

MG 30

E 266

VOL. 1

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S. M. Cherniack - Corr.

1942, 1946 - Aug 1947

The nine files of Cherniack
correspondence were copied from
originals in the Manitoba Provincial
Archives. The file relating to
Susaki, Shinnosuke was originally in
the Cherniack corr. material.

Mark Hopkins, PAC, 1976

STATEMENT FOR THE PRESS ISSUED BY THE
CO-OPERATIVE COMMITTEE ON JAPANESE
CANADIANS

PROVINCE OF MANITOBA

CANADA

Office of the Premier

WINNIPEG.

July 13, 1942.

Mr. Austin C. Taylor,
Chairman,
B. C. Security Commission,
Marine Building,
Vancouver, B.C.

Dear Mr. Taylor:

I beg to acknowledge your favour of the 30th ultimo. Your letter sets out substantially the understanding which we had arrived at through our correspondence and conversations with the representatives of your Commission.

While we have no machinery for fixing the rate of wages to be paid to agricultural workers, it is naturally the desire of the Government that the Japanese who are in the Province under your supervision should receive rates of pay which are not out of line with the normal rates prevailing in the districts where they are employed.

Again assuring you of our desire to extend to your Commission every reasonable measure of co-operation, I am,

Yours very truly,

(Sgd.) JOHN BRACKEN.

S. M. Chermack - Corr.

1942, 1946 - Aug 1947

STATEMENT FOR THE PRESS ISSUED BY THE
CO-OPERATIVE COMMITTEE ON JAPANESE
CANADIANS.

July 24, 1947

EVACUATION ORDERS 1942

COPY

June 30, 1942.

Honourable John Bracken,
Premier, Province of Manitoba,
Legislative Buildings,
Winnipeg, Manitoba.

Dear Mr. Premier:

Your letter of the 23rd instant regarding the proposed agreement between this Commission and your Province was duly received.

The agreement referred to was forwarded to you for execution as a matter of course as other Provinces insisted upon having a formal undertaking by this Commission approved by the Dominion Government, covering the guarantees of this Commission in connection with hospitalization, relief, and removal after the war, etc. We felt that your Government might wish such an agreement as a matter of record for the assurance of the people of your Province that the Dominion Government guaranteed the removal of any Japanese placed in Manitoba by this Commission. However, it is very pleasing to us to note that your Province does not insist upon such a formality.

As suggested in your letter it is quite satisfactory to us to have our understanding set forth in an exchange of letters, and we would be pleased therefore, to have you accept this letter as setting forth the agreement between us as follows:-

- (1) That we propose to send to Manitoba only Japanese persons suitable for agricultural work, together with their families.
- (2) That we will assume all responsibility for the movement of said Japanese to the districts in Manitoba where they are to be placed and will see that they are properly housed and provided for at the places in Manitoba where they are temporarily settled.

S. M. Chennappa - Corr.
1942, 1946 - Aug 1947

STATEMENT FOR THE PRESS ISSUED BY THE
CO-OPERATIVE COMMITTEE ON JAPANESE
CANADIANS.

July 24, 1947

May 25, 1947

EVACUATION ORDERS, 1942

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- (3) In conjunction with the R.C.M.P. we will exercise supervision of such Japanese in Manitoba for the maintenance of public security during the term of their residence in Manitoba.
- (4) We agree that no such Japanese will become a charge on your Province or on any city, town, village or municipality therein, for relief, medical services, medicine, hospitalization or otherwise. We agree to reimburse your Province or any city, town, village or municipality therein the amount actually expended for hospitalization, medical or dental care provided to any such Japanese should the Japanese fail to pay for same as required.
- (5) We will maintain the supervision of such Japanese to prevent their movement from the districts in which they are placed in your province.
- (6) We agree to provide education for Japanese children should the school authorities of any municipal or school district of your Province object to their presence in your public schools.
- (7) We expect the people of Manitoba to employ such Japanese persons at the regular contract rate for labour and to provide the Japanese with suitable housing accommodation for use throughout the year with a garden plot, with permission to the Japanese to improve any such house as they see fit, and although not employed for the whole year, by the farmer on whose property they are placed, that they may occupy any such house for the whole year.
- (8) We agree to make such Orders respecting the conduct, activities and discipline of such Japanese that may be necessary and to request the R.C.M.P. to enforce same.
- (9) We agree that when in the opinion of any council or Municipality of your Province it is considered

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in the best interests to remove any such Japanese persons, this Commission will cause them to be moved therefrom within a reasonable length of time.

- (10) We agree to remove from your Province any Japanese placed therein through this Commission upon the termination of the state of war now existing between Canada and Japan.

We believe this letter covers all the points previously discussed and would be pleased to have your acknowledgment and confirmation of our understanding.

Yours very truly,

Austin C. Taylor, Chairman,
B. C. Security Commission.

AMH/AJ.

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STATEMENT FOR THE PRESS ISSUED BY THE
CO-OPERATIVE COMMITTEE ON JAPANESE
CANADIANS.

July 24, 1947

May 25, 1947

EVACUATION ORDERS, 1942

749 Somerset Building,
Winnipeg, Manitoba.
November 13th, 1946.

Department of Labour, Japanese Division,
Vancouver, B.C..

217 Blair St. W. Kild.
Re - Katsutaro ITO, Reg. No. 14364, File No. 7266.

We have been requested by Mr. Ito to acknowledge Mr. W. J. Iverson's letter of October 2nd, 1946, enclosing cheque for \$23.98, being his balance of credit in hands of the Custodian.

