect to the goods sold at auction. In some cases all of the goods claimed by the claimant were lost or destroyed while in the custody of the Custodian. Obviously in these cases there will be no measuring rod in the specific case and it is proposed that the general over-all average of the relationship between all goods sold by the Custodian at auction and the total claim for such goods shall be applied in this type of case. The percentages in these cases it appears will be approximately 35%. It might have been mentioned earlier in dealing with boats and gear that there are a few cases where the boats were sold and the Navy acknowledged that gear was missing from the boats. In these cases it appears that the Custodian credited the allowance made by the Government for the missing gear to the purchaser of the boat rather than to the claimant as he ought to have done and it is proposed in these limited number of cases that the claimant should be compensated in the amount paid to the purchasers.

the Custodian of  
missing gear to  
ant as he ought to  
number of cases to  
paid to the pur  
ations. Concern  
where we  
admiss  
be  
For

APANESE -  
AIMS

6



the Custodian credited the allowance made by the Government for the missing gear to the purchaser of the boat rather than to the claimant as he ought to have done and it is proposed in these limited number of cases that the claimant should be compensated in the amount paid to the purchasers.

Concerning DVLA it will be observed that there are two recommendations. One is related to property situate in the Village of Mission where we were able to abduce evidence and also to obtain certain admissions from the Crown witnesses that even greater injustice had been done than with respect to the balance of the DVLA transactions. For this reasons it is proposed that the property situate in the Village of Mission shall make a larger recovery than other DVLA properties. With respect to the property situate in the Village of Mission, however, it doesn't mean, that each property will receive 125% on sale price but that the total amount payable with respect to property situate in the Village of Mission and sold to DVLA shall average 125%. This is also true with regard to the 80% on sale price contained in the proposed settlement on VLA purchases other than Village of Mission properties.

In our study on private sales and in the evidence which we adduced before the Commissioner it appeared that in some municipalities there was a larger discrepancy between the prices paid by VLA and Occidental free transfers than in other municipalities. For instance, in the Municipality of Maple Ridge private sales indicated prices on the average about 100% more than VLA, whereas in Richmond Municipality private sales indicated prices about 65% to 70% higher than VLA. In making the distribution therefore of the fund created by the proposed settlement of 80%, differences will have to be made between property situated in the various municipalities in accordance with the evidence which has been filed and our own studies. Furthermore, the Committee felt that they were not satisfied to rely upon the appraisals of the Soldier Settlement Board as being equitable between the claimants. One of our farm land appraisers had done a considerable amount of work in relation to claims respecting VLA and from the reports received from him it appeared that some properties had been appraised by the S.S.B. more severely than others. Accordingly, we have arranged to have a value placed on all of the properties in the Fraser Valley at least, by our two farm appraisers with the view to establishing a fair relationship between the properties. It is therefore proposed that the total fund available for distribution on the basis of the proposed recommendation on VLA shall first of all be divided into municipalities in accordance with the information which we have as to private sales in these municipalities and having regard to the number of cases in each and then the fund with respect to each Municipality will be distributed on a basis which will recognize the inequities between properties in the original S.S.B. appraisals. The exact formula for this has not yet been worked out and will be subject to the approval of the Commissioner. The result once again will be a matter of rough justice but will be more equitable than a flat basis of distribution amongst the claimants. Insofar as it is based upon the appraisals by our own appraisers the result should not differ considerably from what the result would be if we proceeded with the hearings and each individual case were dealt with. As intimated in the proposed settlement the Commissioner is prepared to allow some recommendation by way of compensation for costs. It should be clearly understood that whatever amount is allowed will be limited to 5% of the recovery and furthermore that this will not begin to meet the total expenses. It will, however, alleviate the burden of the cost of the proceedings to date in some measure.



CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

Report of the Sub-committee on Restrictions and Property Losses

October 26, 1946

The Co-operative Committee on Japanese Canadians at its meeting of September 10, 1946, appointed Mrs. Edith Fowke, Kinzie Tanaka and Kunio Hidaka as a sub-committee to investigate and report on present legal restrictions and the sale of property belonging to persons of Japanese ancestry after their evacuation in 1942.

The sub-committee met on September 16, 30, and October 8.

RESTRICTIONS

Legal restrictions imposed upon persons of Japanese ancestry in Canada by order-in-council and subordinate administrative orders are few in number but exceptionally far-reaching in scope and effect.

POWERS UNDER P.C. 946 OF FEBRUARY 5, 1943

Under this order-in-council the Minister of Labour or on his behalf the Deputy Minister and the Commissioner of Japanese Placement may:

"make orders, rules or regulations respecting the conduct, activities or discipline of persons of the Japanese race ... , and may by order prohibit such persons ... , from engaging in any activities, employment or business, in Canada, from moving or travelling anywhere in Canada, from residing in any place in Canada or from associating or communicating with any persons, except subject to permit issued by or on behalf of the Minister and on such terms and conditions as may be prescribed by him or by any person authorized to act on his behalf under these Regulations."

