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DRAFT LETTER

To Provincial Organizations of National Japanese Citizens Association and of Co-operative Committee.

As you are aware the Co-operative Committee in consolidation with the National Japanese Canadian Citizens Association, has undertaken to provide legal assistance to claimants in the presentation of their claims to the Commissioner.

Forms have been prepared by the Committee for the completion of claims, and these will either have been sent out by the time you receive this letter, or will be sent out shortly.

Attached to the duplicate forms that are to be filed with the Commission, are copies of the forms and a form of retainer of the Co-operative Committee to be signed by those claimants who wish to use the legal services arranged by the Committee. Instructions appear in these forms that they should be sent to your provincial organization, together with a cheque or money order for 1% of the total amount of the loss claimed, which is a retaining fee to take account of legal expenses and valuation expenses.

We are requesting that all these cheques be payable to the Co-operative Committee Claims Fund and we are further requesting that local committees acknowledge receipt of moneys when they acknowledge receipt of the copy of the claim, and thirdly that cheques and all such moneys be not banked locally but sent by registered mail to the office of the Co-operative Committee on Japanese Canadians, Apartment 28, 94 Homewood Avenue, Toronto, accompanied by a complete list of the names and addresses, amounts and dates of acknowledgment. The copies of the claims and retainer forms should be made available to the legal representative of the Co-operative Committee in your province as promptly as possible after receipt.

The funds received by the Co-operative Committee will be administered by the Committee and paid out to the lawyers and valuers as required, and you will not be responsible for sending

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any money to the lawyers.

We cannot at this stage estimate the volume of the claims, and the purpose of the instructions contained in this letter is to simplify and centralize the administration, which might otherwise become a very complicated matter. It is of the utmost importance that none of the claims or monies sent, be mislaid, as the claimants will be relying upon the Co-operative Committee and the National Japanese Canadian Citizens Association to protect their interests.

We shall look forward to your co-operation in this matter and be glad to receive any questions from you in connection with it.

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DRAFT LETTER  
TO LAWYERS  
FROM CO-OPERATIVE COMMITTEE

Dear Sirs:

We understand from Mr. Brewin that you will be acting as the representative of the Co-operative Committee in co-operation with Mr. McMaster (or Norris & MacLennan).

We are very glad that you have been able to assume this important task and we fully realize that a great deal of the burden of the presentation of evidence will fall upon you, and that the arrangements which have been made for remuneration involve a sacrifice on your part.

It was thought advisable to set out our understanding in that arrangement, so that there can be no misunderstanding.

We are inviting the claimants to sign a retainer form retaining the Co-operative Committee on Japanese Canadians to represent them before the Commission. The Co-operative Committee in turn will be retaining you. We are asking all claimants to send with their retainer, a sum of money equivalent to 1% of their claim. All of this money is to be sent by local committees to the Co-operative Committee here and banked by them in a separate account to be called the Co-operative Committee Claims Fund, and we are asking for all cheques made out in pursuance of this plan to be made payable to the Co-operative Committee Claims Fund. We are hopeful that out of this money enough will be received to cover preliminary legal expenses and disbursements for valuations, etc.

The retainer which we are obtaining from the claimants also provides that each claimant will agree that additional legal expenses will be paid proportionately by successful claimants out of their claims.

We would ask you to keep a careful account of all disbursements and time spent in this matter, and submit accounts to us. These will be paid out of the fund obtained of 1%, and further out of the moneys secured by successful claimants. If moneys are needed by you from time to time we will endeavour to make advances

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to cover any necessary expenses. We appreciate that it is quite impossible at this time to make any accurate estimate of the amount of the claims or the amount of work that will be involved in presenting claims, and for that reason we have thought it advisable to leave the amount of fees to be finally paid for this work, to be determined by the presentation of accounts in the usual manner with details set out in these accounts of the services rendered.

The point has been raised that many claimants would prefer to consult you or your firm individually. Our suggestion, which we have discussed with Mr. Brewin and some of our other legal representatives is that when such claimants come to you, you probably would see fit to inform them of the Co-operative Committee's scheme and leave it to the claimant to decide whether he will make individual arrangements with you or come under the scheme. No doubt you will be having some claimants come to you directly and asking you to represent them in accordance with the scheme of the Co-operative Committee. In this case we would ask that you secure cheques from them for the 1% and have them made payable to the Co-operative Committee Claims Fund and sent to the office of the Co-operative Committee on Japanese Canadians, Apartment No. 28, 94 Homewood Avenue Toronto, with a statement of the names and addresses of the claimant from whom the money was received.

However, if you prefer to do so you might retain these moneys in an account for the Co-operative Committee and to be applied against accounts later to be referred by you.

May we hear from you if these arrangements are satisfactory and any questions which require to be answered.

Perhaps it is not necessary to add that the Co-operative Committee has no substantial funds of its own, and we presume that you will be willing to look for the payment of your fees to the fund to be raised in the manner outlined above.

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Note-- This letter is appropriate for Mr. R. J. McMaster and Norris & MacLennan .

Same letter should be written to the other legal representatives except that the sentence in regard to co-operation with R. J. McMaster and Norris and MacLennan would be omitted, and a sentence added: "The legal representatives in British Columbia who will act as our agents there in connection with these claims, are Mr. R. J. McMaster and Norris and MacLennan."

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October 2, 1947.

Messrs. Ritchie & Huckvale,  
612 Third Avenue S.,  
Lethbridge, Alberta.

Re: Japanese Canadians

Dear Sirs:

Mrs. Hugh MacMillan has left for Formosa and has sent on to me your letter of September 23rd.

You will have by now received, or will receive shortly, a bulletin from the Co-operative Committee here setting out their proposals as to proof of claim.

You will note that the Commissioner has set out the information which he requires in the proof of claims, but does not propose to print the forms in detail. This I think suits us as it will enable the Co-operative Committee to prepare forms in duplicate and to give advice and instructions in regard to the completion of the forms. This will enable us to have a record of all claims that are filed with the Custodian without having to ask the Custodian for copies.

We are working to-day on the preparation of these forms and we will, of course, let you have a supply of them as soon as possible.

I have also written to Mr. J. W. G. Hunter who is to be the counsel for the Government, saying that we will desire access to the records of the Custodian. I have not heard from him what view the Custodian will take in regard to this. If by any chance he is unsympathetic it will be necessary for us to make an application to the Commissioner either at or before the opening of official hearings.

In regard to the legal charges our proposal as you will note from the bulletin we are sending out

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Messrs. Ritchie & Huckvale

October 2, 1947.

is that all claimants should be asked to pay an initial retaining fee to the Co-operative Committee of 1% of their claim. I think you will probably think that this is perhaps too moderate, but I believe it will enable a sufficient fund to be collected to insure that at least the minimum legal fees and disbursements will be paid. We then proposed that our legal representative should send in his account for legal services rendered to the Co-operative Committee when it is discovered how much time and effort has been spent, and that these accounts after deducting what may have already been paid out of the retaining fee, should be paid by the successful claimants in proportion to the amounts which they may recover.

I hope that these arrangements will be satisfactory to you.

We have not yet heard from the Commissioner when he proposes to start hearings or where. We have urged that there be an initial preliminary hearing at which various points such as the question of the production of documents, the general nature of the proof required and other matters, may be discussed. One suggestion that we have in mind is that we should ask the Commissioner to make a statistical survey of the sales or property in the affected neighbourhoods during the year or two preceding the vesting in the Custodian.

We feel that this should be done at the expense of the Government and that the matter should be regarded not as litigation between individuals or between individuals and the Government, but as a public inquiry in which the Commissioner must seek his information from whatever source may be available.

I would be glad to have your comments in regard to this.

We shall endeavour to keep you advised from time to time as to future developments and will look forward to co-operating with you. No doubt at some time during the proceedings the writer will have the opportunity to meet and discuss these things with you personally.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

*FWB*

FAB:HC

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RECEIVED

OCT 2 1947

CAMERON WELDON  
& BREWIN

Dear Mr. Brewin,

24 Sterling Apts.  
Winnipeg, Man.  
Oct. 1, 1947

Our Committee has met and we are proceeding with the sorting of the property loss survey forms in order to arrange interviews with the claimants and complete the filing of their claims.

We have written to the Office of the Custodian asking for copies of the claim form and if they are not in printed form that this be done.

We are concerned about two additional points and we would like to have the thinking of the London Committee as soon as possible.

1. Fees - legal counsel - has this matter been discussed and a decision reached. We understand that there was some talk of an initial fee plus a percentage of the return as a result of the claim.

2. Will Norman & MacLennan be the official groups in B.C. through

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which Co-op. Committees throughout Canada  
will be able to check property details,  
assessments etc. Have they been  
approached in this regard - should we  
write them direct.

Hoping to have the answers  
to these details plus any further  
direction from your committee

Sincerely,

Thelma R. Gable.



Law Courts,

October 2, 1947.

Mrs. Thelma A. Scambler,  
24 Sterling Apartments,  
Winnipeg, Manitoba.

Dear Mrs. Scambler:

I must apologize for not having answered your letter of September 23rd. I now also have your letter of October 1st.

The New Canadian will by now have received from us the proposals that we are making in regard to legal representation.

As to answering the points in your letter, you will see that we are proposing in regard to fees, that a retaining fee of 1% of each claim should be paid by those who are using the legal services offered by the Committee. Further, each claimant will agree that in addition all proper legal fees and expenses which will be reviewed by the Committee will be paid by the successful claimants out of such moneys as they may receive.

Secondly we are proposing that both Norris & MacLennan and Mr. R. J. McMaster of the firm of Campbell, Brazier, Fisher & McMaster will be our representatives in British Columbia. We have asked the two firms to arrange between themselves the division of responsibility, and suggested that Mr. McMaster should be the solicitor, and Messrs. Norris and MacLennan should act with them as counsel. I think it will be quite in order to write to either of these firms on the assumption that they will be acting for the Committee.

We are arranging ourselves to print the claim forms, and for a number of reasons we think it would be better that we should print the forms rather than the Custodian. It will enable us to have them printed in duplicate and to retain one copy which will be of great assistance to counsel.

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Mrs. Thelma A. Scambler

October 2/47.

We are arranging to-day to discuss the preparation of forms and the Co-operative Committee have undertaken the expense involved in the necessary printing, and the other Japanese Canadian organizations will look after the distribution of the forms.

I note that you are writing to the Custodian asking for the printing of forms, but it may be that in view of our decision on this matter, that if you have already written, you will write again saying that as the Co-operative Committee propose to print the forms complying with the notice of the Commissioner, your request to them is withdrawn.

Please write to me again about any question that you may have. We shall endeavour to see that you get regular information as to what we propose here.

We understand that Mr. Cherniack will be acting in Manitoba for the claimants, but if there are any other lawyers who will be acting with him, please advise us about this.

Yours sincerely,

FAB

FAB:HC

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October 3, 1947.

Roger Ouimet Esq., K.C.,  
152 Notre Dame Street, E.,  
Montreal, P.Q.

Dear Mr. Ouimet:

Re: Japanese Canadian Claims

We represent the Co-operative Committee on Japanese Canadians in Toronto and we are writing to you on the suggestion of Mr. Frank Scott.

As you are no doubt aware, the Dominion Government has appointed Mr. Justice Bird as Commissioner to inquire into the claims of Japanese Canadians that their real and personal property was disposed of by the Custodian at less than a fair market value. In order to avoid expense and confusion and to insure that as far as possible the claims of the Japanese Canadians are adequately presented, the Co-operative Committee are seeking to arrange to offer to Japanese Canadian claimants legal services to assist them in proving their claims.

The proposal is that counsel be appointed in each province to represent the claimants in the oral hearings in that province and to co-operate with other counsel across the country in the presentation of claims.

There appear to be three stages, first the filing of claims with statutory declarations, second, oral hearings at various centres including Montreal, and thirdly proof of valuation in Vancouver.

It is proposed that each claimant who wishes to avail himself of the services of the counsel appointed by the Co-operative Committee should pay 1% of his claim as a retaining fee, and that the balance of legal accounts should be paid by the claimants in proportion to the amounts received by them.

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We would be very glad if you would feel free to act for the Co-operative Committee in this case. I would be very glad to come down to Montreal at some time and discuss our plans with you.

We do not as yet know the dates of the hearings in the various centres nor, of course, are we yet aware of the number of claims likely to be made in each province. The Commissioner is not likely to start before the first of December at the earliest, and we doubt if he will start before the new year. We have suggested to him that he should start in eastern Canada and move towards western Canada. If he adopts this suggestion, the first hearings may be in Montreal and therefore will be of some importance

I hope you will be able to accept this responsibility.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

*FW*

FAB:HC

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October 3, 1947.