Mr. Ito considers that this balance should have amounted to around \$39.00, as he produced two statements from Office of the Custodian, one dated February 10th, 1944, the other dated April 7th and May 10th, 1945, showing that the sum of \$52.70 had been received from sale of chattels, and after deducting the sum of \$6.72 from first statement, and \$6.58 from second statement, for expenses, in Mr. Ito's opinion a balance of \$39.40 remained.

May we request that this matter be taken up with the Custodian.

WM. MORRISON,
Welfare Officer.

Ph 94909

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STATEMENT FOR THE PRESS ISSUED BY THE
CO-OPERATIVE COMMITTEE ON JAPANESE
CANADIANS.

July 24, 1947

May 25, 1947

EVACUATION ORDERS, 1942

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. 7266

506 ROYAL BANK BLDG.,
HASTINGS AND GRANVILLE
VANCOUVER, B.C.

September 14, 1942

Mr. Katsutaro ITO, #14364
c/o Geo. Miller, Esq.
Kane, Manitoba

Dear Sir:

Re: Chattels

We attach hereto list in duplicate
covering chattels remaining at 2445 Lougheed
Highway, Hammond, B. C. Could you please sign
and return one copy to us as soon as possible.

Yours truly,

H. F. Green
H. F. Green
Protection Department

WGB:MD
Enclosure

S. M. Chernack - Corr.

1942, 1946 - Aug 1947

STATEMENT FOR THE PRESS ISSUED BY THE
CO-OPERATIVE COMMITTEE ON JAPANESE
CANADIANS.

July 24, 1947

May 25, 1947

EVACUATION ORDERS, 1942

File No. 7266
 Reg. No. 14364

Katsutaro ITO

<u>Date</u>	<u>Particulars</u>	<u>Debit</u>	<u>Credit</u>	<u>Balance</u>
		\$	\$	\$
1945	Balance as per statement sent		.00	
May 4	Pacific Co-operative Union interest on redeemable shares		2.60	
May 11	Pacific Co-operative Union interest on unredeemable shares		.24	
			21.14	
April 6	Proceeds Auction Sale		20.00	
1946	Redemption of Pacific Co-operative Union Shares	20.00		
January 10				
January 24	Cheque to you	\$ 20.00	\$ 43.98	
				<u>CR \$23.98</u>

17.11.47
11.11.47
24.11.47

S. M. Chennappa - Corr.
 1942, 1946 - Aug 1947

MEMO FOR INTERESTED GROUPS ACROSS CANADA

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

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

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

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

We urge that interested groups make representations as early as possible to the members of the Cabinet and inform their local newspapers of their resolutions, urging that the property losses of the Japanese Canadians be fully investigated by a commission with authority to inquire into all losses incurred by reason of the evacuation orders and to arrive at fair and equitable compensation. The point should be emphasized that we in Canada should certainly do no less than the United States government is proposing. As the matter is now before the Cabinet, no time should be lost.

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

COOPERATIVE COMMITTEE ON JAPANESE CANADIANS

NEWS BULLETIN NO. 9. May 1, 1947.

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely,

Mrs. M. J. Macmillan.

P.S. I understand that Miss Macmillan, the secretary of your committee is out of the city, so I am sending this to you. S.S.

May 2, 1947.

Toronto.

Mrs. Thelma Scrambler,
Japanese Canadian Committee,
Winnipeg, Manitoba.

Dear Mrs. Scrambler:

The cooperative Committee on Japanese Canadians has been informed by the Undersecretary of State that the proposal for the appointment of a commission to deal with the property losses of Japanese Canadians is now before the Cabinet and that a decision will be reached in the reasonably near future. The enclosed bulletin will show you that there is reason to be concerned about the type of commission that the government contemplates setting up. We feel that it is necessary at this time to urge them to set up a commission that will deal adequately with all losses suffered as a result of evacuation.

Our Committee has promised the Japanese Canadians assistance in preparing their cases for presentation to the Commission. The JAPANESE CANADIAN COMMITTEE FOR DEMOCRACY in Toronto has undertaken an economic loss survey here and is assisting other groups across Canada to do the same. This is the first step in preparation for the commission.

In behalf our Committee I am writing to suggest that your committee set up a sub-committee on property losses with perhaps three or four members. One of these might be a lawyer and one a business man with experience in dealing with estates. This committee would keep in close touch with the Japanese Canadian organization in your area and advise them on the procedure of presenting their cases.

When your committee is set up will you kindly let us know who the chairman is so that we may contact him immediately upon receiving further information from the government.

Yours sincerely,

Mrs. Hugh MacMillan.

P.S. I understand that Miss Morrison, the secretary of your committee is out of the city, so I am sending this to you. D.M.

1. Fishing boats immobilized at outbreak of War. (See New Canadian Editorial regarding damage to boats) 1,000 boats.
2. Compulsory registration of all Japanese carried out by the R.C.M.P. Order issued December 17, 1941. (New Canadian, January 5, 1942, page 4)

Special Committee on Orientals in B.C. appointed October 1, 1940. On December 2, 1940 recommended special registration of Japanese in B.C. ~~Cabinet War~~ Cabinet War Committee considered and approved recommendation and by Order-in-Council P.C. 117, January 7, 1941. Standing Committee appointed to assist Government by overseeing executions of recommendations of Special Committee.

