

Corr Jan 1946 1-7

Geoffrion & Prud'homme
Advocates and Barristers

AIMÉ GEOFFRION, K.C.
J. ALEX. PRUD'HOMME, K.C.
C. ANTOINE GEOFFRION, LL.L.
GUILLAUME GEOFFRION, LL.L.

RECEIVED
Cable Address "GEOFFRION"

JAN 2 1946
112 St. James Street, West
MASON,
CAMERON & BREWIN
Montreal 1, Dec. 31st, 1945

Mr. F. A. Brewin,
Sterling Tower,
Toronto 1.

Dear Mr. Brewin:

I have your letter of the 29th instant.

Unfortunately, the Dominion Government as it is at present constituted and obviously until further notice has asked me, some time ago, to keep myself free to act for it in cases of this kind.

In fact I defended their jurisdiction in the Chemicals' case on account of that understanding.

I am therefore committed not only as to constitutional cases but also as to cases concerning the War Measures Act such as this one.

I therefore regret to be unable to act for you.

I return the papers you sent me.

Yours truly,

Aimé Geoffrion

AG/MC

Encl.

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL

A. W. FISHER

C. W. BRAZIER

R. J. MCMASTER

C. G. ROBSON

RECEIVED
TELEPHONE PACIFIC 9164

JAN 2 1946

MASON,
CAMERON & BREWIN

ROYAL BANK BUILDING

675 WEST HASTINGS STREET

VANCOUVER, B.C.

OUR FILE NO. 1414

December 31st,
1945

Attention Mr. Brewin

Messrs Mason, Cameron and Brewin
Barristers and Solicitors,
Sterling Tower Building,
Toronto 1, Ont.

Dear Sirs:

RE: Japanese Orders-in-Council

We have for acknowledgment receipt today of your letter advising as to the endorsement on writ of the action that has been commenced herein, together with a copy of the memorandum of your opinion and the draft copy of the Statement of Claim.

With reference to the Statement of Claim, the writer wondered whether it might not be advisable to specifically set forth that neither of the Plaintiffs are persons coming within section 2 (1) (b) of Order-in-Council P.C.7355. We discussed the matter today with Mr. Norris K.C. and wondered why you had not taken proceedings for a Japanese National. We appreciate that the argument concerning the meaning of the word "deportation" as defined in Fong Tue Ying vs U.S. is not applicable as a defence for Japanese Nationals, but it would appear to us that all of the other arguments raised could be adapted to their case. In British Columbia we are of course confronted with the problem of Japanese Nationals to a large measure. For reasons previously indicated to you we do not think it advisable at the present time to commence proceedings here and if it is possible to take proceedings in Ontario we trust the Committee from whom you have received instructions will give consideration to so doing.

The writer has given considerable study to the ~~Fort~~ Frances case, and the only comfort that he can find in it is that portion of the Judgment at page 706 as reported in 1923 A.C. which reads

Messrs Mason, Cameron and Brewin

December 31st, 1945.

"It may be that it has become clear that the crisis which arose is wholly at an end and that there is no justification for the continued exercise of an exceptional interference which becomes ultra vires when it is no longer called for. In such a case the law as laid down for distribution of powers in the ruling instrument would have to be revoked."

We feel that the Fort Frances case might be distinguished on this basis in the circumstances under which the Orders-in-Council referred to above were passed, that is to say, after Parliament had adopted ~~Rule~~ ^{Bill} 15 in its amended form which left out Clause (g) and before Bill 15 was to come into operation the Government proceeded to introduce these Orders-in-Council. It would also seem to us that the Fort Frances case might be distinguished on the basis that the Privy Council did not appear to deal with the question directly as to whether Orders-in-Council in that case were ultra vires the War Measures Act. If this could be successfully maintained then we might be able to rely on the decision of the Supreme Court of Canada in the case of In re Price Brothers and Co. Ltd. and the Board of Commerce of Canada reported in 1920, 2 W.W.R. at page 721, also reported in 60 S.C.R. at 265. In that case the same Orders-in-Council as were involved in the Fort Frances case were before the Supreme Court and the majority of the Court held that the Order-in-Council of January 29th, 1920 on which the Order of the Board of Commerce partly relied, was not competent under the War Measures Act, 1914, to confer any such powers. It was held on the basis, quoting from the head note -

"A condition requisite under such Act to an Order-in-Council conferring any such powers was that by reason of the existence of real or apprehended war, invasion or insurrection it was deemed necessary or advisable for the security, defence, peace, order and welfare of Canada, and this condition could not exist in January, 1920 when said Order-in-Council was made."

Note particularly the Judgment of Anglin J. at page 732 in the W.W.R. Report -

Messrs Mason, Cameron and Brewin

December 31st, 1945

"A very strong indication is thus offered that the Governor-in-Council must have acted in January 1920 under the erroneous impression - - I say it with all respect -- that until the actual declaration of a peace proclamation in the Canada Gazette his legislative powers under Sec. 6 of the War Measures Act were absolute and unqualified and were not subject to the condition that their exercise must be deemed by him 'necessary or advisable for the security etc. of Canada by reason of the existence of real or apprehended war, invasion, or insurrection'".

Mr. Norris, upon considering the three Orders-in-Council passed on December 15th, is of the opinion that all three Orders must be read together and in such circumstances the last of the three Orders, namely, P.C. 7357, is the governing order and therefore (if his interpretation is correct) the Minister may not deport any person without there first being an enquiry before the "Loyalty Commission". You will note that P.C. 7355 only provides that the Minister of Labour may make Orders for deportation. Norris's argument is that in view of P.C. 7357 he may only make them after an enquiry. He has promised at the earliest possible date to let me have a memorandum of his argument with respect to this. The writer must confess that he cannot fully appreciate Mr. Norris's point. Perhaps however when he gets it reduced to an argument or a memorandum we may be able to agree with him. In the meantime you might take it under advisement. Certainly we are persuaded that the Government has no such intention.

Certain incidents have occurred here in the last few days which we think might be of value to your Committee to publicize. We give you the details of these and leave it to your discretion as to whether there would be any value in so doing:

1. On Wednesday afternoon Mr. R. L. Millar, of the Consultative Council in Vancouver went to see Mr. Pickersgill, the head of the Japanese Division of the Department of Labour in British

Messrs Mason, Cameron and Brewin,

December 31st, 1945

Columbia with a request for an interview by Members of the Council with Mr. Humphrey Mitchell while he was in Vancouver. Mr. Pickersgill advised him to see Mitchell directly. He went to the Hotel Vancouver, where Mitchell was staying and talked to Mrs. Mitchell on the telephone. She advised him that Mr. Mitchell was not in very good health and was here partly for a holiday and that he had already seen some delegations and was booked up for most of Thursday and would leave for Victoria Thursday night, but that they would get in touch with him on Sunday upon returning to Vancouver. On Sunday Mrs. Mitchell telephoned Mr. Millar and advised him that it was impossible for Mr. Mitchell to see him or the delegation before leaving for Ottawa on Monday night.

2. On Thursday afternoon the writer wrote a letter to Mr. Mitchell and had it delivered to the Hotel Vancouver by special messenger, a copy of the letter is enclosed herewith, We have received no reply to the letter.

3. Mr. Norris and the writer had made plans to visit certain clients who are in Tashme on Friday of last week, and were so delayed in getting permission to do so that it was impossible for Mr. Norris to attend and only possible for the writer to attend at considerable inconvenience. I enclose herewith a copy of the minutes from my journal of what transpired with respect to this.

The purpose in referring this situation to you with a view to publication is not only as an illustration of obstructing Counsel in seeing these people at a time when speed is necessary, but also because we feel it raises the question as to whether the people in Tashme are not now actually in a Concentration Camp. That is to say, they are unable to get out of Tashme and apparently no one is able to go to see them excepting Counsel under the terms set out in the memorandum. We hardly think that the Government would be well pleased with the term "concentration camp" and on the other hand we think that

Messrs Mason, Cameron and Brewin

December 31st, 1945

it is a strong enough word and sufficiently applicable in the circumstances that it might arouse some of the public out of their lethargy.

As previously indicated, we would very much appreciate being kept advised as to the steps being taken in this matter and from time to time we will pass along to you any information or references which we think might be useful to you.

There is one point upon which you might be helpful to us, if you have an opportunity to give it consideration. You are undoubtedly aware of the provisions of the War Measures Act, that a person taken into detention under an Order-in-Council made pursuant thereto is precluded from having the question of the legality of this detention examined by the Courts. Order-in-Council P.C.7355 introduces this principle in section 9 thereof. The War Measures Act provides however that upon a proclamation of the end of the war by Order-in-Council, the section prohibiting review of such detention will cease to operate. Bill 15 as it was finally passed, made provision for continuation of Orders-in-Council made under the War Measures Act upon proclamation by the Governor-in-Council subject to amendment or revocation under Bill 15. The question therefore is whether the provision of Order-in-Council P.C. 7355 legalizing any detention thereunder will, after January 1st, 1946, be ultra vires, in other words, whether any right of habeas corpus will be open to these people, at least without the consent of the Minister of Justice. We have been working on this problem but as yet have not found a satisfactory answer.

Wishing you a successful and happy New Year,

Yours truly

CAMPBELL, BRAZIER, FISHER & McMASTER

Per. *R. McMaster*

RJM/G.
Encls

January 3, 1946.

Messrs. Campbell, Brazier, Fisher & McMaster,
Barristers and Solicitors,
675 West Hastings Street,
Vancouver, B. C.

Attention Mr. McMaster

Re: Japanese Orders-in-Council

Dear Sirs:

Thank you for your letters of December 29th and 31st which I have read with care and interest.

We are going to see the Acting Minister of Justice on Friday. In the meantime we are proceeding with the actions. I am consulting J. R. Cartwright, K.C. who as you know, is a counsel of outstanding eminence in this part of the world, and hope to get a favourable opinion from him.

I confess that I cannot follow Mr. Norris's argument that the terms of P.C. 7357 in regard to the Loyalty Commission are applicable to Orders under 7355. I should have thought personally, that it was quite clear that the orders applied to different classes of persons, and that in any event, that 7357 was purely permissive.

In case the government refuses either to refer the matter to the Supreme Court of Canada or to regard our action as a test action, we suppose it will be necessary to advise all concerned to be ready to make application for Writs of Habeas Corpus. Have you considered the possibility of applying directly to the Supreme Court of Canada for Habeas Corpus as was done in re Gray 57 S.C.R. 150. I do not see how we can do this as none of our clients are as yet in detention. I might discuss the matter with the Deputy Minister of Justice when I am in Ottawa.

I considered the question of adding as a Plaintiff, a Japanese National, and had at first thought it inadvisable.

As you will observe, I was claiming on behalf of the plaintiffs that all of the Orders-in-Council were totally invalid, and it seemed to me that the case was not strengthened by adding a further plaintiff.

Campbell, Brazier, Fisher & McMaster (cont'd)

Jan. 3/46.

I will, however, reconsider the matter. I rather wanted to emphasize the fact that the action was on behalf of Canadian citizens, even though Japanese Nationals might incidentally benefit by a favourable result.

I was also anxious not to suggest to the Government before January 1st, when the War Measures Act ceases to be in effect, that they should pass a separate Order-in-Council dealing with Japanese Nationals alone, as I believe it would be most difficult to contest successfully, the validity of such an order.

I will give consideration to the last question raised in your letter, but it seems to me that the provision of Section 9 of 7355 cannot have any operation if the Order-in-Council itself is invalid, and therefore, apart altogether from the argument you raise, the Writ Habeas Corpus would be available if the case was based on the ground of the invalidity of the whole order.

Best wishes,

Yours sincerely,

MASON, CAMERON & BREWIN

per: .

FAB:HC

RECEIVED
JAN 3 1946
MASON,
CAMERON & BREWIN.

REGISTERED CABLE ADDRESS: NATIVE TORONTO

TELEPHONE
ADELAIDE 6288

F. A. Brewin, Esq.,
Messrs. Mason, Cameron & Brewin,
Barristers, &c.,
372 Bay Street,
TORONTO.

Dear Mr. Brewin: Re: Orders-in-Council 7355, 7356
 and 7357:

You have asked my opinion as to whether or not the above-mentioned Orders-in-Council are valid or whether they are ultra vires of the powers given to the Governor-in-Council under the provisions of the War Measures Act.

I regret that the fact that you are leaving for Ottawa this evening and require my opinion before you leave prevents me devoting as much time as I would have wished to the study of this problem. I have, however, had an opportunity of examining some of the cases and I have formed the opinion that there is a very real doubt as to whether or not these Orders-in-Council are valid, and I am respectfully of the opinion that their validity should be enquired into by the Courts.

I observe that Order 7355 permits the deportation of persons who are British born or naturalized British subjects, provided they are of Japanese race and certain other conditions exist. Order 7356 provides that as and from the date upon which such deported persons leave Canada they shall cease to be British subjects or Canadian nationals.

It seems to me that two main questions are involved; first, power of Parliament itself to so provide, and secondly, whether or not the power to so provide has been delegated to the Governor-in-Council.

At the moment, and without having made as full research as I would wish, I do not see how the Parliament of Canada could deprive an individual

F. A. Brewin, Esq., - 2:

January 3, 1945:

of his status as a British subject, at all events if he had acquired such status by birth in some part of His Majesty's Dominions other than Canada.

