

S. M. Cherniack - Corr

Jan-Mar 1948



January 6th, 1948.

Commissioner,  
Japanese Property Claims Commission,  
Court House,  
VANCOUVER, B.C.

Dear Sir:

We enclose herewith claims in duplicate for  
the following people:

1. FURUTANI, Chojuro, 291 Berkley Road, Charleswood, Manitoba.
2. NAGAMATSU, Denshin, Lot 54 North Kildonan, Man.
3. OHORI, Masato, Box 108, Oakville, Manitoba.
4. OHORI, Yasushi Herby, Dryden, Ontario.
5. SASAKI, Kihichiro, 469 Logan Avenue, Winnipeg, Man.
6. TAEAKI, Denki, R.R. No. 2, Winnipeg, Manitoba, (P.O. Box 39)
7. SUZUKI, Sadao, Homewood, Manitoba.

Please note that the last forms, namely those of  
Sadao Suzuki have not been sworn, due to the fact that Suzuki  
is in a Lumber Camp and could not find a Commissioner to swear  
his affidavit.

We trust that you will accept his claim in its  
present form and will permit Mr. Suzuki to swear same immediately  
prior to the Hearing.

Yours truly,

CHEPNIACK & CHERNIACK

per.

SNC/Y

encl.

*Registered*

1-3



January 9th, 1948.

Commissioner,  
Japanese Property Claims Commission,  
Court House,  
VANCOUVER, B.C.

Dear Sir:

We enclose herewith claim in duplicate of Bikichi  
Nakashima of 88 Kate Street, Winnipeg.

Yours truly,

CHERNIACK & CHERNIACK

per.

SMC/P  
ENCL.

mach - Corr Jan-Mar 1948

1-3



JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE  
VANCOUVER, B.C.

January 9th 1948.

Messrs. Cherniack & Cherniack,  
Barristers and Solicitors,  
31-460 Main St.,  
Winnipeg, Man.

Dear Sirs,

We acknowledge receipt of your  
letter of the 6th inst. enclosing claims  
from seven claimants as listed.

As suggested in your letter the  
claimants who have not completed their declarations  
will be given the opportunity to do so on the  
hearing of their claims.

Yours truly,

*A. Watson*  
*(A. Watson)*

SECRETARY

W.

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...

Yours truly,

CHERNIACK & CHERNIACK

per.

Cherniack - Corr  
Jan-Mar 1948

1-3



January 13th, 1948.

Commissioner,  
Japanese Property Claims Commission,  
Court House,  
VANCOUVER, B.C.

Dear Sir:

We enclose herewith claims in duplicate of the following parties:

1. TERAMURA, Chozo.
2. RIVER FISH COMPANY LIMITED, together with one copy of inventory and of an itemized list of furniture and fixtures.
3. MATSUBARA, Keitaro.

You will note that in connection with the latter claim, we are withdrawing the claim of Takeo Matsuhara, as apparently his goods were included with the goods of his father by the Custodian.

We also enclose herewith in duplicate, lists which we would like attached to the claims of the following people; these lists are intended to itemize and clarify such claims:

1. DOI, Mataichiro - #05036.
2. HAMADA, Risuke - #12150.
3. FUJITA, Yoshiya - #13807.
4. KOCA, Shiro - #13849.
5. OIKE, Kyusuke - #14094.
6. OTSU, Genji - #04918.
7. OTSU, Kamekichi - #04910.
8. SATO, Stephen Shinji - #04485.

Yours truly,

CHEERNIACK & CHEERNIACK

per.

ENC/y  
encl.

REGISTERED

Jan-Mar 1948

1-3



January 14th, 1948.

Mr. George Tanaka,  
84 Gerrard St. East,  
TORONTO 2, Ontario.

Dear Mr. Tanaka:

I enclose herewith Economic Loss Survey Form of Tatsuo Yanoshita, his letter to me of the 11th instant and a copy of my reply, all of which are self-explanatory.

The Letter of October 6th, 1947, referred to in Mr. Yanoshita's letter is a form which I sent out advising the claimants that I reviewed their claim and requesting them to send me additional information on same. The enclosed letter is the only reply I received to that form letter.

Incidentally, on the 6th of December last, I wrote to Mr. A.R. Best in connection with the claim of Shizuo Hosaki formerly of Oakville, Manitoba, who for a short time resided in Toronto and completed his claim form there. He has now settled in Winnipeg and would like his claim form and material sent to me so that his claim might be heard here, but to date, I have not heard from Mr. Best in reply. You might therefore, remind him of my letter above referred to.

Yours truly,

SMC/y  
encl.

Smith - Corr  
Jan-Mar 1948

1-3



CAMERON, WELDON & BREWIN  
BARRISTERS & SOLICITORS

A. J. P. CAMERON

A. F. BREWIN

ROY WELDON

CABLE "RUERMAS" TORONTO  
TELEPHONE ADEL. 4391

STERLING TOWER  
TORONTO 1, CANADA

January 14, 1948.

Messrs. Cherniack & Cherniack,  
Barristers,  
31-460 Main Street,  
Winnipeg, Manitoba.

Re: Japanese Claims

Dear Sirs:

At the request of the Commissioner the writer attended with other counsel representing the Japanese claimants, to argue certain points of law that arose during the hearings at Kamloops, and argument on these points proceeded on January 9th and 10th, and certain rulings were made by the Commissioner.

You will first of all be glad to hear that the Commissioner announced that it was proposed to appoint Sub-Commissioners to take the evidence of claimants in the various centres throughout Canada.

These Sub-Commissioners would probably be County Judges and their authority would be limited to hearing the evidence without making any comment. The Commissioner himself proposes to attend at each centre and spend some time upon the hearings personally, and then leave further hearings in each centre to the various Sub-Commissioners.

Of course a transcript of the evidence taken before the Sub-Commissioners would be sent to the Commissioner.

As a result of this plan we understand that the Commissioner hopes to be in Alberta in March, in Manitoba and Saskatchewan in April, in Toronto in May, and possibly in Montreal in June, and to have the evidence of the claimants fully taken by the end of June. He will then return to Vancouver to hear evidence as to values.

The other points discussed were as follows:

1. We contended on behalf of the claimants that in determining the fair market value of the property, both real

Cherniack - Corr  
Jan-Mar 1948

1-3



January 14, 1948.

and personal, at the date of sale, the Commissioner should exclude the effects of the scheme of evacuation itself either in enhancing or lowering the values of the property. In other words he should consider the value of the property at the date of sale upon the supposition that the claimants had remained in possession until that date. You will appreciate the importance of this question, as in many cases the property had been allowed to deteriorate between the date of the evacuation and the date of sale, and therefore the fair market value of property in the condition that it was in at the date of sale might well be considerably less than the fair market value of the property if it had remained more or less in the condition it was in at the date of evacuation. Our argument was based upon the well known line of cases in compensation and expropriation matters that the results of the scheme of which the expropriation is part are to be excluded from consideration in estimating compensation.

The Commissioner reserved his judgment on this point but from his remarks it would appear that he is likely to decide against us in this matter, and we are contemplating the possibility of an application to the court by way of mandamus or otherwise in British Columbia, to require him to hear and determine the matter according to law.

The next point that was argued was the question of good-will. The Commissioner made no ruling on this as he thought it was impossible to determine this matter without reference to the facts. We urged that where a property was at the relevant date, a going concern, that good-will attached to the property to enhance its value and must be taken into consideration.

The next point argued was in regard to accounts receivable where the Custodian took over these accounts but failed to make effective efforts to collect. The Commissioner ruled definitely that such claims did not fall within the terms of reference.

Another point discussed was whether the Custodian was entitled to deduct from the proceeds of sale of the claimant's real and personal property, the expenses of sale, such as real estate agent's commissions, auctioneer's fees and handling charges and costs of advertising for the Custodian. This matter was argued and the Commissioner decided that he had not jurisdiction to consider this matter under the terms of reference. He nevertheless directed that the transcript of the evidence in this point be sent to the Minister of Justice with a view to the possibility that the terms of reference might be amended to include these claims.

We have written to the Minister urging him that the Commissioner be given authority to determine this question so that all matters might be determined before this Commission.

Very truly yours,  
G. H. Birn

G. H. B.

H-4 - Corr Jan-Mar 1948

1-3



-3-

We have pointed out that the alternative will be a test action in the courts to determine whether the Custodian had any right to retain the monies.

The final point argued was as to the effect of consent by the claimant to the sale at a particular price. The Commissioner preferred not to make any general ruling in this matter, but held in one particular case which had come before him, the sale was in effect the sale of the claimant, as the claimant had written to the Custodian asking that the sale be made, and had herself given a deed of conveyance. He refused therefore to consider her claim.

While we find it difficult to agree with his conclusion we do not believe there can be many cases where the claimant not only invited the Custodian to sell, but approved of the amount at which the sale was made and in effect adopted the sale as her own.

You will recall that in the previous memorandum which we sent you we informed you that at the preliminary hearings the Government counsel raised the question of whether or not a claim could be made for property lost, destroyed or stolen when it was vested in the Custodian by virtue of the various orders, but where the Custodian had not taken actual physical control or possession of the goods in question. The Commissioner ruled that constructive possession was sufficient and that once this personal property vested in the Custodian by virtue of the orders and was then lost, destroyed or stolen, he was entitled to compensation notwithstanding the fact that the Custodian had not taken actual possession.

We are reliably informed that the order of reference is likely to be amended to state explicitly that claims by corporations may be heard, provided that such corporations forego any legal claims arising out of any alleged wrongful sale of their property.

At the original hearings in Kamloops considerable experience was gained looking to the shortening of the proceedings. One suggestion that was made was that certain evidence could be put in writing before oral evidence is taken. We are preparing forms with a view to this, and will be sending you copies in due course.

While at Vancouver, I took the opportunity to discuss with our representatives there, the all important question of evidence of valuations. Some progress has been made in connection with this. Mr. Yamaga who was secretary of the Co-operative Union in the Fraser Valley and who was originally a member of the Committee appointed by the Government to advise in respect to sales, but who resigned in protest against the D.V.A. deal will be available.

It is also planned to secure the services of a statistician with an appropriate staff to collect details, to examine and analyze records of sales of similar properties, and to prepare other material on values. We also hope to secure the services of some experienced British Columbia valuers.

help, I would like your authority to do so.

J.M.C.

pach - Corr  
Jan-Mar 1948

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CAMERON, WELDON & BREWIN

-4-

We fully appreciate the importance of this work. In order that the claims for which the Committee are responsible should be analyzed and distributed in accordance with the subject matter of the claim and in municipalities concerned, we are requesting that copies of all the claims be sent to the National Japanese Canadian Association, 84 Gerrard Street East, Toronto, c/o Mr. George Tanaka. Mr. Tanaka will undertake this job.

You will be interested to hear that so far approximately 1400 claims have been filed of which it is anticipated that the Co-operative Committee will be representing at least 1100. The bulk of those whom it does not represent, are represented by Mr. Gladstone Virtue, K.C. of Lethbridge who has been co-operating with the Committee. Approximately \$25,000 has been paid by the claimants by the payment of 1% of the claims to cover legal expenses and valuations. As soon as an accurate budget has been made of the probable expenses in connection with valuations etc. a payment on account of legal expenses may be expected.

We regret the length of this letter, but believe that you would wish to be fully informed as to the course of proceedings, and we will endeavour to send out further information in respect to the hearings and as to rulings made by the Commissioner.

Yours very truly,

CAMERON, WELDON & BREWIN

per: *D.A. Brewin*

*per H.C.*

FAB:HC

help, I would like your authority to do so.

J.M.C.

March - Cor  
Jan-Mar 1948

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JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE  
VANCOUVER, B.C.

Chert - Corr  
Jan-Mar 1948

January 16th, 1948.