ORDER GOVERNING TRAVEL

Order No. 1 of July 30, 1943, issued by the Commissioner of Japanese Placement under authority of the above powers states that:

"All persons of the Japanese race must obtain a Royal Canadian Mounted Police Travel Permit prior to:

- a) entering for any purpose whatsoever, a Protected Area anywhere in Canada,
- b) crossing any Provincial boundaries within Canada,
- c) a change of residence, which may be interpreted as taking place when a person moves himself or herself and/or their dependents to a new place of residence,
- d) travel for any purpose whatsoever, in British Columbia a distance of more than fifty (50) miles from their place of residence or for a period of over thirty (30) days.

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS : MEMORANDA RE CLAIMS.

6



"Subject to the foregoing regulations, a person of the Japanese race resident outside of British Columbia may travel upon visits of a temporary nature up to a period of thirty (30) days duration without obtaining a Royal Canadian Mounted Police permit."

ORDER PROHIBITING FISHING

Order No. 2 prohibits fishing by Japanese in the province of British Columbia or Pacific coastal waters without a permit from the Commissioner.

APPLICATION OF P.C. 946

1. PURCHASE OF PROPERTY

As a result of the powers granted the Minister of Labour under P.C. 946, persons of Japanese ancestry are required to secure a license from the Department of Labour prior to the purchase of property. While it may be conceded that licenses are not refused, nevertheless the department exercises unrestricted control over the issuances and no provision is made to appeal adverse decisions.

2. RESTRICTION ON MOVEMENT

Certain classes of persons were prevented from leaving British Columbia by an order issued June 1, 1946. The order was as follows:

RE: PLACEMENT AND SUSTENANCE ALLOWANCES FOR MOVEMENT  
TO POINTS EAST OF THE ROCKIES

Until further advised, placement allowances are to be paid to all Japanese relocating east of the Rockies except Single Japanese Nationals who signed for repatriation and Japanese National couples having no Canadian born children, and where both signed for repatriation, and where wife was born in Japan. These people will not be permitted to go east.

However, with the closing of the Interior settlements later in the year and the opening of hostels in eastern Canada, this order was no longer enforced.

3. COMPULSORY MOVEMENT TO HOSTELS

On June 28, 1946, some twenty sawmill workers near Tashme who wished to remain at their occupations protested against attempts to force them eastward, received the following order:

Pursuant to the powers and authorities conferred by Order in Council P.C. 946, and amendments thereto, I, the undersigned, T. B. Pickersgill, Commissioner of Japanese Placement, do order and require you, the above-named ..... and dependent children of Tashme, to proceed by passenger train of the Canadian Pacific Railway Company from its station at Hope, British Columbia, at the time of departure of that Company's passenger train scheduled to leave Hope, aforesaid, at the hour of 4:00 p.m., standard time, on Friday, 5th July, 1946, to the town of NEYS, direct, in the Province of Ontario, Dominion of Canada, and to report to Mr. J. S. Burns, Supervisor, Department of Labour, Japanese

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDA RE CLAIMS.  
(6)



Division, in the said town of Neys, immediately on arrival.

You will be provided with proper travel permit, railway passenger ticket and expense monies.

(signed) T. B. Pickersgill  
Commissioner of Japanese Placement.

4. COMPULSORY RELOCATION FROM INTERIOR CAMPS

Despite claims of the eastward movement being voluntary, the following NOTICE was posted at Lemon Creek on June 25, 1946:

TO ALL RESIDENTS OF LEMON CREEK

All persons of Japanese origin, 16 years of age and over, are required to report immediately to the Administration Office.

Relocatable persons will be given an opportunity to express their desire as to where they wish to be transferred - Moose Jaw or Neys.

It is assumed that persons failing to report are content to be assigned to the particular re-location centre selected by this office.

(signed) B. C. Whitty  
Supervisor.

5. TRAVEL FROM EASTERN TO WESTERN CANADA

The incident related below shows the type of discretion exercised by the Commissioner of Japanese Placement when issuing travel permits.

An application for permission to travel to British Columbia for organizational work was refused by the Commissioner who stated that:

"Our policy is not to grant travelling permits from Eastern to Western Canada except on compassionate grounds or on grounds of extreme business urgency .... "

When a request for re-consideration was entered because of the extreme urgency of the matter, the Commissioner replied as follows:

"We are of the opinion that the best interests are being served of those people of Japanese origin still residing in our B.C. settlement if arrangements are completed for their relocation at the earliest possible date. We believe that a visit to the settlements for the purpose which you have in mind, would only result in delayed relocation. We believe that such delay is not in the interests of people relocating.

"Our regional offices in the Eastern provinces have complete information on the descriptions of places and areas to which people may be planning to move, and can easily provide such information on request."