Executive Committee,  
National Japanese Canadian Citizens Association,  
Toronto, Ontario.

Attention Mr. George Tanaka

Dear Sirs:

I understand that there has been some question in your organization in regard to the proposal of the Co-operative Committee to provide legal assistance for a preliminary retaining fee of 1% of all claims.

When this matter was first discussed as you will recall, the writer suggested that a minimum figure for expenses was \$10,000, and it appears that as the losses claimed will probably exceed one million dollars, that provisions for a 1% retaining fee would bring in more than the required amount.

At the time the writer made the suggestion of \$10,000.00, the Government had not amended the terms of reference and the writer had in mind in suggesting that figure, that the terms of reference might discourage a number of claimants and thereby greatly reduce the amount in proof of claims. With the amended terms of reference the amount of claims may be very much more considerable, but the increased amount of the claims will also increase the expense and time involved.

On the previous occasion, the writer roughly estimated a total amount of claims that were to be made at five million dollars, however, for the practical purpose this should be very considerably reduced. First of all there will be a considerable number of claims which cannot be presented to the Commission because of the fact that the properties in question did not vest in the Custodian. This might reduce the claims by 25%.

It must also be borne in mind that the larger figure took in account, that claims were made for loss of

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National Japanese Canadian Citizens Association Oct. 3/47.

earnings which cannot be recovered through the Commission.

In addition it is quite probable that very many of those who signed forms will not when the matter comes to a point and when it is necessary to present evidence, etc. to the Commission, will not wish to go to the trouble of actually presenting their cases.

It is also the view of the Co-operative Committee that legal assistance should be made available to those who for one reason or another were not financially able to pay the retaining fee.

On the other hand it seems to the writer now that the estimate of \$10,000.00 was inadequate. This might take account of minimum legal fees, but inasmuch as the emphasis is placed under the new terms of reference upon the value of the properties, it will be important to have a fund available to employ expert valuers. It may also be necessary to employ someone to gather statistical information as to sales of other properties in the areas concerned and relation of selling values to assessed values.

All in all it is now my opinion that a sum nearer to \$20,000.00 would be more adequate. This would be made up of legal fees of some \$11,000.00, valuation fees of \$5,000.00 and travelling expenses and contingencies fund or statistical material, etc. \$4000.00.

These, of course, are the very roughest estimates because it is extremely difficult to foretell precisely how much work will be done or how much expense will be involved.

I can assure you, however, that although the sum may seem large, it is quite small in relation to claims which in total may range between one million and five million dollars. Indeed if individual claimants had to employ lawyers of their own on an individual basis, it is probable that the amount required would be many times larger altogether.

The suggestion has been made that a basic retaining fee of \$10.00 be set irrespective of the amount of individual claims. We do not feel that this proposal would be fair. Some of the claims may be quite small and involve comparatively little time, other claims as the writer knows are very substantial and will involve a great deal of investigation. It would not be fair to ask the person whose furniture has been sold and who is

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National Japanese Canadian Citizens Association

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claiming \$3000.00 or \$4000.00 to pay \$10.00 and to ask a person whose business is sold and who may be claiming anywhere from \$10,000 to \$100,000, to pay the same amount.

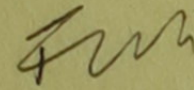
It is, of course, to be understood that if the claimants are unable to pay the retaining fee suggested, for any reason, that the legal assistance will nevertheless be given if the Japanese Canadian organization recommend that it should be. I think that the suggestion made by the Co-operative Committee that a retaining fee of 1% be paid, is fair and reasonable, and will probably provide enough but not too much in the way of financial resources to see that the claims are vigorously presented to the Commission.

I would regret it if your organization felt that this was not a fair proposal. We would, of course, be willing to discuss with you any variation that you suggest.

Yours very truly,

CAMERON, WELDON & BREWIN

per:



FAB:HC

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Law Courts,

VICTORIA, B.C.

4th October, 1947.

John W. G. Hunter, Esq.,  
Barrister, etc.,  
Toronto, Ontario.

Dear Mr. Hunter:

Thanks for your letter of the 3rd inst. enclosing copy of Mr. Brewin's letter of the 29th ult.

I do not think there is any good reason why the closing date for filing claims should be put forward. If that is done we may reasonably anticipate that it will further delay the opening of the Commission hearings. In view of the "escape" provision in the advertisement I agree that no real hardship should result.

I think there will be advantages in holding an open session at which counsel concerned may present their views in regard to the procedure to be adopted in the conduct of future sessions.

It is, I think, undesirable that I should make any comment at this time on the suggestions made in this regard to Mr. Brewin. These are matters upon which I hesitate to express any advance opinion. There may be matters upon which counsel can agree, such as early production of documents.

It may be desirable for me to appoint one or more persons who are recognized as authorities on property values, to make an investigation of the value of individual properties in the areas in which the Japanese were located. My present information is insufficient to permit me to reach any conclusion in that regard. If you or Mr. Brewin desire to express your views on that subject by mail, I would appreciate your assistance.

Mr. Brewin appears to assume that he and his associates will be representing the majority of the Japanese claimants. If that were so I would have less doubt about making advance rulings, after hearing from Mr. Brewin and yourself. However, in view of communications which I have had from A. G. Virtue K.C. of Lethbridge, Alberta, and Eric G. Adams, of Montreal, it would appear that these gentlemen expect to represent the majority of prospective claimants in Alberta and Quebec, respectively. Consequently it would appear undesirable that any final decision should be made in regard to such matters as Mr. Brewin suggests, until all Counsel have been heard at an opening session.

I gather from the information which Mr. Shears has given me that the evacuated Japanese are distributed across Canada roughly as follows: British Columbia 5000; Alberta 700; Saskatchewan 500; Manitoba 1000; Ontario 6000; Quebec 1000.

If one is safe in assuming that claims will be filed by persons resident in these Provinces roughly in proportion to the total number of evacuated Japanese in each, I can see no reason for opening the hearings in Eastern Canada. In fact there appear to me to be advantages in Vancouver which would permit of a physical examination of some of the areas where the Japanese lived when in British Columbia, and particularly the small farm

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properties which I understand were the subject of the investigation by the Public Accounts Committee. Having opened in Vancouver, the more practical move would be to proceed to Kamloops and perhaps Kelowna and Nelson, in British Columbia, in that order, for subsequent sessions.

Once the individual claimants resident in British Columbia have been heard the Commission could then proceed to one or other of the Eastern cities in such order as is then found convenient.

I conclude from my discussion with Mr. Shears, yourself, and Mr. McMaster that it will not be practicable finally to dispose of all the evidence relating to any of the claims at any one session, due to the fact that the Japanese claimants reside elsewhere than Vancouver, and the supporting testimony which they will introduce must come from Vancouver, or, in any case, British Columbia. Moreover, all of the records of the custodian's office being in Vancouver, it would be very inconvenient for the custodian or the Government to present their testimony at any point other than Vancouver.

Consequently I have reached the tentative conclusion that the following procedure should be adopted:

1. To hear the evidence of the respective claimants who have filed claims at the point most convenient to them, which I take it will be the point nearest the claimant's present residence.
2. To hear supporting testimony which each claimant desires to adduce at Vancouver after the testimony of all claimants has been taken.
3. To hear the testimony which the custodian or Government counsel desires to introduce in reply to each of the claimant's claims at Vancouver.

I appreciate that this will create a somewhat awkward situation from my own point of view and perhaps also for claimants or their counsel, but in the circumstances I can see no alternative to this procedure.

I feel strongly that the testimony of each claimant should be completed at the time when he is first heard. Also that the claimant's supporting testimony should all be put in at one time. Likewise that the custodian's reply should be put in at one time. If this course is not adopted I am likely to be faced with the necessity of going back on various matters which should have been dealt with on the occasion when the particular witnesses were first called, which, in the circumstances, appears to me to be quite impracticable.

I will be ready to open in Vancouver at any date convenient to counsel after November 30th. I feel, in view of the fact that many of the counsel who are likely to be concerned are resident elsewhere than in British Columbia, that it would be inconvenient to counsel to open much later than December 1st, otherwise the proximity of the Christmas season will prevent any effectual start being made until after the New Year.

I have had an extra copy of this letter made for Mr. Brewin, and will also send a copy to Mr. Virtue in Lethbridge.

You might take it that the views which I have expressed on the various matters raised by Mr. Brewin are tentative and subject to such representations as any counsel desires to make. It would be highly desirable immediately to clear the ground as much as possible.

Will you, Mr. Brewin and Mr. Virtue write me here if you desire to comment on the foregoing.

Yours truly,

"H. I. BIRD"

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TO LAWYERS FROM CO-OPERATIVE COMMITTEE

VIRTUE & RUSSELL

BARRISTERS, SOLICITORS  
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE

LETHBRIDGE, ALBERTA

A. GLADSTONE VIRTUE, M.C. K.C.  
WILLIAM STAFFORD RUSSELL, B.A., LL.B.

2nd October, 1947.

PLEASE REFER TO FILE NO. 3201

RECEIVED  
OCT 4 1947

CAMERON WELDON  
& BREWIN

F. A. BREWIN, ESQ.,  
c/o Messrs. Cameron, Weldon & Brewin,  
Barristers and Solicitors,  
372 Bay Street,  
TORONTO, ONTARIO.

Dear Sir: RE: COMMISSION RESPECTING JAPANESE  
CLAIMS.

I refer to our two conferences in Toronto, and  
to the information which we exchanged at that time.

I informed you that my Firm was representing  
some five hundred and twenty claimants residing in  
Alberta, whose signed claims I then had with me, and  
which I filed with the Secretary of State in Ottawa.

These claimants, with their families and  
associates, represented approximately three thousand  
people of the Japanese Race residing in Alberta, and  
approximately 95% to 99% of all Japanese Evacuees  
living in Alberta.

We still represent practically all of these  
claimants, and have instructions to present their  
claims before the Bird Commission.

These claimants and their families are re-  
presented by a strong elected committee which represents  
the various Japanese communities surrounding Lethbridge,  
and who are well organized with a view to obtaining  
proper representation, and having their claims fully  
and efficiently presented to the Commission.

During our Toronto conferences we agreed that  
we would co-operate with regard to the presentation of  
claims before the Commission; that we would exchange  
briefs; and that we would consult by mail or otherwise  
regarding the methods to be followed. We, on our part,  
are still prepared to abide by this undertaking, and to  
carry it out fully.

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F. A. BREWIN, ESQ., Toronto, Ontario.....#2

We shall be pleased to hear from you with regard to the whole matter.

We may add that there is in Lethbridge a small committee of some seven persons known as "The Lethbridge Consultative Committee on Canadians of Japanese Origin". The writer has been a member of this committee from its organization. The local Consultative Committee has appointed a legal sub-committee consisting of W.E. Huckvale, Esq., L.S. Turcotte, Esq., Barristers, and W.S. Wallace, a businessman who is acting as Secretary.

According to an announcement made by this Committee it will represent those "who are not otherwise represented by counsel". As far as we know this other group will not represent more than one or two percent, or say at the most five percent of all the claimants. They are a small minority who differ from the main committee representing a majority of probably 95% to 99% of the Japanese, the difference being as to the methods to be pursued.

We are sending this to you by Airmail, and shall appreciate hearing from you fully.

Yours truly,

VIRTUE & RUSSELL,

Per

V/L

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7th October, 1947.

3201

HON. MR. JUSTICE H. I. BIRD,  
c/o Law Courts,  
VICTORIA, B.C.

RE: JAPANESE COMMISSION

Dear Sir:

Let me express my thanks for sending me a copy of your letter dated October 4th, addressed to Mr. John W. G. Hunter.

In my opinion your letter will assist in clearing away certain misunderstandings, and in facilitating the early filing of claims, and the hearings of the Commission.

I accept with pleasure the invitation contained in the last paragraph of your letter, reading: "Will you, Mr. Brewin and Mr. Virtue write me here if you desire to comment on the foregoing".

Now I must preface the suggestions I am about to make with the statement that I receive instructions and guidance from a large committee of Japanese residing in the small towns surrounding Lethbridge, who are democratically chosen by the main groups of evacuees scattered throughout a wide area in Southern Alberta. At the present time not only the members of the Committee but the great majority of the evacuees themselves are engaged in the sugar beet harvest in Southern Alberta, and of course it is highly important in the interests of Canadian economy in general as well as the evacuees themselves that this urgent work be completed. For that reason I may be unable to get instructions from the Committee for a period of a week or ten days, and hence my suggestions will be subject to the final instructions of the Committee when it meets.

For convenience of reference I shall number the paragraphs of your letter of October 4th.