Mr. F.A. Brewin,  
c/o Cameron, Weldon & Brewin,  
Barristers, etc.,  
Sterling Tower,  
TORONTO 1, Ontario.

Dear Sir:

re: Japanese Claims

We acknowledge with thanks, the receipt of your letter of the 14th instant and note particularly your request to have copies of all claims sent to Mr. Tanaka. In this respect, we wrote to you on the 18th ultimo as to whether it is worthwhile making copies of the reverse side of the claim form and of the lists of chattels attached to the claims. It may be that you will consider it sufficient, if only the first side is copied, since that side only refers to real property.

We will arrange for stenographers to be available to do this work, but will not proceed with the job, until we have heard from you in reply to this letter. At the same time, please advise us if one copy will be sufficient or if you will require more than one copy.

Yours very truly,

CHERNIACK & CHERNIACK

per.

EMC/y

AIRMAIL

P.S.

As it appears certain that we would have to pay for stenographic help, I would like your authority to do so.

T.M.C.

1-3



A. WATSON  
SECRETARY

HONOURABLE MR. JUSTICE D. L. BIRD  
COMMISSIONER

# JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE  
VANCOUVER, B.C.

January 16th 1948.

Messrs. Cherniack & Cherniack,  
Barristers and Solicitors,  
31 - 460 Main St.,  
Winnipeg, Man.

Dear Sirs,

We beg to acknowledge receipt of  
your letter of the 13th inst. enclosing the three  
claims as listed; also lists numbered 1 to 8,  
which we have attached to the claims of the  
respective parties.

Yours truly,

A. WATSON

Per. *[Signature]*

SECRETARY

VW.

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



A. WATSON  
SECRETARY

HONOURABLE MR. JUSTICE H. I. BIRD  
COMMISSIONER

# JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE  
VANCOUVER, B.C.

January 16th 1948.

Messrs. Cherniack & Cherniack,  
Barristers and Solicitors,  
31 - 460 Main St.,  
Winnipeg, Man.

Dear Sirs,

We acknowledge receipt of claim  
in duplicate of Choetsu Sasaki, enclosed in  
your letter of Jan. 14th. Acknowledgment will be  
forwarded to the claimant in due course.

Yours truly,

A. WATSON

Per. *[Signature]*

SECRETARY

VW.

*[Signature]*  
George Tanaka,  
National Executive Secretary

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



*Japanese Canadian*

TELEPHONE: ADELAIDE 2547



**CITIZENS ASSOCIATION**  
NATIONAL HEADQUARTERS:  
84 GERRARD ST. E., TORONTO 2, ONTARIO

January 19, 1948.

Mr. S. Cherniack  
31-460 Main St.  
Winnipeg, Manitoba

Dear Mr. Cherniack:

I am in receipt of your letter of January 14th in which you refer to Mr. Tatsuo YANOSHITA'S claim. I have referred this matter to the Secretary of the Ontario Japanese Canadian Citizens Association which will assume responsibility for same.

In connection with the HASAKI claim, Mr. Best has informed me that he has forwarded you the desired information.

Yours very truly,

*George Tanaka*  
George Tanaka,  
National Executive Secretary

GT/tes

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



A. WATSON

CAMERON, WELDON & BREWIN  
BARRISTERS & SOLICITORS

A. J. P. CAMERON ROY WELDON  
A. F. BREWIN

CABLE "RUERMAS" TORONTO  
TELEPHONE ADEL. 4391

STERLING TOWER  
TORONTO 1, CANADA

January 21, 1948.

Messrs. Cherniack & Cherniack,  
Barristers and Solicitors,  
31-460 Main Street,  
Winnipeg, Manitoba.

Re: Japanese Claims

Dear Sirs:

In reply to your letter of January 16th I would say that it would be all right to secure stenographic help and charge it up as an ordinary disbursement on your account, if the amount which would be required to be paid was small. If it amounts to a substantial matter, I would like to have your estimate and would have to take it up with the Committee.

It has occurred to us that it would not be necessary to copy all of the form. The names, addresses, description of the property in question and the amount for which the Custodian sold the property should be sufficient for our purpose which is to segregate the claims into municipalities, types of property claimed, etc. for the benefit of those who are investigating values.

We would like if possible, to get busy on this work at the beginning of next month. We would be glad if you could let us have your material by that date.

You asked as to whether we think it necessary to copy the list of chattels. My suggestion is that detailed lists are not necessary, but such items as cars, fishing vessels and anything that would require special treatment should be listed. Where there are small items of furniture I think a general description would be sufficient.

Yours very truly,

CAMERON, WELDON & BREWIN

per: *FABrewin*

FAB:HC

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



HONOURABLE MR. JUSTICE H. I. BIRD  
COMMISSIONER

TELEPHONE PACIFIC 9164

A. WATSON  
SECRETARY

JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE  
VANCOUVER, B.C.

January 23rd 1948.

Messrs. Cherniack & Cherniack,  
Barristers and Solicitors,  
31 - 460 Main St.,  
Winnipeg, Man.

Dear Sirs,

The Commissioner has suggested that I write you in regard to arranging for suitable Court Room accommodation for the Commission Sessions which will probably take place in Winnipeg in the period of April 12th to 20th.

Would you be good enough to make some inquiries of the proper authority as to whether a Court Room will be available at that time.

Can you also advise me of the Court Room accommodation likely to be available in Fort William in the period April 21st to 30th; also the name of a good hotel at which arrangements can be made for the accommodation of the Commissioner and the Commission staff. It may be that you have no information in regard to Fort William, but perhaps you can refer me to someone there with whom I can communicate.

Yours truly,

*A. Watson*  
SECRETARY

HIB/W.

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



January 28th, 1948.

Mr. A. Watson, Secretary,  
Japanese Property Claims Commission,  
Court House,  
VANCOUVER, B.C.

Dear Sir:

Upon receipt of your letter of the 23rd instant I attended on Mr. D.C.M. Kyle, Sheriff of the Eastern Judicial District, Court House, Winnipeg, and discussed with him the contents of your letter.

The Sheriff, who is in charge of all arrangements relating to the Court House accommodation, recommended that you write him setting out fully your requirements as to Court Rooms, office accommodation and supplies. He wishes particularly to make certain as to whether or not you will require personnel, as he finds that there is a shortage of Court Reporters, as well as physical space.

I would therefore suggest that you write him direct, giving him full particulars of your staff and of what space you would require, and he promised to do his utmost to help you.

I am today communicating with Fort William and as soon as I obtain the necessary information, I will write you accordingly. I believe that the only good Hotel in Fort William is the Royal Edward.

Because of the original plan of the Commissioner to hear all claims personally, I had undertaken to act for the claimants both in Winnipeg as well as in Fort William. I note now, however, that you intend to be in Winnipeg from April 12th to April 20th and proceed forthwith to Fort William and stay there until the 30th. Should the County Court Judge decide to sit in Winnipeg during the period in which you will be in Fort William, then it is obvious that I will have to make some other arrangements.

- over -

S. M. Cherniack - Corr

Jan.-Mar 1948

1-3



- 2 -

In this connection, it appears to me that since the Commissioner intends to stay in Fort William for a matter of ten days, that he does not intend to instruct a County Court Judge to hear any Fort William claims. It may therefore be that I could attend to everything in Fort William and then return here for the hearings before the County Court Judge.

If your procedure has already been fixed, you may be able to advise me as to whether or not this plan is feasible.

Yours truly,

SMC/P  
Dict.

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



January 28th, 1948.

Royal Edward Hotel,  
FORT WILLIAM, Ont.

Dear Sirs:

I would appreciate your reserving for me a single room with bath or shower for a period of one week to ten days commencing April 21st.

Trusting you will be able to accommodate me, and awaiting your confirmation, I am,

Yours truly,

SMC/P  
Diet.

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



January 28th, 1948.

Mr. Bernard Shaffer,  
Barrister, etc.,  
17 Murray Bldg.,  
FORT WILLIAM, Ont.

Dear Bernie:

The Commissioner has asked me to ascertain the name of the proper authority that deals with Court Room accommodation in Fort William for the session which the Commissioner intends to take place from April 21st to April 30th.

I would very much appreciate your letting me have the name and address of the proper person, so that I can send same to the Commissioner and he might communicate with him direct.

With best regards, I am,

Sincerely,

SHC/P  
Dict.

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



FIREFROO



R. GORDON WILSON,  
MANAGER

# Royal Edward Hotel

Fort William, Ontario,  
CANADA

January 30, 1948

Mr. S. M. Cherniack,  
31 - 460 Main St.,  
Winnipeg, Man.

Dear Mr. Cherniack:

We are pleased to confirm reservation  
of room for your arrival April 21st.

If there is any change in your plans,  
will you kindly advise us accordingly.

Due to capacity bookings, room may not  
be ready upon arrival, but only a short  
wait should be necessary.

Yours very truly,

*R. Gordon Wilson*  
Manager

Yours sincerely,

*Denise*  
DENISE SHAPIRO

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



24 Shano Koyu % Funn... 42805  
TELEPHONE PACIFIC 9164

BERNARD SHAFFER, B.A.

Barrister, Solicitor,  
Notary

11 Murray Building,

Fort William, Ontario

January 29th., 1948.

S.M. Cherniack Esq.,  
Barrister etc.,  
c/o Messrs. Cherniack and Cherniack,  
460 Main Street,  
Winnipeg, Manitoba.

Dear Saul,

This will acknowledge receipt of your letter of the  
28th instant.

The only Courtroom available in Fort William is the  
Police Court, which may be too small for the purpose. I may say  
that the City Hall Auditorium is quite large and is used for the  
sittings of the Ontario Liquor Licence Board. Port Arthur is the  
district seat and the Court House there would be eminently suitable,  
but I do not know whether the session could be heard there or whether  
it would be heard in Fort William.

If you will let me have more information I shall be  
pleased to look into the matter further and advise.

With kindest regards, I am

Yours sincerely,

*Bernie*

BERNARD SHAFFER.

BS/TMc.

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



29 Chano Koyu % Funn... 42505  
TELEPHONE PACIFIC 9164

R. ALFRED BEST, B.A.,  
BARRISTER SOLICITOR  
NOTARY PUBLIC, ETC.

OFFICE: 15 TORONTO STREET  
TORONTO 1, CANADA

TELEPHONE  
ELGIN 4583

January 28, 1948.

Messrs. Cherniack and Cherniack,  
Barristers &c.,  
31-460 Main St.,  
Winnipeg, Manitoba.

Dear Sirs:

Re: Chizuo Hosaki

This will acknowledge receipt of yours of the  
21st instant.

Mr. Hosaki paid into the Toronto Office \$50.00  
only on account of his 1% retainer so that you should collect  
the balance from him.

In answer to your enquiry re filing separate claims  
for each property, we have not been in the habit of doing so  
here. While printed forms are not really adequate for more than  
one claim, we have just numbered the claims and put them on one  
form, since we were a little afraid that separate forms for one  
individual may have been a little confusing for the Commissioner.

I spoke to Mr. Brewin about the copies of the claim  
forms and I understand that he has already written to you about  
the matter.

Yours sincerely,

*RABest*

RAB:M

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



29 *Shano Koyu % Furumura* 42805  
TELEPHONE PACIFIC 9164  
CABLE "RUERMAS" TORONTO  
TELEPHONE ADEL 4391  
CAMERON, WELDON & BREWIN  
BARRISTERS & SOLICITORS

A. J. P. CAMERON

ROY WELDON

A. F. BREWIN

STERLING TOWER

TORONTO 1, CANADA

February 3, 1948.

Messrs. Cherniack & Cherniack,  
Barristers and Solicitors,  
31-460 Main Street,  
Winnipeg, Canada.

Re: Japanese Canadian Claims

Dear Sirs:

We beg to report further as follows  
in this matter.

Upon the instructions of Mr. McMaster  
who used a written form in the later hearings in  
British Columbia, we are preparing written forms  
to be completed before the oral hearing, and hope  
to have them sent to you in the near future.