6. APPLICATION TO SCHOLARSHIP WINNERS

The New Canadian of August 10, 1946, reported that, although George Fukuyama had won the University of British Columbia Scholarship for the Kootenay District in the Junior Matriculation examinations, he was unable to use it because of the legal restrictions on residing in the coastal area.

In reply to an inquiry, President N. A. M. MacKenzie of the University of British Columbia stated there were two such cases this year and one last year.

7. NISEI VETERANS DENIED FISHING LICENSES

Tom Reid, M.P. for New Westminster, asked in the House of Commons for the number of applications from persons of Japanese ancestry for fishing licenses. It was revealed that two applications had been received.

Our information is that two Nisei Veterans applied and as yet have not been issued fishing licenses.

FAMILY ALLOWANCES DENIED

Although no provision is made in the Family Allowances Act to deny these payments to children of Japanese ancestry, these persons while residing in settlements and hostels have their applications rejected on grounds that health services and other amenities are provided.

This condition also applies to families in the settlements which are totally self-supporting. Any hospitalization provided is deducted from their accounts with the Custodian. As an example: a mother living in an independently rented house in New Denver had the application for her child's allowance refused on grounds that free health services were provided. However, when the child had his tonsils removed, the cost was deducted from the account with the Custodian.

At the hostel at Farnham, Quebec, a notice is posted to state that family allowances will be paid only after the family leaves the hostel. However, contrary to this statement, and also contrary to the philosophy and purpose of allowances, they have been considered in one instance at least, a part of wage payments. As an example: a man was offered \$10.00 per month wages for thirty days work because arrangements would be made for him to receive \$41.00 in family allowances.

STATUS OF VETERANS

Veterans are experiencing the same legal disabilities as non-veterans. The Minister of Labour was petitioned by the veterans of Slocan City on June 24, 1946, for all privileges of Canadian citizenship, the return of their property, and all privileges, grants and pensions applicable to veterans, but received little consolation in the Minister's reply



which informed them that:

"This department has at all times since location attempted to give the Japanese Canadian veterans special consideration and preference insofar as possible. As an example, the Department has recently removed all travel and residence restrictions on veterans of World War I and II and their dependents, except in cases of travel to and residence in the coastal protected area of British Columbia."

#### LOSS AND SALE OF PROPERTY

A number of sample case histories, collected by the Slocan Valley Nisei Organization, are appended to this report to indicate in some way the nature and extent of property losses.

Property was sold without consulting the owners and in almost all instances the owners claim that sales were made at prices far less than market value. It should also be noted that the total amount of relief payments was deducted from the price received for the property had the person been on relief.

The effect of this practice of deducting relief payments from assets with the Custodian was to force persons who were without employment to support themselves from their personal reserve. In keeping with this policy, persons while in British Columbia did not have free access to their own funds with the Custodian.

#### CONCLUSIONS OF THE REPORT

Following its investigation into legal restrictions and losses of property this sub-committee reports the following conclusions:

1. that equal citizenship rights should be extended to Canadians of Japanese ancestry. This means that the restrictions on travel, residence and occupations should be removed. Furthermore no obstacles should be put in the way of Japanese nationals becoming Canadian citizens;
2. that Japanese Canadians should be granted adequate assistance and loans where necessary to re-establish themselves; and until all such persons are re-established, accepted standards of housing, nutrition, education and wages should be enforced in hostels and settlements;
3. that a claims commission should be established to restore property where possible, to order restitution for losses where property cannot be restored, and to grant compensation for net loss in income as a result of evacuation.

The sub-committee recommends that the Co-operative Committee on Japanese Canadians accept the conclusions outlined above as a basis for its program of action.

Respectfully submitted,

KUNIO HIDAKA  
EDITH FOWKE  
KINZIE TANAKA

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDUM RE CLAIMS.

6



Case Histories Re: Property Losses

Re: Mr. O. Kamachi, Veteran  
Regiment #228450  
52nd Battalion

Occupation: Fishing and Farming  
Lulu Island, New Westminster, B.C.  
Fishing Boat: 28 ft. 7 ft. wide  
Palmer Engine - 6 H.P.

I am a returned veteran, and did not suspect that the Custodian would touch my Personal Property. So I left my fishing boat at the foot of 19th Road, Lulu Island, New Westminster, B.C. in charge of my brother. Later he informed me that he was instructed by the Officer in Charge of Japanese Fishing, that regardless of whether it was a veteran's or not as long as the owner was of Japanese origin, they have the liberty of claiming my boat. Which they did forcibly without adequate or satisfactory reply to my brother questionings.

When I was housed in the Hastings Park Manning Pool, I was informed by the Custodian official that a law was drafted by the Government that all Japanese Vessels were to be sold by the Custodian. At the same time I was informed that the price set on my boat was \$86.00. Because of the ridiculously low price I made a strong protest, and did not accept the price named.

