

Corr. June 1950

2-12



June 2, 1950.

Mr. A. Gladstone Virtue, K.C.,  
McFarland Building, Opposite Court House,  
Lethbridge, Alberta.

Dear Mr. Virtue.

Mr. Cameron of our firm is a Member  
of Parliament and he has been in touch with Mr.  
Garson.

I have also telephoned the Department  
of Justice from time to time. They state that the  
report has been all ready to file, and that there is  
no question that it will be published, and steps taken  
to implement it at the present session.

I will continue to make what inquiries  
I can to make sure there is no mistake as to this.

Yours very truly,

*FAB*

FAB:HC



CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

Minutes of Finance Committee

TIME - June 7th, 1950; 5:00 - 6:30 p.m.

PLACE - Carlton Church

PRESENT - Boos, Brewin, Finlay, Nichols & Tanaka.

FINANCIAL REPORT - Our bank balance has dwindled to \$416.29; remittances on the recent appeal just total \$111.51; no definite work has yet been received from Southern Alberta Claimants Committee as to their paying the remainder of their share of disbursements and legal expenses which we suggested as \$2,000.00

Final statements of (a) receipts & disbursements, (b) breakdown of disbursements, and (c) a comparison of actual disbursements with amounts shown on Schedule 4 of the Statutory Declaration filed with the Commissioner, have recently been submitted by Mr. McMaster. Part of his 5-page explanatory letter was read, and then it was decided that copies be made for each member of this Committee. Agreed that, in addition, Mr. McMaster be asked for an explanatory paragraph on two major items of expense: (a) Leckie - \$8,172.54 and (b) Appraisals - \$14,032.29

After some discussion, it was agreed that further efforts to secure an amount to cover the item of \$3,417.28 for outside liabilities incurred by Mr. McMaster's firm, are not necessary, in view of the assurance that Mr. Brewin has had that a Government announcement of awards will be made any day now. The Secretary was asked to advise Mr. McMaster to this effect, trusting that the account can be held until payment is made to us.

Mr. Brewin reported that details of final payments have yet to be worked out with Mr. Garson, but he is reasonably hopeful that our machinery will be used, thus making it possible for us to deduct any retainer balance and whatever additional percent necessary to cover balance of legal expenses.

ACCOUNTS PAYABLE - Six accounts totalling \$236.02, covering expenses in connection with the preparation and mailing of our Report in April, were presented by George Tanaka:

National J.C.C.A. (materials)	\$109.03
G. Tanaka (stamps)	46.00
Tom Sagara (labour) (43 hrs.)	32.25
Hattie Kinitomo (30 hrs. work)	22.50
T. Umezaki (Japanese Translation)	22.50
Yoshio Hikida (5 hrs. cutting stencils)	3.75

MOTION: Finlay/Boos - "That these accounts be paid with thanks" Carried.

Appreciation for the tremendous job which the JCCA did in its office, in the preparation and mailing of such a bulky report was expressed to George Tanaka.



MASON, FOULDS, ARNUP, WALTER & WEIR  
*Barristers, Solicitors, Notaries, Etc.*

G. W. Mason, K.C., LL.D., A. Foulds, K.C.,  
J. D. Arnup, R. D. Walter, K. A. Foulds,  
J. T. Weir, E. C. Gordon, E. W. Ireland, K.C.,  
J. S. Boeckb, H. S. O. Morris

Telephone Elgin 2481

Cable Address "Masemidon"

*Sterling Tower Building*  
372 Bay Street  
Toronto 1  
Canada

June 9, 1950.

The Co-operative Committee on Japanese Canadians,  
c/o F. Andrew Brewin, Esq., K.C.,  
372 Bay Street,  
Toronto.

Dear Sirs:

re - Japanese Claims Commission

We have been requested to review the accounts for legal services submitted to you by the various counsel who acted on behalf of various claimants through your auspices, in proceedings before the Japanese Claims Commission established by Order-in-Council of the Dominion Government. Our Mr. Arnup and Mr. Weir have jointly considered all of the accounts with care.

We have also been furnished with summaries of the amounts actually realized on sales by the Custodian, the amounts claimed on behalf of the various claimants, the amounts of the various recoveries as they have been informally intimated to you, and the relationship of such recovery to the claims made. We have in turn considered the aggregate amount of the accounts for legal services in relation to the amounts involved, the responsibilities undertaken and the results achieved.

In reviewing these accounts we have necessarily assumed that the work shown by the accounts as having been performed was in fact performed to the extent indicated therein. We have also been informed that these various counsel received from Mr. F. A. Brewin, K.C., a suggestion that their accounts should be prepared along the following lines:

\$50.00 per day on presentation of individual claims.

\$75.00 per day on preparation of corporate claims.

\$10.00 per hour in preparation in respect to general evidence and preparation for discussion of settlement.

\$100.00 per day in respect to general evidence hearings, presentation of argument, discussion of settlements and attendances on Governments or Ministers.



The Co-operative Committee on Japanese Canadians

\$5.00 per hour in respect to general attendances and preparation of individual cases.

\$50.00 per day on travelling time.

We may say that we regard this scale of fees as being modest in the circumstances and on the low side having regard to the various factors normally taken into consideration in arriving at a fair and reasonable fee for work of this nature.

We now comment individually on the various accounts which we have considered, as follows:

Roger Ouimet, K.C. - Montreal

This account is prepared using a rate per hour for interviews and preparation somewhat in excess of the suggestion made by Mr. Brewin, and followed by most of the other counsel, but having regard to the fact that Mr. Ouimet is an outstanding barrister of great experience and ability and to the fact that in our opinion the fees as charged by him are fair and reasonable throughout, we have no hesitation in saying that we regard the account as proper, and we recommend that his account should be paid as rendered.

R. Alfred Best - Toronto

This account is prepared using the tariff of fees suggested by Mr. Brewin and is in exact accordance with it. We therefore are of the opinion that the account is fair and reasonable and should be paid as rendered.

L. S. Turcotte - Lethbridge

This account also is prepared in accordance with the suggested tariff and in our opinion its amount is fair and reasonable and should be paid.

M. C. Shumiatcher, K.C. - Regina

The amount of this account as rendered, exclusive of disbursements, is \$533.75. By comparison with the account of Messrs. Cherniack & Cherniack of Winnipeg, the account is perhaps \$35.00 or \$40.00 high, but in view of our opinion as to the modesty of the scale of suggested fees, we are quite



The Co-operative Committee on Japanese Canadians

satisfied that this account is fair and reasonable and should be paid as rendered. We point out that the items of April 7th and 8th cover hearings before the Commission but do not indicate what length of time was involved. However, since they were hearings in Moose Jaw and Mr. Shumiatcher is in Regina, the amounts do not seem at all unreasonable.

Cherniack & Cherniack - Winnipeg

This account is drawn in strict accordance with the suggested tariff, it details a large amount of work, some of which was out of Winnipeg, and in our opinion the bill is very reasonable indeed and should be paid. As a matter of fact we do not find in the bill any disbursements for hotel accommodations, travelling expenses or disbursements for telegrams, etc. The account indicates that a member of the firm was in Fort William from the evening of April 17th to the morning of April 29th, 1948, and we think that the attention of this firm should be drawn to the apparent omission of their disbursements.

Ritchie & Huckvale - Lethbridge

This account is drawn in accordance with the suggested tariff. As a matter of fact it does not appear to us that any charge has been made for correspondence. Accordingly the amount of the account is very modest indeed and by comparison is probably lower than it should have been.

Norris & MacLennan - Vancouver

This account is given in detail as to the work done. On some occasions the time taken by the attendance or interview is not stated. However, there is no amount extended opposite each item as the charge for that item but only a block figure of \$1500.00 at the end of the account. It has accordingly been necessary for us to endeavour to test the reasonableness of the fee by putting values on the individual items, which we have done.

On the basis of the suggested tariff of fees, or on the basis of comparison with the other accounts which we have reviewed, it is our opinion that a fair and reasonable fee on this account would be about \$1250.00 excluding disbursements. We are not prepared to say that \$1500.00 is



The Co-operative Committee on Japanese Canadians

unreasonably high in view of our general observations as to the scale of fees suggested and the difficult nature of the work undertaken. We think we can only leave this matter to be dealt with by the Committee in the light of the observations which we have made.

Cameron, Weldon, Brewin & McCallum - Toronto

In considering the amount of this account we have had regard to the fact that Mr. Brewin was charged with the responsibility of general supervision of the conduct of all of the claims, including that of instructing counsel or assisting them when required, and also to the fact that Mr. Brewin participated in the negotiations which led to substantial modifications from time to time by the Government in the governing Orders-in-Council. We regard that work as having been of the highest importance and vital to the success of the claimants as a whole.