We are informed by Mr. McMaster that the  
Commissioner was apparently pleased with the way in  
which the use of these forms shortened up the hearing.

If you have not already done so will you  
have copies of claim forms sent as soon as possible  
to Japanese Canadian Association, 84 Gerrard Street  
East, Toronto, so that they may be completed.

One further development is that the Minis-  
ter of Justice has written to us stating that in his  
opinion it is not proper to refer to the Commissioner  
the question of whether or not commissions and expenses  
of real estate agents and auctioneers, etc. should be de-  
ducted from the claims. He states in his letter that  
this is a matter of policy. He accordingly has refused  
to amend the order-in-council or instruct the Commis-  
sioner to consider these commissions.

We have accordingly written to him and sug-  
gested to him that if the matter be regarded as one of  
policy, the Government should receive representations in  
regard to it. We have also pointed out to him that in  
our opinion it would also be considered a matter of law,  
so that if the Government is unwilling to consider our

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



CAMERON, WELDON & BREWIN

-2-

February 3, 1948.

Messrs. Cherniack & Cherniack

representations it may be necessary for test actions to be taken.

Yours very truly,

CAMERON, WELDON & BREWIN

per: *J. A. Brewin*  
*per H.C.*

FAB:HE

Mr. J. Nelson,  
Secretary,  
Japanese Property Claims,  
Court House,  
VANCOUVER, B.C.

Dear Sir:

Further to my letter to you of the 18th inst., I beg to advise you that I wrote to a fellow worker in Port William requesting him to obtain the information as to Court House space required by you. He has now advised me that the only Court House available in Port William is the Police Court which may be too small, but that the City Hall building is quite large and it is used for the sittings of the Ontario Liquor License Board.

I understand that the District Court House is situated in Port Arthur and that probably it will be more suitable, but on the other hand, I know that the vast majority of the claimants reside in Port William, and I feel sure that if suitable accommodation in Port William can be arranged the claimants will be greatly relieved.

I might suggest, therefore, that you communicate with the City Clerk or the Mayor of Port William and they will no doubt be able to advise you.

Trusting to hear from you shortly in reply to the latter portion of my letter as so referred to, I am,

Yours truly,

cc/7  
C.C. to Mr. Bernard Shaffer. "The City Hall Building"

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



February 5th, 1948.

Mr. A. Watson,  
Secretary,  
Japanese Property Claim,  
Court House,  
VANCOUVER, B.C.

Dear Sir:

Further to my letter to you of the 23rd ultimo, I beg to advise you that I wrote to a fellow barrister in Port William requesting him to obtain the information as to Court House space required by you. He has now advised me that the only Court Room available in Port William is the Police Court which may be too small, but that the City Hall Auditorium is quite large and it is used for the sittings of the Ontario Liquor Licence Board.

I understand that the District Court House is situated in Port Arthur and that probably it will be more suitable, but on the other hand, I know that the vast majority of the claimants reside in Port William, and I feel sure that if suitable accommodation in Port William can be arranged the claimants will be greatly appreciative.

We might suggest, therefore, that you communicate with the City Clerk or the Mayor of Port William and they will no doubt, be able to advise you.

Trusting to hear from you shortly in reply to the latter portion of my letter above referred to, I am,

Yours truly,

WMC/y  
c.c. to Mr. Bernard Shaffer. "FOR YOUR INFORMATION"

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



HONOURABLE MR. JUSTICE H. I. BIRD  
COMMISSIONER

JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE  
VANCOUVER, B.C.

February 4th 1948.

A. WATSON  
SECRETARY

S. M. Cherniack, Esq.,  
Barrister and Solicitor,  
31 - 460 Main St.,  
Winnipeg, Man.

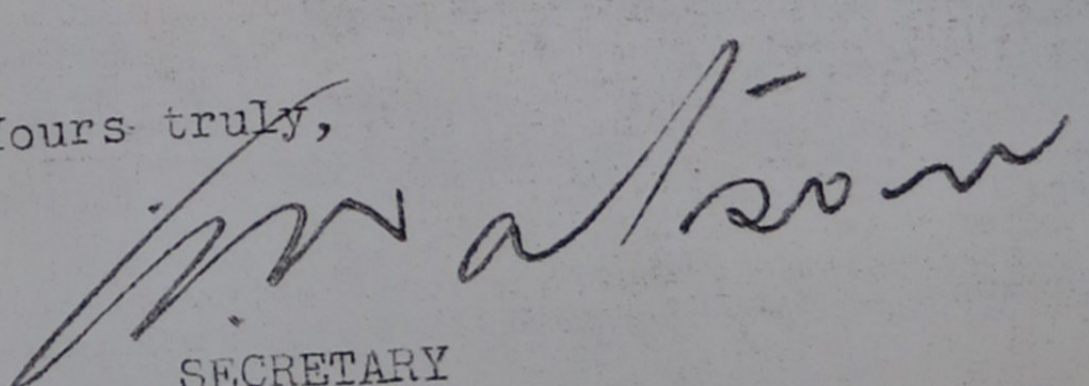
Dear Sir,

I wish to acknowledge with thanks  
yours of the 28th ult.

The Commission will require only  
a Court Room and a retiring room for the Commissioner.  
The Court Reporter who accompanies the Commission  
will communicate with the Official Court Reporter  
in Winnipeg regarding accommodation for himself  
and his typist.

It will not be possible for the  
Sub-Commissioner to open his hearings until after  
the Commissioner concludes his Session at  
Fort William. This should make it possible for you  
to conduct the presentation of claims at both  
Winnipeg and Fort William before the Commissioner  
as well as before the County Judge who has been  
deputed to hear the additional claims in Winnipeg.  
The Commissioner thought it desirable that he  
preside at the entire Fort William Session, since  
there are only some 41 claims to be heard there.

Yours truly,

  
SECRETARY

HIB/W.

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



February 10th, 1948.

Mr. Fred Nishikawa,  
703 McKenzie Street,  
FORT WILLIAM, Ontario.

Dear

I have now been advised by the Commissioner that he expects to hear Fort William cases during the period from April 21st to April 30th and I have already reserved a room for that time at the Royal Edward Hotel.

In due course, I will receive from Toronto, forms to be completed by the applicants prior to the individual hearings and will probably forward them to you with instructions for completion.

I will, of course, keep in touch with you.

Best regards,

Sincerely,

ENC/y

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



*Japanese Canadian*

TELEPHONE: ADELAIDE 2547



**CITIZENS ASSOCIATION**  
NATIONAL HEADQUARTERS:  
84 GERRARD ST. E., TORONTO 2, ONTARIO

February 7, 1948.

Mr. S. M. Cherniack  
460 Main St.  
Winnipeg, Manitoba

Dear Sir:

Re: Special Detailed Claims Forms

Upon request of Mr. Andrew Brewin, we are sending you printed forms to be used in assisting claimants in their presentation of claims to the Commissioner.

We are forwarding you, under separate cover, the following forms:

Personal Chattel Forms	500
Real Estate (Farm Land)	300
Real Estate (Other than Farm)	300
Personal Property (Business)	150
Personal Property (Fishing Vessels)	75

Should you require any additional copies of the above forms, please let us know, and if you have any forms in excess of your requirements, please return them to this Office.

Yours very truly,

*Kinzie Tanaka*

Kinzie Tanaka, Chairman  
National Executive Committee

KT/tes

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



February 12th, 1948.

Japanese Canadian Citizens Association,  
84 Gerrard St. E.  
TORONTO, Ontario.

Dear Sirs:

I enclose herewith copies of the relevant *postings*  
~~forms~~ of all claim forms for the Manitoba and Fort  
William areas.

Yours truly,

SMC/y  
encls.

*Winnipeg*  
42305  
24 *Shano Koyu % Furman*

CERTIFICATE OF POST OFFICE REGISTRATION  
This receipt is necessary if enquiry is desired

DATE *FEB 12 1948* No. **3349**

Postmaster ☐ c.

FEE if more than 10c. ☐ c.

MAXIMUM INDEMNITY PAYABLE  
CANADA—10c. fee \$25; 20c. fee \$50; 30c. fee \$75;  
40c. fee \$100; for loss, rifling or damage.  
GREAT BRITAIN—\$9.65 for loss or rifling.  
UNITED STATES—\$25.00 for loss only.  
OTHER COUNTRIES—Information may be obtained  
at the Post Office.

50B.—1,500,000—3-1-47

S. M. Chernack - Corr

Jan-Mar 1948

1-3



29 Chano Kojima 42805  
TELEPHONE PACIFIC 9164

S. M. Cherniack - Corr  
Jan-Mar 1948

*Japanese Canadian*  
TELEPHONE: ADELAIDE 2547



**CITIZENS ASSOCIATION**  
NATIONAL HEADQUARTERS:  
84 GERRARD ST. E., TORONTO 2, ONTARIO

February 18, 1948.

Cherniack & Cherniack  
31-460 Main Street  
Winnipeg, Manitoba

Dear Sirs:

This is to acknowledge receipt of copies of  
claims forms completed by claimants whose claims are being handled  
by your office for the Manitoba and Fort William areas.

Thanking you, we remain,

Yours very truly,

*Kinzie Tanaka*

Kinzie Tanaka, Chairman,  
National Executive Committee

KT/tes





DEPARTMENT OF LABOUR  
JAPANESE DIVISION

941909

749 Somerset Building  
Winnipeg, Manitoba  
February 20th, 1948

Miss M. Miyamoto  
341 Flora Ave.  
Winnipeg

98401

Dear Miss Miyamoto:

We have been advised by the Secretary-Manager of the Municipal Hospitals that a ruling has been obtained from the Municipal Commissioner, Manitoba Provincial Government, as to whether or not you and your family are residents of the City of Winnipeg.

Ruling on this question was requested by this office, as we were of the opinion that, as a resident of the City of Winnipeg, you were entitled to free hospital care.

The Municipal Commissioner has ruled that in view of existing conditions, you are not eligible for this special hospital consideration.

This means that the account of \$72.00 for hospital treatment you received in October 1947 will have to be paid by yourself. Kindly attend to this matter at an early date.

Yours truly,

*W. Morrison*

WM. MORRISON  
Welfare Officer

WM/

*TB on  
communicable  
disease*

I would very much appreciate receiving a reply by airmail from you as to whether it would be possible for

42341-21-1212

S. M. Cherniack - Corr  
Jan-Mar 1948

1-3



*27 Skano Koyu % Furman 42805*  
*Winnipeg*  
TELEPHONE PACIFIC 9164

**Campbell, Brazier, Fisher & McMaster**  
Barristers and Solicitors

A. T. R. CAMPBELL  
C. W. BRAZIER

A. W. FISHER  
R. J. MCMASTER

A. J. F. JOHNSON

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

February 23rd, 1948.

OUR FILE NO.

S. M. Cherniack, Esq.,  
Barrister & Solicitor,  
460 Main Street,  
Winnipeg, Man.

Dear Sir:

Re: Japanese Claims Commission.

As you are no doubt aware, the writer has appeared on almost all of the claims so far presented to the Japanese Commission on behalf of the Co-Operative Committee. He has acquired therefrom a certain amount of insight into the problem of the presentation of claims and has developed a technique which has resulted in speeding up the procedure considerably and has proved extremely acceptable to the Commissioner. Mr. Justice Bird has indicated that he is most anxious that the same technique be employed systematically across the country in the presentation of claims and has urged that if at all possible the writer should consult with other solicitors acting for claimants in the Western Provinces before the Commission proceeds out of British Columbia.