With regard to paragraph 2, I agree that there

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HON. MR. JUSTICE H. I. BIRD, VICTORIA, B.C.....#2

is no reason whatever why these claims should not be filed on or before November 30th.

With regard to paragraph 3, we would be prepared to attend such an open session if it is considered necessary. In that event we feel that the open session should be held either in Vancouver or Winnipeg, the latter being chosen because it is comparatively central, although, personally, we would prefer the open session in Vancouver.

As a matter of fact we see no particular advantage in going to the expense of such a preliminary open session provided counsel in the various Provinces are permitted to express their views (as we are now doing) in writing in advance of the opening session. Very often views so expressed are considerable clearer than oral submissions, and there would seem to be ample time for the expression of such views, and common agreement as to procedure. If, however, such an open session is held we shall attend.

With regard to paragraph 4, we believe that counsel should agree upon the following:-

- (a) That all Orders in Council relating to the evacuation of the Japanese, and subsequent dealings with them and their property be deemed admitted and in evidence before the Commission, reserving all legal considerations as to their effect.
- (b) That all regulations made under the said Orders in Council be likewise deemed admitted in evidence, subject to a like reservation.
- (c) That any further documents which may be necessary, and upon which all counsel can agree, be likewise deemed admitted in evidence in the same manner.
- (d) That copies of all such Orders in Council, regulations, and other documents, be numbered, and furnished to the various counsel.

If such documents are admitted in the manner above mentioned it will enable all concerned to be thoroughly familiar with the ground-work, and will save a mere formal attendance at the opening

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HON. MR. JUSTICE H. I. BIRD, VICTORIA, B.C.....#3

session for the purpose of having such documents put in.

With regard to paragraph 5 of the letter of Oct. 4th, we may say that we have given some thought to this matter. Having done so we do not believe it would be desirable to have valuers or appraisers appointed by the Commission. We believe the evidence or opinions of valuers so appointed would be likely to usurp to a large extent the powers and duties of the Commission itself. Undoubtedly the Government will give in evidence the opinions of certain valuers chosen by the Government, and undoubtedly the claimants will be able to get together for the most part and agree on certain valuers who will represent the claimants. It seems to us that one of the major duties of the Commission will be to weight this evidence and come to a conclusion as to correct values.

With regard to paragraph 6 of your letter, we agree therewith, and otherwise make no comment on Mr. Brewin's position.

With regard to paragraph 7, we point out that the evacuees in the Province of Alberta number approximately thirty-four hundred - not seven hundred- and that we expect to file approximately 500 to 600 actual claims.

With regard to paragraph 8, we entirely agree that there is no reason for opening the hearings in Eastern Canada. We, ourselves, would prefer to have the formal opening session (if one is necessary) in Vancouver.

We will append to this letter our submission, for what it is worth, of what appears to us to be the desirable chronological and geographical order of the hearings, but we submit this with some temerity, and merely in the hope that it may be of some assistance in a tentative way, and after the other counsel have expressed themselves.

With regard to paragraph 9, we agree.

With regard to paragraph 10, we refer to the tentatively suggested order of proceedings above referred to.

With regard to paragraph 11(1), we agree.

With regard to paragraph 11(2), we agree.

With regard to paragraph 11(3), we agree.

With regard to the whole of paragraph 11, we refer again to the tentative order of proceedings appended.

Corn. - Oct 1947

1-13



HON. MR. JUSTICE H. I. BIRD, VICTORIA, B.C.....#4

With regard to paragraph 13, we agree, subject to the fact that after the evidence on behalf of the Government is adduced the claimants should have the usual right of rebuttal evidence in reply.

With regard to paragraph 14, as far as we are concerned, we shall be prepared to attend in Vancouver at any time after December 1st.

We might add that the beet harvest in Southern Alberta should be well out of the way before December 1st, and our clients would then be free to attend the hearings.

With regard to paragraphs 15, 16 and 17, we again express our appreciation of the invitations to indicate our views.

Now, with regard to the whole question, (and as above stated, with some temerity and subject to the guidance of the Commission and other counsel) we suggest the following tentative order of proceedings:-

1. Production in evidence, and without any formal hearing, of all orders in Council, regulations and other documents which may be agreed upon;
2. Hearing at a central point, e.g. Lethbridge, (or as the case of claimants' evidence, including: may be)
  - (a) Claimant himself,
  - (b) Other witnesses available there.
3. Hearing at Vancouver of
  - (a) Remaining evidence on behalf of claimant.
4. Hearing at Vancouver of evidence on behalf of Government.
5. Hearing at, e.g. Lethbridge, of evidence on behalf of claimant in rebuttal (this would be strictly confined to rebuttal evidence).
6. Hearing of argument on behalf of claimants and Government.

While we realize that we cannot expect that all of the above suggestions will be acceptable either to you

Corr. - Oct 1947

1-15



LAWYERS FROM CO-OPERATIVE COMMITTEE

HON. MR. JUSTICE H. I. BIRD, VICTORIA, B.C.....#5

or the other counsel concerned we hope that they may contain some proposals which may open the way to an agreement which will be acceptable to all parties.

Yours truly,

VIRTUE & RUSSELL,

per "G. Virtue"

V/L

COPY

Corr. - Oct 1947

1-13



TO LAWYERS FROM CO-OPERATIVE COMMITTEE

F. A. BREWIN, ESQ., VIRTUE & RUSSELL

Barristers, Solicitors  
and Notaries Public

A. Gladstone Virtue, M.C., K.C.  
William Stafford Russell, B.A., L.L.B. Lethbridge, Alberta

10th October, 1947.

Yours truly,

VIRTUE & RUSSELL,

Per: "G. Virtue"

Please refer to File No. 3201

V/F. A. BREWIN, ESQ.,  
c/o Messrs. Cameron, Weldon & Brewin,  
Barristers and Solicitors,  
Sterling Tower,  
TORONTO 1, C A N A D A.

Dear Sir:

RE: COMMISSION RESPECTING JAPANESE  
CLAIMS

Please accept my thanks for your letter of  
October 7th.

I am glad to know that we can co-operate with  
respect to this matter.

We thank you for your offer of sending us forms  
of proof of claim, but we have already arranged for the  
printing of these forms as we will require a large number  
here, and it would not pay to have them printed and  
shipped from Toronto.

We enclose copy of a statement of our position  
sent to the Hon. Mr. Justice Bird.

We trust that you will agree with our proposals  
in the main, and shall be glad to have you express your  
views regarding them.

A little later on we believe that we should be  
able to get together and select a firm of reliable  
Valuators who will be prepared to give evidence on be-  
half of all Japanese claimants whether living in Ontario,  
Alberta, or elsewhere. We should be glad to have your  
views in this regard also.

We also suggest that it might be best for all  
counsel concerned to agree on the name of one interpreter  
who would accompany the Commission from place to place,  
and would be employed by the Commission itself, thus  
saving our mutual clients considerable expense.

We are sending this to you by Airmail, and would

Corr. - Oct 1947

1-13



F. A. BREWIN, ESQ., Toronto, Canada .....#2

appreciate having your reply by the same method as we anticipate a meeting in the very near future with a large committee representing practically all the Japanese evacuees living in Alberta.

Yours truly,

VIRTUE & RUSSELL,

Per : "G. Virtue"

V/L  
encl. Brewin,  
c/ AIRMAIL. Weldon & Brewin,  
372 Bay Street,  
TORONTO, Ontario.

Dear Mr. Brewin:

To date I have not been able to do very much in connection with the Property Loss Claims other than examining and sorting out all Manitoba Questionnaire forms which were sent here by George Tanaka. As soon as we receive the claim forms from you, I will start interviewing you and examining the forms. We have about 75 claims already submitted and need quite a few more, I want to start as soon as possible. I will need 3 forms for each claim, i.e. 2 for the claimant and 1 for us, so that I expect we will require a number of good forms.

There are some details I wish to clear up at the earliest possible; I would, therefore, appreciate your considering the following, and advising me of your opinion.

1. Will the claim form be based only on information we obtained from the claimant, or will there be opportunity to interview through which we can obtain more material? What I have in mind are details such as:

(a) valuations by local estate agents in the vicinity of the property in question, as at the date of expropriation, date of sale, and at present;

(b) searches at the land office to attempt to obtain information of resale, if any, by purchasers from the expropriator, and the profit made thereby;

(c) itemized statement from expropriator for costs and deductions from sale price, and for particulars as to method of attempting to obtain offers.

2. As I understand it, fishing boats and fishing gear were first taken over by the "Committee", then handled by the R.C. Expropriation Commission, before the expropriation was approved. Do claims for loss suffered by sale by these bodies come within the terms of reference?

3. The local estate agent is asking me about the legal fees. I have taken the claim form and returned to the details of the Expropriation Commission, which agent refers to Mrs. Somerville's report.

Corr. - Oct 1947

1-13



*Cherniack & Cherniack*  
BARRISTERS AND SOLICITORS

Phones { 22 877  
22 878

J. A. CHERNIACK, B. A., LL. B.  
S. M. CHERNIACK, LL. B.

RECEIVED

OCT 8 1947

CAMERON WELDON  
& BREWIN

31-460 Main Street  
Winnipeg,  
Canada

PLEASE REFER  
TO FILE NO.

October 7th, 1947.

Mr. F.A. Brewin,  
c/o Cameron, Weldon & Brewin,  
372 Bay Street,  
TORONTO, Ontario.

Dear Mr. Brewin:

To date I have not been able to do very much in connection with the Property Loss Claims other than examining and sorting out all Manitoba Questionnaire Forms which were sent here by George Tanaka. As soon as we receive the claim forms from you, I will start interviewing people and completing the forms. We have about 75 claims already and since we expect quite a few more, I want to start as soon as possible. We will need 3 forms for each claim, i.e. 2 for the Commission and 1 for us, so that I expect we will require a minimum of 500 forms.

There are some details I wish to clear up as soon as possible; I would, therefore, appreciate your considering the following, and advising me of your opinion:

1. Will the claim forms be based only on information we obtained from the claimants, or will there be machinery in Vancouver, through which we can obtain more material? What I have in mind are details such as:

(a) valuations by Real Estate Agents in the locality of the property in question, as of the date of evacuation, date of sale, and at present;

(b) searches at the Land Titles Office to attempt to obtain information of resale, if any, by purchasers from the Custodian, and the profit made thereby;

(c) itemized statement from Custodian for costs and deductions from sale price, and for particulars as to method of attempting to obtain offers.

2. As I understand it, fishing boats and fishing gear were first taken over by some "committee", then handled by the B.C. Securities Commission, before the Custodian was appointed. Do claims for loss suffered by sale by these bodies come within the terms of reference?

3. The local committee keeps asking me about the legal fees. I have taken the stand that I will conform to the decision of the Toronto Committee. Your latest letter to Mrs. Scambler suggests that

Corr. - Oct 1947

1-15



*Jack V Cherniack*

Mr. F.A. Brewin ..... Page Two.

all claimants pay in 1% of their claim, and the successful claimants pay an additional amount. Several questions have arisen which I have been unable to answer and I would appreciate clarification from you.

(a) Do you feel that there should be a minimum payment so that people who have a questionable claim for a small amount of say \$50.00 to \$500.00 will think twice before making same?

(b) Do you contemplate that out-of-pocket expenses, such as stenography, stationery, postage and travelling expenses be paid out of this 1% or that the Co-operating Committee and the F.C.C.A. be expected to pay same and the 1% should be clear to the lawyers?

(c) Who is to fix the additional sum payable by successful claimants and on what basis should they do so? Do you suggest some form of sliding scale?

(d) In the case of Manitoba, I feel that I will be able to look after all the claims and thus eliminate the necessity of retaining more lawyers and acquainting them with the nature and background of the claims. In such case shall I expect the Co-operative Committee to handle all the moneys or shall I handle them myself?

(e) In the case of work being done for us in B.C. in accordance with Question One above, what sort of arrangements will be made with the Vancouver lawyers? Will you look after these arrangements on a National scale or do we take it up with them in each individual case?

(f) Are you preparing a form of retainer setting out the financial arrangement to be signed by each claimant?

I hope you won't mind letting me have your reaction to these questions. I consider the first two very vital and hope to have your answer in the very near future.

As to the question of fees; although I of course, expect to be paid for my work, I am certain that I will not receive as much as it will be worth, and that does not bother me one bit. I am, however, anxious to make arrangements exactly in accordance with those worked out in Toronto, so that there should be uniformity throughout.

Hoping to hear from you shortly, I am,

Sincerely,

*J. V. Cherniack*

SMC/y

Corr. - Oct 1947

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October 7, 1947.

Messrs. Virtue & Russell,  
Barristers, Solicitors,  
McFarland Building, opposite Court House,  
Lethbridge, Alberta.