3. Ottawa - January 14, 1942. The Government at Ottawa announced to the press following steps to be taken to deal with Japanese question.
 - a. Removal of all Enemy Aliens of whatever origin, except those holding police permits to remain, from "protected areas" in B.C. at date yet to be fixed.
 - b. Organization of a civilian corps of Japanese Canadians to provide employment and opportunities for service on "projects of value to the national cause" (Rodo-butai).
 - c. Control by the Royal Canadian Mounted Police of the sale of gasoline and explosives to all persons of Japanese racial origin.
 - d. Setting up of a three-man board to supervise the sale, lease or charter of tied-up boats to other fishermen, with due compensation to their owners.
 - e. Japanese nationals (enemy aliens) will be forbidden to possess or use short-wave receiving sets, radio transmitters and cameras.
4. Announcement in special edition of Canada Gazette on Monday, February 2, 1942, the boundary of protected area from which Japanese Aliens are to be removed. Enemy Nationals from 18 to 45 years of age to be removed from protected area by April 1, 1942.
5. Dissolution of five-man Standing Committee on Orientals, setup in January, 1941, announced Monday, February 9, 1941 by Prime Minister King in the House of Commons.
6. The Minister of Justice on February 5, 1942 has ordered that:
 - a. All male Enemy Aliens of the ages of 18 years to 45 years, inclusive, shall leave the protected area heretofore referred to on or before the 1st day of April, 1942;
 - b. That, subject to the provisions of paragraph #1 of this Order, no Enemy Alien shall, after the date of this order, enter, leave, or return to such protected area except with the permission of the Commissioner of the Royal Canadian Mounted Police Force, or

New Canadian
Jan. 7, 1942,
Page 3.

New Canadian
Jan. 14, 1942,
Page 1.

New Canadian
Feb. 13, 1942,
Page 1.

an Officer of that Force designated by the Commissioner to act for him in this respect;

- c. That no Enemy Alien shall have in his possession or use, while in such protected area, any camera, radio transmitter, radio shortwave receiving set, firearm, ammunition, or explosive.

Male enemy aliens, it is understood, applies only to those born in Japan and not naturalized. It does not apply to those naturalized since 1932.

suggestion at this date from authorities as to how removal is to be carried out). This order not posted locally until February 14, 1942.

7. Monday, February 24, 1942, first group of 100 Japanese Nationals left Vancouver on special trains to Lucerne, B.C., road building project in the Canadian Rockies.
8. Ottawa, February 23, 1942. Curfew Law: Japanese living within the B.C. coastal area must remain in their homes between sunset and sunrise under Curfew Order approved by the Dominion Government.
9. Ottawa, February 26, 1942. Naturalized and Canadian-born Japanese will be removed from the B.C. protected area as well as the Japanese Nationals, Labour Minister Humphrey Mitchell announced to a press conference on Wednesday night, February 25, 1942.
10. Friday, February 27, 1942. New series of Orders announced on Thursday and Friday, February 26 and 27th, 1942, against all persons of Japanese origin.

"Person of Japanese race living in the protected area of B.C. are forbidden to possess or use 'any motor vehicle, camera, radio, transmitter, radio receiving set, firearm, ammunition, or explosive' under an amendment to the Defence of Canada regulations."

Thursday, March 5, 1942. Lower Mainland only of B. C.

1. Under provisions of Order-in-Council P.C. 1486, no person of the Japanese race may have in his possession or use a motor vehicle, radio receiving set or camera in the restricted area. (Caused widespread forced sale of personal property, radio, etc., by owner)

2. Radio receiving sets and cameras to be delivered by all persons of Japanese race to the R.C.M.P. Barracks, 33rd and Heather Street, Vancouver, B. C., commencing at 9 a.m. Monday, March 9, 1942.

All motor vehicles, which includes trucks, trailers and motorcycles, in possession or use of persons of the Japanese race, are to be delivered to the Royal Canadian Mounted Police at Hastings Park Exhibition Grounds, Vancouver, B.C., commencing at 9 a.m. Monday, March 9, 1942.

Persons of the Japanese race residing in other parts of the restricted area will be notified regarding the places at which prohibited articles now in their possession are to be delivered up by them.

March 11,
Friday, March 13, 1942.

Custodian of Enemy Aliens

and fair inquiry to be made -
that by Order-in-Council P.C. 1665, March 4, 1942, Office of Custodian
is vested with all property which the evacuees cannot take with them
when they leave. The Order provides that:

"As a protective measure only, all property situated in any protected area of British Columbia belonging to any person of the Japanese race resident in such area (excepting fishing vessels subject to Order in Council P.C. 288 of the 13th of January, 1942, and deposits of money, shares of stock, debentures, bonds or other securities), delivered up to any person by the owner pursuant to the Order of the Minister of Justice dated February 26, 1942, or which is turned over to the Custodian by the owner, or which the owner, on being evacuated, is unable to take with him, shall be vested in and subject to the control and management of the Custodian as defined in the Regulations respecting Trading with the Enemy, 1939; provided, however, that no commission shall be charged by the Custodian in respect of such control and management.

"Subject as hereinafter provided, and for the purposes of the control and management of such property, rights and interest by the Custodian, the Regulations respecting Trading with the Enemy, 1939, shall apply mutatis mutandis to the same extent as if such property, rights and interests belonged to any enemy within the meaning of the said Regulations.

"The property, rights and interests so vested in and subject to the control and management of the Custodian, or the proceeds thereof, shall be dealt with in such manner as the Governor in Council may direct."