There seems to be a good deal of authority to indicate that a person cannot during a war relinquish his status as a citizen or subject of one country and acquire citizenship in an enemy country.

I do not feel able to express any final opinion on the first question without further research, which cannot be made in the time available.

As to the second question, I think it clear under the cases that Parliament can delegate any of its powers to the Governor-in-Council, and the wording of section 3 of the War Measures Act is very wide. The section provides that the enumeration of certain classes of subjects to which the powers of the Governor-in-Council shall extend is not to restrict the generality of the wide terms in which the section opens, but it does seem to me that when in clause (b) of section 3 it is provided that the powers of the Governor-in-Council shall extend to all matters coming within the class of "arrest, detention, exclusion and deportation" there is room for the application of the maxim "expressio unius est exclusio alterius". It was said by Riddell, J.A. in Howe v. Howe, (1937) O.R. 57, at p.61, that this maxim was never more applicable than when applied to the interpretation of a Statute.

You were good enough to refer me to the case of Fong Tue Ying v. U.S., 149 U.S. 698, at 709, where it is stated by the Supreme Court of the United States that deportation means "the removal of an alien out of the country simply because his presence is deemed inconsistent with the public welfare".

I would have thought that the word "deportation" as generally understood would be held to apply only to aliens. In modern times there would be very real practical difficulties in ordering the deportation of a citizen of a country because of the difficulty of getting him into any other country.

While it is not directly in point, I think some assistance may be obtained from the judgment of the Judicial Committee in Attorney General for Canada v. Cain, (1906) A.C. 542, at p.545, where the word "return" is discussed and held, in the section there under consideration, to be the same in effect as "deport". The following sentence

F. A. Brewin, Esq. - 3:

January 3, 1945

is found at p. 546:

"One of the rights possessed by the supreme power in every State is the right to refuse to permit an alien to enter that state, to annex what conditions it pleases to the permission to enter it, and to expel or deport from the state, at pleasure, even a friendly alien, especially if it considers his presence in the state opposed to its peace, order and good government, or to its social or material interests: Vattel, Law of Nations, book 1, s.231; book 2, s.125."

The underlining is mine.

It does appear to me that very clear words would be necessary to indicate the intention to give the Governor-in-Council power to banish from the country a Canadian national who is a British subject. I do not think that the word "deportation" is apt to describe such a power. My present view is that such an action would be contrary to the generally accepted principles of international law and the comity of nations and, if two constructions are open, the construction ought not to be chosen which would bring about such a result.

It is my opinion that the question is one which ought to be passed upon by the Courts and at present I incline to the view that the Orders are not valid.

I do not think that the Order would be invalid if it were limited in its operation to persons who were not British subjects or Canadian nationals, but I think it very doubtful that it could be said that the Order is severable, so that the provisions referring to persons other than British subjects and Canadian nationals could stand if the Order in so far as it deals with British subjects and Canadian Nationals is held to be invalid.

At the risk of repeating, I want again to emphasize the fact that I have written you this letter without having had time to make as full research as the importance of the subject requires. I am giving you the opinion I have formed as a result of the research which I have been able to make in the limited time available.

Yours faithfully,

J. G. Garthoff

JRC:WJ.

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

Japanese Canadians.

1946

- Jan. 3 Attending at Mr. J. R. Cartwright, K. C. reviewing the matter with him and asking him for an opinion.
- Jan. 4 Attending in Ottawa to interview the Acting Minister of Justice and Deputy Minister of Justice, when we asked for reference, and advanced the legal argument as to why this should be granted.
Further consultation with Mr. Varcoe as to form of Order, and date of reference.
Drafting letters to the Attorneys-General of the various provinces.
Attending to serve Writ and Statement of Claim in Test Actions on Deputy Minister of Justice.
- Jan. 9 Having received instructions that the Government has passed Order-in-Council directing reference, instructing Mr. J. Price Erichsen-Brown, our Ottawa agent, to act for us in drafting of order.
Further lengthy investigation of legal problems involved, and preparing draft Factum.
Attending to discuss the same with Mr. Cartwright.
Attending to have the same printed.
Correspondence with the Minister of Labour in regard to postponement of medical examination and other steps pending decision of the court.
Correspondence with the Director of the War Relocation Authority, Washington in regard to the American situation.
Engaged in further preparation for argument.
Interviewing Mr. McLennan of Vancouver who is to appear with us on the reference.
Correspondence with Mr. Arthur Garfield Hayes, New York.
Correspondence with Prof. F. R. Scott in regard to constitutional matter involved.
Correspondence with Mr. A. Gladstone Virtue, K.C. of Lethbridge, Alberta.
Attending to persue the Factum of the Attorney General of Canada, and the Attorney General of British Columbia.
- Jan 22 Attending in Ottawa and engaged in preparation of
& 23 the argument.

Civil Lib re Japanese.

Jan³

Pd return ticket to Ottawa	17.60
" upper berth to Ottawa	1.95
" expenses at Ottawa & berth returning	5.05
" hotel bill at Chateau	18.40

Jan 22 - Pd railway fare	18.75
" meals Taps etc	14.20
Jan 22 - 23	

" express on factums	41
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" Bell Telephone Acct.	37.56
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" C. N. T. ^{17 53} ^{21 03} ^{93.89}	^{93.79} 10.32?
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12.63

2000.0

2000.00

75.33

55.56

~~1325.95~~

345684

3500.00
3456.84

43.16

Jan 22 - Rec'd

3500.00

30 - ck to J. P.

Cartwright 2000.00

Feb 13 - ck to The

Sovereign Press 75.33

Feb 20 - ck to J. P.

Erickson - Brown

55.56

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

Japanese Canadians.

1946

Jan. 24 Attending as Counsel when Judgment is reserved.
Further correspondence and discussion after
hearing in respect to action to be taken in the
event that the Appeal is unsuccessful.
Various conferences and consultations with you
from time to time.

OUR FEE IN ALL

\$1200.00

Disbursements

Jan. 3	Pd. return ticket to Ottawa	17.60
	Pd. upper berth to Ottawa	1.95
	Pd. expenses at Ottawa and berth returning	5.05
	Pd. hotel bill at Chateau Laurier	18.40
Jan. 22	Pd. railway fare	18.75
	Pd. meals, taxes, etc.	14.20
	Pd. express on Factums	.41
	Pd. Bell Telephone Account	37.56
	Pd. Can. National Telegraph	12.03

\$1200.00

125.95

125.95

\$1325.95

This is our bill herein
MASON, CAMERON & BREWIN
per..... *J. Arsenault*

LEDGER STATEMENT

Jan. 22	Received		\$3500.00
" 30	Cheque to J.R. Cartwright for his Counsel fee for services as Counsel at hearing and for opinion.	2000.00	
Feb. 13	Cheque to the Sovereign Press	75.33	
" 20	Cheque to J.P. Erichsen-Brown for his account and disbursements as Ottawa agent.	55.56	
	Amount of our account herewith	1325.95	
	Balance on hand	43.16	
		<u>\$3500.00</u>	<u>\$3500.00</u>

January 5, 1946.

Arnold M. Campbell, Esq., K.C.,
603 Paris Building,
Winnipeg, Manitoba.

Re: Canadian Japanese

Dear Sir:

As you may have seen in the press, a small delegation from Toronto, saw the Acting Minister of Justice and the Deputy Minister of Justice in Ottawa yesterday. Our representations were received in a very friendly way, and it appeared that the Justice Department would recommend to the Cabinet that the validity of the Orders-in-Council be referred to the Supreme Court of Canada.

We do not expect any actual decision until next week. Mr. Varcoe discussed with me, the date of the reference, and suggested that the Government were anxious that it be disposed of as soon as possible, and he had apparently already spoken to the Chief Justice of Canada, who said that the Court would be available on January 21st.

This leaves very little time, and I am writing to ask for any assistance that you can give us in regard to the legal problems involved.

I have already consulted John Cartwright of this city, and he has given a tentative opinion that the Orders-in-Council are invalid. I have also discussed the matter with F. R. Scott of the Department of Law at McGill, and he has promised to help.

I am hoping that Mr. Cartwright will be available for the argument in the Supreme Court of Canada, if it goes on.

Arnold M. Campbell, Esq., K.C.

January 5/46.

An interesting possibility that would not be dealt with by the reference, was suggested to me by Mr. Cartwright, namely, that the words "Japanese Race" are almost meaningless, and that it might be impossible for the Crown to prove that any particular individual was of the Japanese Race. We might refer in this connection to Clayton vs Ramsden, 1943 A.C.320. We are advised that Anthropologists are not at all agreed as to what is the proper test.

Yours very truly,

MASON, CAMERON & BREWIN

per:

Furb

FAB:HC

January 5, 1946.

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

Attention Mr. McMaster

Re: Canadian Japanese

Dear Mr. McMaster:

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I am hoping that Mr. Cartwright will be available for the argument in the Supreme Court of Canada, if it goes on.

Campbell, Brazier, Fisher & McMaster

Jan. 5/46.

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Yours very truly,

MASON, CAMERON & BREWIN

per:

FAB:HC



CANADA

DEPARTMENT OF LABOUR

JAPANESE DIVISION

24 Adelaide Street East,
TORONTO 1 - Ontario

January 4, 1945.

Mr. Tadashi Nagao, #03221,
600 $\frac{1}{2}$ Barton St. East,
HAMILTON, Ontario.

Dear Mr. Nagao:

In connection with your recent request to be repatriated to Japan, it has now been announced by the Commissioner for Japanese Affairs that arrangements are in progress for the transfer to Japan in the near future of all persons making such application.

In this connection, in order to comply with the regulations governing entry to the United States and Japan, it is necessary that all persons proceeding there be immunized against smallpox, typhoid and paratyphoid fever. You will realize that it is in your own interest (and that of your family) that this should be done as quickly as possible. Arrangements have been made for this work to be done by -

Dr. J. E. Davey,
Public Health Officer,
Hamilton, Ontario.

and you are asked to present yourself (~~and your family~~) at the office of the above named for treatment as soon as possible after you receive this letter.

The cost of the vaccination and inoculations will be borne by this Department.

We have requested the above Doctor to hand you a certificate as soon as the inoculations have been completed stating that you have been immunized as required. This should be very carefully kept by you in order that there may be no delay when the time comes for you to go on board ship.

Yours truly,

D. Mactavish
Eastern Regional Supervisor

January 8, 1946.

Minister of Labour,
Ottawa, Canada.

Dear Sir:

I have received from Mr. McTavish, the Eastern Regional Supervisor of the Department of Labour, Japanese Division, a letter dated January 4th asking me to report to the Public Health Officer in Hamilton, in connection with my request to be repatriated to Japan.

I wish to call to your attention, the fact that I am a Canadian born citizen, having been born on the 3rd of September 1924 at Haney, British Columbia. My father who is at present at Lemon Creek, B. C. is a veteran of the last war, and himself a Canadian Citizen.

^{Had}
I revolt the request for repatriation by a letter of ~~August~~ dated the day of a copy of which I retain.

It is therefore my clear understanding that I am not liable under the terms of P.C. 7355, to be deported, and I do not wish to leave Canada.

In these circumstances, there is, of course, no occasion for me to report to the Public Health Officer.

I would like to have an acknowledgment of the fact that my revocation has been accepted, and that there is no intention of proceeding in my case.

If I do not receive such assurance, I will feel bound to take advice as to what legal steps are necessary to insure that I shall not be forcibly removed.

Yours very truly,

Tadashinago
No. 03221
600 1/2 Barton Street,
Hamilton, Ontario.

January 8, 1946.

Minister of Labour,
Ottawa, Canada.

Naturalized Japanese Canadians and
Japanese Nationals who received re-
quests to report for inoculation to
the Public Health Officer.

Dear Sir:

I have received a request to report for inoculation to the Public Health Officer under the regulations for the repatriation of certain persons to Japan.

While I have every wish to co-operate fully with the authorities, and am willing to report to the Public Health Officer, I wish to revoke any request that I have made for repatriation to Japan, and I understand that the legality of the Orders-in-Council under which I might be liable to forcible deportation to Japan, is being referred to the Supreme Court of Canada.

I therefore respectfully suggest that as I will not be proceeding to Japan if the Orders are held invalid, that any proposed inoculation should be postponed until after the decision of the Supreme Court on the reference.

Yours very truly,

N.B.--This last letter would not be appropriate if a Naturalized Japanese Canadian revoked his request for repatriation before midnight on the first of September. In this case a letter to this effect should be written.

January 8, 1946.

Minister of Labour,
Ottawa, Canada.

Dear Sir:

I am a Canadian born British Subject, having been born on the 5th of July 1909 at Vancouver Cannery, B. C.

On September 13th 1945, I addressed to the Royal Canadian Mounted Police, at Vancouver, a revocation in writing of my request for repatriation, but have received no acknowledgment.

In view of the terms of P.C. 7355, I would like to have an acknowledgment from the Department, that my revocation is recognized and that I, nor my wife Chizuko Bashi are liable to be deported to Japan.

I would like to hear from you in the near future to set my mind at rest in regard to the matter, so I may clearly understand that I am not liable to be forcibly removed under the provisions of the Government's Orders-In-Council.

Yours very truly,

Ishi Bashi

January 8, 1946.

Minister of Labour,
Ottawa, Canada.