Attention Mr. A. Gladstone Virtue, K.C.

Dear Sirs:

Re: Commission respecting Japanese  
Claims

I have received your letter of October  
2nd.

As you are aware I am acting as counsel  
for the Co-operative Committee on Japanese Canadians  
who have represented the deportations and other matters  
for a large number of Japanese Canadians in every part  
of Canada.

The Co-operative Committee are proposing to  
offer the services of legal counsel in each province to  
assist in the presentation of claims to the Commission.

The Co-operative Committee are also acting in  
consultation with a newly formed Japanese-Canadian organ-  
ization known as the Japanese Canadian Citizens Association.

In offering to assist the Japanese Canadians, the  
Co-operative Committee have made it absolutely clear in  
every statement they have made, that the Japanese Canadians  
are fully entitled to secure whatever legal advice they see  
fit, and there is no sort of obligation upon them to accept  
the nominees of the Committee or the plan put forward by the  
Committee. The Committee as you know have branches in each  
province and in considering who should be put forward as the  
legal representatives of the Committee, the Co-operative Comm-  
ittee here in Toronto have asked for advice from the local  
branches in each province.

In Alberta the local consultative committee there

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1-15



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Messrs. Virtue & Russell

October 7, 1947.

have advised us of the appointment of the legal sub-committee referred to in your letter.

You will, of course, appreciate that our central committee in Toronto is in no position to investigate or consider who should act in the various provinces and is bound to take the advice of the local committees.

Our Committee will therefore be advising the Japanese Canadians that the representatives of the committee in Alberta are the gentlemen named in your letter Mr. Huckvale and Mr. Turcotte.

If the situation is as set out in your letter, that you already have retainers from 95% to 99% of all Japanese evacuees living in Alberta, it is obvious that the scope of the work to be done by Messrs. Huckvale and Turcotte will be small. Naturally the Co-operative Committee cannot pre-empt this field and the Japanese Canadians are free to consult whoever they will.

While it is obvious that the Co-operative Committee will find it easier to consult with their representatives in each individual province who are working by appointment of the Co-operative Committee and directly for them, and in accordance with the plan they have outlined, this does not at all mean that we will be unwilling to co-operate with any other counsel representing claimants, and I can assure you that I will be very glad to exchange briefs with you and discuss with you the methods to be followed. You will naturally understand that I am also consulting with the other gentlemen named, and that as far as our firm is concerned, we are in no position to settle any differences that may arise as to who represents various groups of Japanese Canadians. We think this is a matter that you should take up directly with Mr. Huckvale and Mr. Turcotte.

At the present time we are preparing a form of claim, and as soon as it is printed, we will be glad to let you have copies. Part of the duplicate part of the claim will, of course, be inappropriate so far as you are concerned but I am sure our committee will not object to your using the particular form that we have drafted. You will, of course, have noted that the Commissioner's notice setting out in a general way what was to be included in the form, did not give any details, and we have felt that it would be helpful if we prepared the actual form to be filed, and also arranged to have duplicates.

We understand that the hearings will not begin before the first of December, and that they will then begin in British

Corr. - Oct 1947 1-13



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Messrs. Virtue & Russell  
Columbia.

October 7, 1947.

We have not yet got any brief prepared, but will be doing so before very long.

One suggestion that we have made to the Commissioner is that counsel for all claimants should be entitled to production of the Custodian's file in respect of the claimants, or at least of documents that the Custodian regards as relevant to the inquiry. Another matter that we have taken up with the Custodian is our view that the hearings will have to be divided into two parts, the first in which oral evidence is presented in the various centres where the Japanese Canadians are and the second part in Vancouver or in British Columbia where evidence of valuation ~~is being made.~~ *will be given*

We are giving consideration to asking for a statistical survey in British Columbia, and whatever material we are able to secure on this, we will be glad to make available to you for the benefit of your clients.

We would, of course, be glad to hear from you any suggestions you have as to steps that should be taken at the present time.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

FAB:HC

Corr. - Oct 1947

1-15



TO LAWYERS FROM CO-OPERATIVE COMMITTEE

Province of



Saskatchewan

RECEIVED

OFFICE OF THE CHIEF INDUSTRIAL EXECUTIVE

OCT 13 1947

Legislative Building,  
Regina, Saskatchewan.

CAMERON WELDON  
& BREWIN

October 8, 1947.

Mr. A. F. Brewin,  
c/o Messrs. Cameron, Weldon and Brewin,  
Barristers and Solicitors,  
Sterling Tower,  
Toronto 1, Ontario.

Dear Mr. Brewin:-

Re: Japanese Canadian Claims.

I am sorry that I did not reply to your letter of September 19th before this but it was only last weekend that a meeting of local residents was held to discuss this matter.

There are not very many Japanese Canadian in Saskatchewan and in so far as the City of Regina is concerned there seems to be only one or two claims. The situation at Moose Jaw may be somewhat different however. With reference to the claims at Regina my father and brother both have claims which will be brought before this Commission. I am intending to handle these two claims myself and will be assisted by Dr. M. C. Shumiatcher if necessary. I think that we will be in a position to handle any other claims which may be brought before us here.

We shall, of course, be very glad to co-operate with you in any manner and would appreciate it if you could keep us posted on developments.

Yours sincerely,

*J. Tanaka*

GT/bm

Corr. - Oct 1947

1-13



October 8, 1947.

Messrs. Norris & MacLennan,  
Barristers,  
Bank of Nova Scotia Building,  
602 Hastings Street West,  
Vancouver, B. C.

Re: Japanese Canadian Property Claims

Attention Mr. J. A. MacLennan.

Dear Sirs:

I have intended for some time to write to you about this matter.

First of all the Co-operative Committee proposes if you have no objection, to nominate both your firm and Mr. McMaster as their agents in British Columbia, and leave it to the two of you to work out a proper division of labour. This is in accordance with advice we received from the Consultative Committee in British Columbia some time ago. Mr. McMaster has been in eastern Canada and we have already had extensive consultation with him and will be seeing him again on Friday.

The plan undertaken by the Co-operative Committee is set out in the last issue of the New Canadian which no doubt you have, and we have prepared draft forms which are to be printed, a rough copy of which we enclose.

Owing to the pressure of time, we have not been able to consult you in regard to these forms, but we trust that you will find that the same are useful. The name of your firm will, of course, appear amongst the list of lawyers whom we are advising the Japanese Canadians, represent the Co-operative Committee

Mr. J. W. G. Hunter of this city has been appointed counsel for the government or the Custodian. We will also be discussing matters with him. The first concern that we have, of course, is to see that the claims are duly filed and that if possible copies of the material filed are available to us.

Corn. - Oct 1947 1-13



Messrs. Norris & MacLennan

Oct. 8/47.

We understand that Mr. Justice Bird proposes to start hearings on the 1st of December or thereabouts in British Columbia, and to spend some two weeks in December on the claims. It has seemed to us that it would be advisable that there should be a general and preliminary hearing in which the various Orders-in-Council should be proved and general representations might be made in regard to such matters as production, type of evidence to be required, etc.

Mr. McMaster will keep you up to date on the various points that we have discussed, and our plans in regard to obtaining evidence of values etc. in British Columbia. This will, of course, be a most important part of the work.

We hope that the proposal in regard to payment for work done for the Committee will be satisfactory to you. It does appear that 1% of the total claims is a very small sum for the amount of work involved, but in order to not discourage claimants we felt that this should be kept to a minimum. The Japanese Canadians believe that this manner of doing it will raise a sum of approximately \$20,000.

We believe that there should be no difficulty in apportioning the moneys raised amongst the various solicitors who may represent the Co-operative Committee in other provinces. You will no doubt be faced by the position that you will be consulted by individuals who wish to retain your firm individually to act for them.

I have discussed this situation with Mr. McMaster and have agreed with him that in such circumstances we should explain to these respective clients the proposal of the Co-operative Committee and that they may come in under that scheme if they wish. If they prefer to do so, however, they can make special arrangements to have individual firms represent them on whatever terms may be arranged.

We believe that as a general rule the Japanese Canadians should be encouraged to avail themselves of the proposal of the Co-operative Committee.

You will have noted that we are not attempting to set a rate of remuneration that should ultimately be paid, but we believe that if all counsel involved submit their bills to the Committee in due course in regard to the actual amount of work done by each of them, we shall have no difficulties.

We believe that one of the main motives in working in this matter is interest in helping the claimants because of the justice of their cause. On the other hand I see no reason

Corn. - Oct 1947 1-13



-3-

Messrs. Norris & MacLennan

Oct. 8/47.

why the successful claimants should not pay whatever is a fair remuneration for the services rendered.

I hope that you will communicate with me any comments or suggestions that you may have.

I think that if the opening hearings are to be in British Columbia in December, that I shall endeavour to be there just to see how the thing gets under way, so that I shall be able to advise our representative in the other provinces as to the procedures adopted by the Commissioner and points that seem to require special attention.

Sincerely yours,

FAB:HC

Corr. - Oct 1947 1-13



October 8, 1947.

Messrs. Ritchie & Huckvale,  
612 Third Avenue S.,  
Lethbridge, Alberta.

Re: Japanese Canadian Property Claims

Dear Sirs:

Further to our letter of October 2nd, we are enclosing for your information, a rough draft of the proposed letter and forms to be used in this matter. Since preparing this draft we have made some changes, and please do not consider the draft as official. The letter and forms went to the printers to-day and we shall hope to have the material ready as quickly as possible. In the meantime we wish to advise you that we received a letter from Mr. Gladstone Virtue in which he reminds us of an understanding which we had with him when he was in Toronto to the effect that we would co-operate with him and exchange briefs, etc. in regard to property claims. He asserts in his letter that he has retainers from over 500 claimants and that he believes that this represents 95% of all claimants in Alberta. He refers to the announcement in the paper of your committee and suggests that your committee will only be required to represent a very small percentage of those concerned. It would appear from this letter that Mr. Virtue is somewhat disturbed by your announcement and I presume that some difficulty may arise as to which claimants you represent and which he represents.

We have replied to him stating that the Co-operative Committee have appointed as their agents and representatives in each province, those persons suggested by the local consultative committees and that, of course, our central committee in Toronto would not override the recommendations made to us. Secondly that we have made it clear in all public statements or correspondence in the matter, that individual claimants are free to get whatever legal advice that they see fit. Thirdly that we are quite willing to co-operate with him in the exchange

Corr. - Oct 1947



Messrs. Ritchie & Huckvale

Oct. 8/47.

of briefs or any material, as we will be with any other counsel representing claimants. Fourthly that if there is any difficulty as to who represents who in Alberta that is something that should naturally be taken up directly between members of the profession concerned in that province.

If there are persons who have signed a retainer with Mr. Virtue who now wish to avail themselves of the services of your committee, no doubt you will give consideration as to what is the best way to deal with this matter.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

FAB:HC

*W*

Corr. - Oct 1947 1-13



DEMERS, MONET, OUIMET & LEFEBVRE  
BARRISTERS & SOLICITORS

ANDRÉ DEMERS, K.C.  
FABIO MONET, K.C.  
ROGER OUIMET, K.C.  
PAUL LEFEBVRE, B.A., LL.B.

RECEIVED

OCT 10 1947

CAMERON WELDON  
& BREWIN

MARQUETTE 222B-9\*  
LA SAUVEGARDE BUILDING  
152 NOTRE DAME ST., EAST  
SUITE 52-53-54

MONTREAL 1, October 9th 1947

Mtmes Cameron, Weldon & Brewin,  
Barristers,  
Sterling Tower,  
Toronto 1.

Att: Mr. Brewin

re: Japanese Canadian Claims - my file H-301

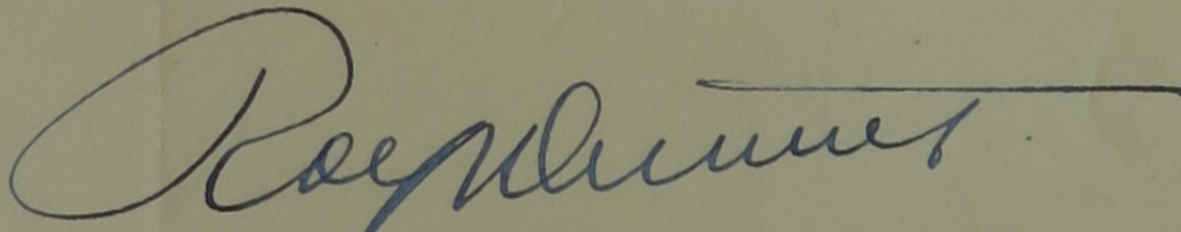
Dear Mr. Brewin,

It is with great pleasure that I have taken  
communication of your letter of October 3rd. in the above matter.