My farm at Langley Prairie, B.C., a berry farm consists of strawberries, 15 acres of land, with house, barn and packing house. This was valued at \$3,000.00, but was sold by the Custodian for a price of \$980.00.

My fishing net and net twine valued at \$700.00 were sold at \$292.00. My twine alone was worth \$292.00. Because of the shameful low prices I refuse to accept the money and it still in the hands of the Custodian.

#12 Sixth Avenue  
Bay Farm, Slocan, B.C.  
March 7, 1946

My former residence at the time of evacuation was at the corner of Sixth and Columbia in Vancouver, B.C.

The house was worth approximately \$2,000.00, which the Custodian sold for \$1,250.00. My household chattels, worth \$1,100.00, was sold for \$227.00. These sales were made without any notification or consent. I have received none of the proceed of these sales.

Signed Y. Kosaka

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDA RE CLAIMS.

6



My former resident before the war was at Hyde Creek, B.C. At the time of evacuation from my home at Hyde Creek, I was given only a two hour notice. Therefore I could do nothing with my household and immovable property.

During evacuation I was only allowed 1 suit case and one clothes bag to take with me. Therefore the rest of my belongings were left as it was.

Some time after evacuation, I was informed by the Custodian of Enemy Property that my properties were sold. The prices for these have been exceedingly low. The list of property sold by the Custodian included very little so I knew that a greater part of my property had been lost.

3 Elm Avenue  
Lemon Creek  
Slocan, B.C.  
March 4, 1946

Signed Seizaburo MIYAKE  
Reg. #09853

At the time of evacuation, I resided in Cumberland, B.C. There I received notice to proceed to Hastings Park within a week. I complied with only a suitcase and one clothesbag, which was all that I was allowed.

The sleeping quarters and food were very appalling.

After removal to Slocan, I was informed that my house valued at \$500.00 was sold for the meagre sum of \$15.00, and this without my consent.

Family's car valued at \$600.00 was also sold for a measly sum of \$365.00.

A-12, Bay Farm  
Slocan, B.C.  
March 7, 1946

Signed M. Uchida

At the time of our evacuation, Mr. Powell, a Haney Real Estate Manager, offered to sell my property and new house at the sum of \$2,500.00, but I did not accept it.

At a later date, I was notified by the Custodian that they had sold both my lots and house for only \$1106.00 without my consent.

2445 Lougheed Highway, Hammond, B.C.  
Lot 3 of Lot D of lot 222, Municipality of Maple Ridge

Slocan, B.C.

Cytoku, Unta  
Formerly of Hammond, B.C.



My home valued at \$2,000.00 was sold by the Custodian for \$1,000.00. Chattels valued at \$300.00 were auctioned off at \$60.50. These sales were made without my consent.

To my credit there should have been held a total of \$1,060.50. From this amount I asked for \$200.00 to be forwarded to me for use which the Custodian refused to comply.

#19 Fourth Avenue  
Bay Farm, Slocan, B.C.  
March 5, 1946

Yasukichi KOBORI

Prior to being evacuated from the Coast, I had two boats valued at \$126.00. The cannery manager there sold them at the above amount and forwarded same to the Custodian. I wrote to the Custodian to forward the proceeds to me, but to date, have not received the sum.

The boat-building machinery was left in the care of the Custodian. I inquired numerous times what they had done with my machinery, but they have not even answered my letters.

Also there was a box of tools valued at \$200.00. Since I was not able to bring that to Slocan, I deposited the box and its contents at the Vancouver Buddhist Temple. At a later date, through the B.C. Security Commission here, I asked for my tools to be forwarded as they were required, but as yet they have not complied with my request, nor given me any satisfactory answer.

A-2 Bay Farm,  
Slocan, B.C.  
March 7th, 1946

Signed S. Kobayakawa

On March 29, 1942, my husband was served orders to leave for road camp. Since our business establishment (rooming house) and household goods (which were taken over by the Custodian) were not disposed of, he did not go. For this reason, at a later date, he was sent to internment camp.

After I was evacuated to Slocan, I lived on maintenance. Upon the sale of my home by the Custodian, without my consent, the total amount of thirteen months' maintenance which I received prior to the time of the sale, was deducted from the proceeds. Since then, as I have no source of income, I have had to depend solely upon maintenance which is deducted from the proceeds of the sale of my property.

#5 First Avenue  
Bay Farm, Slocan, B.C.  
March 7, 1946

Signed M. Kitamura

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDA RE CLAIMS.

(6)



My family was given only a twenty-four hours' notice to evacuate from New Westminster on March 28, 1942. Not only was this notice too sudden, but also my family was split in three; viz., I (father) was sent to Jasper Road Camp, my eldest son (Canadian-born) was sent to Ontario road camp, and my wife and children to Hastings Park Manning Pool.