We recently suggested to Mr. Brewin that about the time that the writer is in Saskatoon attending a meeting of the Co-Operative Union of Canada, we might arrange for a conference of the solicitors on the Prairie Provinces. The writer will be in Saskatoon from the 8th of March to the 12th. Mr. Brewin has endorsed the suggestion and if at all possible, he may be able to attend himself. If there is any chance of Mr. Brewin attending, my suggestion would be that we hold a conference at Regina for the full day of the 13th of March. If, on the other hand, there is no possibility of Mr. Brewin attending, it might be wiser to hold the conference at Lethbridge on the 13th or 14th of March as the majority of the solicitors involved are in Alberta.

I would very much appreciate receiving a reply by airmail from you as to whether it would be possible for

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



Feb. 23rd, 1948.

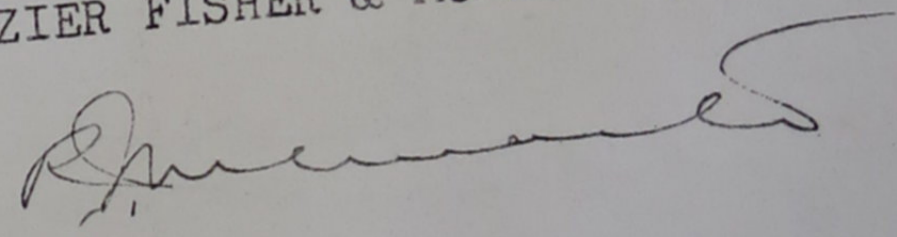
Mr. Cherniack:

- 2 -

you to attend such a conference on either the 13th or 14th of March, at either Regina or Lethbridge.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per: 

McM:MM  
AIRMAIL

Dear Sir:

I acknowledge receipt of your letter of the 23rd and welcome an opportunity for a discussion of the technique used for the presentation of claims. It appears to me to be a worthwhile idea.

I am quite certain that I will be able to attend such a conference either at Regina or Lethbridge on the 14th and 15th proximo.

Yours truly,

CHERNIACK & CHERNIACK

3/2/48

air mail

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



February 24th, 1948.

Mr. R.J. McMaster,  
c/o Campbell, Brazier & Co.,  
Royal Bank Bldg.,  
VANCOUVER, B.C.

Dear Sir:

I acknowledge receipt of your letter of the 23rd instant and welcome an opportunity for a discussion on the methods and technique used for the presentation of claims. It appears to me to be a worthwhile idea.

I am quite certain that I will be able to attend such a conference either at Regina or Lethbridge on the 14th and 15th proximo.

Yours truly,

CHERNIACK & CHERNIACK

SMC/P

*air mail*

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



29. Shano Koyu 76 Funn... 42805  
30. " Mosch...  
35. Shimada Kimiji 75768

RECEIVED

S. M. Cherniack - Corr  
Jan-Mar 1948

February 27th, 1948.

Japanese Canadian Citizens Ass'n.,  
84 Gerrard St. East,  
TORONTO 2, Ont.

Dear Sirs:

We enclose herewith copy of claim form of Hideo  
Tamaki and a copy of our letter to the Commissioner.

You might substitute this form for the copy  
forwarded to you with the other copies on the 12th instant.

Yours truly,

CHERNIACK & CHERNIACK

per.

SMC/P  
ENCL.

1-3



29 Okano Kazuo 75765  
30 " Masaharu  
35 Shimoda Kuniji 75768

S. M. Cherniack - Corr  
Jan-Mar 1948

February 27th, 1948.

The Commissioner,  
Office of the Custodian,  
Royal Bank Building,  
VANCOUVER, B.C.

Dear Sir:

Sometime ago we forwarded to you claim of Hideo Tanaki,  
registration No. 04481.

Recently, Mr. Tanaki located various documents which  
gave him a better indication of the value of the buildings on  
his property and which also contained a list of a number of  
articles which were apparently lost, destroyed or stolen.

We have therefore prepared and enclose herewith an  
amended claim in duplicate and on Mr. Tanaki's behalf, we are  
applying to you for permission to file the amended claim in  
substitution for the former one sent to you.

Trusting you will grant Mr. Tanaki's request, we are,

Yours truly,  
CHERNIACK & CHERNIACK

per.

ENC/P  
Encl.



29 Ekano Kyojo 76 Fumamori 42805  
30 " Masahiro  
35 Shimoda Kinsji 75768

TELEPHONE PACIFIC 9164

Campbell, Brazier, Fisher & McMaster  
Barristers and Solicitors

A. T. R. CAMPBELL  
C. W. BRAZIER

A. W. FISHER  
R. J. McMASTER

A. J. F. JOHNSON

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

March 3rd, 1948.

OUR FILE NO.

1742

S. M. Cherniack, Esq.,  
Barrister & Solicitor,  
31-460 Main Street,  
Winnipeg, Manitoba.

Dear Sir:

Re: Japanese Claims Commission.  
Conference of Solicitors  
representing Claimants.

This is to confirm that the conference will  
be held at Regina, on Saturday, the 13th of March. I  
expect Mr. Brewin of Toronto and Mr. Shumiatcher of Regina  
will also be attending.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER

Per:

*R. J. McMaster*  
m.

MM

AIR MAIL

S. M. Cherniack - Conf

Jan-Mar 1948

1-13



27 Chano Koyu 1/2 Furman 42505  
30 " Moschur  
28 Shimada v. v. 75762

RECEIVED

S. M. Chernick - Corr

Jan-Mar 1948

March 4th, 1948.

MEMORANDUM

To Alistair Stewart  
and H.A. Gray.

I have come across a situation which I feel should be rectified but I don't pretend to know how to proceed about it. I will give you the facts as I know them and you can use them as you see fit.

Apparently an Agreement of some sort was entered into between the B.C. Securities Commission (which was appointed by the Dominion Government, Department of Labor, to handle the Japanese Canadian problem) and the Provinces, regarding the forced movement of Japanese Canadians out of British Columbia. I have not been able to get a copy of this Agreement, and am under the impression that it consists of an exchange of letters between the B.C. Securities Commission and the individual Provinces.

Under this Agreement, there was apparently an undertaking by the Department of Labor that the Japanese would not become a charge on the Province to which they were moved, and I am informed that Alberta has taken the stand that it is not liable for Old Age Pension, etc. and that the Department of Labor is paying the pensioners.

I believe that Manitoba is paying Old Age Pensions but the Municipal Commissioner has given an adverse ruling in the following regard.

A resident of Winnipeg, who has to go to the King George Hospital for treatment of a communicable disease, such as T.B. or Polio gets free hospital care, i.e. the City pays for it. A Japanese person, however, who may have resided in the City for a number of years and paid taxes, has been ruled as not a legal resident of this Province and must pay the bill himself. The ruling is apparently made on the basis of the above mentioned Agreement.

Unfortunately, I have no special case. The matter came to my attention in regard to a claim made against Miss H. Miyamoto of 341 Flora Avenue, but I found that she had been treated for pneumonia and would have to pay the bill in any event. However,



29. Shono Kazuo 76 Fumamori 42805  
 30. " " " " " "  
 35. Shinoda Kuniyuki 75768  
 34. " " " " " "

- 2 -

by some error it was thought that, had she been considered a legal resident, her bill would have been paid by the City and a ruling was requested from the Municipal Commissioner, and the above was his ruling.

I believe that on another occasion a person had been treated for a communicable disease and the City was not called upon to pay it, and the Japanese Division of the Department of Labor paid her bill. The Department paid it because she was indigent, but had she been able to pay, they would have collected from her.

It seems to me that by this time, people who contribute to the City's income either by direct payment of taxes on property owned by them or by payment of rent, part of which takes care of taxes, should be considered residents for all purposes and should have the same privileges as other residents.

I think that you could request the production of the Agreement, and should it warrant it, make a fuss about the present situation.

SNC/P

S. M. Cherniack - Corr

Jan-Mar 1948

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1-3



HONOURABLE MR. JUSTICE H. I. BIRD  
COMMISSIONER

JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE  
VANCOUVER, B.C.

A. WATSON  
SECRETARY

~~Nelson, B. C.,~~

March 15th, 1948.

Messrs. Cherniack & Cherniack,  
Barristers & Solicitors,  
31 - 460 Main Street,  
Winnipeg, Man.

Dear Sirs:

We enclose herewith short list of Winnipeg claims to be heard by Mr. Justice Bird from April 12th to April 20th next. All claimants appearing on this list will be notified by us of the dates on which they are required to appear to submit evidence in support of their claims. We shall feel greatly obliged if you will advise us if you are presenting all the claims appearing on the short list. We note that three claims are represented by R.A. Best and one by Swift, MacLeod, Deacon & Ormond. We presume you have by this time been furnished with a list of Fort William claimants. Mr. Justice Bird will hear all the Fort William claims and we would like to know if you are presenting all the claims to be heard in Fort William. The remaining Winnipeg claims will be heard at a later date by a Sub-Commissioner to be appointed when Mr. Justice Bird arrives in Winnipeg and he will, of course, discuss this phase of the business with you.

Please let us hear from you as soon as possible and we shall appreciate what information you can give us in the matter of presentation of claims.

Thanking you in anticipation,

Yours truly,

*A. Watson*  
A. WATSON,  
Secretary.

AWW-s  
Enc.

S. M. Cherniack - Corr

Jan-Mar 1948



MEMORANDUM ON CONFERENCE HELD AT  
PARLIAMENT BUILDINGS, REGINA,  
SATURDAY March 13th.

PRESENT:

Mr. R. J. McMaster, Vancouver.  
Mr. S. N. Cherniack, Winnipeg.  
Mr. F. A. Brewin, Toronto  
Dr. M. C. Shumatcher } Regina.  
Mr. George Tamaki }  
Mr. Tommy Shonyama }

The first question discussed was the conduct of the proceedings to date, and Mr. McMaster gave the benefit of his experience in the way in which the proceedings had been worked out so as to expedite the matter.

The following is not a full account of all that was discussed, but brings out some of the highlights.

A general discussion took place and it was agreed that it would greatly assist the claimants if the Commissioner continued to feel as he apparently did at the present time, that the assistance of the Co-operative Committee's counsel had been very helpful.

Mr. McMaster urged the importance of reading the Custodian's file with care and particularly for information that might prove detrimental to the claim. He suggested that where it appeared the original claim had been too high, either from material in the file or from material obtained in the interview, that leave to amend should be asked at the opening of the hearings. He suggested that the Custodian's file should be examined before completing the written evidence on the forms which we have prepared. It has become customary to give ~~xxx~~ Government Counsel the evidence/and to proceed by filing first of all as an exhibit this written material on the forms prepared, and getting the witnesses to accept this material, and further to explain/anything that needed explanation.

Where the witness had special knowledge as to values this should be brought out. Where documents on the Custodian's file are helpful they should be referred to. He suggested that four copies of the written evidence be made. ~~xxxxxx~~  
~~xxxx~~

In particular it should be noted that in some cases there are more than one appraisal; that the Custodian's file should

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



be checked for tenders and special care should be taken to bring out on the record the date of the appraisal or appraisals, and the date of sale.

It is customary to file the appraisals on behalf of Government counsel.

Evidence as to rentals should be brought out especially where some reason should be advanced for rentals being very low, e.g. the undertaking by a tenant to look after property and so forth.

The file should be reviewed to see whether there is any letter from the tenants or claimants as to rental of property, and bona fides of tenant should be checked. In some cases tenants bought property later.

In regard to chattel claims it was pointed out that nearly all of the claimants filed J.P. forms with the Custodian. These in many cases were very incomplete. Government counsel have been in the habit of preparing and filing a claims analysis in which is included a list of the chattels claimed, a list of chattels disclosed on J.P. forms, a list of chattels included in inventories either supplied by claimant or made by Custodian's representative.

Mr. McMaster advised that except in special cases it was not feasible to go into much detail or indeed press claims for chattels where their existence has not been disclosed either in the J.P. forms or in inventories supplied, or in lists of chattels sold by the Custodian. However, in special cases where something substantial is not included, evidence should be brought out to explain omission through circumstances and proposed corroborative evidence to indicate that the chattel claimed was in fact the property of the claimant and was on the property at the time of evacuation although not disclosed. Various letters on the Custodian's file and leases also show chattels.