After giving consideration to these matters, to the services indicated in the account and to the charges made therefor, it is our opinion that the account is fair and reasonable and should be paid as rendered. The disbursements are not included but we understand they will be submitted to you in due course.

MacLennan & Robinson - Vancouver

This account deals entirely with services rendered in connection with the claim of Royston Lumber Company, which we understand was made in the neighbourhood of \$500,000. The account is in block form and apart from attendances of unusual length, such as several hours or a whole day, it is not possible to tell how much time was spent in interviews and preparation nor in miscellaneous attendances. We have not been furnished with any information as to the result obtained and under these circumstances we find it impossible to express any opinion upon the account in its present form.

If we could be furnished with information as to the approximate total number of hours in preparation and miscellaneous attendances and with some information as to the probable result obtained for the client, we would be in a better position to endeavour to express an opinion as to the fee charged.



The Co-operative Committee on Japanese Canadians

Campbell, Brazier, Fisher & McMaster - Vancouver

This account is by far the largest of those rendered and indeed accounts for \$55,000.00 of the total aggregate of \$86,800.00. The bill is itemized and the items are stated with precision in all cases, and the extensions of the items appear to be in strict accordance with the suggested general tariff of fees. In addition, the total of the items as extended is \$63,915.75 but the account has been rendered on a flat basis of \$55,000.00 so that in addition to the favourable factor of the low scale of fees suggested, the solicitors have already voluntarily reduced their account by nearly \$9,000.00.

We would not care, however, to express a final opinion without further information on two points:

1. There are a number of instances in which, for the same period of days, charges are made for preparation averaging about 5 hours per day at the suggested rate of \$10.00 per hour and for the same period of days, charges are made for attendances in Court or for negotiating settlement at the suggested rate of \$100.00 per day. It is not clear to us whether this represents the work of two persons working concurrently or whether Mr. McMaster, in addition to appearing before the Commissioner or negotiating with the Crown officers for what was regarded by them as a normal day, was engaged 4 or 5 hours a day in preparation for future hearings and negotiations. From what Mr. Brewin has told us of Mr. McMaster's zeal in pursuing his tasks, it may well be that the latter is the correct situation but we would like to know about this.
2. A flat fee of \$2500.00 is charged for the services of Mr. Cobus for assisting and appearing with Mr. McMaster on various hearings. We assume that this is independent of and in addition to the various services which Mr. Cobus appears to have performed by himself on occasion (for example, the items of June 26th to 30th, 1948, inclusive).

If we could have some further information on the points we will express our opinion with regard to the account. In the meantime we are returning all of the accounts.

Yours truly,  
MASON, FOULDS, ARNUP, WALTER & WEIR,  
per:

JDA/OP.  
Encs.



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

A. T. R. CAMPBELL      C. W. BRAZIER  
A. W. FISHER          R. J. MCMASTER  
                         A. J. F. JOHNSON

H. C. MURRAY

G. B. GARDOM

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

OUR FILE NO.

June 9th, 1950.

Andrew Brewin, Esq., K.C.,  
Barrister, etc.,  
Sterling Tower,  
Toronto, Ontario.

Dear Andy:

Re: Japanese Property Claims  
Commission.

What is happening with respect to Ottawa?  
Please advise what steps are being taken to put the  
pressure on Mr. Garson and what further pressure  
might be exerted from this end?

Yours truly,

CAMPBELL BRAZIER FISHER MCMASTER & JOHNSON,

McM: McC

Per: Bob



June 14th 1950.

J. A. MacLennan, Esq.,  
Messrs. MacLennan & Robinson,  
430-433 Rogers Bldg.,  
470 Granville Street,  
VANCOUVER, B. C.

Dear Art:

Re: Japanese Claims Commission

As you will have seen, the Commissioner has now made his report and the government proposes to take some action to implement it; I hope in the near future. This makes the question of the legal fees payable an important one

The Co-operative Committee considered it advisable to submit all accounts rendered for legal services to an independent firm chosen by the Committee so they could either advise that the accounts were reasonable and should be paid by the Committee or suggest a reference for taxation if they saw fit. Accordingly, we sent to them your account of December 17th, and they make the following comment:

"This account deals entirely with services rendered in connection with the claim of Royston Lumber Company, which we understand was made in the neighbourhood of \$500,000. The account is in block form and apart from attendances of unusual length such as several hours or a whole day, it is not possible to tell how much time was spent in interviews and preparation nor in miscellaneous attendances. We have not been furnished with any information as to the result obtained and under these circumstances we find it impossible to express any opinion upon the account in its present form.

If we could be furnished with information as to the approximate total number of hours in preparation and miscellaneous attendances and with some information as to the probable result obtained for the client, we would be in a better position to endeavour to express an opinion as to the fee charged"

I will be going to Ottawa tomorrow and I will secure from them information as to the amount awarded to the Royston Lumber Company.

Perhaps you could send me the information that they request.



June 14th 1950.

J. A. MacLenna, Esq.

I have pointed out that this claim is in a different category to the other claims handled by the Co-operative Committee, and that the scale of fees accepted by the other counsel involved may not be appropriate. I presume, however, that the Royston Lumber Company will be treated like any other claimant and will be assessed their proportion of the additional sums required to pay all of the legal fees and no more. I presume there was no special arrangements made with them. They will, of course, be credited with the 1%, or whatever the amount was, that they have already paid.

After Thursday I should have some information as to the machinery of payment and what steps we may hope to be able to take in order to insure that the claimants pay the proportion of their claims required to satisfy all accounts and disbursements.

Yours very truly,

FAB:MG



June 14th 1950;

R. J. McMaster, Esq.,  
Messrs. Campbell, Brazier, Fisher,  
McMaster & Johnson,  
Barristers, etc.,  
675 West Hastings Street,  
VANCOUVER, B. C.

Dear Bob:

Re: Japanese Property Claims Commission

As you will have noticed from the newspapers, the report of the Commission has been filed in parliament. I will be going to Ottawa tomorrow to examine the details.

I understand that the Minister announced that the government intended to implement the report in full. He said that items amounting to \$150,000.00 outside the terms of the reference would be referred to the Treasury Board. I gathered that this includes the recommendation for the payment of over \$50,000.00 in disbursements.

I will endeavour to get as clear a picture as possible of the proposed machinery of payment out. Again, nothing positive has been said in respect of interest payments, although I presume that they are not included in the present proposals.

We have submitted all the legal bills to the firm of Mason, Fould, Arnup & Co., here on the instructions of the court committee. They have made a report in which they state that the scale of fees they regard as being modest in the circumstances, and on the whole on the low side.

Dealing with individual comments on the accounts, they state in respect to your bill as follows:

"This account is by far the largest of those rendered and indeed accounts for \$55,000.00 of the total aggregate of \$86,800.00. The bill is itemized and the items are stated with precision in all cases, and the extensions of the items appear to be in strict accordance with the suggested general tariff of fees. In addition, the total of the items as extended is \$63,915.75 but the account has been rendered on a flat basis of \$55,000.00 so that in addition to the favourable factor of the low scale of fees suggested, the solicitors have already voluntarily reduced their account by nearly \$9,000.00.



June 14th 1950.

R. J. McMaster, Esq.,

We would not care, however, to express a final opinion without further information on two points:

1. There are a number of instances in which, for the same period of days, charges are made for preparation averaging about 5 hours per day at the suggested rate of \$10.00 per hour and for the same period of days, charges are made for attendances in Court or for negotiating settlement at the suggested rate of \$100.00 per day. It is not clear to us whether this represents the work of two persons working concurrently or whether Mr. McMaster, in addition to appearing before the Commissioner or negotiating with the Crown officers for what was regarded by them as a normal day, was engaged 4 or 5 hours a day in preparation for future hearings and negotiations. From what Mr. Brewin has told us of Mr. McMaster's zeal in pursuing his task, it may well be that the latter is the correct situation but we would like to know about this.
2. A flat fee of \$2500.00 is charged for the services of Mr. Cobus for assisting and appearing with Mr. McMaster on various hearings. We assume that this is independent of and in addition to the various services which Mr. Cobus appears to have performed by himself on occasion (for example, the items of June 26th to 30th, 1948, inclusive).

If we could have some further information on the points we will express our opinion with regard to the account"

Would you please let me have as soon as possible your comments on this.

Yours very truly,

FAB:MG



VIRTUE, RUSSELL & MORGAN

BARRISTERS, SOLICITORS  
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE

LETHBRIDGE, ALBERTA

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

13th June, 1950

PLEASE REFER TO FILE NO. 3201

RECEIVED  
JUN 15. 1950  
CAMERON, WELDON, BREWIN &  
McCALLUM.