On May 12 of the same year my family was evacuated to Kaslo. There they were placed in a room 12' by 12' with another family - total number of occupant in that single room being twelve.

Moreover, for four months they were denied maintenance, even though they had no other source of income. Meanwhile, all the savings had been used up.

My personal effects and shop equipment valued at \$960.00 were sold for \$320.00, with a loss of \$640.00.

I had contemplated relocating to Eastern Canada, but lack of accommodation and suitable placement made it impossible to do so.

My eldest son, Canadian-born, whose house, valued at \$2800.00 at 1020 Queen's Avenue, New Westminster, B.C., was sold by the Custodian without his consent for only \$1500.00.

18 Third Avenue,  
Bay Farm, Slocan, B.C.  
March 5, 1946

Bunshiro IWASA

Our property of 160 acres, house, farm buildings worth up to \$20,000.00 sold without our knowledge and consent for 1/10 the value. All the farm equipments were included in the sales. Before we left we sold our cattle, horses and chicken (poultry) at a great loss, as we could not leave them as there was no one to look after them. It took us 24 years of hard labour to clear the land and make it productive.

We are not given free access to that money but it is doled out to us in small quantities which is barely enough to live on.

Slocan, B.C.

Tateishi

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDUM RE CLAIMS.

⑥



NAKASHIMA, Katsuji of Popoff

I am a veteran of the First World War. Therefore, I sincerely believed that I should be entitled to all the rights and privileges as a Canadian citizen. When the war with Japan broke out, my belief in Canada was completely shattered.

I was fisherman, owning a fishing boat and equipments. Fishing was my only means of livelihood. My boat, however, was taken away from me soon after the outbreak of the war and was sold without my consent at 1/3 the current value. The fishing equipments had to be sold at a remarkably low price since without the boat, the equipments were of no value to me whatsoever.

Believing that I would be able to return to my home in the near future, I left all my household goods and belongings in my home. In Slocan, I received from the Custodian a list of articles which, I do firmly believe, was far from being complete. Knowing that this list was not complete, I however signed this paper reluctantly and sent the same to the Custodian. As yet, I have not received from the Custodian what has become of the above articles.

Nobody could deny in the least the profound disappointment and grief arising from such inhuman treatment and injustice. The most important point is that I am a veteran of the First World War who should enjoy all the freedom, liberty and equality arising therefrom; but, can anyone believe that I was and am treated as such.

-----  
A-4 -- SAKATA

Earning \$100.00 to \$150.00 a month before the war but since the evacuation, we were shipped out where you could hardly make your living with \$13.00 a month, which is my supplement on account I'm a cripple after the accident I had in work for Commission.

-----  
A-2 -- INOUE, Veteran (Nanaimo)

Had to evacuate to Vancouver within 12 hours but since we had to pack, we were lucky to get two days. Even at that they had a soldier looking after every move you make.

Only thing we could pack in short notice was couple of suitcase and a clothesbag, leaving all the personal properties behind such as, "fishing net, boats, food supplies and even Net House." Leaving it in the hand of one of my friends, even sewing machine, since his wife wanted to make use of it. After reaching Slocan, we asked them to send the sewing machine but all we got for an answer was, to send \$10.00 for all the freight charge, so far its been four years, but there's no sign of my machine including the \$10.00 we sent over. (Coming back to evacuation).

We reached Vancouver on 21st, 1942. As soon as we docked, we were

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDA RE CLAIMS.  
⑥



fooled by couple of fellows saying that there's no room to board in city so we have to move into Hastings Park Manning Pool. We were told after week that we would be able to go out of Park to city, but even since up to Slocan City, we were confined in there like bunch of cattles.

- - - - -

A-1 -- KAMACHI (Veteran)

We're Veterans but without consideration treated same as other Issei; of course I'm a Japanese but there's a limit to everything.

My means of livelihood, fishing boat, was taken by Custodian without my consent, sold it at mere price, not even sending the money for which they sold it.

Since we came here we get no supplement and not only that, we're ten in the family with only one house, cramped up like a sardine. Our eldest daughter was 15 years old weighing 117 lbs. before evacuation but since we got shipped out way in the interior, not only she lost happiness, she was confined to New Denver Sanatorium on account of lack of proper means of living which they gave us.

I'm a Veteran, wounded, which make me awkward to do any hard labour. How can I support my big family with just the allowance I get from Veteran's Pay.

I had a friend back home who is a German National. Even though he's a German he don't have to evacuate like us. He told us before we left that "What is the difference between German National and Japanese National".

- - - - -

A-10 -- KINOSHITA

Right up to this minute I reside in Canada for a little over thirty years, while making my living I kept my Canadian Citizenship but since the outbreak of this war they don't consider you as a Canadian but as Enemy Alien.

When Deportation came there was no choice but to sign as Repat, for even a Naturalized have to take the same step as National.