Dear Sir:

I am a Canadian born British Subject, having been born on the 5th of July 1909 at Vancouver Cannery, B. C.

On September 13th 1945, I addressed to the Royal Canadian Mounted Police, at Vancouver, a revocation in writing of my request for repatriation, but have received no acknowledgment.

In view of the terms of P.C. 7355, I would like to have an acknowledgment from the Department, that my revocation is recognized and that I, nor my wife Chizuko Bashi are liable to be deported to Japan.

I would like to hear from you in the near future to set my mind at rest in regard to the matter, so I may clearly understand that I am not liable to be forcibly removed under the provisions of the Government's Orders-in-Council.

Yours very truly,

Ishi Bashi

January 8, 1946.

Minister of Labour,
Ottawa, Canada.

Dear Sir:

I am a Canadian born British Subject,
having been born in Haney, British Columbia on December
5th, 1922.

After signing the request for repatriation,
I have written both to Mr. Piggerskill in British Col-
umbia and to the Royal Canadian Mounted Police, revoking
my request for repatriation, and therefore understand
that I am not liable to be deported under the terms of
P. C. 7355.

As I have not received any acknowledgment of
my request for repatriation, I should like to have assur-
ance from you that my revocation has been accepted and
that I am not liable to be deported.

Yours truly,

Hideotakimo

January 8, 1946.

Minister of Labour,
Ottawa, Canada.

Dear Sir:

I am a Canadian born British Subject,
having been born in Haney, British Columbia on December
5th, 1922.

After signing the request for repatriation,
I have written both to Mr. Piggerskill in British Col-
umbia and to the Royal Canadian Mounted Police, revoking
my request for repatriation, and therefore understand
that I am not liable to be deported under the terms of
P. C. 7355.

As I have not received any acknowledgment of
my request for repatriation, I should like to have assur-
ance from you that my revocation has been accepted and
that I am not liable to be deported.

Yours truly,

Hideotakimo

January 8, 1946.

Minister of Labour,
Ottawa, Canada.

Dear Sir:

I have received from Mr. McTavish, the Eastern Regional Supervisor of the Department of Labour, Japanese Division, a letter dated January 4th asking me to report to the Public Health Officer in Hamilton, in connection with my request to be repatriated to Japan.

I wish to call to your attention, the fact that I am a Canadian born citizen, having been born on the 3rd of September 1924 at Haney, British Columbia. My father who is at present at Lemon Creek, B. C. is a veteran of the last war, and himself a Canadian Citizen.

I revolt the request for repatriation by a letter of August dated the day of a copy of which I retain.

It is therefore my clear understanding that I am not liable under the terms of P.C. 7355, to be deported, and I do not wish to leave Canada.

In these circumstances, there is, of course, no occasion for me to report to the Public Health Officer.

I would like to have an acknowledgment of the fact that my revocation has been accepted, and that there is no intention of proceeding in my case.

If I do not receive such assurance, I will feel bound to take advice as to what legal steps are necessary to insure that I shall not be forcibly removed.

Yours very truly,

Tadashinago
No. 03221
600, Barton Street,
Hamilton, Ontario.

January 8, 1946.

Minister of Labour,
Ottawa, Canada.

Naturalized Japanese Canadians and
Japanese Nationals who received re-
quests to report for inoculation to
the Public Health Officer.

Dear Sir:

I have received a request to report for inoculation to the Public Health Officer under the regulations for the repatriation of certain persons to Japan.

While I have every wish to co-operate fully with the authorities, and am willing to report to the Public Health Officer, I wish to revoke any request that I have made for repatriation to Japan, and I understand that the legality of the Orders-in-Council under which I might be liable to forcible deportation to Japan, is being referred to the Supreme Court of Canada.

I therefore respectfully suggest that as I will not be proceeding to Japan if the Orders are held invalid, that any proposed inoculation should be postponed until after the decision of the Supreme Court on the reference.

Yours very truly,

N.B.--This last letter would not be appropriate if a Naturalized Japanese Canadian revoked his request for repatriation before midnight on the first of September. In this case a letter to this effect should be written.

Attorneys General of the Provinces.

Dear Sir:

The Co-operative Committee on Japanese Canadians, represents a very large number of citizens who are interested in seeing that residents in Canada of Japanese origin, receive justice.

They have been appointed to represent those concerned on a reference to the Supreme Court of Canada as to the validity of P. C. 7355, 7356 and 7357 which provide under the conditions thereon set out, for the forcible removal of various classes of persons including some naturalized and native born Canadians "of the Japanese race".

We understand that you as well as the Attorneys General of the other Provinces, have been notified of the hearing of the argument.

As the argument concerns the right of the executive by Order-in-Council to interfere seriously with the liberty of Canadian subjects accused of no crime or disloyalty on the ground of race and is therefore in our judgment an interference with civil rights of citizens and others resident in your Province, we venture respectfully to suggest that you should consider whether or not your Province should be represented in order to question the validity of the Orders.

If you so decide, this Committee and counsel representing it will be glad to co-operate.

CANADIANS CONDEMNED

Without Trial-Without Justice

23,000

have been forced from their homes—have had their property seized and sold — are still denied the right to rent or buy land, houses or business — to travel and live where they wish.

74 Per Cent

are Canadian citizens. Many others would be, but citizenship is refused them.

Their Crime?

They are of Japanese racial origin.

Are they therefore responsible for the crimes of Japan's war lords? No responsible person asserts this.

Many have lived here 35 to 40 years.

No such charge is laid against Canadians of German or Italian descent.

Their Guilt?

They are good citizens, law-abiding, industrious.

They are loyal Canadians. Many Japanese-Canadians served in our armed forces.

On the authority of the Prime Minister of Canada, there is no charge of sabotage against them.

Yet thousands of these Canadians are being forced to move to Japan---a country over half of them have never seen.

JOIN THE PROTEST AGAINST THIS INJUSTICE

Public Meeting For Action

JARVIS COLLEGIATE

JARVIS ST. AT WELLESLEY

Thursday, Jan. 10, at 8 p.m.

SPEAKERS:

Senator ARTHUR ROEBUCK, K.C. Senator CAIRINE WILSON
Rabbi A. FEINBERG B. K. SANDWELL, Chairman

INFORMATION - DISCUSSION - ACTION

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**CIVIL LIBERTIES ASSOCIATION OF TORONTO
CO-OPERATIVE COMMITTEE ON JAPANESE-CANADIANS**

*

Jan. 9/46.

B. F. Sandwell,
James Collegiate;
Mr. Sandwell,

seeing your large display
advertisements, I am sure of the
many, thousands that will soon
of having all of these Japs. sent
back to Japan. When I sit down
and think of those Japs. in a
whole, I feel, like thousands
others that have suffered.
by those People. even right
here in Toronto; years ago. I
had dealings with those
People, and right from the
bottom of my heart. I just
cannot let them. I have
made a deep study of them
and can speak freely.

I will be one of the many
that will attend this meeting
Thank
R. Howe.

287 CLEMONS AVENUE
OTTAWA, ONTARIO
4-5233

RECEIVED

JAN 11 1946

9th January

MASON,
CAMERON & BREWIN

F. Andrew Brewin,
372 Bay Street,
Toronto, Ontario.

Dear Andy,

Re reference deportation Japanese-Canadian

I am enclosing copy of order of the Chief Justice of to-days date. I accepted service on your behalf. Mr. Mundell had prepared a draft similiar to the enclosed order before we attended on the Chief Justice based upon the discussions I had with him last night. The attention of the Chief Justice was directed to the fact that the Cooperative Committee on Japanese Canadians was unincorporated. I suggested to the Chief Justice that section 55(4) of the Supreme Court Act in referring to persons representative of a class was concerned primarily with ensuring that service be adequately effected and that there could be no objection where service was made on the solicitor. You will note the order provides that "the persons comprising ... be notified by telegram addressed etc."

Mundell omitted any recital of the Cooperative Committee being represented on

the motion by counsel. I expect he had been following a precedent of an ex parte order. I did not notice this until after the Chief Justice had signed the order. Possibly there is no reason why your committee should have been represented to-day any more than the A.G. of British Columbia.

I am also enclosing copy of PC45 directing the reference to which is attached copies of PC7355-6-7 and also correspondence between the Secretary of States for External Affairs and the Canadian Ambassador to the United States and a copy of PC7414. These were given to me last night by Mr. Mundell. Will you please note that I have not got copies of any of the above. Mundell seemed a bit bothered last night as to whether he had sufficient copies of the Orders-in-Council etc.

You will note that the plaintiff is assuming responsibility of printing the case. I presume it will include the order made to-day together with copies of the other enclosures in this letter. If you have any suggestions as to the case please let me know. I expect it will be printed and served on me by the 16th. Shall I forward all three copies to you.

I expect to have an office in a few days and will let you know my address.

kindest regards,

A handwritten signature in dark ink, appearing to be 'J.S. P.' followed by a stylized, cursive flourish that extends to the right.

Confirmation

TELEGRAM

DEPARTMENT OF JUSTICE

OTTAWA JANUARY 10 1946

F A BREWIN ESQ
SOLICITOR CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS
372 BAY STREET
TORONTO. ONTARIO

IN THE SUPREME COURT OF CANADA STOP IN THE MATTER OF
A REFERENCE AS TO THE VALIDITY OF ORDERS IN COUNCIL OF
THE ^{fifteenth} ~~TWENTY EIGHTH~~ DAY OF DECEMBER NINETEEN FORTY FIVE
P C 7355 and 7356 and 7357 IN RELATION TO PERSONS OF
THE JAPANESE RACE STOP TAKE NOTICE THAT THE REFERENCE
HEREIN HAS BY ORDER OF THIS HONOURABLE COURT DATED THE
NINTH DAY OF JANUARY NINETEEN FORTY SIX BEEN INSCRIBED
FOR HEARING ON THE TWENTY FOURTH DAY OF JANUARY
NINETEEN FORTY SIX STOP COPY OF ORDER IN COUNCIL MAKING
REFERENCE AND ORDER OF COURT BEING SERVED ON OTTAWA
AGENT

F P VARCOE

DEPUTY MINISTER

CHG JUSTICE
ADMINISTR BR

J. P. ERICHSEN-BROWN

BARRISTER, SOLICITOR &c

46 ELGIN STREET

OTTAWA, CANADA

TELEPHONE 4-1225

RECEIVED

JAN 10 1946

MASON,
CAMERON & BREWIN

January 8, 1947.

F. Andrew Brewin, Esq.,
Barrister, Solicitor,
372 Bay Street,
Toronto, Ontario.

Dear Andy:

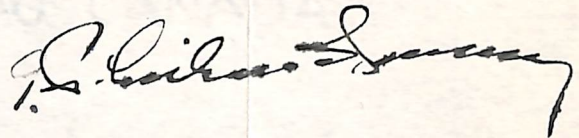
It has not yet been possible for the Ottawa Association to select their representatives for the two committees appointed at the recent conference. We are having a council meeting next Monday, January 13, and our annual meeting on Wednesday, January 29. Representatives will be appointed at the council meeting.

I have been expecting to receive a copy of the minutes from Macpherson, but so far this has not been received. I assume he would have copies for all our delegates. If you could call him and inform him we would like to have these before the end of the week, it would be appreciated.

I am not clear whether Frank Scott or Macpherson assumed any responsibility of reporting to Lower. I have written a letter to Lower to-day at Winnipeg.

With kindest regards.

Yours very truly,



JPEB:BB



CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W.D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

WACD 101/99 GB GB

OTTAWA ONT, JAN 10TH 1946 3:55PM

F.A. BREWIN 4298
SOLICITOR COOPERATIVE COMMITTEE
ON JAPANESE CANADIANS 372 BAY ST:- TORONTO ONT.

IN THE SUPREME COURT OF CANADA STOP IN THE MATTER
OF A REFERENCE AS TO THE VALIDITY OF ORDERS IN
COUNCIL OF THE FIFTEENTH DAY OF DECEMBER NINETEEN FORTY FIVE
P C 7355 AND 7356 AND 7357 IN RELATION TO
PERSONS OF THE JAPANESE RACE STOP TAKE NOTICE THAT THE
REFERENCE HEREIN HAS BY ORDER OF THIS HONOURABLE COURT DATED
THE NINTH DAY OF JANUARY NINETEEN FORTY SIX BEEN INSCRIBED
FOR HEARING ON THE TWENTY FOURTH DAY OF JANUARY NINETEEN
FORTY SIX STOP COPY OF ORDER IN COUNCIL MAKING REFERENCE
AND ORDER OF COURT BEING SERVED ON OTTAWA AGENT.

F.P. VARCOE
DEPUTY MINISTER

4:09PM

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

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

A. W. FISHER
R. J. McMASTER

C. G. ROBSON

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675 WEST HASTINGS STREET
VANCOUVER, B.C.

OUR FILE NO. 1414

JAN 12 1946

January 10th
1946

MASON,
CAMERON & BREWIN

Attention Mr. F. A. Brewin

Messrs Mason, Cameron and Brewin,
Barristers and Solicitors,
Sterling Tower Building,
Toronto 1, Ont.

Dear Mr. Brewin:

We were very pleased indeed to see by the newspaper reports that the Cabinet are referring the Orders-in-Council concerning the Japanese to the Supreme Court of Canada to test ^{their} ~~for~~ validity. We would be more than pleased to receive a copy of the terms of the reference to the Supreme Court of Canada.