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

Dear Mr. Brewin:

An announcement came over the radio at noon today that Mr. Justice Garson had stated that the Government had approved payment of approximately \$1,200,000.00 to thirteen hundred Japanese Claimants.

We presume that full details will be made known to you, and we wonder if you would Airmail these to us at the earliest possible moment.

We are calling a meeting of our Central Committee for Wednesday, the 21st, and hope to have all details before that time.

Thanking you, we are,

Yours truly,

VIRTUE, RUSSELL & MORGAN,

Per

V/L  
AIRMAIL.



VIRTUE, RUSSELL & MORGAN

BARRISTERS, SOLICITORS  
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE

LETHBRIDGE, ALBERTA

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

15th June, 1950

PLEASE REFER TO FILE NO.

3201  
3587

R. J. McMASTER, ESQ.,  
c/o Messrs. Campbell, Brazier, Fisher, McMaster  
and Johnson,  
Barristers and Solicitors,  
Royal Bank Building,  
VANCOUVER, B.C.

Dear Mr. McMaster:

I hope that you are satisfied with the announcement which has been made by the Minister of Justice regarding Mr. Justice Bird's recommendations.

I have written Mr. Brewin asking for details as to what was done about interest, disbursements, and other matters.

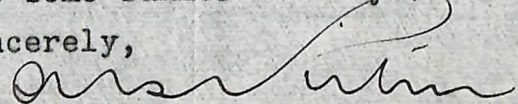
Can you tell me what was done regarding vessels sold by the Japanese Fishing Vessels Disposal Committee? You will remember that you intended making special representations to Mr. Justice Bird with a view to getting a recommendation outside the terms of reference.

I particularly have in mind at the moment the case of K. Adachi, File 57, Case No. 642, Custodian File No. 5673. However I would like to know what has happened in connection with all these fishing vessels.

I am sending a copy of your letter to Mr. Brewin, and perhaps he can give me some light on the subject. If a general recommendation was made by Mr. Justice Bird on the subject of these boats I would like to have a few copies of it.

I hope that you are finding things a little easier, and will be able to take some summer holidays.

Yours sincerely,



V/L



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

A. T. R. CAMPBELL      C. W. BRAZIER  
A. W. FISHER          R. J. McMASTER  
                         A. J. F. JOHNSON

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

H. C. MURRAY

G. B. GARDOM

OUR FILE NO.

June 15, 1950.

Andrew Brewin, K. C.  
Barrister etc.,  
Sterling Tower Building,  
Toronto, Ont.

Dear Andy:-

Re: Japanese Claims Commission.

Just a note to advise you that  
the Judge indicated to Mr. Fisher at the Club that  
he had recommended payment of \$50,000.00 costs.

I trust that your negotiations in  
Ottawa are going well. My partner Mr. Brazier will  
be in Ottawa next week re the freight rate appeal.  
If he can be of any assistance I know he would be glad  
to co-operate.

Yours truly,

CAMPBELL, BRAZIER, FISHER, McMASTER & JOHNSON

Per



RJM/M

RECEIVED

CAMERON, BREWIN &  
McCALLUM.



June 15th 1950.

Messrs. Mason, Foulds, Arnup,  
Walter & Weir,  
Barristers, etc.,  
372 Bay Street,  
TORONTO.

Dear Sirs:

RE: James MacLennan Claims Commission

Thank you for your letter of  
June 9th and the careful consideration that you  
have given to this matter.

Before reporting to the  
Co-operative Committee we will endeavour to secure  
for you the additional information which you request  
in respect to the accounts of MacLennan & Robinson  
and Campbell, Brazier, Fisher, McMaster & Johnson,  
both of Vancouver.

Yours very truly,

CAMERON WELDON BREWIN & McCALLUM,

Per:

FAB:MG



Campbell, Brazier, Fisher, McMaster & Johnson

Barristers and Solicitors

A. T. R. CAMPBELL C. W. BRAZIER  
A. W. FISHER R. J. MCMASTER  
A. J. F. JOHNSON

H. C. MURRAY

G. B. GARDOM

THE ROYAL BANK BUILDING

675 WEST HASTINGS STREET

VANCOUVER, B.C.

RECEIVED

JUN 16 1950

WELDON, BREWIN &  
McCALLUM.

OUR FILE NO.

June 14th, 1950.

Miss Margaret Boos,  
Apt. 28,  
94 Homewood Ave.,  
TORONTO, Ontario.

Dear Miss Boos:

Re: Japanese Property Claims Commission.

We have not been provided with a copy of the Commissioner's Report but we today borrowed Mr. Shears' copy and are having copies made of the main report. Attached to the report is an appendix showing the recommendations for payments of awards, which is a detailed list of individual claims. These correspond with the green sheets which we provided you except as to the green sheets which were missing in our report to you and except also that the Commissioner has added special awards in certain cases relating to property situate at Hakoda Bay. When we provided you with the green sheets we were unable to give you the recommendation as to Royston Lumber, case 1381 and have now to advise that the Commissioner recommended \$69,950.00. This is the only case on which you did not have a green form. The cases on which additional recommendations were made relating to Hakoda Bay property are as follows:

Case 888, OYE, Tsunetaro (Dec.)	Kameno (Widow)	
	RECOMMENDATION	\$276.76
1101	HAKODA, Naotsuge (Dec.)	" 308.99
1108	NASU, Minoru,	" 582.07
1339	WATANABE, Tsuneharu	" 341.02
1343	MATSUHARA, Toshio	" 308.89
N.B. 1368	TERASHITA, Susumu	" 501.72

These recommendations are included in the total recommendations of \$1,222,829.26 which the Government has agreed to pay and as were tabled in the House by the Minister. Accordingly, in estimating the recovery of

N.B. These are in addition to the awards appearing on the green sheets for these claimants.



Miss Boos:

June 14th, 1950.

- 2 -

our clients for the purposes of determining their share of the costs, these should be included as awards.

In the newspaper report of the filing of the Commissioner's report reference was made to the fact that there were certain recommendations outside of the terms of reference allegedly totalling \$150,000 which the Commissioner had recommended and which the Government had under consideration. Not all of these special cases are ours. However, a good number of them are. I have succeeded in obtaining a copy of the recommendations for special consideration outside the terms of reference from Mr. Shears and will extract therefrom the material which relates to our claims. I can now give you a summary of the claimants named, subject matter and special recommendation. In view of the fact that we do not know what the Government will do with these recommendations we do not believe that they should be included in the estimate of the claimant's share of the expenses. In any event, it is our opinion that the claimant should be charged extra for these matters as they do not come within the terms of reference and required extra work. I have no doubt that we will need additional funds in any event by the time we get this matter cleaned up and by charging a reasonable fee to these people if the Government make payments outside the terms of reference some portion of that may be provided.

Recommendations for special consideration were made in the following:

Case 36 - ASARI, Sadajiro: Charter money	\$4725.00	
To attain fair market value on sale of vessel:	<u>3353.00</u>	\$8,078.00
Case 43 - NITSUI, Ukichi: Charter money	910.00	
Increase in sale price:	250.00	
Loss of equipment:	<u>392.97</u>	1,552.97
Case 211- SAIMOTO, Kunimatsu: Charter	2,318.65	
Equipment:	<u>80.82</u>	2,399.47
Case 142- INOUE, Zennosuke:		
Depreciation on farm while held by V.L.A.		
Vet, World War I, bought farm back from V.L.A.)		
Finding claimant suffered substantial loss.		
Report of Dean Clement estimating same at from		
\$2,000 to \$2,500 referred to without comment		



Miss Boos:

June 14th, 1950.

- 3 -

other than favourable reference to  
Clement's evidence:

Case 491 - OKABE, Denjiro, Leasehold property - no specific recommendation but indicated suffered a substantial loss and refers to Clement's report, estimating same at \$400.00.

Case 341 - TAKAI, Nobukichi, (Grand Forks). This claimant did not file an actual claim through the Committee. No recommendation was made. His allegations were drawn to the attention of the Government. Counsel unable to obtain any further information. Not likely to result in any payment in our opinion.