The above provisions do not apply to fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, or property required to be delivered to any person by the owner pursuant to the Order of the Minister of Justice dated February 26, 1942, but enable persons of the Japanese race to deliver to the Custodian, before they are evacuated from a protected area, such other property as they have not disposed of and are unable to take with them.

All such other property not disposed of or delivered to the Custodian, prior to evacuation automatically comes under the control of the Custodian upon the evacuation of the owner but persons of the Japanese race are urged to report their property immediately instead of waiting until their evacuation as this will enable the Custodian to take prompt action to protect and administer the same.

Forms for setting forth the particulars of such property may be obtained on written application to the undersigned and should be completed as fully as possible by owners of property and mailed to the undersigned without delay.

Dated at the City of Vancouver this tenth day of March, 1942.

G. W. McPherson
Authorized Deputy of the Custodian
1404 Royal Bank Building
Vancouver, B. C.

ate the Japanese Canadian... appointing the Commission to invest
orse than
e nr
B. C. Security Commission regulations governing free movement of Japa-
nese outside restricted area. (See page 4, New Canadian, March 20, 1942)

Public notice to all males of Japanese racial origin published in New
Canadian on March 23, 1942.

Every male person over 18 years of age now residing in Vancouver,
New Westminster, North Vancouver, West Vancouver, and Steveston,
must report at R.C.M.P. Barracks, 33rd Ave., Vancouver, B.C., between
9 a.m. and 12 noon as follows:

Japanese Nationals	--	March 27, 1942
Naturalized Canadians	--	March 30, 1942
Canadian-born	--	March 31, 1942

At this time, they were generally given approximately 24 to 48 hours
notice to be ready for evacuation from protected area.

See New Canadian, Sat. March 14/42.

Announced detailed evacuation program for
some 2500 people from B.C. coastal points
to be carried out and completed within the
next two weeks.

STATEMENT FOR THE PRESS ISSUED BY THE
CO-OPERATIVE COMMITTEE ON JAPANESE
CANADIANS.

July 24, 1947

The terms of the Order-in-Council appointing the Commission to investigate the Japanese Canadian property claims are so restricted as to be worse than inadequate, and in fact to be practically useless. It will be necessary to consider seriously whether it will be worth while for the Japanese Canadian claimants to have anything to do with the Commission unless the terms of reference are broadened to enable a full and fair inquiry to be made.

The terms of the Order-in-Council impose an impossible burden on claimants. Before the Commissioner can recommend a cent of compensation, he must be satisfied that the Custodian has failed to use reasonable care in disposing of the properties.

The claimants have never based their case for compensation on the lack of care by the Custodian who in most if not in all cases may be presumed to have done the best possible in the circumstances. However, in these circumstances of wholesale evacuation, it was inevitable that market values should be abnormally low and the major losses sustained were caused by the Government's policy of enforced evacuation rather than by any lack of care by the Custodian.

Many hundreds of claims cannot even be considered by the Commissioner, for the properties were lost or disposed of or had seriously depreciated before the Custodian was able to take charge. These losses arise no less out of the evacuation orders and the Government policy of which, however necessary, it may have been, the Japanese Canadians were the innocent victims.

The Co-operative Committee has repeatedly pointed out that justice could not be done unless the terms of the inquiry were as broad as those contained in the Bill proposed to Congress by the American Government which provides for compensation for the Japanese Americans for all losses naturally and reasonably flowing from the evacuation orders. In this instance the Canadian Government in contrast to the American Government is doing less than justice. Nor do the proposed terms of the reference implement the promises made by the Prime Minister himself when on January 24th, 1947, he stated that, "to ensure the fair treatment promises in 1944 the Government is prepared in cases where it can be shown that a sale was made at less than a fair market value to remedy the injustice." The terms of the Commission will deprive those whose property was sold at less than the fair market value of compensation unless they can show that the Custodian acted carelessly. The injustice referred to by the Prime Minister will not be remedied unless the order is amended.

Nor do the terms of the reference comply with the recommendation of the Public Accounts Committee which was approved by Parliament. This Committee recommended that a Commission be appointed to inquire into claims for losses which resulted from the amount being received by claimants being less than the fair market value of their property at the time of sale or less.

Under the present order if the Custodian shows to the Commissioner that he made reasonable inquiries and did the best that he could in the circumstances, the Commissioner can allow no compensation, although the sales are far below the fair market value.

It is still not too late for the Government to change its mind. We are writing to the Prime Minister urging that his former promise of remedying the injustice be fully implemented.

The Committee cannot rest not should the people of Canada be satisfied until the Government of Canada have reversed its policy, and done justice.

S. M. C.
1947, 1946 - Aug 1947

A Letter From The Editor

WINNIPEG.

How are you these hot summer days? If you feel lazy and don't feel like working and maybe want to play golf when you shouldn't, I know exactly how you feel. Only personally I prefer to sleep, especially in the mornings.

Our faithful columnist K.M. has told me that he has been incapacitated for a few weeks, so the staff has been left with the opportunity to pinch hit for him in his customary spot.

Nothing very much has been happening around the office these days. Incidentally the New Canadian office takes up the sun room and the living room of a five-room bungalow on 751 McCalman Ave. The Japanese type composing shop is in the basement.

I live here with my family, and Frank Moritsugu is our boarder.

The rest of the staff, the Mayedass and the Umezukis, live on 504 Talbot Ave.

We are expecting Roy Ito to come from Toronto this week. We are counting on his help for the next couple of months during which some of the staff can take their long deserved holidays.