The writer spoke to Mr. Norris today and we hope to be able to forward to you by air mail in the very near future a copy of his argument with respect to the last of the three Orders, being the governing order.

If there is anything whatsoever which we can do to assist you we shall be more than pleased to do so.

Yours truly

CAMPBELL, BRAZIER, FISHER & McMASTER

Per. *R. J. McMaster*

RJM/G.



House of Commons
Canada

Ottawa, Ontario,
January 10, 1946

RECEIVED

JAN 12 1946

MASON,
CAMERON & BREWIN

Mr. F. A. Brewin,
Mason, Cameron & Brewin,
Barristers & Solicitors,
Sterling Tower,
Toronto 1, Ontario.

Dear Andy,-

Thank you for your letter with your remarks regarding Japanese-Canadians. I have read these with interest and when possible I shall certainly use this information.

I have noticed the formation of the Committee, of which you are a member, to fight this thing with great interest.

With kindest regards,

Yours sincerely,

M. J. Coldwell
per sec

M. J. Coldwell

RECEIVED

JAN 12 1946

MASON,

CAMERON & BREWIN



CO-OPERATIVE COMMONWEALTH FEDERATION

ONTARIO SECTION

THE FARMER-LABOR PARTY OF ONTARIO

565 JARVIS STREET, TORONTO 5, RANDOLPH 5148

B. E. LEAVENS, M.P.P.
GENERAL SECRETARY



MORDEN LAZARUS
EXECUTIVE SECRETARY

January 11th, 1946.

Mr. F. Andrew Brewin,
Barrister and Solicitor,
372 Bay Street,
TORONTO, Ontario.

Dear Andrew:

Enclosed is a letter to me from Mitsu Tamura of the National Office, which is self-explanatory.

The contact mentioned in this letter might be able to give you useful information in connection with the test case presently before the Supreme Court.

Yours sincerely,

ML/t
enc.

Morden Lazarus,
Executive Secretary.

- Jan. 8/46 (a) Attended by you on long-distance telephone when instructed to appear on motion before Chief Justice.
- (b) Attending on Mr. Mundell of Justice Department in his office in the evening discussing as to form of proposed order manner of directing service upon cooperative committee which is unincorporated, etc.
- Jan. 9/46 (c) Attending you on long distance when instructed to give names of Mrs. McMillan, B.K. Sandwell and George Tathem, if required.
- (d) Attending on motion for Chief Justice in his chambers when order is made in terms of draft prepared by Mr. Mundell directing service on solicitor for cooperative committee, individual names not being required.
- (e) Letter to Mr. Brewin enclosing a number of documents reporting on motion, etc.
- Jan. 21/46 (f) Attending to admit service of 3 copies of factum of A.G. of Can. attending post-office to weigh and mail.
- (ff) Attending you long-distance re copy factum for Mr. Geoffrion
- Jan. 22/46 (g) Having received a factum from Mr. Brewin, attending to file 30 copies with Registrar and deliver 3 copies to Mr. Mundell.
- (h) Attended by Mr. Scott, agent for the A.G. of B.C. on telephone in connection with interchange of factum, etc.
- (i) Long special letter to Mr. Brewin.
- (j) Attended by Mr. S.R. Broadfoot, K.C., on the telephone and later discussing with him in his office, about 5.30 p.m., when it appears he is Ottawa agent for a Mr. Virtue in Alberta, solicitor for a number of Japanese.
- (k) Attended Mr. Brewin on person-to-person call when it appears he has left for Ottawa. Call cancelled.
- Jan. 23/46 (l) Attending Mr. Brewin on telephone reporting on discussion with Mr. Broadfoot, etc.
- (ll) Attending Mr. Scott exchanging factums, attg. to deliver factum of A.G. of B.C. to Chateau Laurier.
- Feb. 7/46 (m) Having received letter from Mr. Brewin considering attending Mr. Audette on the telephone confirming that Court will sit on Monday. Information as to delivery of judgement not yet available.
- Feb. 11/46 (n) Attending Mr. Audette when informed that judgment will not be delivered to-day but that court will adjourn for one week and it may possibly be delivered in one week. Information not definite. Letter to Mr. Brewin.
- Feb. 18/46 (o) Attending Mr. Audette when confirmed that judgment will not be handed down to-day but that there is a "rumour" that it will be delivered on Wednesday. Later attended by Mr. Brewin long-distance reporting when instructed to telephone report of judgment long-distance when delivered.
- (p) Attendance in Court on delivery of judgment. Attendance to order copy of reasons. Attending you long-distance as to.
- - - - -

287 CLEMOW AVENUE
OTTAWA, ONTARIO
4-5233

RECEIVED

JAN 14 1946

MASO

CAMERON & BREWIN

F. A. Brewin Esq.
372 Bury St.

Jan 11/45

re Japanese Canadian

Dear Andy, -

The enclosed were saved on
me last night. They are duplicates of
the documents already forwarded to you.

Yours very truly,

92. 100



CANADIAN PACIFIC TELEGRAPHS

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W.D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

VRB131—9

VANCOUVER BC 11 1127AM

ANDREW BREWIN

4229

BARRISTER STERLING TOWER BUILDING TORONTO 1 ONT

PLEASE WIRE IMMEDIATELY TERMS OF REFERENCE TO SUPREME COURT

CAMPBELL BRAZIER FISHER & MCMASTER

1946 JAN 11 PM 2:35

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

Toronto, Jan. 11/46

CAMPBELL, BRAZIER, FISHER & MCMASTER
ROYAL BANK BUILDING,
675 WEST HASTINGS STREET,
VANCOUVER, B.C.

TERMS OF QUESTION REFERRED AS FOLLOWS STOP ARE THE ORDERS IN COUNCIL DATED THE FIFTEENTH DAY OF DECEMBER NINETEEN FORTY FIVE BEING P C SEVEN THREE FIVE FIVE COMMA SEVEN THREE FIVE SIX AND SEVEN THREE FIVE SEVEN ULTRA VIRES OF THE GOVERNOR IN COUNCIL EITHER IN WHOLE OR IN PART AND IF SO IN WHAT PARTICULAR OR PARTICULARS AND TO WHAT EXTENT STOP WILL SEND YOU A COPY OF FULL ORDER

CHGE: Mason, Cameron & Brewin,
372 Bay Street,
Toronto, Ont.

BREW IN

*Civil Liberties
re Japanese*



C.D. 1R

CANADIAN PACIFIC TELEGRAPHS *World Wide Communications*

World Wide Communications

W.D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

VRB328 95 NL

VANCOUVER BC 11

ANDREW BREWIN

01517

NG TOWER BLDG TORONTO 1 ONT

CONSIDERING ADVISABILITY OF SENDING JUNIOR COUNSEL FROM VANCOUVER
POSSIBLY MCMASTER TO ASSIST IN PREPARATION FOR HEARING WOULD
ENDEAVOUR ARRIVE IN TORONTO NOT LATER THAN TWENTY FIRST WOULD THIS
BE HELPFUL OUR CONCERN THAT POSITION OF NATIONALS BE SAFEGUARDED
WOULD APPRECIATE YOUR OPINION WHETHER WE SHOULD ASK TO BE REPRESENTED
AND PROCEDURE FOR SO DOING IF REPRESENTED WOULD LEAVE MAIN
ARGUMENT

REGIE

JAN 12 1946

1946 JAN 11 PM 8 55

MASON.

CAMERON & BREWIN



CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W.D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

VRB328/2 NL ANDREW BREWIN TORONTO 1 ONT

1946 JAN 11 PM 8 55

TO CARTWRIGHT STOP UNDERSTAND ATTORNEY GENERAL FOR BRITISH
COLUMBIA IS TO APPEAR FOR THIS PROVINCE ALLEGING VALIDITY OF ORDERS
COULD YOU INFLUENCE SASKATCHEWAN OR ANY OTHER PROVINCE TO BE
REPRESENTED ATTACKING ORDERS PLEASE WIRE REPLY
CAMPBELL BRAZIER FISHER & MCMASTER

January 11, 1946.

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

Attention Mr. McMaster

Dear Sirs:

I received your wire to-day and immediately wired to you the question referred.

I did not think you wanted the full terms of P. C. 45 Order of Reference, but I am enclosing copy of this Order now.

Yours very truly,

MASON, CAMERON & BREWIN

per:

Fan

FAB:HC
Encl.

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W. M. ARMSTRONG, GENERAL MANAGER, TORONTO, ONT.

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DAY LETTER	<input type="checkbox"/>
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NIGHT LETTER	<input type="checkbox"/>

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RECEIVER'S NO.

TIME FILED

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

Toronto, Jan. 12/46

CAMPBELL, BRAZIER, FISHER & MCMASTER
ROYAL BANK BUILDING,
675 WEST HASTINGS STREET,
VANCOUVER, B.C.

WOULD WELCOME JUNIOR COUNSEL FROM VANCOUVER STOP WE ALSO CONCERNED
ON POSITION OF NATIONALS STOP IF YOU WISH SEPARATE REPRESENTATION
APPLY UNDER SECTION FIFTY FIVE SUB SECTION FOUR OF THE SUPREME
COURT ACT TO CHIEF JUSTICE IN OTTAWA THROUGH OTTAWA AGENT STOP LETTER
FOLLOWING

BREWIN

CHGE: Mason, Cameron & Brewin,
372 Bay Street,
Toronto, Ontario.

January 12, 1946.

Pillon S. Myer, Esq.,
War Re-Location Authority,
Washington, D.C.

Dear Sir:

I have been referred to you by the editor of the New Canadian of Winnipeg. The situation here is that the Government have passed Orders-in-Council for the deportation of certain classes of Japanese Nationals and naturalized native born Canadians "of the Japanese race." We are attacking the constitutional validity of these Orders of the Government in the Supreme Court of Canada in reference to be heard on January 24th.

We would welcome any information as to how the question of removal of persons of Japanese origin, is being dealt with in the United States, and whether the policy of the Government in respect to American citizens either native born or naturalized, has been restricted by constitutional limitation or otherwise.

We would very much appreciate any help you can give us in this matter as we feel very strongly that Canada is making a grave mistake in adopting the present policy.

Yours very truly,

MASON, CAMERON & BREWIN

per:

ECM

FAB:HC

THE CIVIL RIGHTS DEFENCE COMMITTEE

C-O R. TACHIBANA
6TH FLOOR, BEDFORD BUILDING
281 McDERMOT AVE.
WINNIPEG, MAN.

PHONE 80 638

EXECUTIVE COMMITTEE

RITSUMA TACHIBANA, *Treasurer*
YOSHIO HIKIDA, *Treasurer*
SHINJI SATO
TAKAICHI UMEZUKI
GEORGE SASAKI
KASEY OYAMA

January 14th, 1946.

Mr. F. Andrew Brewin, Barrister,
Sterling Tower,
Toronto, Ontario.

Dear Sir:

We sent under separate cover, several letters and records of the Tashme repatriates. They will indicate that the people in B.C. were in most cases unwilling to sign for repatriation, but did so clearly under protest. The same condition apply generally speaking to other centres in B.C.

The situation in other Provinces is a little different. In these cases influence of families, discouragement with regard to their future and too, ^{in some cases} beyond question, resentment against their past treatment led to signing of repatriation forms.

It should be further noted that a few thousand of them applied for repatriation before the actual survey started in April, 1945.

I believe that some of the following points will be brought up by the Government in support to their action and particularly in connection with the Order-in-Council.

^{Reason for}
1. Request for repatriation survey - to determine what section of Japanese wished to remain in Canada in order to facilitate carrying out of dispersal policy.

^{coercion}
2. Question of coalition. No ^{coercion} coalition employed because Japanese even in B.C. were given fair consideration. i.e. jobs and housing were provided for persons going East. Fallacy here is that no considerations were given to individual difficulties and the psychologically confused state of evacuees due to past treatments.

3. The fact that some 3,700 persons requested repatriation before the actual survey may be brought up. (This number we believe, includes children under 16 years). Here it must be recognized that there are people who always indicated and still wished to go back because they wished to retire or because they have relatives in Japan. Question of disloyalty is not necessarily involved. The same argument would hold in the case of those who signed for repatriation at time of survey.

I believe it is necessary to prove first of all, that a request for repatriation cannot be taken as a clear indication of disloyalty. If this is proved, the Order-in-Council will have no logical basis. It may be advisable to secure additional affidavits to prove request for repatriation was made for reason not connected with disloyalty. If these are required wire us at once.

p.t.o.

RECEIVED
JAN 16 1946
MASON,
CAMERON & BREWIN

cont'd:

Please do not fail to contact Mr. Dillon Myer, War Relocation Authority, Washington, D.C., who will be in a position to supply you with some valuable information regarding treatment of Japanese in the United States.

Yours truly,

Kasey Oyama

Kasey Oyama,
The Civil Rights Defence Committee.

KO/YH

THE CIVIL RIGHTS DEFENCE COMMITTEE

6-513
January 14, 1946.

Minister of Labour,
Ottawa, Canada.

Dear Sir:

The writer acts for the Co-operative Committee on Japanese Canadians who are represented on the Reference to the Supreme Court of Canada as to the validity of P. C. 7355, 7356 and 7357. We have been consulted by some persons affected by the Orders, and others concerned, who have told us that at the various locations throughout Canada where Canadians of Japanese origin are held, steps are being now taken for medical examination and inoculation, with a view to preparing for their removal to Japan under the terms of the impugned Orders-in-Council, and that notices to attend for medical examination and inoculation are also going out to others who may be affected.