Case 44 - Mrs. Simo KAMEDA,

Case 45 - Suekichi HONKAWA

Cases Nos. 694 and 1289 - KISHIMOTO, Eiji and Natsuo

Case 1016- Matsujiro OHASHI

All these cases relate to property situate at Port Essington. The Commissioner has suggested that an additional sum not greater than 50% of the difference between assessed value and selling price of each property might be paid. It is not possible at the moment to estimate the recovery on this basis. *if accepted.*

Case 262- Manjiro YAMASHITA - Loss of equipment on vessel sold by J.F.V.D.C. \$40.00

Case 993-Yamamoto, Fusakichi - \$37.50. *(87 v D.C. Sale)*

Neither in his main report nor in this supplementary report outside the terms of reference did the Commissioner make any reference as to a recommendation relating to the payment of costs. Shears assures me that he doesn't have any material in which the Commissioner dealt with the question of costs. It is our own feeling that it would have been proper for him to make the recommendation as part of his report. However, it appears likely that he has done it by some separate report or letter. We are therefore not in a position to advise as to what recommendation he made as to costs and we would suggest that Mr. Brewin endeavour to ascertain from the Government at the earliest possible date what is going to be done in that respect.

McM:McC

cc. Mr. Brewin CAMPBELL BRAZIER FISHER McMASTER & JOHNSON,

Yours truly,

Per: *Bob McMaster*



VIRTUE, RUSSELL & MORGAN

BARRISTERS, SOLICITORS  
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE

LETHBRIDGE, ALBERTA

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

15th June, 1950

PLEASE REFER TO FILE NO. 3201

AIRMAIL.

F. A. BREWIN, ESQ., K.C.,  
c/o Messrs. Cameron, Weldon, Brewin  
and McCallum,  
Barristers and Solicitors,  
Sterling Tower,  
TORONTO 1, CANADA.

RECEIVED  
JUN 17 1950  
CAMERON, WELDON, BREWIN &  
McCALLUM.

Dear Mr. Brewin: RE: JAPANESE PROPERTY CLAIMS  
COMMISSION

We have, of course, seen the rather full newspaper announcement regarding the recommendations of the Minister of Justice. However, the newspapers say nothing about,-

- (a) Interest;
- (b) Payment of disbursements;
- (c) Machinery regarding payment.

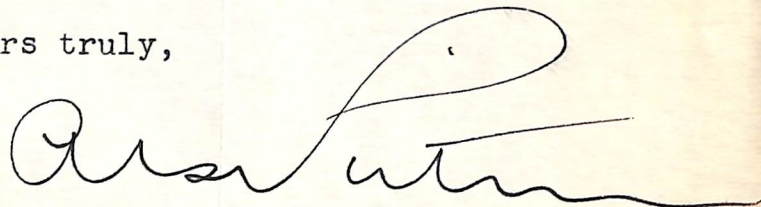
I have called a meeting of my Committee for Wednesday, the 21st instant, and I wonder if you can get me word by return Airmail with full details respecting the disposal of the above matters?

I realize that it will take a little time to set up all the details of the machinery for payment and that you can only give me what information has reached you at this stage. Have the Government indicated any approximate date when they think the money will be available for payment, and payment made?

Thanking you, I am,

Yours truly,

V/L





\*

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6730  
~~15202~~6



372 Bay Street,  
Toronto, Ontario

June 15th 1950.

The Co-operative Committee on Japanese Canadians,  
67 Riverdale Avenue, Toronto 6.

IN ACCOUNT WITH

CAMERON, WELDON, BREWIN & McCALLUM  
Barristers and Solicitors.

RE: JAPANESE CLAIMS COMMISSION

DISBURSEMENTS:

1946.			
Nov. 26.	Miscellaneous expenses re attending at Ottawa	\$ 6.02	
1947.			
Jan. 3	Paid Long distance telephone call	4.55	
30	" Bell Telephone Co. - to Mrs. MacMillan	5.50	
Feb. 4	" Long distance calls	4.02	
Mar. 5	" return ticket to Ottawa	13.05	
	" for berth	2.35	
9	" for miscellaneous expenses on trip to Ottawa to interview Secretary of State	11.10	
Apr. 17	" Canadian National Telegraphs	2.52	
May 1	" for LongDistance telephone calls	2.63	
27	" expenses to Ottawa, meals, tips, etc.	5.25	
26.	" train fare to Ottawa	17.60	
	" for berth to Ottawa	4.70	
June 2	" long distance calls	8.05	
Aug. 6	" Canadian National Telegraph	2.60	
25	" Train fare Timmins to Ottawa	21.85	
	" Timmins Hotel fare	4.30	
	" Train fare Ottawa to Geraldton	34.60	
	" Expenses, meals, tips, etc.	6.00	
Oct. 1	" for Long Distance telephone calls	5.88	
	" Canadian National Telegraphs	5.07	
14	" " " "	4.20	
Nov. 1	" Bell Telephone Co., long distance calls	5.35	
18	" T.C.A. plane trip to Vancouver	301.70	
21	" Canadian National Telegraphs	.71	
Dec. 1-6	" hotel bills	21.90	
	" for meals	15.00	
		<u>\$516.50</u>	



DISBURSEMENTS:

		Brought forward	\$516.50
1947.			
Dec. 1 - 6	Paid for taxis		4.00
	" " tips		2.00
12	" Canadian National Telegraphs		6.92
30	" T.C.A., trip to Vancouver		301.70
1948.			
Jan. 13	" Canadian National Telegraph		5.84
	" Hotel bill		11.80
	" for meals		8.00
	" " taxis		4.00
	" " tips		1.00
20	" Air Mail postage and reg. of claims		3.75
Feb. 2	" Bell Telephone Co., long distance calls		27.20
11	" Canadian National Telegraph		1.48
26	" T.C.A. to Regina		118.50
Mar. 12	" Canadian National Telegraph		1.32
	" Expenses to Regina - hotel bill, meals, etc.		16.10
25	" Expressing claims to Campbell, Brazier & Co.		1.74
	" " " "		.69
May 7	" for Stenographic services		18.00
11	" " " "		12.00
14	" J. Gilbert, sal. May 1-15		80.00
	" Canadian National Telegraph		5.27
	" Stenographic services		12.00
26	" J. Gilbert, sal. May 15-29		80.00
	" Bell Telephone Co., for long dis. calls		9.60
26	" Two return tickets and two berths to Montreal		52.30
22	" Stenographic services		6.00
	" Mr. Gilbert, hotel expenses at Montreal		100.00
June 9	" Canadian National Telegraphs		14.86
14	" Mr. Gilbert, sal. - June 12		80.00
23	" Meals, taxis, etc., in Montreal		4.00
28	" account of J.P. Erichsen-Brown, Ottawa		8.29
July 21	" Expressing files to Vancouver		5.40
			<hr/> \$1520 26



DISBURSEMENTS

1948.		Brought forward	\$1520.26
Aug. 11	Paid Canadian National Telegraph		5.70
Sept. 14	" " " "		1.64
7	Postage on files to R. J. McMaster		.76
20	T.C.A., trip to Vancouver		320.10
25	Paid Expenses of Mr. Gilbert and Mr. Scott to London, Chatham, etc.		40.65
27	" Hotel Expenses at Vancouver		26.95
	" Meals at Vancouver		16.00
	" Taxis		5.50
	" Tips		1.00
Oct. 14	" Expenses of Mr. Gilbert		11.80
4	" Bell Telephone Co. long dist. calls		3.51
21	" Canadian National Telegraph		5.08
Nov. 18	" " " "		1.32
23	" Railway fare to Kapaskasing for Mr. Gilbert, hotel expenses, etc.		89.45
	" Mailing evidence to Mr. McMaster		.41
Dec. 30	" Canadian National Telegraph		11.57
1949			
Jan. 6	" Return ticket to Ottawa		17.60
	" lower berth		2.35
28	" Long Distance calls		4.43
Feb. 15	" Expenses to Ottawa to interview Minister of Justice - tips, meals, etc.		10.00
	" Expenses at Vancouver, hotel meals, etc.		51.25
	" T.C.A. to Vancouver		301.70
May 13	" Long distance call to Vancouver		15.50
June 13	" Bell Telephone Co.		9.50
Dec. 1	" Canadian National Telegraph		1.45
<del>1950-</del>			
12	" Bell Telephone Co.		16.50
1950			
Mar. 14	" 2 Tickets to Ottawa		35.50
	" 2 berths		5.00
Apr. 1	" Return chair to Ottawa		2.50
	" Meals, tips, etc.		5.00



AIR MAIL

June 17th, 1950.

Messrs. Campbell, Brazier, Fisher, McMaster & Johnson,  
Barristers, etc.,  
Royal Bank Building,  
675 West Hastings Street,  
Vancouver, B. C. Attention Mr. R. J. McMaster

Dear Sirs:

Re Japanese Property Claims Commission.

I was in Ottawa the day before yesterday and interviewed Mr. Olmsted of the Justice Department, Mr. Ken Wright, Counsel in the Custodian's Office and the Minister of Justice.

It appears that the method of distribution contemplated is that Mr. Shears' office will send out cheques with releases on instructions and advice from Mr. Wright.