I have no hesitation in accepting to act  
for claimants within the Province of Québec. I shall be engaged in  
lengthy litigation during the latter part of the month of November but  
will be at your disposal during the first two weeks of that month.

Looking forward to the pleasure of meeting  
you I am,

Yours very truly,

  
ROGER OUIMET

RO/CL

Corr. - Oct 1947

1-13



October 9, 1947.

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

Re: Japanese Canadian Property Claims

Attention Mr. S. M. Cherniack.

Dear Sirs:

Thank you for your letter of October 7th.  
I have been meaning to write to you.

We will be sending you the forms as soon as possible, and I will inform George Tanaka that you require a minimum of 500 forms. They have already gone to the printers together with an accompanying letter from the Co-operative Committee setting out the general scheme.

We have given consideration to some of the matters raised in your letter and will endeavour to answer the questions.

In regard to "1" I do not see how we can possibly obtain material in Vancouver for the purpose of completing the claim forms. For one thing the costs of doing so would be tremendous and I am sure there would not be time to have the investigations made before the forms are to be filed on the 30th of November. We shall have to use every effort we can to get the forms filed by that date. We are therefore putting on the forms that the fairest possible estimate of values will have to be made by the claimants themselves and that later after the oral hearings, we will endeavour to produce evidence in Vancouver of valuations made by real estate agents. I am inclined to think also that this sort of evidence will be of greater value after we have had a chance to see the files of the Custodian which in many cases contain valuations.

We are also trying to get the Custodian to agree

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1-13



Messrs. Cherniack & Cherniack

October 9, 1947.

to produce statements of his costs and deductions from the sale price and make full production of his records in respect to each case. This again I am quite sure cannot be done until after the claims have been filed.

We also have in mind having a statistical survey made of sales in the localities in question in the years immediately preceding the sale by the Custodian and possibly as you suggest, of resales made by purchasers from the Custodian, although, of course, obviously the difficulty of this latter evidence would be that values generally have tremendously increased.

Our representatives in Vancouver will be Norris and MacLennan and Mr. R. J. McMaster, and I have already discussed with Mr. McMaster who has been in Toronto, the importance of securing competent real estate valuers and appraisers to advise us. I believe most of their work, however, will have to be done after the claims are filed.

This puts a great burden on the claimants but it seems inevitable and we shall have to try and impress the Commissioner that the claimants cannot be expected to make complete or accurate or satisfactory estimates on the basis of the information which they have.

In answer to question "1" therefore, I would say that the claim forms will have to be based on information obtained from the claimants and except perhaps in individual cases in which inquiry might be made in Vancouver before the claims are filed, it will not be practicable to obtain material there in time to put into the claims.

I cannot give definitive answer to your question "2" about fishing boats and fishing gear. My understanding is that a great deal of the fishing fleet owned by the Japanese, was sold by other agencies before the property vested in the Custodian. These sales would seem to be excluded from consideration by the Commissioner. On the other hand I do understand that quite a number of sales were made by the Custodian himself. Under these circumstances claims should be made.

I have not yet secured or analyzed in detail the various Orders-in-Council which apply, and therefore I do not know whether the British Columbia Securities Commission could be considered as a person appointed by the Custodian within the wording of the terms of reference.

It seems obvious that in making the claims we should err on the side of putting in claims that may not later turn out to be supported.

If the British Columbia Securities Commission and the

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1-13



Messrs. Cherniack & Cherniack

October 9, 1947.

committee referred to in your question operated before the Custodian was appointed, I do not see how sales made by them can possibly come within the terms of reference.

In regard to your third question I would answer as follows:

(a) We have not made any provision for a minimum payment as you have suggested, but a proposal was made for an overall payment for every claim of \$10.00, but we advised against this on the ground that people with substantial claim would be getting the services for a far less investment than they were entitled to. I doubt if you will find that many of the claims are less than \$300.00 or \$400.00.

I will answer your question under (c) next, namely, who is to fix the additional sum payable by successful claimants. My suggestion in regard to this is that each firm involved should prepare an ordinary account which may be informally taxed by the representatives of the Committee and approved by them, or if there is any serious doubt as to the amounts asked for, could be subject to actual taxation though I feel this latter course will not be necessary.

I would suggest that each solicitor appearing for the claimants prepare a careful docket of his time spent and the number of claims handled, and the amounts involved, and at that stage we could have a discussion as to what would be a fair basis for setting our accounts. This sounds rather like a combine, but it seems to be the only sensible way of handling it. I do not think any of us can have the faintest idea at the present time as to the amount of time and effort we shall have to put into it.

In reply to your question 3 (b) we have not contemplated an additional fund for out-of-pocket expenses as this, of course, would be included in any account presented by any solicitor. It was thought that the 1% levy would bring in approximately \$20,000.00 and that this would be enough to cover a minimum for disbursements and legal fees. I must admit that the amount seems small, but the Committee here are very much of the opinion that claimants should not be discouraged and that there can be little doubt that some substantial sum will be allowed to the claimants out of which a full and fair fee and all disbursements can be paid. We have made a rough estimate that the minimum fees for the work in Manitoba payable out of the 1% would be \$1000.00. I am quite sure that this would not begin to cover all the work involved, but it assures that such an amount could be paid, and would probably mean that you or whoever was acting, would be able to feel that at least some remuneration would be paid in any event.

Corr. - Oct 1947

1-13



Messrs. Cherniack & Cherniack

October 9, 1947.

Out of the \$20,000.00 that we expect to raise through this 1% we have anticipated that disbursements would be paid first and then the accounts of the various solicitors in proportion to the total amount of their bills as approved.

In reply to your question "d" it would certainly be satisfactory to us if you were able to look after all the claims in Manitoba. Our scheme was to have the money sent in to the local branches of the Co-operative Committee or the National Japanese Canadian Citizens Association, then disbursed by them to the lawyers as occasion arose. It is quite obvious, however, that many of the claimants will pay their money in directly to the lawyers and we suggest that this should all be kept by the lawyers in a trust fund to the credit of the Co-operative Committee, and reported to them. The general principle under which we proposed to operate was that the Co-operative Committee should be responsible for all the moneys collected under the scheme and that the lawyers should be retained by them.

In regard to the work to be done in British Columbia, our suggestion is that all work done by the two firms which we have named under the general auspices of the Co-operative Committee, should be done through the general arrangement made by the whole Co-operative Committee and that in each province the local lawyers concerned while they should communicate with these firms as occasion arises, should not seek to make individual arrangements.

The answer to "f" is that we are preparing a duplicate of the claim to be completed, for the various lawyers concerned and that this duplicate should contain a form of retainer setting out the financial arrangement, to be signed by each claimant.

I hope that these arrangements will be satisfactory to you. I understand that the Commissioner proposes to start hearings in British Columbia in December, and I shall probably try to be there just to see how the thing starts. Either on the way out or on the way back, I shall have a chance for consultations with you.

I hope that you will write to us with any suggestions, and keep in touch with us from time to time with what you have in mind, and we will try to do the same. As soon as we have prepared a general brief or memorandum we will try to send it to you.

I have already had fairly full consultations with Mr. McMaster and I think I shall have to try and develop a system whereby any suggestions coming in from any lawyers across Canada who are acting for us, as well as any suggestions from the Committee should automatically go out to all the other legal representatives across Canada.

Corr. - Oct 1947

1-13



-5-

Messrs. Cherniack & Cherniack

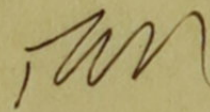
October 9/47

We are very glad that you have felt able to co-operate with us in these matters.

Yours very truly,

CAMERON, WELDON & BREWIN

per:



FAB:HC

CORR. - Oct 1947

1-13



VIRTUE & RUSSELL

BARRISTERS, SOLICITORS  
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE

LETHBRIDGE, ALBERTA

A. GLADSTONE VIRTUE, M.C., K.C.  
WILLIAM STAFFORD RUSSELL, B.A., LL.B.

RECEIVED

OCT 13 1947

10th October, 1947

CAMERON WELDON  
& BREWIN

PLEASE REFER TO FILE NO. 3201

F. A. BREWIN, ESQ.,  
c/o Messrs. Cameron, Weldon & Brewin,  
Barristers and Solicitors,  
Sterling Tower,  
TORONTO 1, C A N A D A.

Dear Sir: RE: COMMISSION RESPECTING JAPANESE  
CLAIMS.

Please accept my thanks for your letter of  
October 7th.

I am glad to know that we can co-operate with  
respect to this matter.

We thank you for your offer of sending us forms  
of Proof of Claim, but we have already arranged for the  
printing of these forms as we will require a large number  
here, and it would not pay to have them printed and  
shipped from Toronto.

We enclose copy of a statement of our position  
sent to the Hon. Mr. Justice Bird.

We trust that you will agree with our proposals  
in the main, and shall be glad to have you express your  
views regarding them.

A little later on we believe that we should be  
able to get together and select a firm of reliable  
Valuators who will be prepared to give evidence on be-  
half of all Japanese claimants whether living in Ontario,  
Alberta, or elsewhere. We should be glad to have your  
views in this regard also.

We also suggest that it might be best for all  
counsel concerned to agree on the name of one interpreter  
who would accompany the Commission from place to place,  
and would be employed by the Commission itself, thus  
saving our mutual clients considerable expense.

We are sending this to you by Airmail, and would

Corr. - Oct 1947 1-13



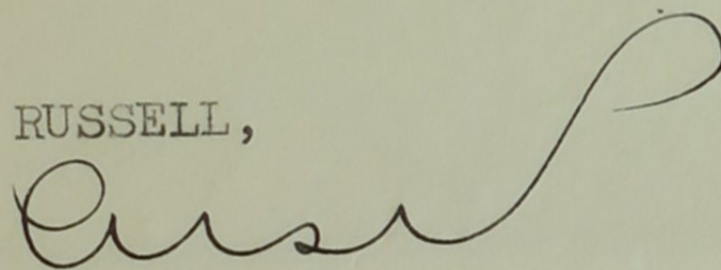
F. A. BREWIN, ESQ., Toronto, Canada.....#2

appreciate having your reply by the same method as we  
anticipate a meeting in the very near future with a  
large committee representing practically all the  
Japanese evacuees living in Alberta.

Yours truly,

VIRTUE & RUSSELL,

Per



V/L  
encl.  
AIRMAIL.

Corr. - Oct 1947

1-13



October 10, 1947.

Roger Ouimet Esq., K.C.,  
c/o Messrs. Demers, Monet, Ouimet & Lefebvre,  
Barristers & Solicitors,  
La Sauvegarde Building,  
152 Notre Dame Street East,  
Montreal, Quebec.

Re: Japanese Canadian Claims  
Your file H-301

Dear Mr. Ouimet:

I was very glad to receive your letter of October 9th and to learn that you are willing to represent the Co-operative Committee in regard to these claims.

It is not likely that the Commissioner will be actually hearing claims in Montreal for a considerable time, as he proposes to start in the west in December and it is improbable that he will reach Montreal for several months at the earliest. However, it will probably be necessary to discuss with you the problems arising out of the filing of claims and other matters in connection with the claims.

As I informed you on the telephone I have had a communication from the Commissioner Mr. Justice Bird that one Eric G. Adams of Montreal has apparently stated that he expects to represent the majority of prospective claimants in Quebec. I informed the secretary of the National Japanese Canadian Citizens Association which is a representative national body of the organized Japanese Canadians. They told me that they had never heard of Mr. Adams and did not at all understand this statement.

They are writing to their representatives in Montreal both to advise them that you will be the representative of the Co-operative Committee and suggesting that they inform their members as quickly as possible,

Corr. - Oct 1947

1-13



October 10, 1947.

Roger Ouimet Esq., K.C.

and also to inquire as to what groups of people Mr. Adams  
in fact represents.

With kindest regards,

Yours very truly,

CAMERON, WELDON & BREWIN

per:

*RWB*

FAB:HC

Corr. - Oct 1947

1-13



*Ritchie & Huckvale*

BARRISTERS, SOLICITORS, NOTARIES, & C.

J. NORMAN RITCHIE, K.C.  
W. E. HUCKVALE

OFFICES: ACADIA BUILDING  
612 THIRD AVENUE S.

*Lethbridge, Alberta,*  
CANADA

11th October, 1947.

RECEIVED

OCT 14 1947

CAMERON WELDON  
& BREWIN

A. F. Brewin, Esq.,  
c/o Messrs. Cameron, Weldon & Brewin,  
Barristers,  
Sterling Tower,  
Toronto 1, Ontario.

Dear Sir:

Re: Japanese Canadian Property Claims.

The writer is in receipt of your letter of October 8th, wherein you enclose draft letter and draft form.

We assume that these will be coming forward in the near future, as time is already running short.