Another thing, even though we get shipped back to our home land, our relatives were killed by atom bombs, so actually there's no place to go to.

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDUM RE CLAIMS.

6



## METHODS USED TO OBTAIN EVALUATION EVIDENCE

The Commissioner has now heard the evidence of all of the claimants. This evidence, while necessary to outline the limits of the claims and to identify the property in respect of which claims are made, is at law of very little ~~big~~ weight and value in determining the fair market value of the property claimed. It would require, from a legal point of view, to establish the fair market value of the claims, the necessity of calling experts who from their experience and knowledge could express an opinion as to the value of each item of property. If this were a proceeding relating to the property of one individual, such a task while difficult, having regard to the lapse of six or seven years since evacuation, would be reasonably possible. Where, however, there are some 1300 claimants with a large variety of property, some of it widely scattered along the Coast, the task is an extremely difficult one, if not impossible. We have endeavoured with the resources and personnel available to obtain the maximum amount of expert evidence on this question of fair market value. Due to the immensity of the task and the limitations referred to, it has been necessary in the main to approach the obtaining of such evidence from a broad point of view which would be helpful to all claimants.

### Fraser Valley Property (DVLA)

In addition to the evidence of the claimants already referred to, we have placed before the Commissioner the evidence of certain experts dealing with the problem of fair market value in general terms. In this connection, we conducted studies in five of the major municipalities in the Fraser Valley as to the relationship between prices obtained by Occidentals who sold their property in 1943 and the prices paid to the Japanese by the Veterans Land Act in that year using as the common factor the assessment with respect to both groups of property. We employed the services of Dr. Drummond of the University, a very capable statistician, to analyze this material and had him present evidence with respect to it. In addition, we carried out a study of the 1941 Agricultural Census which shows the value of farm land in the various municipalities of the Fraser Valley in 1941 and related these to prices paid by the VLA. We also engaged the services of Clement Consulting Service with which the Dean of Agriculture of the University ~~is~~ is closely associated to make a study from a purely agricultural point of view and Dean Clement presented evidence showing the great discrepancy between the agricultural value of the lands sold to DVLA and the prices paid therefore by DVLA. We also engaged the services of two farm appraisers in connection with DVLA lands. Each property has been individually appraised



and an estimated value based thereon made available to the Commissioner for purposes of distribution. We are assured by the Commissioner that the distribution of the awards will be based on this evidence. Recoveries will range roughly from 50% to 250% of Custodians sale price depending upon the evidence filed. The average, excluding certain special cases, will be 80%. Due to the specialized nature of certain of these properties and in a few cases where strong special evidence was available, special awards were obtained. The increase in the total awards arising from special cases, i.e., in excess of 80% ~~125~~ on all V.L.A. will be some \$50,000.00.

#### Fishing Boats

In the case of boats, aside from general information as to the increased cost of construction, it was very difficult to obtain expert information. Very few fishing craft of the type owned by the Japanese were prior to evacuation sold through boat brokers. That source of expert opinion, therefore, was not available to us. The boats which came into the Custodian's hands and which were sold by him included many of the older boats. It was difficult to obtain evidence as to the extent of abuse and depreciation suffered by the boats in the hands of the Navy before the Custodian received them.

We were successful in cross-examination of Crown witnesses in obtaining certain information with respect to the treatment of the boats and their sale which was useful. We were able to persuade the Commissioner to make his recommendation at 23.5% on boats sold to Nelson Bros. and 28.5% on all others within the terms of reference although the Crown originally offered only a 15% increase.

#### Nets

Concerning nets, the Custodian employed an appraiser who worked out a formula based on the type of net, cost price, age and depreciation. We engaged the services of both an Occidental fisherman who is friendly to the Japanese and of a Japanese fisherman to examine this formula and it was their opinion that the formula was reasonably fair. We also applied the formula to a reasonable sample of cases and found that it worked out reasonably fair in the opinion of our experts. We also sought the opinion of some of the other Japanese fishermen concerning its use and had the opinion of our experts confirmed.

One major difficulty with regard to nets, however, was the fact that the identification tags attached to the nets had either been torn off or switched so that it is almost impossible to say in many instances whether the net sold

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDUM RE CLAIMS.  
⑥



by the Custodian was the property of ~~the person~~ the person whose name appeared on the tag at the date of sale or of some other person. In these circumstances, you will appreciate that it is impossible, aside from the difficulty that an appraiser at this time would not have an opportunity to examine the net, to deal with nets on an individual basis except in very rare cases. The recommendation of the Commissioner is to large measure based upon a study which we did of a fairly large sample of claims on nets applying the formula referred to above. By reason of the impossibility of identifying sales the individual recovery on nets will be 70% of the claimed value of nets alleged to have been sold or which were declared and/or found or lost, less the amount which claimant actually received from the Custodian.