It is to be noted that in some of the claims analyses, chattels are shown as "unsold". These should be examined and if necessary, adjournment obtained to check whether these chattels are in fact in the possession of the Custodian unsold. Under this head it would appear that some chattels which had been lost, destroyed or stolen and for which valid claims can be made, are listed as unsold.

In regard to fishing nets it would appear that those who were evacuated filled in net declaration forms. The nets were left with fishing companies and tags put on them. It would appear that many



of these tags were switched. Evidence should be brought out that the nets were washed and blue-stoned and also as to the date when purchased and the number of seasons used.

In cross-examination the Government counsel is bringing out in some cases that chattels including nets were left in the care of tenants or other persons.

We suggest that care should be used in going into the facts. The actual wording of the Orders-in-Council excludes claims where property was lost, destroyed or stolen while in the custody, control or management of some person other than the Custodian.

We assume that this means where some definite arrangement was made and undertaking by the persons with whom the property was left to look after it. We assume it does not apply where the claimant was merely allowed to leave the property there but no duty of looking after it at all was assumed. In any event care should be used to bring out the facts in these cases.

In regard to cars the copy of the R.C.M.P. receipt should be read into the record as well as any evidence as to when the appraisal was made.

We understand that many of the cars which were sold, were appraised in bulk. In the same way receipts for radios and cameras should be filed. Evidence should be brought out as to the date and make. In regard to stock-in-trade it is important to distinguish between wholesale and retail value and to get clear information on this.

The question of valuations was discussed and Mr. McMaster indicated that it was intended to use the services of Professor Farr in reviewing statistical information as to assessments and sales, rentals, etc. both before and after the sale by the Custodian.

To secure this information it is proposed to employ five law students during the summer.

With regard to farm lands in the Fraser Valley Mr. Yamaga is to be employed, and has already indicated his willingness to assist.

It was further resolved to recommend the employment of

S. M. Cherniack - Corr

Jan-Mar 1948

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-5-

Mr. Hower of Vancouver who had acted for the Government during the war time in regard to expropriation of property taken over by the Army, Navy and Air Force. Other real estate valuations could be made at a later date.

-4-

It was also agreed that expert evidence would be required in regard to fishing vessels, cars, household furniture, farm machinery, etc.

#### Finance

Mr. Brewin informed the meeting that total receipts from the 1% retainer fee would probably be in the neighbourhood of \$33,000.00.

It was agreed that a total of \$15,000.00 should be made available for fees, expenses and salaries of the complete valuation staff. Of this, Mr. Virtue might be expected to pay in respect to his clients, between \$2000.00 and \$3000.00.

It was therefore suggested that the following budget be suggested:

Valuation fees and expenses -	\$13,000.00
Solicitors disbursements:	
Mr. McMaster -	\$2500.00
Mr. Brewin -	1000.00
Mr. Cherniack -	200.00
	3,700.00
Already committed for interpreters, etc.	2,000.00
Contingencies	5,000.00
Balance for Solicitors fees	9,300.00
	\$33,000.00

It was recommended that the disbursements be paid as incurred, and it was recommended that the following sums be advanced on account of fees.

Mr. McMaster -	\$2000.00
Mr. Huckvale and Mr. Turcott -	750.00
Mr. Cherniack -	1000.00
Mr. Brewin -	1000.00
Mr. Best -	500.00
Mr. Ouimet -	300.00

After discussion it was decided not to proceed with a mandamus or other proceeding to question a ruling of Mr. Justice Bird in respect to deterioration between the date of the evacuation and the date of sale.

The question of fishing vessels not within the terms of reference having been sold through the Fishing Vessels Disposal



Committee was discussed.

Mr. McMaster informed those present that Mr. Hunter had prepared a statement in respect to this.

It was requested that all who had information in respect to this matter should make it available to Mr. Brewin so that at the appropriate time and with fully and carefully documented evidence a request might be made to the Government to enlarge the terms of reference. It was considered useless to make this application to the Government unless reliable facts were available.

Mr. Brewin informed those present that he had been in correspondence with the Minister of Justice and the Custodian in respect to the allowance of commissions for real estate agents, etc. on sale of properties. Mr. McMaster undertook to enquire through the Custodian's Office what disposition was being made of the request for allowance for commissions. It was decided that if satisfaction was not forthcoming a test action should be instituted possibly if not preferably in the Province of Ontario.

Some time was spent discussing the procedure to be followed in producing evidence as to values in the form, but it was decided that it was premature to come to any conclusion in this. It was concluded that most of this evidence could be put in tabular form, thereby shortening the proceedings. At least some cases, however, would have to be gone into in detail.

Those at the meeting felt that they had secured very great assistance in regard to the presentation of the claims, from Mr. McMaster's account of proceedings to date, and we were very much impressed with the necessity of careful preparation of claims in advance along the lines included by him.

The lawyers once again were requested to make careful dockets in regard to time spent.

S. M. Chernack - Corr

Jan-Mar 1948

1-3



FORT WILLIAM

TELEPHONE PACIFIC 9164

# Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL  
C. W. BRAZIER

A. W. FISHER  
R. J. McMASTER

A. J. F. JOHNSON

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

OUR FILE NO. 1742

March 17th, 1948.

S. M. Cherniack, Esq.,  
Barrister & Solicitor,  
31-460 Main Street,  
Winnipeg, Manitoba.

Dear Saul:

When I suggested the other day that Leckie would be able to help you on the Manitoba cases, for some reason or other I was thinking that the Commission would be sitting in Manitoba in May and not April.

As it appears that our Sub-Commission hearings will begin here on April 5th or 12th, I do not think it will be possible to release him. Accordingly, I would suggest that you make other arrangements for assistance as you will surely need the same.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per: *Bob Weber*

McM:MM

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE  
VANCOUVER, B.C.

Lethbridge, Alberta,

March 22nd, 1948.

Messrs. Cherniack & Cherniack,  
Barristers & Solicitors,  
31-460 Main Street,  
Winnipeg, Man.

Dear Sirs:

We enclose herewith short list of claims to be heard by the Commission in Winnipeg. We note that you will be presenting claims Nos. 1 to 41 inclusive. We will forward advice to Messrs. Swift, MacLeod, Deacon & Ormond who are representing claim No. 42.

The Custodian advises us that it is his policy to forward his file to counsel for claimants about three weeks before date of hearing, and you should, therefore, be receiving his files in the course of the next few days.

We also enclose herewith list of Fort William claims and we shall be glad if you will advise us if you are presenting all the claims appearing on this list. We shall forward you in the course of a few days a revised list showing the dates of hearings. Please favour us with a reply to this letter as soon as possible.

Thanking you in anticipation,

Yours very truly,

*A. Watson*  
A. WATSON,  
Secretary.

AWW-S  
Enc. - 2

29. ONIZAKI	Sekimatsu	13400	1,361.36	171.64
30. SANO	Matasaburo	00954		578.50

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



FORT WILLIAM

LIST OF CLAIMS TO BE HEARD AT FORT WILLIAM, ONT.  
COMMENCING APRIL 21ST, 1948.

Represented by	NAME OF CLAIMANT	REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING
			REAL	PERSONAL	
	1. ARINOBU Manzo	13958	\$ 3,500.00	\$ 418.00	
	2. BABA Teijiro	08449	2,400.00	1,150.00	
	3. FUKUKAWA Gentaro	14052	5,400.00	5,400.00	
	4. HAYASHI Chu	09711	1,275.00		
	5. HAYASHI Gengi	04058	4,283.00	495.00	
	6. HAYASHI Haruno	02967		725.00	
	7. HIRASHIMA Kurataro	04768		70.50	
	8. HIBI Katashi	04138		820.00	
	9. HONKAWA Kyuhachi	08540		304.00	
	10. INABA Chuzaburo	12168	3,133.00	1,359.73	
	11. IWAMOTO Arikichi Harry (Yuri Iwamoto) Estate of	08369		681.50	
	12. IWASA Kazuo	08386	2,100.00		
	13. KATSUMOTO Juichi	14120	2,953.59	2,902.23	
	14. KAWAHARA Gihei	08698	5,000.00	2,505.00	
	15. KAWASHIMA Yeki	13869	1,384.00	292.73	
	16. KENNO Kato	10177	1,450.00		
	17. KENNO Yaye (formerly Yaye Yada)	05990	2,500.00		
	18. KITAGAWA Shinjiro	04434	1,200.00		
	19. KOBAYASHI Shigeno	1444	811.00	139.00	
	20. KOYANAGI Tadatoshi	03989		455.00	
	21. MINAKI Kikutaro	14257	2,121.15	1,980.00	
	22. MORIHIRA Haruji	14277	550.00		
	23. NAGAMATSU Sakuo	14332	439.00		
	24. NAKANO Yasuzo	05536		500.00	
	25. NISHIMURA Sumie Mrs.	04830		490.50	
	26. NISHIKAWA Fred Kotaro	08755	1,335.00	647.00	
	27. ODA Miyoshi	08157	490.00	567.17	
	28. ODAGUCHI Eichi	10693	406.50		
	29. ONIZAKI Sekimatsu	13400	1,361.36	171.64	
	30. SANO Matasaburo	00954		578.50	

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



FORT WILLIAM

-2-

Represented by NAME OF CLAIMANT REG. NO. AMOUNT OF CLAIM DATE OF HEARING  
Real Personal

31.	SASAKI	Taushinosuke	01954	\$ 3,400.00	\$ 562.35
32.	SHIOZAKI	Moriji	06768		3,636.00
33.	TAMASHIRO	Kiju	10024	1,150.00	260.00
34.	TATEBE	Kango	09276	500.00	331.70
35.	TATEISHI	Tomehiko		765.00	286.98
		(Est. of) Made by Haruhiko			
		Tateishi, Executor)			
36.	UMAKOSHI	Tasoji		4,000.00 -	
37.	WATANABE	Isamu	07398		1,093.22
38.	YAMAMOTO,	Fusakichi	04787		975.00
39.	YONEMOTO	Goichiro	03573	777.00	571.05
✓ 40.	YOSHIHARA	Kazuaki	12047		724.69
41.	NARIWA	Yasuichi	04969		723.02
✓ 42.	KAWANO	Katsumi	04932		12,843.53
✓ 43.	KAWANO	Yoshio	1223		1,771.00
✓ 44.	KOYANAGI	Yukio	05223		3,191.50
✓ 45.	HYOTOKU	Unte	14344	1,694.00	426.75

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



Happy Hirayama

25227  
FR-Ship Sues  
21800

S. M. Cherniack - Corr

Jan-Mar 1948

March 23rd, 1948.

Custodian,  
Royal Bank Building,  
VANCOUVER, B.C.

Dear Sirs:

I enclose herewith a list of claimants whose claims will be heard in Fort William. These claims were sent in direct to you, but I have been engaged to act for them and I would, therefore, appreciate your letting me have copies of appraisals and other documents to which they are entitled.

Yours truly,

CHEARNIACK & CHERNIACK

per.

SMC/y  
encl.

1-3



Happy Hirayama

25227  
FR Chief Sna  
21800

TELEPHONE PACIFIC 9184

FORMS SENT DIRECT

SURNAME

GIVEN NAME

ADDRESS

Sano,	Matasaburo	Box 195, Geraldton, Ont.
Minaki,	Kirutaro	" " "
Nagamatsu,	Sakuo	" " "
Katsumoto,	Juichi	" " "
Hayashi,	Gengi	" " "
Hayashi,	Haruno	" " "
Tatebe,	Kango	608 McIntosh St. Ft. William
Tamashiro,	Fiju	713 Simpson St. Ft. William
Hayashi,	Chu	614 McPherson St. Ft. William
Arinobu,	Manzo	727 McIntosh St. Ft. William
Shiozaki,	Moriji	727 McIntosh St. Ft. William
Kitagawa,	Shinjiro	603 McIntosh St. Ft. William
Nariwa,	Yasuichi	136 Pruden St. Ft. William
Baba,	Teihiro	Camp 72, Neys Ont.
Watanabe,	Isamu	529 Simpson St. Ft. William

S. M. Chernack - Corr

Jan-Mar 1948

1-3



Happy Hirayama

25227  
FR Chief Sec  
21800

S. M. Chernick - Corr

Jan-Mar 1948

CANADA

SECRETARY OF STATE

TELEPHONE PACIFIC 9184

March 23rd, 1948.