They suggest that the cheques with the releases be sent to claimants' counsel who will secure the signatures to the releases before handing out the cheques. In cases of doubt as to identity or the proper person to receive the cheque this can be taken up with the Custodian's Office.

It is my theory that the various solicitors could explain the amount to be charged to each for the balance of costs and have the cheques endorsed and new cheques issued for the amount due to each claimant less his share of the costs as shown on the statement which we will have prepared.

I think that both Mr. Wright and Mr. Shears will cooperate with us in every way possible.

I note from your letter to Miss Boos of June 14th that you have the report and Schedule 1 and also details of the supplementary reports.

As you know the Government has committed itself only so far as to the payment of the amounts in the report proper. I took up with Mr. Garson the additional



Messrs. Campbell, Brazier, etc.

June 17th, 1950.

question of the other reports and the report in which I understand the commissioner suggests that favourable consideration be given to the payment of our disbursements in the amount shown in your affidavit.

These matters have been referred to the Treasury Board which is a committee of cabinet and I understand from Mr. Garson that he thought they would be favourably considered. I urged upon him the necessity of having these matters settled before a distribution could be planned or take place and the need for promptness in payment.

It may be that before the payment of the disbursements is approved it will be necessary for us to produce vouchers and satisfy the Government's accountants that the disbursements have been in fact made.

I also took up with him the question of the payment of interest and while he promised to take this up with the Treasury Board and the Cabinet he was less sanguine as to their paying it. They are rushing prorogation of Parliament and I think Mr. Garson is foxy enough that he will announce his position on these matters only after Parliament has prorogued. This makes it difficult for us to organize any protests or discussion of the matter in Parliament.

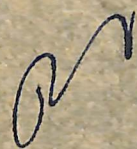
Will you let me have your suggestions and comments on the above?

I note the statement in the last paragraph on the third page of your letter of June 14th to Miss Boos. It is my understanding that the recommendation that the disbursements be paid has definitely been made by the commissioner and is amongst the items being considered within the 150,000 dollar figure.

I expect to be in Vancouver for the National Convention in the last week of July. Is there any likelihood of your being in Vancouver? If so, we may be able to discuss the problems of distribution personally.

With best wishes, I am

Yours sincerely,



FAB/BB



June 19th, 1950.

The Honourable Mr. Stuart S. Garson, K. C., M. P.,  
Minister of Justice,  
House of Commons,  
Ottawa, Ontario.

Dear Mr. Garson:

Re Japanese Property Claims Commission

I am writing to confirm my conversation with you of a few days ago in which I made certain representations on behalf of my clients, the claimants in this matter.

I urged that it would be consistent with well established principles of law, equity and the circumstances of this case that interest be paid from the date of sale to the claimants on the amounts found due to them, up until the date of payment.

It is true that this matter was not dealt with by the commissioner, nor did we ask him to deal with it. In our view, it involved no findings of fact and is purely a matter of policy for the Government and is a matter which if we had asked Mr. Justice Bird to consider he would probably have said was not his concern.

It is a rule that in all expropriation cases whether for the purpose of private gain or of good to the public at large the owner is entitled to interest upon the principal sum awarded from the date when possession was taken unless the statute shows a contrary intention. This principle is stated in the case which I gave you of *Inglewood vs New Brunswick Electric Power Commission*, 1928, AC 492, and is also referred to in *Halsbury*, Volume 23, Page 176, as being the general law. You may also find by reference to international law that a similar rule is applied, namely, that interest is paid from the time of actual loss to the time of payment.

The justice of this is obvious as the claimants have lost the use of the money involved through no fault of their own during these years.



Mr. Garson

June 17th, 1950.

I should also point out that in the ordinary case of expropriation 10% is added for forceful taking where it is difficult to prove value. There could be few cases in which it was more difficult to prove value than in this case where the presentation of evidence took place four or five years after the sale and where the claimants themselves were far away from the properties in question. Notwithstanding this, we have not seen fit to ask the Government to add any such amount for forceful taking.

We do feel that the payment of interest in accordance with the ordinary principles of law is more than justified by the circumstances. The fact is that the interval between the date at which the claimants property was sold which was the date at which the Commissioner was directed to determine a fair market value and the date of payment will be in some cases as much as seven years. During this time values of property have very substantially increased but the value of money has very much decreased. The claimants cannot be said to have received a full and just compensation unless interest is added.

We suggest that as a practical matter the date of sale can be fixed to the nearest half year and the date of payment could be assumed to be the first of June, 1950, although it is obvious that it will take some time before disbursement is actually made. We suggest that although the legal rate of interest is 5% it would be reasonable under modern circumstances to fix the rate of interest in these cases at 3% and not to compound it.

We emphasize that in our view this allowance of interest is not by way of a penalty for any supposed mal-administration but is an element in giving full and fair compensation to anyone whose property has been taken from him for public purposes.

We do urge the importance of the Government's favourable consideration of this request. We would then be able to tell our clients that, subject to the terms of reference, the Government has fully and fairly implemented its undertakings in this matter.

Yours sincerely,

FAB/BB



June 17th, 1950.

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

Dear Sir:

Re Japanese Property Claims Commission.

I am answering by return air mail as well as I can the questions in your letter of the 15th of June.

I saw the Minister of Justice yesterday and discussed the matters mentioned in your letter.

(1) In regard to interest, he would not commit himself but said the matter was to be referred to the Treasury Board.

(2) The same answer is appropriate to the payment of disbursements but in this instance he hinted very strongly his expectation that the suggestion made by the commissioner that these disbursements would be favourably considered.

In regard to the machinery of payment, it is apparently the plan that the Custodian's Office in Vancouver will be kept open for the purpose of making these payments. They will act on the advice of Mr. Ken Wright, counsel for the Secretary of State's Department in Ottawa.

The payments will be made by cheque and the present intention is to send them out with releases to the solicitors for the claimants who will take the responsibility for having the releases signed before delivery of the cheques.

We believe this arrangement will be satisfactory.



Mr. A. Gladstone Virtue, K. C. June 17th, 1950.

In regard to a date for payment, I cannot give you anything definite. The supplementary estimate for the actual amounts contained in the report of the commissioner is likely to be passed in a few days. However, the other matters may not be ready so quickly. The Government seems to be impressed with the necessity of acting with speed.

Yours sincerely,

FAB/BB

*h*



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

A. T. R. CAMPBELL      C. W. BRAZIER  
A. W. FISHER          R. J. McMASTER  
A. J. F. JOHNSON

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

H. C. MURRAY      G. B. GARDOM

OUR FILE NO.

RECEIVED

JUN 19 1950

CAMERON, WELDON, BREWIN &  
McCALLUM.

June 17, 1950.

Andrew Brewin, K. C.,  
Barrister etc.,  
Sterling Tower Building,  
Toronto, Ont.

Dear Andy:-

Re: Japanese Claims Commission.

We have for acknowledgment receipt of your letter of the 14th inst. We shall be pleased to have a report from you with respect to your visit to Ottawa. Judging from the newspaper report the Government has so far done nothing as to the question of interest, as the amount reported is the same as the recommendation of the Commissioner.

Concerning the questions raised with respect to our account we have to report:

As to item 1 - Wherever in our account a charge is made for Mr. McMaster's services on a per diem basis and an additional charge is made on an hourly basis, this means Mr. McMaster has worked overtime for the number of hours charged. For the best part of two years, except when out of town he was rarely away from the office more than one night per week. We might say that this situation arose not so much out of Mr. McMaster's zeal as by reason of the pressure of work required to keep the Inquiry moving ahead, and the inability of the Claimants to provide immediate finances for additional assistance.

As to item 2 - Prior to June 30, 1948 Mr. Cobus appeared before the Sub-Commissioners on hearings of claimants' evidence unassisted and we billed for these services specifically. From July 1 on he spent a portion of his time on the statistical survey and the balance either appearing with Mr. McMaster or alone on General Evidence. We charged \$2500.00 against disbursements for his services on the statistical work with the expectation that the Crown would pay this cost and the remaining \$2500.00 to fees as a flat fee. Since receipt of your letter we have checked through our charge sheets and find that after June 30 1948 he appeared before the Commissioner either alone or with Mr. McMaster at least 50 days. At \$50.00 per day the fee would be \$2500.00. While as stated above the fee was arrived at on




on a different basis it is fully justified on a per diem charge basis.

We trust that this information will provide a satisfactory explanation. However, if you require any further explanations we shall be pleased to give you every assistance.

Yours truly,

CAMPBELL BRAZIER FISHER McMASTER & JOHNSON

Per

A handwritten signature in blue ink, appearing to read "R. J. McMaster", written over the word "Per".