The writer notes that you have received a letter from Mr. Gladstone Virtue, of this City. The Legal sub-committee here is perfectly cognizant of Mr. Virtue's position. We have been extremely careful in our Press announcements to make it perfectly clear that we are not soliciting business in any way. For some reason or other, Mr. Virtue very strongly objects to the formation of a Legal sub-committee and argued the matter very forcibly before a meeting of the full Consultative Committee here. Despite the objections, the Consultative Committee was strongly of the opinion that the Legal sub-committee should be formed, even if it could only assist those few claimants who, for some reason or other, did not require Mr. Virtue's services. We will, of course, be careful not to interfere with claimants for whom Mr. Virtue is acting.

We shall appreciate receiving from you as soon as possible a supply of the printed forms. When we have received them we will make another Press announcement concerning them.

Yours truly,  
Ritchie & Huckvale  
Per *W. E. Huckvale*

WEH/JT.

Corr. - Oct 1947

1-13



October 14, 1947.

R. J. McMaster Esq.,  
c/o Messrs. Campbell, Brazier, Fisher & McMaster,  
Barristers,  
675 Hastings Street West,  
Vancouver, B.C.

Re: Japanese Canadian Claims

Dear Mr. McMaster:

I am enclosing herewith a copy of my letter to Mr. Justice Bird, also a copy of a letter received from Mr. Virtue, and a copy of a letter that he has written to Mr. Justice Bird. I am afraid it looks as though we are going to have some trouble from that point.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

*Wm*

FAB:HC

Corn. - Oct 1947

1-15



October 14, 1947.

A. Gladstone Virtue Esq., K.C.,  
c/o Messrs. Virtue & Russell,  
Barristers, Solicitors,  
McFarland Building,  
Lethbridge, Alberta.

Re: Japanese Canadian Claims

Dear Sir:

I have your letter of October 10th 1947,  
enclosing copy of your letter to the Honourable Mr.  
Justice Bird.

I am enclosing a copy of an answer I have  
made to Mr. Justice Bird's letter.

The question of choosing valuers we are  
leaving to our representatives in British Columbia,  
namely, Messrs. Norris & MacLennan and Mr. R. J.  
McMaster of Messrs. Campbell, Brazier, Fisher & McMaster  
and we shall advise you of our plans in this regard.  
We note what you say about the advantages of getting  
one interpreter, and we believe that this could be  
arranged, and have mentioned the matter to Mr. McMaster.

There appear from your letter to Mr. Justice  
Bird, to be a number of points in regard to which our  
views differ from yours. We presume that before the  
opening hearing it will be possible to us to confer to-  
gether and see how far these differences may be straightened  
out.

It is quite obvious at the present moment that  
the opinions of all of us may be tentative.

Yours very truly,

CAMERON, WELDON & BREWIN

per: *FWB*

FAB:HC  
Encl.

Corr. - Oct 17



October 15, 1947.

Messrs. Ritchie & Huckvale,  
Barristers, Solicitors, etc.,  
Acadia Building,  
612 Third Avenue S.,  
Lethbridge, Alberta.

Re: Japanese Canadian Property Claims

Dear Sirs:

Thank you for your letter of October 11th.  
We are hoping to have the claims completed this week,  
so that they will be sent out to you some time next  
week.

For your information we understand that the  
Commissioner is planning a preliminary hearing early  
in December, and then proposes to spend two weeks hear-  
ing claims in December in British Columbia.

We presume therefore that none of the Alberta  
cases will be heard until January at the earliest, and  
before that time we hope we will have had an opportunity  
to discuss the claims with you thoroughly.

We would be interested to hear from you at  
some time approximately how many claimants you expect to  
represent. Mr. Virtue has written the Commissioner in  
reply, that he will represent virtually all of the claim-  
ants in Alberta.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

*TC*

FAB:HC

Corr. - Oct 1947



October 15, 1947.

Mr. George Tamaki,  
Office of the Chief Industrial Executive,  
Legislative Building,  
Regina, Saskatchewan.

Dear Mr. Tamaki:

Re: Japanese Canadian Claims

I am glad to have your letter of October 8th, and note that you will be handling the claims in Regina.

We are preparing forms for proof of claims which we will send on to you.

We would be glad to receive advice from you as to what legal representatives we might get for the Co-operative Committee in Moose Jaw, if as I understand you feel that you are not in a position to represent these claimants.

As I understand it the Commissioner will expect to have all hearings in Moose Jaw probably not before February or March of next year. We would like to be able to nominate a representative as soon as possible. The writer has met Mr. Alfred J. Wickens but will be glad to be advised whether you believe that you can handle the Moose Jaw claimants' cases, or whether you have someone else you can recommend to do that for us.

We would much appreciate an early reply.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

*Wm*

FAB:HC



Spruce Falls Power & Paper Co.  
Camp 5-K,  
Val Cote, Ont.  
Oct. 16/47.

Dear Sir:

Regarding the property owners  
claims. Will you kindly send  
me a necessary form for filing  
the claim. Thank you.

Kindly send me the form at your  
earliest convenience.

Yours truly  
M. Takato.

RECEIVED

OCT 20 1947

CAMERON WELDON  
& BREWIN



October 15, 1947.

The Honourable Mr. Justice Bird,  
Law Courts,  
Victoria, B. C.

Re: Japanese Commission

Dear Mr. Justice Bird:

I wish to thank you for sending to me a copy of your letter of October 4th addressed to Mr. Hunter.

I have discussed your letter with Mr. R. J. McMaster when he was recently in Toronto, and he will be getting in touch with you as our representative in British Columbia.

I will be glad to attend in Vancouver at the preliminary hearings early in December, and I will leave it to Mr. McMaster to discuss with you the actual date.

May we say that we are in agreement with you that until it is discovered roughly how many claims there are and what counsel are representing the different claimants, it will be difficult if not impossible to make definite rulings, and it will be better to leave these matters until all counsel have been heard at the opening session. We are nevertheless taking up with Mr. Hunter the question of the production of the Custodian's files.

Yours very truly,

*FAB*

FAB:HC



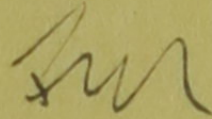
October 20, 1947.

Mr. M. Takato,  
c/o Spruce Falls Power & Paper Co.,  
Camp 5-K,  
Val Cote, Ontario.

Dear Mr. Takato:

I received your letter about the filing  
of claims, and will send you the form as soon as it  
is ready, which will probably be some time later this  
week.

Yours very truly,



FAB:HC



October 23, 1947.

Miss Margaret Boos,  
Apartment 28,  
94 Homewood Avenue,  
Toronto, Ontario.

Re: Japanese Canadian Claims

Dear Miss Boos:

We enclose herewith draft letter to  
lawyers and also draft letter to Provincial Organ-  
izations of National Japanese Citizens Association  
and of Co-operative Committee.

We are also to-day forwarding a copy of  
these letters to Mr. George Tanaka.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

FAB:HC



October 23, 1947.

Mr. George Tanaka,  
84 Gerard Street East,  
Toronto, Ontario.

Dear Mr. Tanaka:

Re: Japanese Canadian Claims

We are enclose herewith draft letter to  
lawyers and also draft letter to Provincial Organ-  
izations of National Japanese Citizens Association  
and of Co-operative Committee.

We are also to-day forwarding a copy of  
these to Miss Margaret Boos.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

FAB:HC



*Ritchie & Huckvale*

BARRISTERS, SOLICITORS, NOTARIES, & C.

J. NORMAN RITCHIE, K.C.  
W. E. HUCKVALE

OFFICES: ACADIA BUILDING  
612 THIRD AVENUE S.

*Lethbridge, Alberta,*  
CANADA

24th October, 1947.

RECEIVED

OCT 27 1947

CAMERON WELDON  
& BREWIN

F. A. Brewin, Esq.,  
c/o Messrs. Cameron, Weldon & Brewin,  
Barristers,  
Toronto 1, Ontario.

Dear Sir:

Re: Japanese Canadian property claims

We refer to your letter of October 15th and are hoping that the claim forms are now completed and are on their way here.

It is impossible to give you any idea of how many claims will be handled by the legal sub-committee. At the moment practically all Japanese Canadians are hard at work in the beet fields. Due to a wet fall season this harvest is late.

The number that the legal sub-committee will handle will, of course, depend on the number who are committed to Mr. Virtue. Rumours are to the effect that while Mr. Virtue will handle a large proportion, there are many who desire the legal sub-committee to act. If possible we would like to have at least 50 forms and if we require any more we can, of course, obtain them by telegram.

Yours truly,

*W. E. Huckvale*

WEH/JT.



October 27, 1947.

Messrs. Ritchie & Huckvale,  
Barristers,  
Lethbridge, Alberta.

Re: Japanese Canadian Property  
Claims

Dear Sirs:

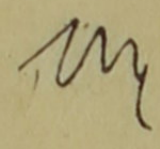
Thank you for your letter of the 24th.

We are still delayed in the printing of  
the forms, but I am told that they will be mailed  
out this week with translations in Japanese.

Yours very truly,

CAMERON, WELDON & BREWIN

per:



FAB:HC





EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

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W M ARMSTRONG, GENERAL MANAGER  
TORONTO

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ADDRESS

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

Toronto, Ontario,  
October 27, 1947.

E G ADAMS,  
411 CONFEDERATION BUILDING  
MONTREAL

WILL BE GLAD TO MEET YOU TO DISCUSS VALUATIONS JAPANESE  
CLAIMS TOMORROW TUESDAY AT TWO P M MY OFFICE

BREWIN

Charge: Cameron, Weldon & Brewin  
372 Bay Street,  
Toronto, Ontario.





EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL



W M ARMSTRONG, GENERAL MANAGER  
TORONTO

TELEGRAPHS

STANDARD TIME 1947 OCT 23 PM 8 48

.MOA840 52 NL=CNT FD MONTREAL QUE 23 F

F ANDREW BREWIN=

3071 =372 BAY ST TOR=

REQUEST APPOINTMENT PREFERABLY NEXT TUESDAY WITH YOU  
POSSIBLY TANAKA DISCUSS VALUATION AND STATISTICAL WORK  
CONCERNING PRESENTATION JAPANESE CLAIMS TO ROYAL COMMISSION  
BY COOPERATIVE COMMITTEE STOP AM CONSULTING ENGINEER AND  
ECOMIST STOP HAVE DISCUSSED MATTER WITH HIDAKA HERE WHO  
ACCOMPANIES ME TORONTO STOP PLEASE WIRE REPLY BEFORE  
WEEKEND FOUR ELEVEN CONFEDERATION BLDG MONTREAL=

E G ADAMS



TO LAWYERS FROM CO-OPERATIVE COMMITTEE

C O P Y

October 29, 1947.

Dear Sir:

We understand from Mr. Brewin that you will be acting as the representative of the Co-operative Committee. The legal representatives in British Columbia who will act as our agents there in connection with these claims, are Mr. R. J. McMaster and Norris and MacLennan.

We are very glad that you have been able to assume this important task and we fully realize that a great deal of the burden of the presentation of evidence will fall upon you, and that the arrangements which have been made for remuneration involve a sacrifice on your part.

It was thought advisable to set out our understanding in that arrangement, so that there can be no misunderstanding.

We are inviting the claimants to sign a retainer form retaining the Co-operative Committee on Japanese Canadians to represent them before the Commission. The Co-operative Committee in turn will be retaining you. We are asking all claimants to send with their retainer, a sum of money equivalent to 1% of their claim. All of this money, together with the Remittance Record Forms, is to be sent by local committees to the Co-operative Committee here and the money will be banked by them in a separate account to be called the Co-operative Committee Claims Fund, and we are asking for all cheques made out in pursuance of this plan to be made payable to the Co-operative Committee Claims Fund. We are hopeful that out of this money enough will be received to cover preliminary legal expenses and disbursements for valuations, etc.

The retainer which we are obtaining from the claimants also provides that each claimant will agree that additional legal expenses will be paid proportionately by successful claimants out of their claims.

We would ask you to keep a careful account of all disbursements and time spent in this matter, and submit accounts to us. These will be paid out of the fund obtained of 1%, and further out of the monies secured by successful claimants. If monies are needed by you from time to time, we will endeavour to make advances to cover any necessary expenses. We appreciate that it is quite impossible at this time to make any accurate estimate of the amount of the claims or the amount of work that will be involved in presenting claims, and for that reason we have thought it advisable to leave the amount of fees to be finally paid for this work, to be determined by the presentation of accounts in the usual manner with details set out in these accounts of the services rendered.