We venture to suggest that it would be a proper policy to postpone any further steps in preparation for the removal of those affected, until after the decision of the Supreme Court has been given. I point out that the reference concerns Japanese Nationals as well as others.

Those concerned are in an embarrassing position, in that they desire to co-operate fully with the authorities, but at the same time do not wish to acquiesce in any procedure which might be considered as an acknowledgment of the validity of the Orders and of their liability to be removed from Canada.

We would be glad to have a statement of your policy on this, and if you agree with our view, to hear from you that instructions have been given to the officials concerned.

In the event that you regard it as necessary to proceed with the medical examinations or other steps, before the decision of the Supreme Court is given, we would be glad at least to have the assurance that submission to them is in no way to be regarded as an acquiescence in the validity of the Orders, or as indicating willingness to be forcibly removed under their terms.

Minister of Labour,

January 12/46.

The matter is of some urgency, and we would respectfully request an early reply.

Yours very truly,

MASON, CAMERON & BREWIN

per:

FAB:HC

SMITH, RAE, GREER & CARTWRIGHT
BARRISTERS, SOLICITORS, ETC.

320 BAY STREET
TORONTO 1, CANADA

G. LARRATT SMITH, K.C.
R. H. GREER, K.C.
JOHN R. CARTWRIGHT, K.C.
T. B. RICHARDSON
GORDON D. WATSON
BETHUNE L. SMITH, K.C.
JOHN GALBRAITH EDISON
ARTHUR E. MALONEY

REGISTERED CABLE ADDRESS: NATIVE TORONTO

TELEPHONE
ADELAIDE 6288

January 14th, 1946.

F. A. Brewin, Esq.,
Messrs. Mason, Cameron & Brewin,
Barristers etc.,
372 Bay Street,
Toronto 1.

Dear Mr. Brewin:-

re: Orders-in-Council 7355, 7356 and 7357.

I was able to do some reading on this matter over the week-end and it occurs to me that one of your points of argument is supported by the passages in Halsbury, Second Edition, Volume 31, page 505:-

" General words must be construed so as to give effect to the intention of Parliament and to import all those implied exceptions which arise from a close consideration of the mischief sought to be remedied and of the state of the law when the statute was passed. They are not to be so construed as to alter the common law, or the previous policy of the law, if a sense or meaning can be applied to them consistent with the intention of preserving the existing policy untouched."

and the further passage at page 509:-

" There is a presumption that Parliament does not assert or assume jurisdiction which goes beyond the limits established by the common consent of nations. On the principles already stated, however, this presumption must give way before an intention clearly expressed.

Statutes are to be interpreted, provided that their language admits, so as not to be inconsistent with the comity of nations. International law, however, being mainly conventional, can, it seems, only be administered by the Courts when it forms part of the law of this country. If, therefore, statutory enactments are clearly inconsistent with international law, they must be so construed, whatever the effect upon the rights of aliens not within the jurisdiction may be."

Taking the Rules above stated it would appear that if Parliament had enacted a statute in ambiguous terms which was open to two possible constructions one of which being that nationals of the enacting country could be banished to another country of which they were not citizens and the other being that such provision applied only to citizens of the country to which they were proposed to be sent the court would adopt the latter construction.

It seems to me a fair argument following from this that wide general words of delegation should not be read as giving to the Governor power to do something which the court would not

S.R.G.&C.

F. A. Brewin, Esq.,

2.-

January 14th, 1946.

assume that parliament itself had done unless the words of the act of parliament purporting to do it admitted of no other construction.

Yours faithfully,

J. A. Brewin

JRC/D.

RECEIVED - CANADA

MINISTER OF JUSTICE

RECEIVED



January 14, 1946.

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

Dear Sirs:

I received your wire of January 11th. Mr. Cartwright and myself would very much appreciate assistance from Mr. McMaster or other junior counsel from Vancouver, and the sooner whoever it may be, could be in Toronto, the better. We could discuss the presentation of the argument later.

In several cases in which I have been engaged with Mr. Cartwright, we have divided the argument. I am not sure whether the Supreme Court would permit three counsel to address the court, but I think it unlikely, and therefore there might be some advantage if different counsel are to deal with different points, for you to apply under Sub-section 4 of Section 55 of the Supreme Court Act through agents in Ottawa, for separate representation.

We have told the Court that the Co-operative Committee on Japanese Canadians is roughly speaking, in touch with those in different provinces. The Order for Directions made by the Chief Justice, directs that we be served on behalf of the Committee, and be at liberty to file a factum and appear on the argument.

It might very well be that you could represent some association or group of Japanese Nationals, or those interested in their case particularly.

If you do not think this is a good idea, we shall, of course, be glad to make sure of the fullest co-operation with Mr. McMaster or other counsel from British Columbia.

Messrs. Campbell, Brazier, Fisher & McMaster

Jan. 14/46.

We are also much concerned about the position of the Nationals. At the present time it seems to us that if the Orders-in-Council are bad as to the other classes, the Orders as a whole shall fall as they are all part of one scheme.

I am rather doubtful if any of the Provinces other than British Columbia would seek to be represented, but I will get in touch with our Committee and find out whether they can influence any of the Provinces to attack the Orders. Saskatchewan and Manitoba would appear to be the best bets.

Yours very truly,

MASON, CAMERON & BREVIN

per:



FAB:HC

January 15, 1946.

Arthur Garfield Hays, Esq.,
Counselor at Law,
120 Broadway,
New York, U. S. A.

Dear Mr. Hays:

You will remember your visit to Toronto to speak for the Civil Liberties Association.

We now have an issue of great importance and that is the proposal of the Canadian Government to deport certain classes of Canadian citizens both naturalized and Canadian born "of the Japanese race."

The Government under special war powers under the War Measures Act, has passed a series of Orders-in-Council providing for the deportation of these Canadian Japanese to Japan, by order of the Minister of Labour, one of the executive, solely on the ground that some of them were induced to sign a request for removal from Canada under circumstances which made the request a mockery of real willingness or consent to leave Canada.

We would like to have advice from you, or some member of your firm to whom you can refer the matter, as to the constitutional position in the United States in regard to the forcible removal of American Citizens "of the Japanese race" by executive action.

We understand there is no doubt as to the right of Congress or of the United States executive to arrange for deportation of aliens, or the refusal to admit citizens returning to the United States, but we rather gather that there is no power to remove citizens from United States against their will.

Would this be affected by the special powers of Congress in war time? We would be glad if you could refer us to any cases particularly, in the Supreme Court

January 14/46.

of United States which bear on this question.

We know, of course, your constitutional provisions are different from ours. It would, I think, be of some help to us if we could indicate that the Congress, or at any rate, the executive of the United States have not got the power at least without due process, to do what the Canadian Government is purporting to do.

This is a matter in which I know you would be interested as a question of principle, but our clients are in a position to pay a reasonable fee for your opinion.

The reference is to be on January 24th, and the sooner you could let us have an opinion, the better for us.

Kindest regards.

Yours sincerely,

MASON, CAMERON & BREWIN

per:

FAB:HC



OFFICE OF ATTORNEY GENERAL

RECEIVED

JAN 16 1946

MASON,
CAMERON & BREWIN

Regina, Sask.,
Jan. 15, 1946.

Mr. Andrew Brewin,
c/o Mason, Cameron & Brewin,
Barristers,
Sterling Tower,
Toronto, 1. ONT.

AIRMAIL.

Dear Andy:

Re: Reference respecting
Japanese Canadians.

Pursuant to my telephone conversation with you today, we are preparing a factum adopting your factum and are having it filed at Ottawa by our agents, Messrs. McIlraith and McIlraith.

This will be your authority to act for us and to have your counsel state at the hearing that he is appearing on behalf of the Province of Saskatchewan.

If I have overlooked anything, please advise.

With best personal regards, I am

Yours faithfully,


J.W. CORMAN,

ATTORNEY GENERAL.

P.S. We have now decided to have our agents at Ottawa prepare the factum and have it printed, filed and served. Could you arrange to get a copy from them if you require it? It simply adopts your factum.

JWC.



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W.D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

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ANDREW BREWIN

1535

BARRISTER SOLICITOR STERLING TOWER BLDG TORONTO

MACLENNAN OUR FIRM ARRIVING TORONTO CANADIAN NATIONAL MORNING MONDAY

TWENTY FIRST RE JAPANESE REFERENCE STOP APPRECIATE YOU MAKING HOTEL
RESERVATION YORK IF POSSIBLE AND AT CHATEAU OTTAWA LATER

NORRIS AND MACLENNAN

1535

1946 JAN 16 PM 9 23

The New Canadian

AN ORGAN FOR CANADIANS OF JAPANESE ORIGIN

504 TALBOT AVE.,
WINNIPEG, MAN.
Jan. 16, 1946

Mr. F. Andrew Brewin
Barrister
Sterling Tower
Toronto, Ont.

Dear Mr. Brewin:

Re Orders-in-Council Concerning Japanese Canadians

I wish to call your attention to two sources of information which will prove invaluable in getting the Orders invalidated on Jan. 24.

L. At three separate times at least, Labor Minister Humphrey Mitchell has declared in the Commons that there was no coercion in securing signatures for repatriation, and quoted E.L. Maag, international Red Cross representative as having said so. We knew about Mr. Maag's visit, and felt that although Mr. Maag may be convinced there was no coercion technically, he cannot fail to realize that the Japanese were most reluctant to ~~repatriate~~ sign repatriation documents. We therefore wired Mr. Maag for his opinion. His reply was to the effect that he had given his opinion to competent authorities, but that his position made it ~~unwise to~~ difficult for him to issue any statement on the matter. However, in view of the use that is being made of his opinion to the Labor Dept Official, we feel he may be persuaded to issue some greater detail of his observations at the time of his visit to B. C. His visit, by the way, was partially due to the protest that had been lodged by the Japanese with him.

2nd. The Japanese nationals appealed to the Swiss Consul general in Canada for an investigation. In reply Swiss Govt. representatives in Vancouver and Winnipeg visited Tash-me, and according to a report from Tashme, made a very favorable expression of opinion in ~~the~~ B. C. Their reports, we believe, are in the hands of the Swiss Consul General in Montreal, and we urge you to contact him at once.

The New Canadian

AN ORGAN FOR CANADIANS OF JAPANESE ORIGIN

There addresses ~~are~~ are:

504 TALBOT AVE.,
WINNIPEG, MAN.

Mr. E. L. Maag
International Red Cross
1040 Sun Life Bldg.
Montreal, P. Q.

Hon Gaston Jaccard
Consul General of Switzerland in Canada
1521 Sun Life Bldg.
Montreal, P.Q.

I feel it is important to ~~seek~~ contact Mr. Maag, and if possible secure an opportunity for conversation, since his statement that no coercion had been used will very probably be used by the government lawyer.

I have a very high respect for Mr. Maag as a man of integrity and conviction.

As you are aware, the government's contention, ^{is} as revealed in the prime minister's statement, ^{is} that the orders-in-council in no way interferes with principles laid down in the Naturalization and Immigration laws. (See Handard Dec. 17) I believe the whole case of defence would be based on that.

Yours sincerely

The New ~~Canadian~~ Canadian

K. Oyama

P.S.

People of Japanese origin in B. C. have asked me to convey their deep appreciation for the efforts made in their behalf.

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

Toronto, January 17, 1946.

MCILRAITH & MCILRAITH,
BARRISTERS, SOLICITORS,
56 SPARK STREET,
OTTAWA, ONTARIO.

CONFIRM NAME USED MR BREWIN'S FACTUM CO-OPERATIVE COMMITTEE ON
JAPANESE CANADIANS

MASON, CAMERON & BREWIN

CHGE: Mason, Cameron & Brewin
372 Bay Street,
Toronto, Ontario.

January 17, 1946.

Mr. Kasey Oyama,
The Civil Rights Defence Committee,
6th Floor, Bedford Building,
281 McDermot Avenue,
Winnipeg, Manitoba.

Dear Mr. Oyama:

I have received your letter of January 14th and the various letters and records in regard to the Tashme repatriates.

Most of the points which we will raise on the Reference are constitutional legal points. It will be of great value, however, to us to have the full background of the signing of the requisitions for repatriation. You will appreciate, however, that the Court is not likely to discuss the merits or reason for the signing of these documents, even in despite of the recitals in the Orders-in-Council.

We will send you a copy of the factum which we have prepared, as soon as it is available.

I have written to the Minister of Labour, asking him to halt any proceedings with a view to deportation, until the cases are decided. We have had no reply as yet.

Yours very truly,

MASON, CAMERON & BREWIN

per:



FAB:HC

January 17, 1946.

The Honourable J. W. Corman, K. C.,
Office of Attorney General,
Regina, Saskatchewan.

Re: Reference respecting
Japanese Canadians

Dear Jack:

I received your letter of January 15th,
and will be pleased to act for you, and have the
moral support of the Government of Saskatchewan on
the Reference.

I will send you a copy of our factum, as
soon as it is prepared.

With kindest personal regards

Yours sincerely,

FAB:HC

AM

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL

A. W. FISHER

C. W. BRAZIER

R. J. McMASTER

C. G. ROBSON

ROYAL BANK BUILDING
675 WEST HASTINGS STREET

VANCOUVER, B.C.