RJM/M.



Campbell, Brazier, Fisher, McMaster & Johnson

Barristers and Solicitors

A. T. R. CAMPBELL      C. W. BRAZIER  
A. W. FISHER      R. J. MCMASTER  
A. J. F. JOHNSON

H. C. MURRAY

G. B. GARDOM

RECEIVED  
JUN 21 1950  
CAMERON, WELDON, BREWIN &  
MCCALLUM  
THE ROYAL BANK BUILDING  
675 WEST HASTINGS STREET  
VANCOUVER, B.C.

TELEPHONE PACIFIC 9164  
CABLE ADDRESS: "CAMBRA"

OUR FILE NO.

June 20th, 1950.

Andrew Brewin, Esq., K.C.,  
Barrister,  
Sterling Tower,  
Toronto, Ontario.

Dear Andy:

I was going over the schedule of awards handed down by the Commissioner today with a view to advising Mr. Virtue as to the awards in his cases when I realized that it is likely a mistake was made in forwarding to you the green forms inasmuch as I believe my staff neglected to remove the green forms on cases in which I acted personally and was not instructed through the Committee. While the number are few the amount of recovery is rather large. Specifically they were cases Nos. 50, 51, 72, 74, 75, 872, 1120, 1386 and 1387. I would ask you to be good enough to extract these forms from the green forms which I forwarded and return them to me. It is possible that there may have been included with them No. 324 which was a case on which we acted for Virtue although I think this was taken out and forwarded to Virtue.

I am sending to Miss Boos a list of all cases on which there were recommendations made and with respect to which I do not believe the Committee was employed. Deducting the awards with regard to these cases (including Virtue's cases) the net recovery of claimants acting through our Committee would, according to my figures, be \$944,477.93. I think we should make sure that we are in agreement on this figure before estimating the cost to be charged to each individual claimant as presumably that will be expressed in terms on percentage of recovery. I might say that with regard to those cases on which I acted personally, the recoveries may appear to be somewhat larger than the average recoveries. However, the first four cases were very large greenhouse cases. The next case was a large chicken house proposition and the last two cases were



Mr. Brewin:

June 20th, 1950.

-2-

the corporation claim and personal claim of a milling company. Sorry to give you this trouble.

Yours truly,

CAMPBELL BRAZIER FISHER McMASTER & JOHNSON,

Per:

Bob

McM: McC



Campbell, Brazier, Fisher, McMaster & Johnson

Barristers and Solicitors

A. T. R. CAMPBELL      C. W. BRAZIER  
A. W. FISHER          R. J. MCMASTER  
A. J. F. JOHNSON

H. C. MURRAY

G. B. GARDOM

RECEIVED  
JUN 21 1950  
CAMERON WELDON, BREWIN &  
McCALLUM  
THE ROYAL BANK BUILDING  
675 WEST HASTINGS STREET  
VANCOUVER, B.C.

TELEPHONE PACIFIC 9164  
CABLE ADDRESS: "CAMBRA"

OUR FILE NO.

AIRMAIL

June 19th, 1950.

Mr. Andrew Brewin, K.C.,  
Barrister, etc.,  
Sterling Tower,  
Toronto, Ontario.

Dear Andy;

Re: Japanese Property Claims Commission.

We have for acknowledgment receipt of your letter of the 17th inst.

We had hoped that some method of distribution could be arranged whereby it would not be necessary for the various counsel to be involved in the distribution of the claimants' net amount. However, in view of the discussions which we had with Mr. Carson in March when you and I attended him, I realize that this is probably impossible. If the procedure indicated in your letter is to be followed, I would strongly urge that the cheques should be made payable both to the claimant and to claimant's counsel, or alternatively, to the claimant and to the Co-operative Committee. The problem will not be so difficult in most of the other Provinces where it would be possible for the claimants to attend at Counsel's offices. However, in British Columbia, this whole matter of the distribution of cheques will have to be undertaken by mail and we would not want to send out a cheque with a release or even without a release and then have to be responsible for collecting the committee's fees from the claimant therefor. Furthermore, this procedure would enable us to safely send out the cheque with the release as the claimant could not cash the cheque without the endorsement of the counsel or Co-operative Committee, as the case may be: There are some claimants who would not sign and return a release without first seeing the cheque.

The reason why I have suggested that the Co-operative Committee might be named on the cheque is that it



Mr. Brewin:

June 19th, 1950.

-2-

might be difficult for the Government to know which counsel to name together with the claimant on the cheque. This might be ascertained by reference to the transcript of evidence. However, in a number of cases claimants may have moved to another Province.

It appears likely to us that there will be a fair amount of work involved in the distribution from the standpoint of counsel and we also expect that where difficulties arise with regard to payment in other Provinces that we may be required to discuss various matters with the Custodian's Office here. Accordingly, it seems proper to me that in working out the costs to be charged to the claimants, some allowance should be made for the various counsel for attendances relating to distribution. It would appear advisable to me that advertisements be inserted in the New Canadian to have claimants advise the Committee forthwith as to changes of address from the address they had at the time of filing their claim so that the records may be brought up to date. I think also the Committee should be advised as to any claimants who have died and as to the situation with regard to their estates, that is, whether they have wills, or not.

I am rather concerned with a number of small recoveries where claims were made on behalf of deceased persons and expense of obtaining administration hardly appears justified having regard to the size of the claims. It may be well if you are having further negotiations with Ottawa to try to come to some agreement on this point. I have often wondered what procedure they intend to follow with regard to corporations which have been liquidated. In such cases to whom is the money to be paid? This may prove to be a knotty problem, particularly with regard to associations with large memberships.

We are sending you under separate cover today a copy of the Commissioner's Report herein together with the extracts from the supplemental report referred to in our recent letter to Miss Boos. Considering the amount which is recommended and the fact that the V.L.A. deal was so far out of line with market value, one would wonder how the Commissioner could so neatly whitewash the administration. We are also sending a copy of the report to George Tanaka.



Mr. Brewin:

June 19th, 1950.

-3-

I gathered from the newspaper report that the Minister intends to request Parliament to make the necessary appropriations in order to implement the report. On the debate on such appropriation would it not be the proper place to have the question asked as to whether the Government intends to follow the usual procedure in expropriation cases and to pay interest in this case, and if so, what provision is being made therefor. It seems to me that it would be highly advisable to have this question asked from the Government's own benches and perhaps you could arrange for this to be done through your partner. I strongly suspect that Mr. Garson's plan is as you outline, to bring this on just before prorogation of parliament so as to avoid discussion of the matter. Would it force Garson's hand in the matter to some extent if the Committee or the J.C.C.A. asked for an appointment with the Cabinet to make representations before Parliament rises indicating to Garson appropos of our conversation with him in March that if the Government did not see fit to grant interest all kinds of issues might be raised and dissatisfaction thereby stirred up. I would hesitate going too far with this approach if the Government called our bluff on it.

I note that there is some possibility of your being in Vancouver the last week of July to attend the National Convention. There is a possibility that I may have to attend a meeting of one of my co-operative clients in Kamloops during that week but to date this has not been confirmed and in any event it would only be a matter of a day or two. Accordingly, there appears to be every likelihood if you come west at that time we will have an opportunity to meet together and discuss the matter of distribution further. I shall certainly look forward to your coming and hope you are able to make arrangements.

Yours very truly,

CAMPBELL BRAZIER FISHER McMASTER & JOHNSON,

Per:



McM:McC



June 22, 1950

AIRMAIL

Messrs. Campbell Brazier, Fisher,  
McMaster & Johnson,  
Barristers and Solicitors,  
675 Hastings St. West,  
VANCOUVER, B.C.

Attention: Mr. A.R.J. McMaster

Dear Bob:      Re: Japanese Property Claims Commission.

I have your letters of the 19th and 20th. To deal first with your letter of 19th, your suggestion as to having the cheques made payable both to claimant and to claimant's counsel or the Cooperative Committee, seems reasonable. I think this matter, at the proper time, should be discussed with Mr. Wright and Mr. Shears who will, I understand, have responsibility for distribution.

I quite agree with you that some allowance will have to be made by claimants for work done in connection with distribution.

We were discussing today with the Committee, the question as to advertising in the New Canadian.

The question as to distribution where claimants have died or in cases of Corporations, will have to be taken up with Mr. Wright and Mr. Shears. I have only discussed it in very general terms so far.

I feel myself on the horns of a dilemma in regard to questions being put in parliament. As I told you, I saw Mr. Garson and he stated that he would present to the Cabinet our claims for interest and do so in a favourable light; I am somewhat leary about taking the proposed course of discussing the matter with opposition members. I do not think Mr. Cameron could ask the questions as (a) he is somewhat interested as partner in this firm; (b) he has had a confidential discussion with Mr. Garson about the matter.