#### Cars and Trucks

With respect to cars and trucks, we persuaded the Crown to undertake jointly with us a study of actual sales of automobiles which were made by reputable automobile sales firms in Vancouver in the summer of 1942, at which date most of the automobiles owned by the Japanese were sold by the Custodian. The study so made indicated that the prices obtained on sales through these Companies were some 40% above the prices obtained by the Custodian. However, evidence was introduced by the Crown, and ~~we~~ we were unable to refute it, that when the automobiles sold privately through these Companies they carried with them a guarantee as to the state of repair varying from 90 days to one year. The evidence was that this ~~guarantee~~ guarantee materially affected the sale price. In the large majority of cases of automobiles owned by the claimants, some repairs would have required to have been done before the automobiles could have been sold with a mechanical guarantee such as applied to the private sales.

With respect to trucks, we found that it was practically impossible to obtain the same type of information as concerning private sale of automobiles and there was some indication that the Custodian received better prices on the sale of trucks.

Taking these factors into consideration on the evidence obtained, a 25% increase over the sale price of the Custodian would appear to give a reasonable measure of justice. In a small number of cases special awards have been obtained where there was clear evidence of exceptional undervaluation on cars of recent vintage. In total, these special awards amount to approx. \$2,000.00.

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS: MEMORANDUM RE CLAIMS.

⑥



### Chattels

With regard to personal property other than that mentioned above, we think that it was recognized at the outset that we were confronted with a most difficult problem. To obtain expert opinion as to the value of an article which was sold in 1943 and which it is impossible for the expert to examine is difficult. The only information he has for evaluation purposes is the description given by the claimant and other information as to age and original cost given by the claimant. It will be readily appreciated that when there is a choice between this kind of evidence and the evidence of a person who actually saw the goods at the time of sale, and having regard to the fact that the goods sold for a certain price at the time of sale, a judge is more likely to accept the latter.

We had hoped to obtain expert opinion to state that when goods are sold by auction, they bring a lower price than when sold by other means. However, we have not been able to find anyone qualified as an expert who will substantiate that view. The two auctioneers whose services we used and who were the best we were able to obtain did not consider this to be the case.

We realize that the proposed settlement with regard to chattels will not be just and equitable in a great many individual cases but even in those individual cases and certainly generally we do not feel optimistic that it is possible to prove the fair market value of the chattels. On chattels sold by auction, the claimants will receive 30% of sale price and on goods sold by tender 12%. In most cases these exceed the actual costs charged up to the claimants. After a tremendous amount of detailed examination of individual claims we have arrived at a ratio between claimed value of goods sold at auction to the sale price to determine the recovery on lost goods. On the average, the percent recovery on lost goods will be 46%. This ratio will apply in all cases where none of the claimants goods were sold at ~~any~~ auction. It should be kept in mind that the Commissioner excluded claims on chattels:

- (a) not declared and not found by the Custodian,
- (b) properly abandoned by the Custodian,
- (c) lost while in the care of some person other than the Custodian.

### Real Property Other Than Vancouver and DVLA

With respect to property outside of Greater Vancouver and not included in the sales to the DVLA it has in most instances been impossible, without considerable expense, to obtain expert advice. Many of the properties are in isolated areas and it would be extremely expensive to have appraisals made.

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDUM RE CLAIMS.  
(6)



### Vancouver Property

Concerning Greater Vancouver property, most of the Japanese owned property was either concentrated in two or three areas or alternatively, was scattered throughout the Occidental community. Dealing with the areas in which the Japanese property was concentrated, we were confronted with two difficulties. As advised by the City Assessor and others, these areas had been for some time over-assessed and the City has, in fact, for the last several years been reducing the assessment in these areas. Furthermore, having been areas of concentration of Japanese persons, there were very few ~~and~~ Occidental private sales in these areas with which any comparison could be made.

In the case of the properties that were scattered, however, the opposite situation existed, that is, there was a large number of private Occidental sales but there were very few Japanese Sales (through the Custodian) with which the Occidental sales could be compared. The method used in the Fraser Valley required large samples of sales of both Occidental and Japanese properties. While theoretically the assessments in the City of Vancouver should be uniform throughout the City, it is a fairly noted and recognized fact that this is not so and that there are variations between various districts of the City. We did, however, call the City Assessor to give evidence that generally in the City of Vancouver, in his opinion, sale prices in the years 1943-44-45 with respect to private sales exceeded assessment. On the other hand, the Custodian sold most of the Japanese property below assessment. We must admit to ourselves that the assessor's evidence was fairly general although in our opinion it should have carried some weight. However, the Judge has clearly indicated that he places no value upon it as related to the problem in hand. On City property, we also called two real estate men who gave evidence with regard to the methods of sale adopted by the Custodian and expressed the opinion that these methods would not be likely to produce fair market value. However, against this the Judge apparently lays greater weight upon the evidence of the appraisers employed by the Custodian. We have had most of the greater Vancouver properties appraised by our own appraiser and have received a report from him which even based upon his opinion would not substantiate a very large recovery.