January 16th,
1946

OUR FILE NO. 1414-1

RECEIVED

JAN 16 1946

MASON,
CAMERON & BREWIN

Attention Mr. Brewin

Messrs Mason, Cameron and Brewin
Barristers and Solicitors,
Sterling Tower Bldg.,
Toronto 1, Ont.

Dear Sirs:

RE: Japanese Orders-in-Council

We have for acknowledgment your recent letters and wires with respect to this matter. You may already have heard from Mr. Arthur McLennan of the firm of Norris and McLennan that he will be proceeding to Toronto in this matter to consult with you. Mr. McLennan appeared for the Japanese before the Exchequer Court some two years ago, with respect to the matter of the sale of their property, and is well versed in many features of the law which will be involved in this case. He has booked plane accommodation leaving Vancouver on Saturday morning, the 19th instant. So far he has only had it confirmed through to Winnipeg and it may be necessary for him to take the train from there. However, unless he is grounded some place he should be in Toronto by Monday, the 21st. We have discussed the advisability of making an application to the Supreme Court for his Appearance and have decided that it would be wiser to await his arrival in Toronto and an opportunity for him to consult with yourself and Mr. Cartwright in the matter.

The writer has been working on the law with Mr. McLennan and has raised a point with him on which we are now both endeavouring to arrive at an opinion and establish authority. We thought perhaps if we passed the idea along to you if you found any merit in it you might give it some thought as well. A number of decisions in the higher Courts seem to clearly establish that Parliament has the right to delegate its legislative power to a Governor-in-Council, and the Governor-in-Council in turn has the right to delegate both legislative and

Messrs Mason, Cameron and Brewin

January 16th, 1946.

administrative power to any person or body of persons. In order to exercise the power delegated to him under the War Measures Act the Governor-in-Council must exercise a discretion as to whether or not the measure is necessary by reason of war. A question which we raise is, whether the Governor-in-Council can delegate the exercise of that discretion to a Minister, the discretion being a condition of the exercise of the powers by the Governor-in-Council. ~~Under~~ the comments of Rinfret J. in the Chemical Reference Case (1943) S.C.R. page 20

"It need not be assumed that, for example the Governor-in-Council would substitute a Board to exercise in his place the entirety of the powers which have been conferred upon him by the War Measures Act, nor, to use an illustration at the other extreme end of possibilities, that the Governor-in-Council might deem it advisable to confer upon a Controller of his choice the power to amend or abrogate a Statute of Parliament."

If the Governor-in-Council cannot clothe a Minister with the discretion which is a condition precedent to the Governor-in-Council exercising authority under the War Measures Act, do the Orders-in-Council in question herein actually or in effect do that very thing? The Orders-in-Council say that by reason of the war it is necessary that a certain class or classes of persons may be deported. Does an Order ^{be deported} which says that a certain class or classes of persons may amount to an exercise of the discretion of the Governor-in-Council with respect to deportation as being necessary arising out of the war. If it does not the Governor-in-Council has then given to the Minister of Labour the exercise of discretion as to whether the deportation of any person is necessary by reason of the war. In as much as the Order does not direct the Minister to deport certain persons, or even a class of persons, but says that he may order the deportation of any person coming within the class. It is submitted therefore that the discretion is not exercised by the Governor-in-Council but is to be exercised by the Minister of Labour, and therefore in effect in the words quoted from the Chemical Reference Case, the Governor-in-Council is substituting the Minister to exercise in his place the entirety of the powers which had been conferred on him by the War Measures Act.

Messrs Mason, Cameron and Brewin

January 16th, 1946.

We fear that the distinction in this is rather fine and we hope that we have been able to get it across by this letter.

Another matter which has been on the writer's mind in the last few days, particularly while working on the law with respect to these Orders-in-Council, has been the problem that if we should lose in the Supreme Court of Canada, particularly with reference to the Nationals, as to whether Habeas Corpus proceedings will be practical. We foresee that if the constitutional questions are covered entirely by the Supreme Court then we shall be forced on Habeas Corpus proceedings probably to deal with the facts as well as the law in each individual case in relation to the "repatriation declarations" taken. This as you will realize would become both expensive and complicated. Our clients are in the process of raising considerable funds with the view to taking Habeas Corpus proceedings and it has been on the writer's mind as to whether those funds might better be spent on an appeal to the Privy Council rather than on Habeas Corpus proceedings if the need arises. We appreciate that this is a problem that will have to be solved primarily here, but would very much respect your opinion concerning the same and would also like to be advised as to whether the group who are financing the action in Eastern Canada would be prepared to assist with the expense of such an appeal.

Yours truly

CAMPBELL, BRAZIER, FISHER & McMASTER

Per. *R. McMaster*

RJM/G.

DEPUTY MINISTER
OF LABOUR



CANADA

RECEIVED

JAN 21 1946

MASON,
CAMERON & BREWIN

Ottawa, January 18, 1946.

Mr. F. A. Brewin,
Mason, Cameron & Brewin,
Barristers & Solicitors,
Sterling Tower,
Toronto 1, Canada.

Dear Mr. Brewin:

I have your letter of January 14th
addressed to the Minister.

We do not consider it necessary or
practicable to discontinue arrangements for re-
patriation of persons who have requested same, pending
the result of the reference to the Supreme Court on
the validity of the orders relating to deportation,
as while a number of these persons are no doubt in-
terested in the result of the reference, there are
many who are not.

On the other hand, we do not regard
attendance, in the meantime, for medical examination
or inoculation which will be necessary in event of
repatriation, as prejudicing the position which any
of these persons may wish to take subsequently in
relation to the orders covered by the reference.

Yours very truly,

A. MacNamara
A. MacNamara.



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JAN 21 1946

MASON,
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COUNSELORS AT LAW
120 BROADWAY
NEW YORK 5, N. Y.

CABLE ADDRESS "HASTMOR"
TELEPHONE RECTOR 2-6190

HAYS, ST. JOHN, ABRAMSON & SCHULMAN

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JAMES R. CHERRY
HAROLD EPSTEIN

January 18, 1946

F. A. Brewin, Esq.
Sterling Tower
Toronto, 1, Ontario

My dear Mr. Brewin:

I have your letter of January 15th.

The American Civil Liberties Union has, I believe, had the same problem before it in connection with American citizens of Japanese descent. I am sending your letter to the Civil Liberties Union and asking them to provide me with information so that I can intelligently reply to your letter.

With personal regards, I remain

Cordially yours,

Arthur Garfield Hays

AGH:THS

January 21, 1946.

Mr. Malcolm E. Pitts;
Director,
United States Department of the Interior,
War Relocation Authority,
Washington, D. C.

Dear Mr. Pitts:

We are very much obliged to you for
your letter of January 18th, which is of great
interest to us in connection with our case.

As a matter of interest, we will advise
you as to the result.

Yours very truly,

MASON, CAMERON & BREWIN

per:

A handwritten signature, possibly reading "FAB", is written in dark ink over the typed word "per:".

FAB:HC

January 21, 1946.

Mr. A. MacNamara,
Deputy Minister of Labour,
Ottawa, Canada.

Dear Mr. MacNamara:

We thank you for your letter of
January 18th, and note the contents.

Yours very truly,
MASON, CAMERON & BREWIN
per:

FAB:HC



January 21, 1946.

Mr. K. Oyama,
The New Canadian,
504 Talbot Avenue,
Winnipeg, Manitoba.

Dear Mr. Oyama:

I enclose herewith a copy of the letter that I wrote to the Minister of Labour on January 14th, together with a copy of the Deputy Minister's reply.

I do not suppose there is very much more that can be done about this at the moment.

The result of the reference will clarify the matter.

I can assure you that we will be doing all we can to present the case effectively for all the groups involved, including the Japanese nationals.

Yours very truly,

MASON, CAMERON & BREWIN

per: 

FAB:HC
Encl.



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W.D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

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ANDREW BREWIN

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MASON,
CAMERON & BREWIN

1946 JAN 21 PM 7 51

STERLING TOWER BLDG TORONTO ONT

RECEIVED ADVICE THAT MISS GRACE TUCKER ANGLICAN WOMENS AUXILIARY
HOUSE EIGHTY ONE WELLESLEY STREET TORONTO HAS VALUABLE INFORMATION
RE OBTAINING OF REPATRIATION FORMS AM ADVISED LABOUR DEPARTMENT
SUPERVISOR SHOWED HER INSTRUCTIONS INDICATING CREDIT WOULD BE
GIVEN SUPERVISORS OBTAINING LARGEST NUMBER OF SIGNATURES URGE
YOURSELF OR MCLENNAN MAKE APPOINTMENT TO SEE MISS TUCKER IMMEDIATELY



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1946 JAN 21 PM 7 51

MENTION THAT MISS CICELY BALDWIN REQUESTED HER TO TALK WITH YOU
MAY TAKE DIPLOMACY TO GET INTERVIEW BUT SUGGEST PERSEVERANCE AS
HER INFORMATION IS IMPORTANT IF ANY DIFFICULTY GETTING HER TO TALK
PLEASE WIRE

R J MCMASTER

A. GLADSTONE VIRTUE, K.C.

BARRISTER, SOLICITOR
NOTARY PUBLIC

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PLEASE REFER TO FILE NO. 3201

January 21st, 1946.

F. Andrew Brewin, Esquire
Barrister and Solicitor,
Sterling Tower,
TORONTO, Ontario.

Dear Mr. Brewin:

RE: JAPANESE.

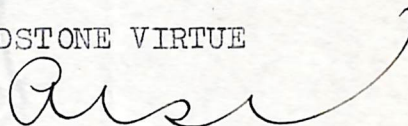
Just as I was leaving my office tonight I received from my Ottawa agent, Mr. Rupert S. Broadfoot a telegram, a copy of which I now enclose.

This merely confirms my impression that there is a great deal of confusion in respect of the representation of the Japanese and the presentation of their case.

Yours truly,

A. GLADSTONE VIRTUE

Per



AGV/kd
Enclosure.
AIR MAIL.

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL

A. W. FISHER

C. W. BRAZIER

R. J. McMASTER

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675 WEST HASTINGS STREET
VANCOUVER, B.C.

OUR FILE NO. 1414-1

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JAN 22 1946

MASON,
CAMERON & BREWIN

January 21st,
1946

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

Dear Sir:

Mr. McLennan ought by now to have arrived in Toronto and I am sure he will take up with you the points which we have discussed concerning the Supreme Court proceedings. I am particularly anxious that Section 9 of P.C. 7355 be considered by the Court in the event that all of the Orders-in-Council are not found to be invalid. This section would have the effect of preventing habeas corpus proceedings and in the writer's opinion is in conflict with the "War Measures Act" and should therefore be subject to attack. It would seem to us that the Chemical Reference Case covers this point.

Wishing you every success at Ottawa,

Yours truly

CAMPBELL, BRAZIER, FISHER & McMASTER

Per. *R. J. McMaster*

RJM/G.

RECEIVED



JAN 23 1946

Faculty of Law

McGILL UNIVERSITY
MONTREAL

1020 Pine Avenue West,
Montreal 2, Que.

MASON, CAMERON & BREWIN

January 21st, 1946.

Andrew Brewin, Esq.,
McRuer, Mason, & Brewin,
Sterling Tower,
Toronto, Ontario.

Dear Andy:-

I have given a little thought to the constitutional question that we discussed in Ottawa, with respect to a possible conflict between the orders-in-council for deporting the Japanese and the Naturalization Act, and I am afraid I have not found any ground on which the argument can rest. No doubt you have come to the same conclusion. It seems to me that the British Naturalization Act permits of complete freedom in the Dominion with respect to issuing and cancelling certificates of naturalization, and I do not see where any actual conflict can be made out.

You may be interested to learn that we have formed a Montreal Committee on Japanese Canadians, and are receiving a degree of support for it. One of our functions is to raise money for your appeal. Perhaps you could advise me as to how we should co-operate with you and to whom funds might be sent.

Yours sincerely,

F. R. Scott

F. R. Scott

GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN

ADDRESS YOUR REPLY TO
THE DEPUTY ATTORNEY GENERAL
REGINA, SASK.
AND REFER TO OUR FILE NUMBER
DO NOT WRITE ABOUT MORE THAN
ONE SUBJECT IN ANY LETTER.

JCT/LS



REFER TO FILE

DEPARTMENT OF THE ATTORNEY GENERAL

6216 G.

RECEIVED

REGINA,

JAN 22 1946

January 21, 1946.

MASON,
CAMERON & BREWIN

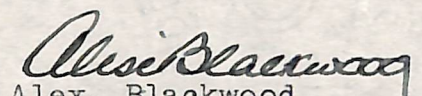
Dear Sirs:

Attention: Mr. Andrew Brewin.

Re: Reference respecting Japanese
Canadians.

At the request of the Honourable the Attorney-General, Mr. J. W. Corman, K.C., I enclose herewith one copy of the Factum of the Attorney-General of this Province which was filed by our Ottawa Agents, Messrs. McIlraith and McIlraith, on Saturday the 19th instant.

Yours faithfully,


Alex. Blackwood,
Deputy Attorney-General.

AIRMAIL



Messrs. Mason, Cameron & Brewin,
Barristers, etc.,
Sterling Tower,
TORONTO 1, Canada.