I have done my best to make it clear to Garson that if interest is not granted there will be considerable discussion about it. I will discuss this matter with the Committee this evening.

I am enclosing, in accordance with your request,



the new forms relating to the following cases:

Nos. 50, 51, 72, 74, 75, 872, 1120, 1386 - 1387.

Yours very truly,

FAB/ml



*MacLennan & Robinson*  
BARRISTERS AT LAW, SOLICITORS  
NOTARIES PUBLIC

J. ARTHUR MACLENNAN, LL.B.  
BERYL M. ROBINSON, LL.B.

430-433 ROGERS BUILDING  
470 GRANVILLE STREET

*Vancouver, B.C.*

June 20th, 1950

TELEPHONE: TATLOW 4354

RECEIVED  
JUN 22 1950  
CAMERON, WELDON, BREWIN &  
McCALLUM.

Andrew F. Brewin, Esq.,  
Barrister, etc.,  
c/o Messrs. Cameron, Weldon, Brewin & McCallum,  
Sterling Tower,  
Toronto 1, Ont.

Dear Andy:

Re: Japanese Claims Commission

I acknowledge with thanks your letter of the 14th instant and have now gone through my dockets in this connection. The following is the information for which you have asked, and if you desire it in complete form you can let me know but you can appreciate that a bill item by item would be a tremendous chore.

June 16, 1948 to October 22 1948 - Preparation for trial and during progress of trial, apart from engagement as counsel on actual hearings, including interviews and miscellaneous attendances upon witnesses and prospective witnesses

263 hours.

Note: From October 1st, 1948 until October 22nd, the writer spent his time exclusively on this including a trip to Vancouver Island with the claimant and during the whole twenty-two days, engaged all day and almost every evening until 10 or 11 o'clock.

Counsel fees on trial, October 12th, 13th, 14th, 15th 18th, 19th, 20th, 21st and 22nd

Full days - 7  
Half days - 2

Preparation of argument after trial, argument being first set for November, 1948, and later for April, 1949, November 11th, 1948 to November 14th, 1948  
April 11th, 1949 to April 26th, 1949

14 hours.  
6 hours.



*MacLennan & Robinson*

- 2 -

Preparation of argument when new date set for late November, 1949, and during progress of argument apart from engagement as counsel on actual argument, October 23rd, 1949 to December 5th, 1949

60½ hours

Counsel fee on argument, November, 9th, 1949, December 1st, 2nd and 5th, 1949,

Half days - 3  
Full days - 1

Note: The hearings of both trial and argument commenced at 10 o'clock in the forenoon and finished at 4:30 in the afternoon on the full days.

Since my bill was sent to you under date of December 17th, 1949, I have had a few attendances upon the claimant and upon the Custodian's office and have now received further instructions from Mr. Uchiyama to straighten out with the Liquidator a few matters which are not yet satisfactorily adjusted. I anticipate that it may take five or six hours more of my time in that connection in addition to about three hours which I have already spent since December 17th last.

You have probably been acquainted now with the amount of the award made in this case, namely in the sum of \$69,950.00. I am enclosing under separate cover two copies of the award for your information. I have run off these extra copies for you and the claimants.

I did not keep a very accurate record of the time taken in my office for stenographic services but there was a great deal of typing to do, preparation of reports and so on, as well as memoranda of evidence for witnesses, and I think that the stenographers in my office spent ten or fifteen days on that sort of thing altogether.

I am glad, Andy, to see that you have already pointed out that this claim is in a different category to the other claims handled by the co-operative committee and you will know something of the tremendous effort involved particularly in view of your connection with the Deep Bay Logging Company case.

There was no special arrangement made with the claimants in this connection but they, as far as I am aware, entered into the arrangement on the same basis as any other claimant. I remember when I was with Norris & MacLennan,



*MacLennan & Robinson*


- 2 -

figuring out the cheque which was payable by the Royston Lumber Company at that time on the basis of the amount claimed, and this was something in excess of \$5,000.00 which was sent along to the Committee.

If there is anything more you want, please let me know and in the meantime, please accept my best personal regards.

We are enclosing an extra copy of this letter for your convenience.

Yours sincerely,



J. A. MacLENNAN

JAM/CM

GILBERT BOND

25% COTTON FIBRE



MINUTES OF THE MEETING OF THE CO-OPERATIVE COMMITTEE ON JAPANESE-CANADIANS HELD  
THURSDAY, JUNE 22nd, 1950.

Time - 5.30 p.m.

Place - Carlton Street Church, Toronto.

ATTENDANCE:

Those Present - Rev. J. M. Finlay, Miss M. Boos, Messrs. A. Brewin, H. Fowler,  
F. Haslam, Kondo, T. Nichols, R. Obata, Takashima, G. Tanaka,  
T. Umezuki.

Regrets Received - Miss Grace Tucker.

MOTION: Fowler/Tanaka - "That the minutes of the meetings of March 13th, April 18th  
and 21st, and Finance Committee meetings of February 24th and April 21st be  
adopted as written". Carried.

Press Releases - Miss Boos reported that Committee was contacted as soon as the  
Commissioner's report was released and the prepared statement  
was sent to Canadian Press, Toronto Dailies and the New Canadian, immediately.

MOTION: Nichols/Haslam - "That the Committee confirm the Press Release as sent out  
by the sub-committee". Carried.

Correspondence - The Secretary indicated that there had been quite a lot of corres-  
pondence since the last meeting, much of it being with Mr. McMaster  
and Senator Roebuck. Copy of the letter sent to the Human Rights Committee was read.

MOTION: Nichols/Obata - "That the letter sent to the Committee on Human Rights be  
prepared for circulation and circulated to members of this Committee".  
Carried.

Miss Boos also reported that letters had been exchanged regarding new addresses to  
bring claimants' list up to date. She also stated that the lists had been published  
in the "New Canadian".

Finance - The Treasurer reported for the Finance Committee and stated that the  
financial position is substantially unchanged. Approximately \$200 was  
received from the appeal letters sent out which is claims unpaid previously. It  
was stated that no word had been received from Mr. Virtue.

Report from Mr. Brewin - Mr. Brewin reported that he had discussed with the  
Minister of Justice and various deputy ministers and  
officials the measures for payment out of the awards to the claimants. It was  
apparently the intention of the Government to provide for a repayment in a  
supplementary estimate to be passed at the present session of Parliament and then  
to have payments made out through the Custodian's Office in Vancouver. They would  
act on the advice of Mr. Ken Wright, legal counsel to the Custodian in Ottawa.

It is suggested that claimants will be required to sign releases and the suggestion  
has been made that the Co-operative Committee should in all cases where it  
represented claimants arrange to have these releases signed. This would enable  
the Co-operative Committee to explain the findings and at the same time to collect



the balance due to the Co-operative Committee for legal and other services.

Mr. Brewin also discussed with Mr. Garson the problem of interest payments, at which time he promised to present it favourably to the Cabinet.

A discussion followed regarding Mr. Brewin's report. Two questions arose from this discussion: (1) Should any further representations be made to Ottawa at the present time regarding interest payments?

(2) Are we agreeable to accept the responsibility, if it works out this way, to assist in the distribution of cheques to claimants?

MOTION: Nichols/Obata - "That we instruct counsel to proceed with plan as discussed at this meeting to arrange for payment of the amount granted, through the use of the Co-operative Committee". Carried.

It was suggested during a further discussion that we write a letter saying that we had received the report of Mr. Brewin from Ottawa and would like to confirm, and that it is an unanimous agreement of the Committee that we would like to have the assurance when the matter of interest payments is presented to the Treasury Committee that it is presented in a favourable light. It was also suggested that the Japanese Canadian Citizens Association write a similar letter to Ottawa.

MOTION: Fowler/Obata - "That both organizations write letters to Mr. Garson as suggested". Carried.

Because of lack of time for discussion of this motion, it was decided to have a further meeting next Wednesday, June 28th, at 5.15 p.m. to finish business.

Adjournment at 7.15 p.m.



the fee arrived

at a different basis. June 22, 1950. on a per diem basis."

Messrs. Mason, Foulds, Arnup, Walter & Weir,  
Barristers & Solicitors, you will find the above to be a  
372 Bay St., satisfactory explanation.  
TORONTO.

Attention: Mr. J. B. Arnup, K.C.

Dear Mr. Arnup:

Re: Japanese Claims Commission.

With reference to your letter regarding the bills of costs of solicitors in this matter, I am now enclosing herewith a further letter of explanation from Messrs. MacLennan & Robinson.