We don't go much for show at the office, in fact we would not like to be seen at all sometimes.

A newspaper office can be excused if it has a little Bohemian atmosphere. They say writers are queer anyway. But I'm afraid this newspaper office is a little bit on the heathenish side at times. If you surprise us on some hot afternoon the chances are you'll see three fine specimens of manhood working without shirts. Sometimes Frank is in army shorts to keep his legs cool too.

Last weekend Doc Banno stayed over a couple of days. He was returning to Kaslo after a trip to Toronto. He had to wait two days for his berth, and it seems plenty of people are travelling, even in these hot days.

Doc's entertainment was taken care of immediately by T.U., alias General Timoshenko, alias our Japanese section editor.

T.U. took Doc around for a

THE CO-OPERATIVE COMMITTEE STATEMENT ON THE INQUIRY

The following is the complete text of the statement issued by the Toronto Co-operative Committee on Japanese Canadians on State Secretary's announcement on July 24 of the appointment of an evacuation claims commissioner and the terms of reference for evacuee claims:

The terms of the Order-in-Council appointing the Commission to investigate Japanese Canadian property claims are so restricted as to be worse than inadequate, and in fact to be practically useless. It will be necessary to consider seriously whether it will be worth while for the Japanese Canadian claimants to have anything to do with the commission unless the terms of reference are broadened to enable a full and fair inquiry to be made.

The terms of the Order-in-Council impose an impossible burden on claimants. Before the Commissioner can recommend a cent of compensation, he must be satisfied that the Custodian has failed to use reasonable care in disposing of the properties.

The claimants have never based their case for compensation on the lack of care by the Custodian who in most, if not in all cases, may be presumed to have done the best possible in the circumstances. However, in these circumstances of wholesale evacuation, it was inevitable that market value should be abnormally low and the major losses sustained were caused by the Government's policy of enforced evacuation rather than by any lack of care by the Custodian.

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The Co-operative Committee has repeatedly pointed out that justice could not be done unless the terms of the inquiry were as broad as those contained in the Bill proposed to Congress by

from the evacuation orders. In this instance the Canadian Government in contrast to the American Government is doing less than justice.

Nor do the proposed terms of reference implement the promises made by the Prime Minister himself when on January 24th, 1947, he stated that "to ensure the fair treatment promised in 1944 the Government is prepared in cases where it can be shown that a sale was made at less than a fair market value to remedy the injustice." The terms of the Commission will deprive those whose property was sold at less than the fair market value of compensation unless they can show that the Custodian acted carelessly. The injustice referred to by the Prime Minister will not be remedied unless the order is amended.

* * *

Nor do the terms of the reference comply with the recommendation of the Public Accounts Committee which was approved by Parliament. This Committee recommended that a Commission be appointed to inquire into claims for losses which resulted from the amount being received by claimants being less than the fair market value of their property at the time of sale or loss.

Under the present order if the Custodian shows to the Commissioner that he made reasonable inquiries and did the best that he could in the circumstances, the Commissioner can allow no compensation, although the sales are far below the fair market value.

It is still not too late for the Government to change its mind. We are writing to the Prime Minister urging that his former promise of remedying the injustice be fully implemented.

The Committee cannot rest nor should the people of Canada be satisfied until the Government of



at your

FOR COMFORT

EDDIE BRACKEN

PRISCILLA LANE in

THE HILARIOUS HIT

"FUN ON A WEEK-END"

FIRE

Complete Text of Order-in-Council Appointing Claims Commissioner

(Following is the text of Order-in-Council P.C. 1810, July 18, 1947,

The New Canadian

PAGE 17

Brian Donlevy Plays Mountie

HOLLYWOOD — Brian Donlevy will get the role of the Chief of the Canadian Mounties in the film version of "Mrs. Mike."

Judge to Probe Loss Claims of Canadian Japs

OTTAWA, July 24 (CP)—State Secretary Gibson announced Wednesday that Mr. Justice Henry Irvine Bird of the Supreme Court of British Columbia has been appointed a commissioner under The Inquiries Act to investigate claims of loss by Japanese-Canadians who were evacuated from British Columbia protected areas during the war.

His terms of reference were defined under two headings:—

- That by reason of the failure of the custodian of enemy property to exercise reasonable care in the disposition of the real and personal property vested in him, the amount he received for such property was less than the market value at the time of disposition.

- That by reason of the failure of the custodian to exercise reasonable care in the management of personal property, such property was lost, destroyed or stolen but no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the custodian, appointed by the owner of the property.

The Japanese, now scattered across Canada, would be required to submit all claims in writing, verified by statutory declaration, to the office of the custodian, 506 Royal Bank Building Vancouver, "and in due course the commissioner will give public notice of the time for filing claims and for the hearing of evidence."

At The Theatres

FIRST RUN PICTURES

CAPITOL—The Late George Apley, comedy; starts at 11.55, 2.23, 4.51, 7.19, 9.52. Selected shorts; general.

GARRICK—Fun on a Weekend, comedy; starts at 12.00, 2.30, 4.55, 7.25, 9.55. Selected shorts; general.

LYCEUM—Don Ricardo Returns, drama; starts at 12.00, 2.50, 5.40, 8.30. The Man I Love, drama; starts at 1.15, 4.05, 6.55, 9.45. adult.

MET—Humoresque, drama; starts at 11.50, 2.15, 4.35, 7.00, 9.25. Last complete show 9.05, selected shorts; adult.