One of the difficulties that we have run into which neither the claimants nor counsel could anticipate has been the ~~affair~~ effect of the restricted interpretation of the Orders-in-Council placed upon them by the Judge as this interpretation affects City property. The Judge has interpreted the Order-in-Council as meaning that he must determine the fair market value of the property sold by the Custodian ~~at~~ as at the date of sale in the condition in which the property was at that date.

CO-OPERATIVE COMMITTEE ON JAPANESE  
CLAIMANTS : MEMORANDA RE CLAIMS.

(6)



You will readily realize that such an interpretation of the terms of reference seriously affects the recovery which may be expected in relation to such things as boats which had depreciated in the hands of the Navy and chattels which had depreciated either in the hands of tenants or by reason of vandalism or storage. However, it hits hardest in relation to City property because not only does it mean that we must take the property in the state of repair in which it was at the date of sale and many of the properties had deteriorated subsequent to the removal of the Japanese but also it means that we must take the properties in the condition of being occupied by tenants who could not be dispossessed except in accordance with the rental regulations.

During the period that the Custodian was selling Greater Vancouver property the rental regulations varied from requiring six months' notice to the tenant and personal occupation of the premises by the owner, to a situation where it was ~~impossible~~ impossible to evict the tenant unless he neglected to pay his rent or was obnoxious. In the opinion of our appraiser, the inability of the Custodian to deliver vacant possession of the premises would ~~make~~ make a difference of at least 5% in the sale price in most instances and a larger amount in some instances. Most of the claims we believe were set up on the basis of the price at which the claimants believed the premises could be sold if in the state of repair in which they left them and under circumstances where, if they were selling themselves, they would be able to give the purchaser vacant possession. By reason of the interpretation of the terms of reference, therefore, it must be appreciated that a very large portion of the claim in nearly every instance is excluded.

The Commissioner found that the Custodian sold city property at fair market value but left it open to call evidence in special cases. In about 50 cases out of approximately 200 Vancouver properties we were able to obtain what we considered special evidence. In about 30 of these, the Commissioner made special awards totalling approx. \$18,000.00. When you add together the total sale price and the total award on city properties, the amount represents 55% of claimed fair market value. This is practically equal to the percentage relationship between total sale price and awards and claim with respect to VLA.

#### Outside Real Property (other than VLA)

This property was mainly dealt with by the Custodian through the New Westminster Advisory Committee. A large block of it was in Steveston, all of which properties we had appraised. Most of this property, however, was in outlying districts, e.g., the Gulf Islands fishing villages on the West Coast

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDUM RE CLAIMS.

(6)



Vancouver Island, Prince Rupert and isolated communities on the Northern Coast. The Commissioner was prepared to make an over-all recommendation of 10% on these, allowing for the difficulty on the Custodian's part to get proper appraisals and to effect sales. With respect to the property in Steveston and in the Fraser Valley we had appraisals made but except in a few instances where we could hope to make substantial recoveries, we considered the cost of having appraisals made would far exceed the recovery on most of the remainder of these properties. To illustrate, it cost \$150.00 each to have the appraisals made in outlying areas on two special cases. As in the case of all other real property, we made searches in the Land Registry Offices to try to find evidence of recent purchases or subsequent resales. Where such evidence was found the case was taken as a special to the Commissioner. Special awards were obtained in approximately 40 cases amounting in total to about \$26,000.00. When total recovery, i.e., sale price plus awards are taken in relation to claim the results with respect to these properties compare favourably both with VLA and city property.

#### General

In the spring of 1949, it was suggested that the proceedings could be advantageously shortened by what has been generally described as a "settlement". That description is hardly accurate. Both the Crown and Claimants Counsel consider that, if it were left open to call evidence in special cases, there was sufficient evidence before the Commissioner on which a general formula of awards might be worked out. The Crown made certain submissions as to what the formula ought to be and your Counsel did likewise. The Commissioner, however, determined the actual formulae not solely upon the representations of Counsel but upon his view of the evidence before him. The formulae determined by the Commissioner together with the proposed method of shortening the procedure were then submitted to the claimants on the evident practical basis for approval. The large majority responding were in favour of concurrence. Counsel then recommended the method proposed and are now of the opinion that this method has produced results at least as beneficial to the claimants as would have been the case had each case been completed as to hearing in every detail.

The Commission hearings were held ~~up~~ up pending receipt of instructions from the Co-operative Committee. The Committee approved the proposal with reservations as to City Property and as to the limited scope of the terms of reference.

For almost a year since that time, your counsel at Vancouver has been going through each case with a fine tooth comb in the application of the Commissioner's formula and collecting and presenting evidence in special cases and

CO-OPERATIVE COMMITTEE ON JAPANESE-  
CANADIANS : MEMORANDUM RE CLAIMS

6