McIlraith & McIlraith

Barristers and Solicitors

Duncan A. McIlraith, K.C. George J. McIlraith

Call Address "McIlraith" Ottawa

*Ottawa Electric Building
56 Sparks Street*

Ottawa, Canada

RECEIVED

JAN 22 1946

January 21st, 1946.

MASON,
CAMERON & BREWIN

Mr. F.A. Brewin, K.C.,
Messrs. Mason, Cameron & Brewin,
Sterling Tower,
TORONTO 1, Ontario.

Dear Sir:

Re: Reference to Supreme Court of Canada
re persons of Japanese race

At the request of the Deputy Attorney-General of Saskatchewan, we hand you herewith a copy of the Factum of the Attorney-General of Canada served on us to-day.

Yours very truly,

BP/Encl.

McILRAITH & McILRAITH

P.S. Also is enclosed Factum of Attorney-General of Saskatchewan.

CANADIAN NATIONAL RAILWAY COMPANY—EXPRESS DEPARTMENT

PREPAID ORDER

Room 602

371 Bay Street, Toronto,

January 21

19

40

RECEIVED FROM

Mason, Cameron & Brewin

TO THE CANADIAN NATIONAL RAILWAY COMPANY—EXPRESS DEPARTMENT

Please forward the following described Shipments, delivered to you this date, as Express Charges PREPAID, and collect such Charges from the above named shipper, who hereby agrees to pay the same upon demand.

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1	Parcel	Net C.V.		Mr. J. P. Eichen Brown		1	
				Central Chambers		2	
				46 Elgin Street		3	
				Ottawa, Ont.		4	
						5	
						6	
						7	
						8	

41



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The Canadian National Railway Company—Express Department, is only liable for the amount of value declared. If no value is stated, the Company's liability will not exceed \$50.00.

RECEIVED PAYMENT OF \$

(DATE)

19

FOR THE CANADIAN NATIONAL RAILWAY COMPANY—EXPRESS DEPARTMENT

January 22, 1946.

Mr. F. A. Brewin,
Chateau Laurier,
Ottawa, Ontario.

Dear Mr. Brewin:

I am enclosing two letters which arrived this afternoon after you had left. I thought they might be important to you.

Yours truly,

C/C

MASON, CAMERON & BREWIN

BARRISTERS & SOLICITORS

J. A. R. MASON

A. J. P. CAMERON

F. A. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391

STERLING TOWER

TORONTO 1, CANADA

January 22, 1946.

Mr. F. A. Brewin,
Chateau Laurier,
Ottawa, Ontario.

Dear Mr. Brewin:

I am enclosing two letters which
arrived this afternoon after you had left. I
thought they might be important to you.

Yours truly,

H. Compson

C/C

SUPERFINE
LINEN RECORD
- 100% RAIN CANADA -

RECEIVED

JAN 23 1946

MASON,
CAMERON & BREWIN

Room 39,
Central Chambers,
46 Elgin St.,
Ottawa, January 22nd, 1946.

Messrs. Mason, Cameron & Brewin,
Barristers, Solicitors, etc.
372 Bay St.,
Toronto, Ont.

Dear Sirs:

Re: Japanese Canadians

I received thirty-seven (37) copies of your Factum today and have filed thirty (30) copies with the Registrar and delivered three (3) to Mr. Mundell.

I informed your secretary on the telephone yesterday that Mr. Mundell had requested that you forward one (1) copy of the Factum direct to Mr. Geoffrion in Montreal. I presume that this has been done.

Messrs. Ewart, Scott, Kelley, Scott and Howard are acting as agents for the Attorney-General of British Columbia and Mr. Scott has requested a copy of your Factum. At the same time he informed me that his principals had not forwarded him sufficient copies of their Factum and that he was short and did not have a copy to serve on me. He stated he had written for extra copies and would exchange Factums as soon as they had arrived. I felt inclined to give him a copy of your Factum but felt that I should not do so without your specific instructions until I received theirs.

I was informed by Mr. Mundell that the Attorney-General of the Provinces of Ontario and the Eastern Provinces had written stating their intention of not appearing. It is unlikely that Manitoba will be represented but there is a possibility that Alberta will be represented.

This case will be the first heard in the New Supreme Court. The old furniture has been moved in from the old court-room. The Income Tax are still occupying the ground floor, main entrance, and you should enter by the east entrance. The floors are 3, 2, 1, G & B. The east entrance is on the basement level and the court-room is on floor 1. The barristers entrance is from the south corridor, the judges entrance from the north corridor and the registrars office on the east corridor, all on the first floor. There are two rooms on either side of the ~~Barristers~~ entrance to which the lockers have been transferred and where ~~Barristers~~ can robe. The library has not been moved and is still in the old Supreme Court Building.

The Court will sit at 10.30 A.M. I should be pleased to get the cases referred to in your Factum from the library and any others you may desire and arrange to have these sent over to the court-room.

I will forward you copy of the Factum of the Attorney-General of British Columbia as soon as received.

Yours very truly,



J.P. Erichsen-Brown.

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT.

RECEIVED
JAN 24 1946
MASON,
CAMERON & BREWIN

299 Queen St. w.,
Toronto,
Jan. 23, 1946

Mr. F. Andrew Brewin, Barr.,
372 Bay St.,
Toronto,

Dear Mr. Brewin,

The executive committee of the Co-operative Committee on Japanese-Canadians authorized me to send you a check of \$500.00 to be used for the incidental expenses in connection with the Supreme Court case dealing with Orders-in-Council affecting persons of Japanese ancestry. I herewith send you the check.

As I wish to have a record of all money which passes through my hands I shall appreciate receiving the receipt for this amount.

Truly yours,

Estimate Chappell

Treas., Co-operative Committee on Japanese-Canadians

lms
Hurst

\$45

1) Increase Rent

2) Have put ground floor.

3) Your brother - in law - not moving
Back from overseas

Father - in law

11 people poor repair

1940-41 rent not fixed

would live or carry on practice
founding house

#1 ~~0097~~ 0917

MASON, CAMERON & BREWIN

BARRISTERS & SOLICITORS

J. A. R. MASON

A. J. P. CAMERON

F. A. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL. 4391

STERLING TOWER

TORONTO 1, CANADA

January 23, 1946.

Mr. F. A. Brewin,
Chateau Laurier,
Ottawa, Ontario.

Dear Mr. Brewin:

As you instructed, I interviewed Miss Grace Tucker this afternoon. She seemed quite willing to give any information which she had.

She was sent by the Department of Labour to the centre at Slockan in 1942, and remained there until the end of December 1945. She stated that after Mr. Pickersgill, Commissioner, had held a conference with Supervisors in April of 1945, a circular was sent out to the Supervisors giving them their instructions as to the handling of "repatriates". One of the Supervisors, a Mr. Adams referred to these instructions in a conversation with Miss Tucker. He did so in confidence. Miss Tucker did not see the instructions, but Mr. Adams read a portion of them to her. Her impression was that the Supervisors would be given "stars" according to their success in obtaining signatures. She was not able to state definitely that the signatures to be obtained were those of repatriates, although her confusion on this point lessened during the course of the interview. She stated that these instructions were embodied in a confidential letter circulated to the Supervisors. Mr. Adams did not put the letter in his files, but put it in a locked drawer of his desk. Apart from this specific incident, she did not seem able to give information on this point.

As to the signing of the forms, Miss Tucker stated that the forms came to the centre already made out with the names filled in ready for signatures. It was published ahead of time that the Japanese would be given the choice of being sent east, or signing the repatriation forms and remaining in the centre.

-2-

Mr. Brewin

January 23/46.

When the R. C. M. P. arrived, they remained for two or three days, and the Japanese were given the opportunity of signing in that time. She states that her own feeling, the feeling of other workers with her, and the feeling of the Japanese with whom she came in contact, was that the Japanese were being forced to sign the forms. She seemed able to give various instances of her own knowledge in which Japanese had signed the forms against their will.

Yours very truly,

Sheila M. Langford

HC:HC

Jan. 24/46

PRESENT SITUATION: The Government plans to deport or expel certain groups of Japanese Canadians under Orders-in-Council P.C. 7355, 7356 and 7357 (Dec. 15, 1945). The enclosed leaflet gives full details of the orders.

The Co-operative Committee on Japanese Canadians, at a meeting on Dec. 21, 1945, decided to contest the validity of the Orders-in-Council. On December 27, it issued writs at Osgoode Hall against the Attorney General of Canada declaring the three orders-in-council "invalid, illegal and beyond the powers of governor-in-council".

On January 4, 1946 a deputation waited upon the Acting Minister of Justice and the Deputy Minister of Justice requesting that a reference be made to the Supreme Court of Canada.

On January 8, the Cabinet passed an order-in-council referring the orders to the Supreme Court for a test. The hearing began January 24.

LEGAL AID: The Co-operative Committee has engaged as Counsel F.A. Brewin of Toronto and J.R. Cartwright, an outstanding constitutional authority.

OPINION AROUSED: Protest against the proposed deportation by order-in-council has reached Dominion-wide proportions. Thousands of letters and wires from all sections of society have been sent to the Prime Minister.

On January 10, a thousand people at a mass meeting in Toronto sent a strong protest to the Prime Minister. On January 18, a delegation from the Canadian Council of Churches waited on the Prime Minister and expressed their disapproval of the Government's action.

REPORT FROM THE ONTARIO GOVERNMENT: The mass meeting in Toronto on January 10 sent a resolution to the Premier of Ontario requesting the Government to state publicly Ontario's responsibility and willingness to accept the citizenship and residence of persons of Japanese origin on a basis of equality with Canadians of other national origins. Attorney General Blackwell replied stating: "The fact is that the Canadian citizenship and naturalization is within the exclusive jurisdiction of the Dominion Government of Canada and there is no co-operation required by any Provincial or Municipal Government to enable the Dominion Government to determine these matters within its exclusive jurisdiction."

It follows that no Provincial or Municipal Government has any legislative jurisdiction to restrict in any way the free movement of Canadian citizens whatever may be their racial origin within Canada."

HUGH MACMILLAN, recently appointed by the Co-operative Committee as a full-time worker, arrived in Vancouver from San Francisco on January 8 to begin a tour of Western Canada in the interests of the Japanese Canadians.

RESPONSE TO OUR FINANCE APPEAL: Money is coming in steadily in varying amounts. From a treasury of \$5.70, a group of boys at a settlement house donated \$5.00. The Japanese Canadians of Toronto have donated \$500.00. A friend who has championed the cause from the outset has contributed \$1,000.00. The Civil Liberties Association of Toronto is supporting us wholeheartedly.

Our minimum requirement is \$7,275.00 (\$3,275.00 for Committee's budget and \$4,000.00 for the test case). Approximately one-half of this amount has been subscribed. We still need \$3,600.00. Send your donations at once to Miss Constance Chappell, Treasurer, 299 Queen Street, West, Toronto.

FURTHER ACTION NEEDED: 1. Read Carefully the suggestions for action on the back page of the enclosed leaflet. 2. Contact Japanese Canadians in your district and inform them of the organized citizens' committee in their locality. (See list below).

Regional Committees:

Vancouver:	Rev. A.J. McLachlan, 1605 West 12th Ave., Vancouver, B.C.
Calgary:	Mrs. Nettie Mowers, 739-17th Ave. N.W., Calgary, Alta.
Edmonton:	Mrs. Grace Knight, 11615-95A St., Edmonton, Alta.
Winnipeg:	Co-operative Committee on Japanese Canadians, 504 Talbot Ave., Winnipeg, Man.
Toronto:	Mrs. Hugh MacMillan, 126 Eastbourne Ave., Toronto 12, Ont.
London:	Miss Reta Lindenfield, YWCA, 268 Queen's Ave., London, Ont.
Guelph:	M r. John Hockin, 45 Talbot Street, Guelph, Ont.
Hamilton:	Mr. George Reany, 10th Floor Pigott Bldg., Hamilton, Ont.
Ottawa:	Mrs. F.T. Holtom, 5 Hawthorne Ave., Ottawa, Ont.
Montreal:	Miss Margaret Peck, 29 Granville Rd., Hampstead, Montreal, Que.

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS
126 Eastbourne Ave.
Toronto, Ontario
HYL 3559

CANADIAN PRESS CLIPPING SERVICE

Timely Press Clippings on any Subject



481 University Ave.
TORONTO 2
C A N A D A
P. O. BOX 100
ADELAIDE 9131

January 25, 1946

RECEIVED

JAN 28 1946

MASON,
CAMERON & BREWIN

Mr. F. Andrew Brewin,
372 Bay Street,
Toronto 1, Ontario.

Dear Mr. Brewin:

I understand you are the Solicitor for the Co-operative Committee on Japanese Canadians, and the thought occurs to me that you and the Committee may be interested to obtain all feature news items, editorial references, letters to the editors and special stories, relative to the proposed deportation of Canadian-born Japanese. As you know, considerable controversy is currently raging over this important matter, and the thought occurs to me that you and your associates may be interested to carefully analyze the Canadian public, press and individual reaction.

Kindly be assured, we have no intention of deluging you with a mass of extraneous material, but rather a highly selective service of feature news items, editorial references and letters to the editors, pertinent to the subject matter mentioned.

We are well equipped to supply such information as we thoroughly cover all Canadian newspapers and periodicals from coast to coast, including daily, weekly, trade, technical, financial, farm, mining, radio, and all other class publications.