Japanese Property Claims Commission,  
c/o L.S. Hurcotte,  
Bank of Nova Scotia Building,  
LETHBRIDGE, Alta.

Dear Sirs:

Attention Mr. A. Watson

I acknowledge receipt of your letter of the 22nd instant enclosing a list of the Fort William claims.

I have checked same with my list and find that I will be appearing for all except the following nine claims:

	No.	File No.	3
Furukawa, Gentaro	No. 14032	" "	9
Gonkawa, Kyuhechi	No. 03540	" "	19
Kobayashi, Shigeno	No. 1444	" "	32
Morihira, Haruji	No. 14277	" "	40
Yoshihara, Kazuaki	No. 13017	" "	42
Kawano, Katsumi	No. 04932	" "	43
Kawano, Yoshio	No. 1243	" "	44
Koyanagi, Rukio	No. 05223	" "	45
Hyotoku, Genta	No. 14544		

It is, of course, possible that when I arrive in Fort William, I will find that some of these claims will be handed to me.

Yours truly,

ENC/7

copy sent to Vancouver



Happy Hirayama

25227  
FR Chief Sec  
21800

S. M. Cherniack - Corr

Jan-Mar 1948

CANADA  
DEPARTMENT OF THE SECRETARY OF STATE

TELEPHONE PACIFIC 9184

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL  
C. W. BRAZIER

A. W. FISHER  
R. J. McMASTER

A. J. F. JOHNSON

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

OUR FILE NO.

1742

March 23rd, 1948.

S. M. Cherniack, Esq.,  
Barrister & Solicitor,  
31-460 Main Street,  
Winnipeg, Manitoba.

Dear Saul:

We spoke to the Custodian at Lethbridge on Sunday last and he promised to give instructions to his office to send to you immediately some at least of the files for Winnipeg and Fort William and to forward the others as they are prepared.

For your assistance, we are sending you under separate cover half a dozen files of cases which have been heard in British Columbia. As these are our original files we would ask you to preserve and carefully return them to us at an early date.

We wrote you the other day that we did not think it would be possible to let you have Mr. Leckie's services as at that time we anticipated the Sub-Commission would be commencing on April 12th. However, the B. C. Sub-commissions are now put off to April 21st. Accordingly, if you find yourself stuck, we would try to arrange to release Leckie to assist you in preparation work to be in Winnipeg say from the 5th of April to the 9th of April and in Fort William from the 11th to the 15th. We would require to have him back at Vernon on the 18th of April. He would be able to give you quite a help in getting your Winnipeg cases lined up and probably on the schedule suggested, a large portion of your Fort William cases in order before you proceed there. He has been with the writer on the last six weeks of the hearings in British Columbia and therefore would be able to assist you not only on the preparation of claims but also give you some ideas on how we have gone about their preparation and presentation.

1-3



Happy Hirayama

25227  
FR Chief Sna  
2/8/48

S. M. Cherniack - Corr

Jan-Mar 1948

March 23rd, 1948.

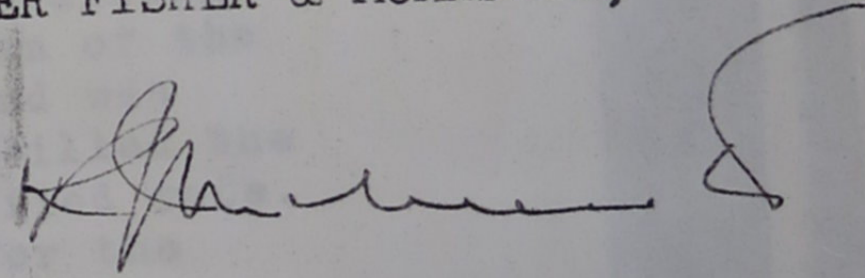
S. M. Cherniack, Esq.,

- 2 -

We can certainly make use of him here if you have succeeded in making other satisfactory arrangements so do not feel obliged in any way to use him. If you do wish his services, however, we would like to have a reply by airmail.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per: 

McM:MM

1-3



25227  
FR Chief Inc  
21800

S. M. Cherniack - Corr

Jan.-Mar 1948

CANADA  
DEPARTMENT OF THE SECRETARY OF STATE  
OFFICE OF THE CHIEF CLERK




Dear Mr. Stewart:

I have your letter of March 22nd.

Province at the present time.

Yours sincere



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w



Happy Hirayama

25227  
FR Chief Sec  
21800

S. M. Cherniack - Corr

Jan-Mar 1948

CANADA  
DEPARTMENT OF THE SECRETARY OF STATE  
OFFICE OF THE CUSTODIAN

PHONE PACIFIC 6131

CANADA  
DEPARTMENT OF THE SECRETARY OF STATE  
OFFICE OF THE CUSTODIAN

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO.

JAPANESE EVACUATION SECTION

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

March 24, 1948.

Mr. S.M. Cherniack,  
c/o Cherniack & Cherniack,  
31 - 460 Main St.,  
Winnipeg, Man.

Dear Sir:

We have today sent to you by C.P.R. Express, the following claim files to be heard by Commissioner Bird at Winnipeg -

File No.	5606	ENTA, Tsuruo King ✓
"	3783	FUJII, Hyogoro ✓
"	5612	GOTO, Toshiaki ✓
<i>not the same</i>	1298	" Masayo ✓
"	2853	HASHIMOTO, Ruiichi (Est.) ✓
"	4938	HIKIDA, Kaichi ✓
"	3362	HINATSU, Kinya & Senjuro SAITO ✓
"	4833	HISANAGA, Minezo ✓
"	4846	HISANAGA, Munetoshi ✓
<i>Not the same</i>	10657	KAITA, Kiichi ✓
"	3765	KAITA, Sukeichi ✓
"	8664	KAITA, Takeji ✓
"	2859	KATO, Kiyoji ✓
"	8643	MURUYAMA, Teruo ✓
"	4524	MIKI, Masao ✓
"	4506	MIYASAKI ✓
"	8679	MORI, Kunizo ✓
"	7351	MUKAI, Otomatsu ✓
"	5591	NAGAMORI, Masajiro ✓
<i>to</i>	5599	NAGASAKA, Kamakichi - <i>to follow</i>
"	4943	OHORI, Masato ✓
"	4936	OHORI, Yasushi Herby ✓
"	2837	OKANO, Kazuo ✓
"	5278	OKANO, Masaburo ✓
"	5127	ONOTERA, Tatsuo ✓
"	4835	OZAMOTO, Moroku ✓
"	5598	SASAKI, Kihichiro ✓
"	5963	SASAKI, Shusai ✓
<i>Hosaka</i>	1516	SASAKI, Taki ✓
"	3265	SHIMODA, Kumeji ✓
"	4235	SUZUKI, Sadao ✓
"	2858	SUYEHIRO, Kantaro ✓
"	8636	TAKENAKA, Sakae ✓
"	9612	TAKEUCHI, Est. Minoru ✓

1-3



Happy Herayama

25227  
FR Chief Sec  
21800

S.M. Cherniack - Corr

Jan-Mar 1948

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

506 ROYAL BANK BLDG.  
HASTINGS AND GRANVILLE

PACIFIC 5131  
FEB 1948

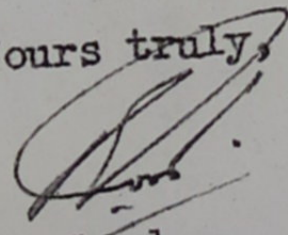
March 24, 1948.

Mr. S.M. Cherniack

- 2 -

File No.	9410	TAKEUCHI, Yonekichi	- Separate
"	5287	TANIGUCHI, Rokusaburo	✓
"	8614	YAKI, Mitsuo	✓
"	5002	YAMEDA, Keizo	✓
"	5005	YAMADA, Yukio	✓
"	5044	YANAMOTO, Katsujiro	✓
"	9602	NISHIOKA, Shigeki	✓

Yours truly,

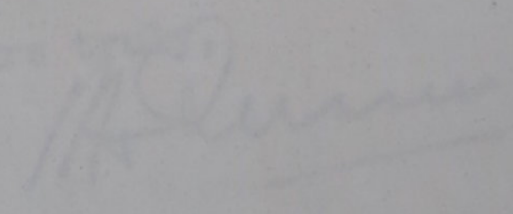


B. Good  
Comptroller.

BG/CN

Another file, 9410, item 72 on the list, which is a very bulky file, is in the process of being reviewed, and will follow in two or three days.

Will you kindly acknowledge receipt of all of these files.

Yours truly,  
  
P.B. Russell.



Happy Hirayama  
L. L.

25227  
FR-Shop Sue  
21800

S. M. Cherniack - Corr

Jan-Mar 1948

CANADA

VIA AIR MAIL

RESS ALL  
ADJUNCTIONS  
COMP TO THE  
CUSTODIAN'S OFFICE  
PLEASE REFER  
TO  
FILE NO. ....

CANADA  
DEPARTMENT OF THE SECRETARY OF STATE  
OFFICE OF THE CUSTODIAN

506 Royal Bank Bldg.,  
Vancouver, B.C.,  
March 25, 1948.

Mr. S.M. Cherniack,  
c/o Cherniack & Cherniack,  
31 - 460 Main St.,  
Winnipeg, Man.

Dear Sir:

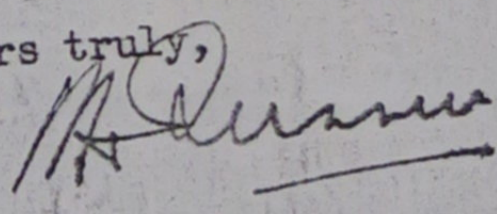
We shipped to you by express  
yesterday, the claim files to be heard at Winnipeg by  
Mr. Justice Bird.

However, one file, namely No. 9410, item 29  
on the Winnipeg Commissioner's list, Yonekichi TAKEUCHI was  
omitted, and we are sending this to you today under separate  
cover. *reid march 29*

Another file, # 5599, item 72 on the list,  
Kamakichi NAGASAKA, which is a very bulky file, is in the  
process of being reviewed, and will follow in two or  
three days.

Will you kindly acknowledge receipt of  
all of these files.

Yours truly,



P.H. Russell.

PHR/CN

1-3



Happy Hirayama

25227  
FR Chief Sec  
21800

S.M. Cherniack - Corr  
Jan-Mar 1948

CANADA  
DEPARTMENT OF THE SECRETARY OF STATE  
OFFICE OF THE CUSTODIAN

PHONE PACIFIC 6131

Original sent by Air Mail

506 Royal Bank Bldg.,  
Vancouver, B.C.,  
March 25, 1948.

Mr. S.M. Cherniack,  
c/o Cherniack & Cherniack,  
31 - 460 Main St.,  
Winnipeg, Man.

Dear Sir:

We shipped to you by express  
yesterday, the claim files to be heard at Winnipeg by  
Mr. Justice Bird.

However, one file, namely No. 9410, item 29  
on the Winnipeg Commissioner's list, Yonekichi TAKEUCHI was  
omitted, and we are sending this to you today under separate  
cover.

Another file, # 5599, item 72 on the list,  
Kamakichi NAGASAKA, which is a very bulky file, is in the  
process of being reviewed, and will follow in two or  
three days.

Will you kindly acknowledge receipt of  
all of these files.