ODEON—The Egg and I, comedy, starts at 1.15, 3.25, 5.35, 7.45, 10.00. Last complete show 10.00, selected shorts; general.

UPTOWN—Humoresque, drama; starts at 6.50, 9.30. Selected shorts; adult.

RIO—Heading West, western; starts at 12.35, 2.45, 4.55, 7.05, 9.15. Just Before Dawn, drama; starts at 11.30, 1.40, 3.50, 6.00, 8.10, 10.20. adult.

OTHER ATTRACTIONS

ARLINGTON—The Blue Dahlia, drama; Tahiti Nights, musical; adult.

BEACON—Youth Aflame, drama; Girls Town, drama; adult.

BLOU—Waltz Time, musical; Detour, drama; adult.

COLLEGE—A Walk in the Sun, drama; The Bowery, comedy; adult.

CRESCENT—Claudia and David, comedy; Cockeyed Miracle, comedy; adult.

FOX—Ann and the King of Siam, drama; Neath Canadian Skies, drama; adult.

FURBY—Three Little Girls in Blue, musical; The Fighting Guardsman, drama; general.

GAITY—The Time the Place and the Girl, comedy; Selected shorts; general.

KING'S—Vivacious Lady, comedy; Dead of Night, drama; adult.

MAC'S—Courage of Lassie, drama; Tornado, drama; general.

OSBORNE—The Show-off, comedy; Black Beauty, drama; general.

PALACE—Janie Gets Married, comedy; Black Beauty, drama; general.

PARIS—Joan of Paris, drama; So Goes My Love, comedy; general.

PLAZA—Somewhere in the Night, drama; Bachelor's Daughters, comedy; adult.

ROSE—Centennial Summer, drama; Wild Beauty, general.

RIALTO—One Million B.C., drama; The Housekeeper's Daughter, comedy; adult.

ROXY—Three Wise Fools, drama; Those Endearing Young Charms, drama; adult.

STARLAND—Cloak and Dagger, drama; Affairs of Geraldine, comedy; adult.

TIMES—Gilda, drama; Meet Me on Broadway, comedy; adult.

TIVOLI—The Big Sleep, drama; Genius at Work, comedy; adult.

TOWER—The Hoodlum Saint, drama; My Name is Julia Ross, drama; adult.

VALOUR—I Love a Bandleader, musical; San Antonio, drama; general.

WONDERLAND—One More Tomorrow, drama; Rendezvous 24, drama; adult.

Gun-Toting Vet Arrested Near U.S. President

WASHINGTON, July 24 (AP)—A Man with a pistol in his pocket was arrested in the capitol Wednesday just after President Truman had made a precedent-shattering visit to the Senate chamber, but officers expressed confidence there was no connection between the events.

Edward F. McGinnis, senate sergeant-at-arms, told reporters the man identified himself as Clifton R. H. Spires, 39, of Augusta, Ga. He added that the man had been a patient in a veterans hospital at Augusta.

Spires was taken into custody in a washroom one floor below the senate chamber by policemen who said they noticed the weapon in his hip pocket. McGinnis declared it was "purely coincidental" that the arrest took place only five minutes after President Truman had delivered a brief speech one flight up. He left the building immediately after his appearance on the senate floor.

Now showing at
ODEON'S WINNIPEG THEATRES

GARRICK

COOLED
FOR COMFORT

EDDIE BRACKEN

PRISCILLA LANE in

THE HILARIOUS HIT

"FUN ON A WEEKEND"



JEL FOR
FIRE**Complete Text of Order-in-Council
Appointing Claims Commissioner**

(Following is the text of Order-in-Council P.C. 1810, July 18, 1947,

The New Canadian

C O P Y

Order-in Council P. C. 3737

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 17 September 1947.

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

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

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

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

(b) that personal property vested in the Custodian pursuant to the above mentioned Orders was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen; provided that no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property."

2. By striking out the words "for failure of the Custodian to exercise reasonable care" from Clause numbered 2.

"A.J.P. Heeney"

Clerk of the Privy Council.

S. M. C.
1942, 1946 - Aug 1947

Saturday, September 27, 1947

FUEL FOR
FIRE**Complete Text of Order-in-Council
Appointing Claims Commissioner**

(Following is the text of Order-in-Council P.C. 1810, July 18, 1947.)

The New Canadian

Tuesday, August 26, 1947.

Co-operative Committee on Japanese CanadiansMemo - Re: Procedure for Presenting Claims.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S. M. C.
1947, 1946 - Aug 1947

FUEL FOR
FIRE

Complete Text of Order-in-Council Appointing Claims Commissioner

(Following is the text of Order-in-Council P.C. 1810, July 18, 1947,
which appoints a Claims Commissioner)

The New Canadian

AN ORGAN FOR CANADIANS OF JAPANESE ORIGIN

PHONE 501 306

504 Talbot Avenue
WINNIPEG, MAN.

Excerpts from P.C. 1810

The Committee (of the Privy Council), therefore, on the recommendation of the Secretary of State, advise:

1. That the Honourable Mr. Justice Henry Irvine Bird be appointed Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese race who are resident in Canada at the date of this Order, namely--

- inserted
replaced*
- a. that by reason of the failure of the Custodian to exercise reasonable care in the disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by the Custodian for such property was less than the market value thereof at the time of such disposition; and
 - b. That by reason of the failure of the Custodian to exercise reasonable care in the management of personal property, such property was lost, destroyed or stolen but no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the Custodian, appointed by the owner of the property.