An important feature of the service is that it is conducted on an up-to-date basis; all newspapers and periodicals being checked the day of arrival at our office, and clippings are mailed either daily, twice-weekly, or weekly as required.

Clippings may be obtained on the basis of 15¢ per item, or on our regular monthly arrangement of charge, which is namely:

SALES LEADS - COMPETITIVE ADVERTISING - DEALER ADVERTISING - BUSINESS PROMOTIONS - EDITORIAL
COMMENT - INDUSTRY ACTIVITIES - PUBLICITY REPRINTS - ASSOCIATION ACTIVITIES - CONSTRUCTION - BOOK REVIEWS
PERSONAL MENTION - FIRES - ENGAGEMENTS - WEDDINGS - BIRTHS - NEW HOSPITALS - ACCIDENTS - THEATRES

Let Us Read the Papers for You
We Cover Canada — Associate Bureaus in Great Britain and United States.

continued from page one.....

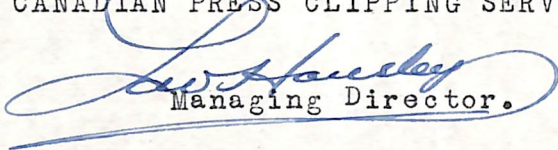
\$5.00 per month per 100
clippings, plus 4¢ for each item in excess of 100.

Trusting that our proposal
will merit your favorable consideration and that we may be
privileged to hear from you.

Yours very truly,

CANADIAN PRESS CLIPPING SERVICE

LW. HOUSLEY/ML



Managing Director.

SUGGESTIONS TO COMMITTEES.....MATERIAL WHICH MAY BE OF USE IN
PRESS OR RADIO RELEASES WHEN THE SUPREME COURT DECISION IS HANDED DOWN
IN OTTAWA (Reported to be expected Feb. 11th.)

In the case of a favourable decision.....

(1)....The Co-operative Committee on Japanese Canadians is pleased with the decision of the Supreme Court stating...."....." and wish to thank all those who have co-operated--newspapers, the radio, groups in all parts of the country, and individuals in many places.

(2)...In reporting the decision, the statement that, "....." is a tribute to the effective functioning of democracy in Canada and the part the Canadian people as a whole have played and shall continue to play in determining policies.

(3)...Following this decision, it is expected now that the government will abandon its whole scheme of deportation. *we call on the*

(4)...As a prerequisite to a satisfactory resettlement, full rights of citizenship should now be granted. *free to live & travel wherever they like without discrimination*

(5)...Dispossessed as these people now are, and depressed under 4 years of confinement in re-location camps, it is the duty of the government to provide adequate resettlement allowances and credit.

(6)...The Rehabilitation of these people is not only a responsibility of the government, but also of the people of Canada as a whole. Just as the people as a whole have responded so fully to the call to struggle for the citizenship rights of these people so can they be expected to aid in their re-establishment in normal life in Canadian communities. *Immediate Statement of Plan*

In the case of an unfavourable decision....

(1)...The Co-operative Committee on Japanese Canadians regrets the decision as handed down by the Supreme Court that, "....." This however, it must be recognized, is based on a legal interpretation of the government's power and by no means should be interpreted as releasing the government from the moral responsibility of proper treatment of these people.

(2)...The joint opposition of an alert public and Parliament compelled the government to delete the clause infamous Clause "g" of Bill 15 giving them power to deport these people. Despite this, the Government, flouting public and Parliament, resorted to Orders-in-Council to carry out its previous plan.

(3)...For the Government to proceed with the deportation of these people will be recognized by the people of Canada as contravening the spirit and principles of the United Nations Charter. The serious consequences of this contravention by Canada will not be overlooked by the nations of the world.

(4)...Believing that British law and justice would not uphold the decision of Canada's Supreme Court, the Co-operative Committee on Japanese Canadians therefore will make an appeal to the Privy Council.

If certain concessions are made, it must be made clear in any press or other releases that: we will accept nothing less than that all persons--full civil rights for persons of Japanese origin be granted.

..... also that every person whose name appears on the deportation forms and who has asked for cancellation of his application for deportation be given opportunity to, with counsel, before the loyalty Commission. the financial and moral support
In the case of appeal to the Privy Council (unfavourable decision above) Canadian groups and individuals in all parts of the country will be needed.

Other points to be remembered...

...hearing before Loyalty Commission of internees
....wives and children of deportees. Children to retain Canadian citizenship.

January 28, 1946.

Mr. A. Gladstone Virtue, K. C.,
Barrister,
McFarland Building,
Lethbridge, Alberta.

Your File No. 3201 re Canadian Japanese

Dear Mr. Virtue:

Your letters of the 21st did not reach me until after I was in Ottawa, and therefore I have had no opportunity to answer them before this.

We discussed the matter with your agent Mr. Broadfoot. As you will no doubt have read in the press, there is no likelihood of the Judgment of the Supreme Court of Canada being delivered until after the 5th of February.

Mr. Cartwright and Mr. McLennan of British Columbia who were both with me, are both optimistic as to the outcome, but I feel a little more doubt, but in any event, we should be prepared for possible loss.

I received your affidavit but was unable to make use of it as the Supreme Court of Canada was concerned with the constitutionality or legality of the Orders-in-Council, and not with the facts in individual cases.

The material in the affidavits may well be of value if we are unsuccessful, and if applications are made ~~by this fact~~ for Writs of Habeas Corpus on the ground that the requests referred to in the Orders-in-Council were not voluntarily signed by those affected.

In regard to the representation of the Japanese Canadians, you might explain to your clients that Mr. Cartwright and myself were retained by the Co-operative Committee on Japanese Canadians which had membership in Toronto, also was in touch with those interested in British Columbia, and Manitoba and as we were instructed, in other provinces.

Mr. A. Gladstone Virtue, K. C.

January 28/46.

We were told by the Committee that broadly speaking, they represented all those who were interested in the problem. We were, of course, very grateful to receive assistance of any others who might be interested, and did not in any way suggest that other groups of Japanese Canadians who were interested, might not be separately represented if they so desired.

If we are unsuccessful before the Supreme Court of Canada, we may contemplate an Appeal to the Privy Council.

If there is any other information we can give you, please let us know.

Thank you for your assistance.

Yours very truly,

MASON, CAMERON & BREWIN

per:

FAB:HC



January 28, 1946.

The Honourable J. W. Corman,
Attorney General of Saskatchewan,
Regina, Sask.

Re Reference to Supreme Court re
persons of the Japanese Race.

Dear Mr. Corman:

As you no doubt have read by the newspapers this case was argued before the Supreme Court of Canada on the 24th and 25th of January when Judgment was reserved. The Judgment is not likely to be given before the 5th of February. On your behalf I supported the argument advanced by Mr. Cartwright and myself on behalf of the Committee on Japanese Canadians.

The only other province represented was the Province of British Columbia through the Attorney General Mr. Maitland who supported the position of the Dominion Government that the Orders-in-Council were valid.

I will inform you as to the result. In the meantime in accordance with our discussion, I enclose herewith my account.

Yours very truly,

MASON, CAMERON & BREWIN

per: 

FAB:HC

January 28th

46

Attorney General of Saskatchewan

Regina, Sask.

XXXXXX

Reference Supreme Court of Canada
re Japanese Canadians.

Having received instructions from you by telephone to appear on your behalf in support of those submitting the invalidity of Orders-in-Council P. C. 7355, 7356 and 7357.

Considering same, consulting with Mr. Cartwright, Counsel for the Committee. Conference with your Ottawa agents in respect to brief.

Correspondence with you and counsel fee. Appearing on your behalf before Supreme Court of Canada on the 24th and 25th of January and supporting arguments of Co-operative Committee,

Our fee in all

100.00

THIS IS OUR ACCOUNT HEREIN

MASON, CAMERON & BREWIN

per.....*JMB*.....

January 28, 1946.

American Civil Liberties Union,
170 Fifth Avenue,
New York City, N. Y.

Attention Mr. Clifford Foster, Staff Counsel

Dear Mr. Foster:

We wish to thank you for your letter of January 21st which was most informative and useful to us.

As you know, our constitutional set-up has no due process provisions and the argument came on before our Supreme Court on the 24th and 25th of January, and Judgment was reserved. We may contemplate an Appeal to the Judicial Committee of the Privy Council, if we are unsuccessful.

If you have any account in connection with your advice, would you please send it to me.

Many thanks for your assistance.

Yours very truly,

MASON, CAMERON & BREWIN

per:



FAB:HC

January 28, 1946.

Mr. J. P. Erichsen Brown,
Barrister, Solicitor,
Central Chambers,
46 Elgin Street,
Ottawa, Ontario.

Re: Japanese Canadians

Dear Price:

I called on you before leaving Ottawa
at your office, but you were out.

Thank you very much for your careful
attention to this matter. Will you please let
me have your account.

I was sorry not to have had a chance
to see Charlotte when in Ottawa, as I would liked
to have had a chat with her about housing.

Yours very truly,

MASON, CAMERON & BREWIN

per:

FAB:HC



January 28, 1946.

Miss Constance Chappell,
Co-operative Committee on Japanese Canadians,
299 Queen Street West,
Toronto, Ontario.

Dear Miss Chappell:

I enclose herewith our firm's receipt
for your cheque for \$500.00 in connection with
this matter.

Later when I have a full statement of
expenses I will be sending an account to the Comm-
ittee.

Yours very truly,

MASON, CAMERON & BREWIN

per:



FAB:HC
Encl.

SMITH, RAE, GREER & GARTWRIGHT
BARRISTERS, SOLICITORS, ETC.

G. LARRATT SMITH, K.C.
R. H. GREER, K.C.
JOHN R. CARTWRIGHT, K.C.
T. B. RICHARDSON
GORDON D. WATSON
BETHUNE L. SMITH, K.C.
JOHN GALBRAITH EDISON
ARTHUR E. MALONEY

320 BAY STREET
TORONTO 1, CANADA

REGISTERED CABLE ADDRESS: NATIVE TORONTO

TELEPHONE
ADELAIDE 6288

RECEIVED
JAN 31 1946
MASON,
CAMERON & BREWIN

January 30th, 1946.

F. A. Brewin, Esq.,
Barrister etc.,
372 Bay Street,
Toronto 1.

Dear Mr. Brewin:-

re: Orders-in-Council.

I enclose a copy of the reasons for Judgment
of the Judicial Committee in the Canada Temperance Act case.

You will remember that Mr. Geoffrion undertook
to supply copies to the Court so that we do not have to do
this but I am sending the Judgment to you as a matter of
interest.

I must say that I find the paragraph which
commences at the foot of page 4 of the enclosed copy somewhat
surprising. It does not seem to me to be in accord with the
views as to the effect of an emergency expressed in the Fort
Frances case.

Yours sincerely,

J. R. Greer

JRC/D.

enc.

SMITH, RAE, GREER & GARTWRIGHT
BARRISTERS, SOLICITORS, ETC.

G. LARRATT SMITH, K.C.
R. H. GREER, K.C.
JOHN R. CARTWRIGHT, K.C.
T. B. RICHARDSON
GORDON D. WATSON
BETHUNE L. SMITH, K.C.
JOHN GALBRAITH EDISON
ARTHUR E. MALONEY

RECEIVED

JAN 31 1946

MASON,
CAMERON & BREWIN

320 BAY STREET
TORONTO 1, CANADA

REGISTERED CABLE ADDRESS: NATIVE TORONTO

TELEPHONE
ADELAIDE 6288

January 30th, 1946.

F. A. Brewin, Esq.,
Messrs. Mason, Cameron & Brewin,
Barristers etc.,
372 Bay Street,
Toronto 1.

Dear Mr. Brewin:-

re: Co-Operative Committee on
Japanese Canadians.

I am enclosing a memorandum of our account
in this matter which I hope will be found satisfactory.

Yours sincerely,

J. A. Brewin

JRC/D.

enc.

TORONTO 1, January 30th, 1946.

The Co-Operative Committee on Japanese Canadians,
c/o F. A. Brewin, Esq.,
Barrister etc.,
372 Bay Street,
Toronto 1.

IN ACCOUNT WITH

SMITH, RAE, GREER & CARTWRIGHT
SOLICITORS, ETC.

1946.

January To our fees for all services herein;

Attendance by Mr. Cartwright discussing this matter with Mr. Brewin, considering Order-in-Council and some authorities and preparing opinion dated January 3rd;

Having received instructions that Order-in-Council has been passed referring the question of the validity of Orders-in-Council 7355, 7356 and 7357 to the Supreme Court of Canada and that Mr. Cartwright is to take the Brief for the Co-Operative Committee on the reference;

Several attendances upon Mr. Brewin in regard to the Factum;

Preparing for argument, perusing authorities, considering Case and Factum of the Attorney-General for Canada and Factum of the Attorney-General for British Columbia;

Jan. 21st - Attendance discussing this matter with Mr. MacLennan;

Jan. 23rd - Attending all day in Ottawa discussing the matter with Mr. Brewin and Mr. MacLennan and completing preparations for argument;

Counsel fee to Mr. Cartwright on argument before the Supreme Court of Canada on January 24th and January 25th when Judgment reserved;

FEE IN ALL including travelling expenses and disbursements;

\$2,000.00

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E. & O. E.
JRC/D.

This is our bill herein.

Smith Rae Greer Cartwright