The point has been raised that some claimants would prefer to consult you or your firm individually. Our suggestion, which we have discussed with Mr. Brewin and some of our other legal representatives is that when such claimants come to you, you probably would see fit to inform them of the Co-operative Committee's scheme and leave it to the claimant to decide whether he will make individual arrangements with you or come under the scheme. No doubt you will be having some claimants come to you directly and asking you to represent them in accordance with the scheme of the Co-operative Committee. In this case we would ask that you secure cheques from them for the 1% and have them made payable to the Co-operative Committee Claims Fund and sent to the office of the Co-operative Committee on Japanese Canadians, Apartment #28, 94 Homewood Avenue, Toronto, with remittance record form containing the names and addresses of the claimants from whom the money was received.

May we hear from you if these arrangements are satisfactory and any question which require to be answered.

Perhaps it is not necessary to add that the Co-operative Committee has no substantial funds of its own, and we presume that you will be willing to look for the payment of your fees to the fund to be raised in the manner outlined above.

Apt. 28, 94 Homewood Ave.  
Toronto, Ontario

CO-OPERATIVE COMMITTEE ON JAP. CANADIANS

Miss Margaret K. Boos, Secretary

Corr. - Oct 1947 1-13



October 29, 1947.

R. J. McMaster Esq.,  
c/o Messrs. Campbell, Brazier, Fisher & McMaster,  
Barristers,  
Royal Bank Building,  
675 West Hastings Street,  
Vancouver, B. C.

Re: Japanese Canadian Claims

Dear Bob:

I received your long letter of October 25th which I have read with interest.

I have discussed the date of the initial hearings with Mr. Hunter and I think he is going to suggest Wednesday, December 3rd, to the Commissioner. If this is so, I will plan to be in Vancouver by Monday morning which will give us two days for discussions.

The forms are now printed and they are waiting to make translations into Japanese, and we should have them distributed by the end of this week.

That leaves just a month to have all the forms completed and filed, which I am afraid might turn out to be an impossible task.

In regard to production of documents, I have nothing definite from Hunter. He has intimated to me that the Custodian will be willing to produce at least the following documents:

- (1) Any appraisals that have been made.
- (2) The statements of account of each claimant.

I understand that the Custodian will be willing to produce these files and to put in his evidence upon the hearing of each claim, and that Mr. Hunter does not think that it would be an impossible task to have these files

Corr. - Oct 1947

1-13



R. J. McMaster Esq.

October 29, 1947.

taken around the country and produced to counsel actually appearing in the claims, a few days before the hearing of them.

I am glad to hear that Mr. Justice Bird is becoming reconciled to the fact that the actual hearings cannot be expected to commence until January. I am quite sure that the Custodian himself will want sometime after the end of November to analyze the claims and prepare evidence, etc.

The 1% should start rolling in soon, and at that time advances can be made to cover expenses such as you suggest.

I am still very much concerned about real estate valuations. One E. W. Adams, who you may remember was involved but found not guilty in the espionage trials, who is now living in Montreal, came to see me yesterday about this. He apparently has had considerable experience as engineer, economist and valuator, and has been employed by the Industrial Bank of Canada and other organizations on valuating work. He suggests that he would be willing to make his services available to the Commission.

I have asked him to make a formal proposal, and informed him that naturally I could not arrange to employ his services without consultation with you and with Norris and MacLennan, and also obtain approval of the Co-operative Committee, and the National Japanese Citizens Association. I must say that I was somewhat impressed with Mr. Adam's competence. What is your opinion from your knowledge of Mr. Justice Bird, as to whether or not the background of this man, notwithstanding that he was found not guilty, would prejudice our case before Mr. Justice Bird. As I have said, it seems to me that his qualifications are satisfactory.

I have not yet had a chance to discuss things with the real estate man in Toronto, but I will try and do so shortly.

I hope that you are not going to Greenwood until the forms have actually arrived as I think your time might be wasted. I shall try to see that a number of forms are sent to you as soon as possible.

I am in some haste now, but will look over your letter carefully and communicate with you again.

Yours very truly,

FAB:HC

Corr. - Oct 1947

1-13



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

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

A. W. FISHER  
R. J. McMASTER

C. G. ROBSON

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

OUR FILE NO.

RECEIVED  
OCT 29 1947

CAMERON WELDON  
& BREWIN

October 25, 1947

Andrew Brewin, Esq.,  
Barrister and Solicitor,  
Sterling Tower Building,  
Toronto 1, Ontario.

Dear Andrew:

Re. Japanese Canadian Claims

I have for acknowledgment receipt of your letter of the 14th instant with enclosures which arrived shortly before it was necessary to spend several days over on Vancouver Island this past week. As you comment therein, it looks as though we may have some difficulty with our friend in Alberta. However, that cannot be avoided and we will be in a better position to know where we stand when the claims are actually filed.

I appeared before the Court of Appeal in Victoria on Wednesday and Mr. Justice Bird passed down a note asking me to see him through the noon hour. I expressed to him our wish that the original opening hearing might be delayed a few days in December, to say December 4th, so that you would have an opportunity to consult with us before the hearing and to spend a few days at the Coast. He indicated that this was satisfactory to him but suggested that you and Hunter might agree on an opening date.

I indicated to him that with respect to the matters which you had raised in your letter to Mr. Hunter that we still had his reply thereto under consideration but told him that I felt free to discuss some of the problems with the understanding that the discussion was not to be considered a finality as to our position.

I pointed out to him that he had apparently misunderstood your suggestion concerning the Commissioner

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Andrew Brewin, Esq.

October 25, 1947

appointing some person to do statistical work and explained to him the idea which we had in mind which I think he now fully grasps. At the time we discussed it he suggested that you ought to try to get the idea across to Hunter as he would like to have some agreement concerning it. After we had left this point and discussed a number of other matters and just before I left his office he referred again to the idea and said that he thought it might be a very good one as a means of assisting the Commission and also the parties. I would be interested in knowing whether you have had an opportunity to pursue the idea further yourself and also whether you had an opportunity to check it with your real estate friend in Toronto.

Mr. Justice Bird at the moment is inclined to feel that the question of production of documents is a matter which you and Hunter will have to try and work out between yourselves and on which he might hear argument at the opening unless some arrangement is made between counsel beforehand. While he did not express a definite opinion, I got the feeling that he thought that if the Government refused to produce the files he might not have the power to force them to although certainly I also felt that he thought it was desirable that they should be produced.

I discussed with him briefly the problem of rebuttal evidence and put forward to him the suggestion that the necessity for his returning to the various centres where he takes evidence might be more readily obviated if the Custodian were required to produce his files at each place and to put in his evidence, other than the findings of valuers, upon the hearing of each claim. He was inclined to agree that this system might work more satisfactorily but the problem which arises is that it would necessitate the Custodian, or at least someone from his office, travelling across the country with the Commission. Mr. Justice Bird suggested that I might have a discussion with Mr. Shiers, the Custodian, with regard to this proposal. I have not had an opportunity to do so yet and am not inclined to press the matter too hard with the Custodian until I receive your views as to whether it is a desirable course of action from our point of view. I am inclined personally

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Andrew Brewin, Esq.

to believe that it would be much more satisfactory if the files of the Custodian were produced to the counsel actually appearing on the claims a few days before the hearing of the claims in each centre. It would not only be more satisfactory to counsel but it would save a tremendous amount of work.

Mr. Justice Bird pointed out that assuming that some agreement might be arrived at for the examination of documents it would materially facilitate matters if at least some claims could be filed at the earliest possible date and I promised him that I would urge upon the national committees that they send out the request across the country to have claims filed at the earliest possible date.

I told Mr. Justice Bird that if it were his wish, as he had expressed it, to commence his hearings in Western Canada that I felt obliged to take the matter as a closed issue but I thought I should point out to him that the claimants were much better organized in the Province of Ontario than they are in the Province of British Columbia and that therefore it is likely that claims will be completed and filed more rapidly in that Province. In these circumstances, despite his desire to commence sittings in B. C., it might facilitate the work of the Commission to commence sittings in Eastern Canada. I was rather surprised that he indicated that if on the filing of the claims such appeared to be the case, consideration might have to be given to re-organizing the agenda. You will be interested, by the way, to note that on the basis of Virtue's letter he has estimated that there might be as many as 3000 claims and apparently he considers it may be necessary to spend a month in each centre. In other words, he realizes that this investigation is going to take some time.

Mr. Justice Bird apparently is quite reconciled to the opening hearing and after our discussion it seemed to me that he was beginning to become reconciled to the idea that he might not get his actual hearings commenced until January, subject to what happens at the opening hearing.

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Andrew Brewin, Esq.

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Upon his return the writer got in touch with Dr. Norman Black whom he had requested before leaving to head up a local Committee. Dr. Black unfortunately has had an attack of pneumonia and has been unable to do anything. We do not think that this is the only factor, however. He apparently is somewhat upset regarding relationships with the Civil Liberties Union, whose president is Dr. Lewis of the University, and feels that he has not been treated with the greatest courtesy. Accordingly he suggested that I get in touch with Dr. Lewis. However, I find that Dr. Lewis has also been suffering from an attack of pneumonia and at that time was just beginning to get around again. Accordingly I have left the matter over but I will in the next few days communicate with him and urge that a Committee be set up. I do not see any necessity at the moment that the Committee should consist of more than five to seven persons. However, in the meantime, the need for a Committee has been duly demonstrated.

We had a telephone call from Greenwood yesterday in which they requested Mr. T. Norris and the writer to go up to Greenwood at the earliest possible date to discuss with their Council the many questions which have arisen since the forms arrived. I discussed the matter with Norris & McLennan. Mr. Norris is unable to attend but Mr. McLennan will be able to do so. We discussed the necessity of both of us attending. However, after some discussion, although I was a bit reluctant to take the time out right now, we decided that in this instance it might be advisable for us both to go. If there had been a Committee in existence the whole matter could have been referred to them. It it were only a matter of advising on the completion of claims I would have felt that it would have been sufficient for McLennan to go up but undoubtedly there will also be questions as to the whole scheme of operation, and in view of my recent discussions with you concerning the same we felt that perhaps I ought to go also. Mr. McLennan would not budge, however, until we had some assurance that the Japanese Committee in Greenwood would put us in funds. I am afraid I am not as hard boiled. Accordingly we advised them that we would require \$300.00 which if they advanced we would expect they would subsequently have reimbursed to them out of the general funds when it is established. This they have agreed to do. I mention the

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Andrew Brewin, Esq.

October 25, 1947.

financial aspect of the problem so that you will understand it in the event that you receive reports concerning it and also because it raises the problem which is going to recur concerning the provision of funds for disbursements. Presumably once the 1% starts rolling in advances will be made to counsel for such occasions as these if, as and when required.

After further discussion with McLennan we were fairly satisfied that we could arrange all work with that firm in an equitable manner in respect of these matters. McLennan was a bit concerned as to whether they were going to get adequately paid for the work done on this business and was rather inclined to feel that the percentage of collection in the first instance ought to be a little higher. I explained to him the discussions which we had in Toronto and told him that it appeared to me that assuming we met with any success at all, ultimately it looked as if we should be reasonably reimbursed.

You will be interested, by the way, in a case which McLennan referred me to of a client of their firm where the Custodian was going to sell a piece of property at a figure of \$7800.00 which was the valuation put on it by the Custodian's valuator. McLennan persuaded him to delay the sale for four months to give McLennan a chance to try to sell it privately. He sold the premises for \$14,000.00. This may be an exceptional case but it certainly is along the line of the allegations which have been made. It would seem to me that if we are able to give any evidence as to the claims in general that it is possible this particular instance ought to be brought out in evidence.

The writer had a discussion with a real estate man in Vancouver the other day, whom he knows fairly well and for whom he has done some business, to try to ascertain whether the Real Estate Association had any figures of the relation between assessed values and sale prices during the relevant periods and gathers that there is little hope of assistance from that source. Apparently the Financial Post maintain a clerk in the Land Registry Office at Vancouver who lists all the sales every day and as far as this

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October 25, 1947.

Andrew Brewin, Esq.

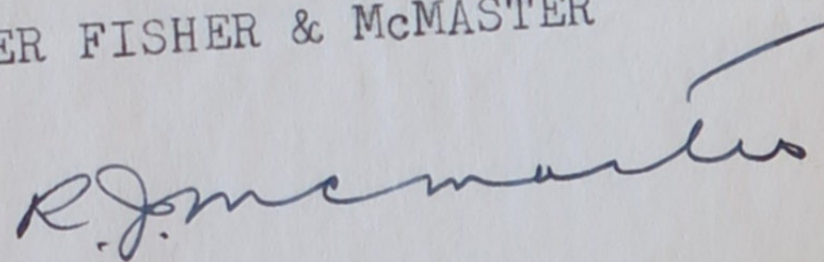
real estate man is concerned he did not believe that they produced any statistical material from these figures. We will try at an early date to follow this through and see if there is any hope of getting assistance from this source. We realized after our discussion with this man, however, that one of the difficulties we are going to be concerned with is that almost every real estate man in the City of Vancouver has at some time had dealings with sales of Japanese property for the Custodian. They are all, therefore, going to be very hesitant about giving evidence for fear they themselves might be attacked for having sold properties at an unfair price. Some of the best known valuers in the City were employed by the Custodian so that it will be difficult to obtain the services of a good valuator. It is rather interesting that it was one of the best known valuers who evaluated the property referred to above at \$7800.00 and which McLennan sold for some \$14,000.00.