Yours truly,

P.H. Russell.

PHR/GN

Recd with file of  
March 29/48



Happy Hirayama  
FR-Shop Sue  
21800

CANADA  
DEPARTMENT OF THE SECRETARY OF STATE  
OFFICE OF THE CUSTODIAN

506 ROYAL BANK BLDG.

TELEPHONE PACIFIC 9164

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL  
C. W. BRAZIER

A. W. FISHER  
R. J. McMASTER

A. J. F. JOHNSON

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

OUR FILE NO.

March 27, 1948.

S. M. Charniack, Esq.,  
Barrister etc.,  
31 - 460 Main St.,  
Winnipeg Manitoba.

Dear Saul:-

Re: Japanese Claims.

Pursuant to our recent letter we are forwarding herewith six of our original files of cases heard at Grand Forkes in the hope that they may be helpful to you in preparing your own cases. Please guard them with your life and let us have them back by registered mail as soon as you have exhausted their usefulness to you.

The files are cases numbered:

254	Hideo Onotera	Grand Forkes
261	Sumi Sato	do
259	Masayoshi Oye	do
255	Shizuko S. Sakai	do
250	Kozo Arai	do
247	Eminko Kakuno	do

We would ask you to be good enough upon receipt of this letter to refer to the transcript in the file on case # 254 Hideo Onotera as this effects a claim which you are representing.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER

Per 

RJM/M  
Enc.

S. M. Charniack - Corr

Jan-Mar 1948

1-3



Happy Hirayama

FR-Shop Sue  
21800

S. M. Cherniack - Corr

Jan-Mar 1948

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

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

PHONE PACIFIC 6131  
PLEASE REFER TO  
FILE NO. \_\_\_\_\_

March 27, 1948.

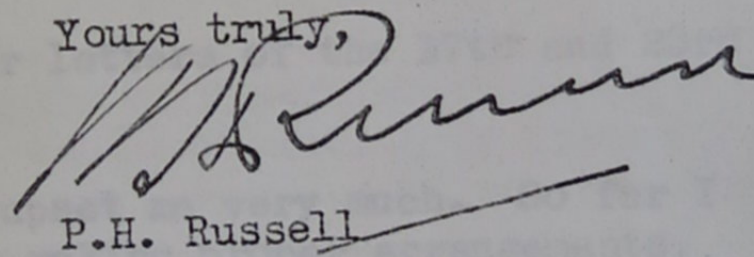
Mr. S.M. Cherniack,  
Messrs. Cherniack & Cherniack,  
31 - 460 Main St.,  
Winnipeg, Man.

Dear Sirs:

We are enclosing herein File #5599 which  
has now been reviewed.

This file is No. 72 on the Winnipeg Commissioner's  
list, and the name is Kamakichi NAGASAKA.

Yours truly,



P.H. Russell

PHR/GN  
Encl.

1-3



Happy Hirayama  
S. M. Chernick - Corr  
Jan-Mar 1948

March 27th, 1946.

Mr. R.J. McMaster,  
c/o Campbell, Brazier & Co.,  
Barristers, etc.,  
Royal Bank Building,  
VANCOUVER, B.C.

Dear Bob:

Thank you for your letters of the 17th and 23rd instant.

The first letter upset me very much. So far I have not been successful in making proper arrangements.

In view of the fact that Lockie can be here by April 5th, it appears to me that with his help, I will be able to prepare more than half of the total of 41 cases, which will be heard commencing the 12th, and that I will be able to do the rest myself in the evenings during the session. Since Lockie will also be able to spend a few days in Fort William, I feel that the same could be done there.

If you feel that it is at all feasible, please let me know. On the other hand, if you feel that I will still require assistance, I will attempt to make arrangements for part time help by a lawyer.

I must rely entirely on you for opinion and advice and I am anxiously awaiting to hear from you.

The answer, therefore, to your offer to send Lockie, is definitely yes.

Yours truly,

*W. H. Shaffer*

SMC/P

1-3



Happy Hirayama  
21800 St. Dun  
March 29th, 1948.

Mr. R.J. McMaster,  
c/o Campbell, Brazier & Co.,  
Barristers, etc.,  
Royal Bank Building,  
VANCOUVER, B.C.

Dear Bob:

I have received the Custodian's files and have gone over some of them quickly. It appears to me that the files have been stripped a great deal more than those which you received, and that Hunter has made good his threat to give only those details of his files which he will produce to the Commissioner. In other words, the files contain the J.P. forms, statements, appraisals, assessments, *analysis etc.* and in the rare occasion one or two letters. Do you feel that there is any way I can demand the fuller file?

Some files have three copies of the analysis and some two. Shall I assume that one copy is for us in either case?

Some Municipalities show on their assessment form that the assessment is a fraction, usually 50%, of the actual value, and in other cases, it is not stated. Has this been brought out during the Hearings?

I have a claim of Kinya Hinatsu, who owned a property jointly with Senjuro Saito in trust for the Pitt Meadows Japanese Farmers' Association. This property consisted of a school house and meeting house and was sold to a Catholic Church. Do you recall whether Saito made a claim through you for his half and whether same was heard?

OK. I have a claim for Tatsuo Onotera, who owned a property jointly with Hideo Onotera. They each claim a half interest and Hideo Onotera's claim has been heard at Grand Forks. I think it would be advisable for you to let me have his file including the transcript.

I am looking forward to hearing from you in answer

- over -

1-3



kyo Hayama  
Heckie.

2180  
Suez  
Canton

TELEPHONE DACTYL 0124

S. M. Chernack - Corr

Jan-Mar 1948

to be, but I am today writing up letter to see whether he will  
be available part time.

In any event, I will be needing interpreter help during  
the trip but I am not sure when that will be.

- 2 -

to the questions I raised above, as well as in my letter of the  
27th instant.

Yours truly,

SMC/P

1-3



Happy Hirayama  
Leckie.

2180  
of Suez  
Cable

S. M. Cherniack - Corr

Jan-Mar 1948

TELEPHONE DIALING 0124

is on, but I am today writing to Shaffer to see whether he will  
be available part time.

In any event, I will be needing interpreter help during  
the session, but I do not yet know whether full time  
or not and will not know until I see what Leckie has said.  
He will, of course, pay the interpreters their loss of earnings  
for time away from work.

March 29th, 1948.

Yours sincerely,

Mr. Fred Hishikawa,  
708 McKenzie St.,  
FORT WILLIAM, Ont.

Dear Fred:

I have now received a list of 43 cases to be heard  
in Fort William from the 21st proximo to the 30th, both  
inclusive.

I have 36 claims and the following 9 are not on my  
list. Please find out if I will be seeing for these as well.

Burukawa, Gontaro  
Honkawa, Kyuhechi  
Kobayashi, Shigeno  
Morihiro, Haruji  
Yoshihara, Kazueki  
Kawano, Katsumi  
Kawano, Yoshio  
Koyanagi, Yukio  
Myotoku, Unta

I have arranged for a Mr. Leckie, a lawyer who has  
been working in B.C. with Mr. McMaster, to be in Fort William  
from about April 10th to about April 15th. He will start  
preparing the claims by interviewing as many claimants as he  
can manage.

It will be necessary for you to arrange an interpreter  
or interpreters to be available full time and you will have to  
see to it that he gets to see the claimants without losing any  
time.

As soon as I receive a list of the dates on which each  
case will be heard, I will send you a copy and suggest whom you  
should call for these interviews and in what order.

I am hoping that he will get sufficient work done so  
that I will not need legal assistance during the time the session

1-3



Happy Hirayama  
Leckie.

TELEPHONE PACIFIC 9184

2180 Shaffer  
2180 Shaffer

S. M. Cherniack - Corr  
Jan-Mar 1948

- 2 -

is on, but I am today writing to Shaffer to see whether he will be available part time.

In any event, I will be needing interpreter help during the session, but I do not yet know whether it will be full time or not and will not know until I see what progress Leckie had made. We will, of course, pay the interpreters their loss of earnings for time away from work.

Yours sincerely,

SAC/P

1-3



March 29th, 1948.

Office of the Custodian,  
Dept. of Secretary of State,  
508 Royal Bank Building,  
VANCOUVER, B.C.

Dear Sirs:

We acknowledge receipt of the claim files listed in your letter to us of the 24th instant, with the exception of the file of Kamakichi NAGASAKA, which we understand by your letter of the 25th instant, will be received shortly.

Today we received the file of Yonekichi TAKEUCHI as referred to in your letter of the 25th instant.

Of the files which you forwarded to us, those of Masayo GOTO and Kiichi KAITA are not on the list of claims to be heard by the Commissioner at the coming sitting.

We note also that we have not yet received file of Shizuo HOSAKI. In this connection we are returning foolscap note which was enclosed with the files and which may have been a memo to one of your officers to forward same to us. We are therefore now awaiting the files of Hosaki and Nagasaka.

On perusing the files, we note that there are extra copies of "analysis" and "summaries", and we assume that they are meant for us. You might confirm this.

Yours truly,

CHERNIACK & CHERNIACK

per.

SNC/P  
P.S.

Amongst the files forwarded to us, was that of Shigeki Nishioka, who is represented by Swift, MacLeod & Co. We would appreciate permission to turn the file over to them.

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



Happy Hirayama  
Leckie.

218 Albany  
Shay

S. M. Cherniack - Corr

Jan-Mar 1948

March 29th, 1948.

Mr. Bernard Shaffer,  
Barrister, etc.,  
17 Murrey Bldg.,  
Fort William, Ont.

Dear Bernie:

I have already written you that the Hearings will be from April 21st to 30th inclusive, and I will be handling between 35 and 45 claims, depending on any additions, which will be handed to me when I arrive.

I have arranged to have the use <sup>at Fort William</sup> of a lawyer, who worked in B.C. on these claims from about April 10th to 15th.

I find that it is necessary to spend about two hours with each claimant before the hearing and in Vancouver it was necessary for two lawyers to work full time, one with the claimants and one before the Commission, and then with the claimants in the evening.

I am hoping that this lawyer, whose name is Leckie, will be able to do sufficient preparatory work so that I can handle the rest in the off hours during the hearings.

In the event that I need help, will you be able to give me part of your time? I think I told you that our resources are extremely limited, and I have authority to pay about \$250.00 a month for full time help and I am wondering whether you will be agreeable to charging me on that basis for time spent. If you cannot do this, can you suggest someone else who might be suitable.

With best regards, I am,

Yours sincerely,

SHC/P

1-3



March 30th, 1948.

Mr. R.J. McMaster,  
Royal Bank Building,  
675 West Hastings Street,  
VANCOUVER, B.C.

Dear Bob:

I acknowledge with thanks receipt of your  
letter of the 27th instant enclosing the six files  
enumerated therein.

I will return same in due course.

Yours truly,

SMC/y

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



Happy Hirayama  
Rechie.

218 Albermar  
TELEPHONE PACIFIC 9164

Campbell, Brazier, Fisher & McMaster  
Barristers and Solicitors

March 30th, 1948.

Custodian,  
Royal Bank Building,  
Hastings & Granville,  
VANCOUVER, B.C.

Dear Sirs:

We acknowledge with thanks receipt of your  
letter and file of Kamakichi NAGASAKA.

We note that you refer to this as File No.  
72. On our list received from the Commissioner, it is  
referred to as File No. 26.

Yours truly,

CHEERNIACK & CHEERNIACK

per.

SMC/y

P.S. Rechie will arrive at 6:30 P.M. April 3/48. Would you please  
call 1-5-1-111

S.M. Cherniack - Corr

Jan-Mar 1948

1-3



Happy Herayama  
Leckie

218 Albermar

S. M. Cherniack - Corr  
Jan-Mar 1948

TELEPHONE PACIFIC 9164

# Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL  
C. W. BRAZIER

A. W. FISHER  
R. J. McMASTER

A. J. F. JOHNSON

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

OUR FILE NO.