2. That the Commissioner shall examine into each claim and make a report to the Government in Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion, would fairly and reasonably compensate the claimant for failure of the Custodian to exercise reasonable care. *check and*

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

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

Signed, etc. etc.

FUEL FOR
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V'S

(Vancouver Sun)
The federal government should be congratulated for their stand on the Japanese question. Elmore Philpott, informed by his staff on Sept. 19. He should be informed of some of the first-hand information, a lot of the Japanese were driven out of their homes and left a lot of old articles. They were questioned and said, "We'll be taken care of." They expected the war.

Asset the Japanese their boats but they paid for them, old. The fishermen had their old ones.

of this letter has been with the Japanese in a small number in the North Arm of the Strait of Georgia. By the Japanese had control and a few years ago fishing the whole American boundary.

The white men had to like it. There was a good reason is an old saying that never dies in British Columbia. The Japanese pass onto a boat from the home, no way to trace look alike to the others.

ed all Japs that I contact with what if war should come and America. They would go back to fight."

made their word treatment of prisoners and nurses that have been out of hospitals. The reels of unfortunate war never got to be starved to death. Basic treatment has been by their trials in court, and by testimony of eye-witnesses who came to this country.

one Jap recently in British Columbia that he gave prisoners so cruel it could be in the press.

of want any more. This is a white man and let us keep it

D NET BOSS.

No

Complete Text of Order-in-Council
Appointing Claims Commissioner

(Following is the text of Order-in-Council P.C. 1810, July 18, 1947, as amended by P.C. 3737, Sept. 17, 1947, under which a Commissioner has been appointed to inquire into claims for evacuation losses by persons of Japanese origin.)

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of the State:

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

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

That by Order-in-Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order-in-Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian;

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that in respect of such disposition of their property they have suffered pecuniary loss; and

That it is deemed advisable to appoint a Commissioner under Part I of the Inquiries Act to investigate the said claims and to

make recommendations with respect thereto:

The Committee, therefore, on the recommendation of the Secretary of State, advise:

1. That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese race who are resident in Canada at the date of this Order, namely—

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

(b) that personal property vested in the Custodian pursuant to the above mentioned Orders was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen; provided that no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property.

2. That the Commissioner shall examine into each claim and make a report to the Governor-in-Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion, would fairly and reasonably compensate the claimant.

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

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

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

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CANADA

Department of the Secretary of State

NOTICE

TO PERSONS OF THE JAPANESE RACE
WHO WERE EVACUATED FROM THE PRO-
TECTED AREA OF BRITISH COLUMBIA
AND RESIDED IN CANADA AS AT JULY 18,
1947.

TAKE NOTICE THAT by Order-in-Council P.C. 1810 dated
July 18, 1947, as amended by Order-in-Council P.C. 3737, Dated
September 17, 1947, His Excellency The Governor-General in
Council has authorized the appointment of The Honourable Mr.
Justice Henry Irvine Bird, a Justice of the Court of Appeal for
the Province of British Columbia as a Commissioner under the
Inquiries Act R.S.C.1927 to inquire into and report upon the claim
of any of the before mentioned persons of the Japanese Race
who alleges:

(a) that real and personal property of the claimant vested in
the Custodian was disposed of by the Custodian for less
than the fair market value thereof at the time of sale re-
sulting in loss to the claimant equal to the difference
between the amount received from the sale and the fair
market value aforesaid; or

(b) that personal property of the claimant vested in the Cus-
todian was lost, destroyed or stolen while in the possession
or under the control of the Custodian or some person ap-
pointed by him, with the result that the claimant suffered
a loss equal to the fair market value of the property at
the time when the same was lost, destroyed or stolen:
provided that no claim shall be considered in respect of
property lost, destroyed or stolen while under the custody,
control or management of any person other than the Cus-
todian, appointed by the owner of the property.

I am now directed by the Commissioner to give public notice
to intending claimants to file their respective claims, in dupli-
cate, written in the English or French language and verified by
statutory declaration, at the Office of the Custodian, Royal Bank
Building, Vancouver, B.C., ON OR BEFORE NOVEMBER 30,
1947.

Claimants are required to prepare their claims in the follow-
ing form:

1. Name of claimant in full with registration number.
2. Claimant's address at the time of his evacuation from
the Protected Area.
3. Claimant's present address.
4. In the case of claims relating to real property:
 - (a) Street address of real property.
 - (b) A legal description sufficient to identify the property.
 - (c) Type of real property, i.e. farm, residence, com-
mercial, etc., and short description of it.
 - (d) Title or interest held by claimant in the real property.
 - (e) Fair market value of real property at date of sale
 - (a) Land
 - (b) Buildings
 - (f) Amount of loss alleged to have been sustained by the
claimant under the terms of reference.
5. In the case of claims relating to personal property:
 - (a) Location at which property was left by the claimant
at date of evacuation.
 - (b) Type of premises in which property was left by the
claimant and the manner in which the property was
stored or packed at the time of evacuation.
 - (c) In whose care property was left by the claimant at
date of evacuation.
 - (d) Itemized and detailed description of the property
which is the subject of the claim and itemized value
thereof at the time of sale loss or destruction.
 - (e) Amount of loss alleged to have been sustained by the
claimant under the terms of reference.