I am sorry that this is such a long letter but I feel that you would be interested in the matters set forth, and would particularly like to receive your reaction to the advisability of my pressing the Custodian to agree to producing his files at each centre and giving his evidence at each centre.

Yours very truly,

CAMPBELL BRAZIER FISHER & McMASTER

Per



RJM:PG



*6 copies of letter*

ERIC G. ADAMS  
ECONOMIC AND ENGINEERING REPORTS  
411 CONFEDERATION BLDG., MONTREAL 2, P.Q.

RECEIVED

OCT 30 1947

CAMERON WELDON  
& BREWIN

MEMBER —  
ENGINEERING INSTITUTE OF CANADA  
CORPORATION OF PROFESSIONAL ENGINEERS  
OF QUEBEC  
ASSOCIATION OF PROFESSIONAL ENGINEERS  
OF THE PROVINCE OF ONTARIO  
LICENSED PROFESSIONAL ENGINEER OF THE  
STATE OF NEW YORK

October 29, 1947.

Mr. F. Andrew Brewin, Counsel,  
Co-operative Committee on Japanese Canadians,  
372 Bay Street,  
Toronto, Ontario.

Dear Sir:

Further to our conversation of yesterday, I am writing to outline a proposal covering the valuation and statistical work involved in the substantiation of Japanese claims to be filed with the Commissioner appointed by Order in Council P.C. 1810 as amended by P.C. 3737 of this year. This will provide something concrete for you to place before your Executive for consideration.

In addition to the legal work involved in this matter, it is evident that expert testimony before the Commission will be required to prove "fair market value" for individual property items. With the possible exception of most household chattels, the various types of property, particularly those of any size, will require an expert appraisal conforming to the particular requirements of these claims cases. In addition, a considerable amount of economic research and statistical compilation should be undertaken to establish the general pattern of property values and their trends up to the period when sales by the Custodian took place, and also to corroborate the individual valuations. To the degree that this valuation and statistical work can be undertaken by one or two experts who will see the whole job through, wasteful duplication of effort will be avoided and their resulting familiarity with all the problems will prove advantageous to claimants.

With this continuity of effort in mind, I suggest that Mr. Hidaka and I be retained together to perform the following functions:

1. to work closely with claimants in establishing "fair market value" and presenting evidence, and where possible to assist individual claimants in making up their statements of claim;
2. to determine "fair market value" for individual properties, in most instances by personal inspection and the use of available alternative determinants of value. Obviously different procedures are required to evaluate different types of property; e.g. urban real estate, farms, businesses as going concerns, machinery and equipment, etc.;



3. to compile statistical data and other facts required as corroboratory evidence;

4. to testify as an expert witness on valuation and extent of loss before the Commission.

Our qualifications for undertaking this work may be summarized as follows. I am a professional engineer and economist, with nine years employment in private industry and consulting engineering, five years in government service mainly in economic work, and two years in private practice as a consulting engineer and economist. During three years with Coverdale and Colpitts, consulting engineers in New York, I spent some time on valuations in connection with railroad reorganizations and tax cases. During my term of employment with the Canadian government, I organized and for the first year and a half personally did the majority of investigations and appraisals for the Industrial Development Bank. This involved not only the evaluation of borrowers' physical assets mortgaged but also determination of the position and prospects of the individual businesses applying to the Bank for loans. In my private practice I have appeared as an expert witness before Arbitration Boards in labour disputes, and consequently have some experience in presenting evidence and standing up under cross-examination.

I am familiar with the various methods of property valuation and believe that my particular experience as consultant in both engineering and business administration is more in line with the services required by Japanese claimants than that provided by the general appraisal engineer. In order to establish the going concern value of a business, consideration must be given to more than the aggregate of the costs of all physical assets. As I see it, the value which should be determined for these claims, in general, is something broader than the sum total of costs, and for this reason an economic rather than a strict engineering approach must be used.

Mr. Hidaka has specialized training in the fields of economics and public administration. He has experience in economic and social research on housing, town planning, land use and zoning as well as industrial surveys. He is competent to carry on the necessary statistical and economic research work to which I will also devote some attention. His experience during the past seven years in executive positions in leading organizations concerned with Japanese-Canadian affairs greatly enhances his usefulness in work of this kind where close liaison with individual Japanese claimants is desirable.

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ERIC G. ADAMS

3.

I am prepared to devote full time to this work for limited periods at a time, and part time for an indefinite period. Mr. Hidaka can spend full time on this project until its completion if necessary. We are prepared to work closely together. Whenever the occasion arises where it is desirable to have local experts testify on specific questions, we are prepared to recommend such specific assistance where we feel it will improve the claimants' cases.

In view of the probable duration of this work, we are prepared to establish a basis of remuneration which I am sure will compare very favourably with the cost of hiring a series of individual experts for different properties and locations. Our suggestion for remuneration is a daily retainer of fifty dollars (\$50.) covering the services of both of us. When only one is working full time on this project the daily rate will be adjusted accordingly. Out-of-pocket expenses, including outside assistance and travel costs when away from Montreal, are to be reimbursed to us. The hiring of additional assistance, of course, will only be done with the concurrence of the Co-operative Committee. Since it is my understanding that the Co-operative Committee is to have custody of the funds to meet the expenses of claims work, I would expect to bill the Co-operative Committee weekly for the time and expenses as outlined above. In addition, should the amount of work involved on particular claims be found to be far in excess of the average, because of special complicated conditions, we would reserve the right to negotiate a separate (additional) commission direct with the claimant based on a reasonable percentage of the actual award by the Commissioner.

As the time is now very short in which to do all of the valuation work required, I am sure I do not need to emphasize the desirability of getting started as soon as possible. To that end, I would appreciate an early decision on this proposal, so that I can plan my other consulting work accordingly.

Yours very truly,

*Eric G. Adams*

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ERIC G. ADAMS  
ECONOMIC AND ENGINEERING REPORTS  
411 Confederation Bldg., Montreal 2, P.Q.

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Mr. Hidaka has specialized training in the fields of economics and public administration. He has experience in economic and social research on housing, town planning, land use and zoning as well as industrial surveys. He is competent to carry on the necessary statistical and economic research work to which I will also devote some attention. His experience during the past seven years in executive positions in leading organizations concerned with Japanese-Canadian affairs greatly enhances his usefulness in work of this kind where close liaison with individual Japanese claimants is desirable.

I am prepared to devote full time to this work for limited periods at a time, and part time for an indefinite period. Mr. Hidaka can spend full time on this project until its completion if necessary. We are prepared to work closely together. Whenever the occasion arises where it is desirable to have local experts testify on specific questions, we are prepared to recommend such specific assistance where we feel it will improve the claimants' cases.

In view of the probable duration of this work, we are prepared to establish a basis of remuneration which I am sure



will compare very favourably with the cost of hiring a series of individual experts for different properties and locations. Our suggestion for remuneration is a daily retainer of fifty dollars (\$50) covering the services of both of us. When only one is working full time on this project the daily rate will be adjusted accordingly. Out-of-pocket expenses, including outside assistance and travel costs when away from Montreal, are to be reimbursed to us. The hiring of additional assistance, of course, will only be done with the concurrence of the Co-operative Committee. Since it is my understanding that the Co-operative Committee is to have custody of the funds to meet the expenses of claims work, I would expect to bill the Co-operative Committee weekly for the time and expenses as outlined above. In addition, should the amount of work involved on particular claims be found to be far in excess of the average, because of special complicated conditions, we would reserve the right to negotiate a separate (additional) commission direct with the claimant based on a reasonable percentage of the actual award by the Commissioner.

As the time is now very short in which to do all of the valuation work required, I am sure I do not need to emphasize the desirability of getting started as soon as possible. To that end, I would appreciate an early decision on this proposal, so that I can plan my other consulting work accordingly.

Yours very truly,

"Eric G. Adams"



October 31, 1947.

Roger Guimet Esq., K.C.,  
c/o Messrs. Demers, Monet, Guimet & Lefebvre,  
Barristers, Solicitors,  
La Sauvegarde Building,  
152 Notre Dame Street East,  
Montreal; Quebec.

Dear Sir:

I will be in Montreal next Monday and I will telephone to you and try to arrange an appointment in order to discuss the matter of Japanese-Canadian Claims.

In the meantime I am enclosing a copy of a letter received from Mr. Adams who was in Toronto, and who saw me.

I would like to discuss very frankly with you, your views as to the advisability of engaging Mr. Adams in the capacity which he suggests.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

FAB:HC  
Encl.

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October 31, 1947.

Mr. Eric G. Adams,  
411 Confederation Building,  
Montreal, 2, P.Q.

Dear Mr. Adams:      Re: Japanese Canadian Claims

I have your letter of October 29th.

As I explained to you we have already been in consultation with solicitors for the claimants in Vancouver, and naturally would wish to have their opinion before making up our minds on the extremely important proposal which you have made.

As I also told you, the decision, of course, will be that of the Co-operative Committee itself after consultation with the National Japanese Canadian Citizens Association. I have written to the Secretaries of both of these organizations enclosing a copy of your letter, and shall hope to be able to advise you as soon as possible what their views are.

Yours very truly,

FAB:HC

*W*

Corr. - Oct 1947 1-13



October 31, 1947.

Mr. George Tanaka,  
84 Gerrard Street East,  
Toronto, Ontario.

Re: Japanese Canadian Claims

Dear Mr. Tanaka:

I am enclosing a letter from Mr. Adams  
which I have already discussed with you.

I know that before the Co-operative  
Committee make up their mind on this matter, they  
will wish to have the views of your association.

Yours very truly,

FAB:HC  
Encl.

*FM*

Corr. - Oct 1947

1-13



October 31, 1947.

Miss Margaret Boos,  
Apartment No. 28,  
94 Homewood Avenue,  
Toronto, Ontario.

Dear Miss Boos:

Re: Japanese Canadian Claims

I have received the enclosed letter from Mr. Adams, who interviewed Mr. Tanaka and myself last week.

I have written to Mr. McMaster to ascertain the views of himself and Messrs. Norris and MacLennan on this matter.

I, of course, told Mr. Adams and Mr. Tanaka that the decision would be one to be made by the Co-operative Committee as a whole, after consultation with the National Japanese Canadian Citizens Association.

Yours very truly,

FAB:HC  
Encl.

*FAB*

Corr. - Oct 1947 1-13



October 31, 1947.

Messrs. Campbell, Brazier, Fisher & McMaster,  
Barristers,  
Royal Bank Building,  
675 West Hastings Street,  
Vancouver, B.C.

Re: Japanese Canadian Claims

Attention Mr. R. J. McMaster

Dear Sirs:

I am enclosing a copy of a letter sent to me by Mr. Eric Adams, whom I mentioned in my last letter to you.

I may say that Mr. Adams impressed me favourably, although as you know, I have very little use for the associations which he apparently had in the past.

I would like your very frank opinion after consultation with Messrs. Norris & MacLennan, as to whether or not you think the case of the Japanese claimants would be prejudiced in the eyes of Mr. Justice Bird or the public, by the fact that one of our main witnesses and assistants was one involved in the espionage trials. Mr. Adams as you know was acquitted at a jury trial.

I have <sup>not</sup> reread the evidence before the Commission. If this were a personal matter, I would not desire to be prejudiced against Mr. Adams in any way because of the material brought out before the Royal Commission. However, the claims of very many others are dependant upon our making a good impression, and I would like to know frankly from you, what you think, from your knowledge of Mr. Justice Bird, that his impressions would be.

I may say I got the impression that Adams was a competent fellow, and would be able to give his evidence clearly, and I have, of course, told him that the decision will be for the Co-operative Committee as a whole after consultation with the National Japanese Canadian Association.

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Messrs. Campbell, Brazier, Fisher & McMaster

Oct. 31/47.

However, I know they will be very much guided by what you and I myself recommend.

It would seem to me important, in any event, that some local witnesses be called on questions of valuation in addition to Mr. Adams.

Please let me have your views in this as soon as possible.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

FAB:HC  
Encl.

Corr. - Oct 1947

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