March 30th, 1948.

1742

S. M. Cherniack, Esq.,  
Barrister & Solicitor,  
31-460 Main Street,  
Winnipeg, Man.

Dear Saul:

Re: Japanese Claims.

I have for acknowledgment receipt of your letter of the 27th inst., and under the circumstances feel that it is possible for Leckie to be in Winnipeg on the 5th of April and to proceed from Winnipeg to Fort William, as long as he returns to Vernon not later than the 18th of April.

If you are able to get your people in and also to give him some assistance, it seems to me likely that you will be able to have practically the whole Winnipeg list prepared before the Commission starts and then he could get most of the Fort William list prepared. He would be able to interview and prepare on the average six or seven cases a day and we would suggest that you work out a timetable commencing on the 5th to bring people in. After the first day, you might be able to see three or four people a day yourself. We have found Leckie quite willing to work in the evening and between the two of you, we think you should be able to get the list in order. *If the cases are prepared in advance you should be able to handle the presentation yourself.*

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per: *[Signature]*

McM:MM

*P.S. Leckie will arrive at 6:00 P.M. April 3/48. Would you please make reservations for him at a reasonably priced hotel and let me know by wire the name of it. B.*

1-3



Happy Hirayama  
Heckie.

25227  
FR Chief Suez  
2180 ~~Albany~~ <sup>Albany</sup>

Custodians files contain no letters.  
files stripped of everything except J.P. forms, apts, appraisals, <sup>assessments</sup> notices  
i.e. that which custodian will be producing for self.  
Some files have 3 copies of Analysis & some 2.  
is one for us in either case?

Soldier Settlement Board appraisal gives ~~not~~ present day  
value of bldgs - then total value buildings add to farm - other.  
why -

In custodian summary where they give appraised  
in some cases they give the value of bldgs as shown first,  
i.e. higher, and in other cases they give the 2nd value i.e. lower.  
eg - Hyogo Fuzi - higher, Kiyohinata - lower.

Has claim of Senjuro Saito been made anywhere? he  
owned jointly with Kiyohinata

Assessed values - some municipalities value  
buildings at a fraction of actual value - is  
this brought out.

When we write particulars an Analysis, do we write it  
on all copies?

~~H. B. Saito~~

Nets - bluestone & hung  
shd be washed, bluestoned, washed, dried, packed

And



S. M. Cherniack - Corr  
Jan-Mar 1948

HONOURABLE MR. JUSTICE H. I. BIRD  
COMMISSIONER

A. WATSON  
SECRETARY

HONOURABLE MR. JUSTICE H. I. BIRD  
COMMISSIONER

A. WATSON  
SECRETARY



EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

FORM 6102

CANADIAN NATIONAL

W. M. ARMSTRONG, GENERAL MANAGER  
TORONTO

TELEGRAPHS

CLASS OF SERVICE DESIRED

FULL RATE MESSAGE	
DAY LETTER	
NIGHT MESSAGE	
NIGHT LETTER	<input checked="" type="checkbox"/>
EVENING & SUNDAY	

PLACE X OPPOSITE  
SERVICE DESIRED

RECEIVERS NO.

TIME FILED

CHARGE TO  
DEPT. OR  
RESS

Send the following message, subject to the terms on back hereof, which are hereby agreed to

CUSTODIAN  
506 Royal Bank Bldg  
Hastings & Granville  
Vancouver B.C.

Acting 38 claims and probably all stops  
Air Mail all files to my solicitor Agent  
Bernard Schaffer 17 Murray Building Fort  
William Will assume responsibility  
as well for files where may not  
be acting.

S. M. Cherniack

1-3



A. WATSON  
SECRETARY

CANADA  
DEPARTMENT OF THE SECRETARY OF STATE  
OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

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

PHONE PACIFIC 11

PLEASE REFER TO

FILE NO.

April 1, 1948.

Messrs. Cherniack and Cherniack,  
31 - 460 Main St.,  
Winnipeg, Man.

Dear Sirs:

Thank you for your letter of March 29th. The Kamakichi NAGASAKA file was sent to you on the 27th March.

The Masayo GOTO file was sent as it appeared that the claim was tied in with that of Toshiaki GOTO, and it was thought that cross references might be useful to you and to Mr. Hunter, and that possibly you might wish to have both claims heard.

The case of Kiichi KAITA is on my list of Winnipeg cases, but it may have been wrongly extracted from the original list. If it is not heard, please return the file for inclusion with those to be heard by the sub-commissioner.

The foolscap note was left with the files as a mnemonic. The practice has been that claimants' counsel receives our files for review. They are then returned to Mr. Shears and Mr. Hunter, who check them through. Seeing this note, Mr. Shears would be reminded that this file was to be passed to you. Perhaps you will be good enough to replace it with the files. I have asked Mr. Shears to send you this file as soon as he can do so. The note can then be destroyed.

The extra copies of analyses and summaries are intended always for claimants' counsel.

Please turn over to Messrs. Swift, MacLeod & Company, the NISHIOKA file. I had thought that you were acting in all cases at Winnipeg.

Are you acting in all cases at Fort William? The claim files are ready for despatch to interested counsel.

Yours very truly,

P.H. Russell.

PHR/GN

P.S. I hope that all is now clear, but if not, please let me know.

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



HONOURABLE MR. JUSTICE H. I. BIRD

HONOURABLE MR. JUSTICE H. I. BIRD  
COMMISSIONER

A. WATSON  
SECRETARY

A. WATSON  
SECRETARY

# JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE  
VANCOUVER, B.C.

Messrs C Cherniack & C Cherniack  
Roberts

March 29, 1948.

31-460 Main St.

Winnipeg man.

Dear Sir:

Re: Winnipeg Sessions.

Mr. Hunter, Government Counsel, has asked the Commissioner to endeavour to arrange to have all of the claims set for hearing in Winnipeg disposed of before the final date, namely, Tuesday, April 20th.

The short list which has been forwarded you perhaps can be disposed of more quickly than the Commissioner had contemplated. You are free to proceed on any one day with more claims than have been allocated to that day. If this could be done, it should make it possible to leave Tuesday, April 20th, free, all of the claims having been disposed of prior thereto.

If this course is adopted, it will give Government Counsel an opportunity to do some preparation on the first day's claims to be heard in Fort William; otherwise, there may be a delay in proceeding with the opening claims at the latter place.

Consequently, the Commissioner directs me to suggest that you might follow out the suggestion made above.

I observe that one claim on Tuesday, April 20th, has been filed by Messrs. Swift, Macleod, Deacon & Ormond. Would you be good enough to ask that firm to be ready to proceed with this claim at an earlier date than the Tuesday. The actual date can be arranged after the Commission arrives in Winnipeg.

Yours truly,

*A. Watson*  
Secretary.

B/H

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



HONOURABLE MR. JUSTICE H. I. BIRD  
COMMISSIONER

A. WATSON  
SECRETARY

## JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE  
VANCOUVER, B.C.

Lethbridge, Alberta,

March 27th, 1948.

Messrs. Cherniack & Cherniack,  
Solicitors,  
31-460 Main Street,  
Winnipeg, Man.

Dear Sirs:

We enclose herewith list of Fort William claims showing the dates of sittings.

We shall feel greatly obliged if you will advise us by return mail, if possible, at the Marquis Hotel, Lethbridge, Alberta, if you will be presenting all the claims at Fort William.

Thanking you in anticipation,

Yours truly,

*A. Watson*  
A. WATSON,  
Secretary.

P.S. Regarding the claim of the River Fish Company, Limited, we note that the president is financially unable to attend at Vancouver. You can discuss this matter with the Commissioner when he arrives in Winnipeg and no doubt an arrangement for hearing will be made satisfactory to claimants.

A.W.W.

Enc. - 1

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



*Mr Cherniack*

FORT WILLIAM

LIST OF CLAIMS TO BE HEARD AT FORT WILLIAM, ONT.  
COMMENCING APRIL 21ST, 1948

Represented by	NAME OF CLAIMANT	REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING
			Real	Personal	
	1. ARINOBU, Manzo	13956	\$ 3,500.00	\$ 418.00	
	2. BABA Teijiro <i>Neyp</i>	08449	2,400.00	1,150.00	
-	3. FURUKAWA, Gentaro	14052	5,400.00	5,400.00	Wednesday
	4. HAYASHI, Chu	09711	1,275.00		April
	5. HAYASHI Gengi <i>Geraldton</i>	04056	4,265.00	495.00	21 <sup>st</sup>
	6. HAYASHI Haruno <i>Geraldton</i>	02967		725.00	
	7. HIRASHIMA, Kurataro	04766		70.50	
	8. HIBI Katashi	04138		620.00	
-	9. HONKAWA Kyuhachi	08540		304.00	
	10. INABA Chuzaburo	12168	3,133.00	1,359.75	22 <sup>nd</sup>
	11. IWAMOTO, Arikichi Harry (Yuri Iwamoto) (Estate of)	08369		681.50	
	12. IWASA Kazuo	08386	2,100.00		
	13. KATSUMOTO Juichi <i>Geraldton</i>	14120	2,953.59	2,902.23	
	14. KAWAHARA Gihei	08696	5,000.00	2,505.00	
	15. KAWASHIMA, Yeki	13869	1,384.00	292.73	
	16. KENNO Kato	10177	1,450.00		
	17. KENNO Yaye (formerly Yaye Yada)	05990	2,500.00		23 <sup>rd</sup>
	18. KITAGAWA, Shinjiro	04434	1,200.00		
-	19. KOBAYASHI, Shigeno	1444	811.00	139.00	
	20. KOYANAGI, Tadatoshi	03989		455.00	
	21. MINAKI, Kikutaro <i>Geraldton</i>	14257	2,121.15	1,980.00	
-	22. MORIHIRA, Haruji	14277	550.00		
	23. NAGAMATSU, Sakuo <i>Geraldton</i>	14332	439.00		26 <sup>th</sup>
	24. NAKANO, Yasuzo	05536		500.00	
	25. NISHIMURA, Sumie (Mrs)	04680		490.50	
	26. NISHIKAWA, Fred Kotaro	08755	1,335.00	647.00	
	27. ODA, Miyoshi	08157	490.00	567.17	
	28. ODAGUCHI, Eichi	10693	406.50		
	29. ONIZAKI, Sekimatsu	13400	1,361.36	171.64	27 <sup>th</sup>
	30. SANO, Matasaburo <i>Geraldton</i>	00954		578.50	

S. M. Cherniack - Corr

Jan-Mar 1948

1-3



FORT WILLIAM

-2-

Represented by      NAME OF CLAIMANT      REG.NO.      AMOUNT OF CLAIM      DATE OF HEARING  
Real      Personal

31. SASAKI, Tsuchinosuke 01954 \$ 3,400.00 \$ 582.35

32. SHIOZAKI, Moriji 06768 3,636.00

33. TAMASHIRO, Kiju 10024 1,150.00 260.00

34. TATEBE, Kango 09278 500.00 331.70

35. TATEISHI, Tomehiko  
(Est.of) Made by Haruhiko  
Tateishi, Executor 765.00 286.98

36. UMAKOSHI, Tasoji 4,000.00 -

37. WATANABE, Isamu 07396 1,093.22

38. YAMAMOTO, Fusakichi 04787 975.00

39. YONEMOTO, Goichiro 03573 777.00 571.05

40. YOSHIHARA, Kazuaki 12047 724.69

41. NARIWA, Yasuichi 04969 723.02

42. KAWANO Katsumi 04932 12,243.53

43. KAWANO Yoshio 1223 1,771.00

44. KOYANAGI Yukio 05223 3,191.50

45. GYOTOKU Unta 14344 1,894.00 426.73

46. Oikawa Eiki 23 24,75 1079.99

Oikawa Eiki

S. M. Cherniack - Corr

Jan-Mar 1948

1-3