Subject to change following receipt of claims, it is proposed
that sittings of the Commission in respect of claims filed at the
office of the Custodian will be held at:

VANCOUVER, B.C.
KAMLOOPS, B.C.
NELSON, B.C.
LETHBRIDGE, Alberta
MOOSE JAW, Saskatchewan
WINNIPEG, Manitoba
TORONTO, Ontario
MONTREAL, Quebec

and such other places as may be determined by the Commission-
er, at the times and locations to be fixed by the Commissioner,

S. M. C.
1947
1946 - Aug 1947

CANADIAN

TOBA

\$5 per 1 year — Saturday, September 27, 1947

Property Owners Asked To File Claims by November 30

Terms of Reference Rule Out Property Not Under Custodian

Complete details regarding the filing of claims for evacuation loss were announced this week by the Commissioner in charge of the inquiry, Justice Henry Irvine Bird. (See page 11 for "Notice.")

According to the announcement claims must be in duplicate, verified by statutory declaration, and filed at the office of the Custodian on or before November 30, 1947. Late claims will not be considered unless a good cause is shown the Commissioner.

longer necessary to prove that the loss resulted from the "failure of the Custodian to exercise reasonable care." No other change is provided by this amendment.

In a statement issued by secretary Mrs. Donald MacMillan, the Toronto Co-operative Committee on Japanese Canadians "welcomed" the amendment while regretting "that the Government has not accepted our representations that in order to do full justice, all claims for losses to property fairly arising out of the evacuation orders should be investigated and compensation allowed."

Hearing of Evidence To be Arranged

Real property and personal properties which were sold by the Custodian, as well as those which were lost, destroyed or stolen while in the hands of the Custodian will be considered; real and personal properties not handled by the Custodian are still excluded under the amended terms of reference.

After November 30, the Commissioner will hold hearings on the claims, to determine the evidence, at Vancouver, B.C.; Kamloops, B.C.; Nelson, B.C.; Lethbridge, Alta.; Moose Jaw, Sask.; Winnipeg, Man.; Toronto, Ont.; Montreal, Que.; and "such other places as may be determined by the Commissioner."

After completing the hearings, the Commissioner will make a report to the Government, setting forth the claims which are well-founded, and recommending the amount of compensation to be paid each qualified claimant.

The amendment to the terms of reference effected by the Sept. 17 Order in Council makes it no

"Considerable Number" Excluded

Mrs. MacMillan pointed out that there were a considerable number of cases in which losses were incurred on properties not vested in the Custodian and are thus still outside the terms of reference.

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

Toronto property owners who formerly advocated boycott of the Inquiry Commission decided, by a majority decision at a committee

meeting on Sept. 20, not to go through with the boycott. The matter will be brought before a mass meeting again on Sept. 27.

peeling these reasons, in the opinion of Norris & MacLennan, Vancouver law firm, who handled the case for the Japanese Petitioners.

Form Legal In Southern

LETHBRIDGE, Alta. — Committee on Canadians a legal sub-committee to assist their evacuation loss claim was disclosed Sept. 19 by committee.

The sub-committee is based on the plan suggested by the Toronto Co-operative Committee on Japanese Canadians. Working in co-operation with the Toronto group,

to seek the assistance of the sub-committee or utilize the services

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S. M. Chen
1942, 1946 - Aug 1947

C O P Y

Order-in-Council P. C. 1810

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 13th July, 1947

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of State representing:

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

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

That by Order-in-Council P.C. of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order-in-Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian;

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that in respect of such disposition of their property they have suffered pecuniary loss; and

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

The Committee, therefore, on the recommendation of the Secretary of State, advise;

1. That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese race who are resident in Canada at the date of this Order, namely -

- (a) that by reason of the failure of the Custodian to exercise reasonable care in the disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by the Custodian for such property was less than the market value thereof at the time of such disposition; and

- (b) That by reason of the failure of the Custodian to exercise reasonable care in the management of personal property, such property was lost, destroyed or stolen but no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the Custodian, appointed by the owner of the property.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion, would fairly and reasonably compensate the claimant for failure of the Custodian to exercise reasonable care.

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

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

Sgd. A.D.P. Heeney,
Clerk of the Privy Council.

S. M. Chen
1942, 1946 - Aug 1947

PRESS,

SEPTEMBER 1947

Sale Of Jap Land Upheld

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OTTAWA, Sept. 29 (CP)—Mr. Justice J. T. Thorson, president of the Exchequer Court of Canada, said Saturday he upheld in a recent judgment the validity of an order-in-council giving the cus-

todian of enemy property the right in wartime to sell Japanese land without the owners' consent.

When the Japanese were evacuated from Vancouver in 1941 their property was vested in the custodian. Later an order-in-council was passed authorizing the custodian to dispose of the property.

Mr. Justice Thorson said counsel for the Japanese did not challenge the right to vest the proper-

ty in the custodian, but did challenge the right of the custodian to sell the property without the owners' consent.

Morden Tax Evasion Case Put Off To Oct. 21

The tax evasion case at Morden of Rex vs. Adolph Krushel was remanded Friday from Oct. 7 to Oct. 21 upon application to the magistrate by defence counsel. The case

will be heard before Magistrate Bjornn Stefannson at Morden, Oct. 21 at 10.30 a.m.



(over)

Friday, September 19, 1947.

STATEMENT BY THE CO-OPERATIVE COMMITTEE
ON JAPANESE CANADIANS

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

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

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

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

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

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

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

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

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

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

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

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

Tuesday, August 26, 1947.

Co-operative Committee on Japanese Canadians

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

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

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

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

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

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

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