As I stated before, Mr. MacLennan was almost exclusively engaged in the Royston Lumber Company case; the award made in this case was \$ 69,950.00.

With this added information you may be able to issue your recommendation on this bill.

In regard to Mr. McMaster's bill, I passed on to them the comments made by you and received the following reply: "Wherever in our account a charge is made for McMaster's services on a per diem basis and an additional charge is made on an hourly basis, this means Mr. McMaster has worked overtime for the number of hours charged. For the best part of two years, except when out of town he was rarely away from the office more than one night per week. We might say that this situation arose not so much out of Mr. McMaster's zeal as by reason of the pressure of work required to keep the Inquiry moving ahead, and the inability of the Claimants to provide immediate finances for additional assistance."

"Prior to June 30, 1948, Mr. Cobus appeared before the Sub-Commissioners on hearings of claimants' evidence unassisted and we billed for these services specifically. From July 1, on, he spent a portion of his time on the statistical survey and the balance either appearing with Mr. McMaster or alone on General Evidence. We charged \$ 2500.00 against disbursements for his services on the statistical work with the expectation that the Crown would pay this cost and the remaining \$ 2500.00 to fees as a flat fee. Since receipt of your letter we have checked through our charge sheets and find that after June 30, 1948, he appeared before the Commissioner either alone or with Mr. McMaster at least 50 days. At \$ 50.00 per day the fee would be \$ 2500.00. While, as stated above, the fee arrived



- 2 -

the fee arrived  
at on a different basis , is fully justified on a per  
diem charge basis."

Trusting you will find the above to be a  
full and satisfactory explanation,

yours very truly,

FAB/ml  
Enc.





MINISTER OF JUSTICE AND  
ATTORNEY GENERAL OF CANADA

O t t a w a,  
June 21st, 1950.

Dear Mr. Brewin, -

Re: Japanese Property Claims Commission.

I have your letter of June 19th, 1950.

Now that Commissioner's Bird's Report has been received and accepted by the Government, which has authorized payment in connection therewith, the task of disbursing the amount of the claims recommended for payment by the Commissioner has been assumed by my colleague the Secretary of State. From this point on he will look after all such further matters as that outlined in your letter to me of June 19th, and I am accordingly taking the liberty of forwarding your letter to him for his consideration.

Yours truly,

F. A. Brewin, Esq., K.C.,  
Sterling Tower,  
TORONTO 1, Ontario.



VIRTUE, RUSSELL & MORGAN

BARRISTERS, SOLICITORS  
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE

LETHBRIDGE, ALBERTA

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

21st June, 1950

PLEASE REFER TO FILE NO. 3201



F. A. BREWIN, ESQ., K.C.,  
c/o Messrs. Cameron, Weldon, Brewin and McCallum,  
Barristers and Solicitors,  
Sterling Tower,  
TORONTO 1, ONTARIO.

Dear Mr. Brewin: RE: JAPANESE PROPERTY CLAIMS  
COMMISSION

Thank you for your letter of June 17th.

We shall be glad if you will report to us promptly as further information reaches you from the Government, particularly respecting the following,-

1. Payment of Interest;
2. Payment of Disbursements;
3. Machinery for payment of claims.

We have informed our Committee that as soon as information on the above subjects reaches us it will be in order for them to call general meetings of the claimants and acquaint them with the terms of settlement. There is nothing much to be gained calling these meetings until full details are available.

We hope that the method of payment indicated by you will be carried out and that the Custodian's office will send the cheques payable to the claimants to the solicitors concerned. As you know, not only the solicitors but the local committees have incurred heavy expenses which must be paid pro rata by the claimants. It is therefore essential that the cheques come through as above mentioned.

We have in our possession Assignments of the amounts payable to the various claimants, but we do not



F. A. BREWIN, ESQ., K.C.,  
Toronto, Ontario

RECEIVED

JUN 22 1950

CAUTION, WEEDON, BREWIN,  
McCALUM.

21st June, 1950

- 2 -

RE: JAPANESE PROPERTY CLAIMS COMMISSION

intend to forward or use these Assignments if the above method of payment is carried out.

We are hopeful that the Government will make a complete announcement before June 30th, and of course, that the necessary supplementary estimates will be passed before that time also.

Yours truly,

VIRTUE, RUSSELL & MORGAN,

Per

V/L



ASSOCIATED OFFICES:

CALGARY, ALBERTA  
GRAIN EXCHANGE BUILDING

VANCOUVER, BRITISH COLUMBIA  
VANCOUVER BLOCK

M. C. SHUMIATCHER, K.C., LL.M., DR. JUR.

DERRIL G. MCLEOD, B.A., LL.B.

SHUMIATCHER AND MCLEOD  
BARRISTERS AND SOLICITORS

RECEIVED

JUN 30 1950

CAMERON, WELDON BREWIN & MCCALLUM

CABLES: "SHUMAC"

TELEPHONES: 7188  
4988

WESTMAN CHAMBERS  
REGINA, CANADA

June twenty-second,  
1950.

Mr. F. A. Brewin, K.C.,  
Messrs. Cameron, Weldon, Brewin & McCallum,  
Barristers & Solicitors,  
372 Bay Street,  
Toronto, Ontario.

Dear Andy:


Re: Japanese Claims

I note that the Bird Royal Commission has now presented its report to the House of Commons in the matter of the Japanese claims. By this time, you doubtless have been able to secure a copy and peruse the report as well. Would you let me know as to the progress which has been made in implementing the report, and the action which it has been decided to take by the Co-operative Committee.

I hope that all goes well with you in Toronto. I have neither seen nor heard from you for a considerable length of time, and I may say that I do look forward to seeing you either here or in the east in the not distant future.

With best of personal wishes, I remain,

Yours sincerely,

  
M. C. Shumiatcher.

mcs;erl



June 30, 1950.

Mr. M. C. Shumiatcher, K.C.,  
Barrister & Solicitor,  
Westman Chambers,  
REGINA, Sask.

Dear Maurice:      Re: Japanese Claims.

I have been intending to report to all the Counsel involved in the Japanese case but as things have been in somewhat of a fluid state, have delayed doing so.

The Government have provided funds to the Custodian's office to pay the claims amounting to roughly one and a quarter million dollars recommended by the Commission within the terms of reference. I understand that they have also undertaken to pay roughly \$ 100,000.00 on matters outside the terms of reference which the Commission recommended for their favourable consideration. In addition they have said they would pay the expenses of the valuations and all other disbursements of the claimants with the exception of legal fees which the claimants will have to look after themselves.

We have made strong representations to the Prime Minister that interest should be paid on the amounts found to be due from the date of sale to the date of payment. Although I think this latter claim is entirely justified by the circumstances, I am not optimistic that the Government will allow it.

The machinery in regard to payment out is being arranged between Bob McMaster and Mr. Shears in Vancouver.

I expect to be in Vancouver at the time of the National Convention and do hope you will be there too and we will be able to discuss this matter.

Yours sincerely,

FAB/ml



June 23, 1950.

A. Gladstone Virtue, Esq., M.C., K.C.,  
Messrs. Virtue, Russell & Morgan,  
Barristers, Solicitors, &c.,  
LETHBRIDGE, Alberta.

Re: JAPANESE PROPERTY CLAIMS COMMISSION.

Dear Mr. Virtue:

I have your letter of June 21st. I wrote to the Minister of Justice setting forth reasons which appealed to me as justifying, indeed requiring, payment of interest on claims.

I now have a letter from Mr. Carson stating that he has turned over my letter to the Secretary of State, he says, " From this point on he will look after all such further matters as that outlined in your letter to me".

It seems to me that it would be very helpful if you would now write to the Secretary of State and forward your submissions in respect to this matter.

I think I will have my partner, Mr. Cameron, discuss the matter fully with the Secretary of State next week.

Yours very truly,

FAB/ml



June 26, 1950.

Messrs. Campbell, Brazier, Fisher, McMaster & Johnson,  
Barristers & Solicitors,  
675 Hastings St. West,  
VANCOUVER, B.C.

Attention: Mr. R.J. McMaster,

Dear Bob:            Re: Japanese Property Claims Commission.

I am informed that a sufficient sum of money has been appropriated to pay all of the claims recommended by the Commission including claims outside the terms of reference, including our claim for disbursements.

The distribution has been handed over entirely to Mr. Shears who will act on the advice of Mr. Wright in Ottawa.

With regard to our disbursements, it will be necessary to satisfy Mr. Shears that the disbursements have been made. If he recommends payment, the payment can be made at once. If you require information from us to substantiate any part of these disbursements, please advise.

Mr. Wright is recommending to Mr. Shears, as originally proposed, that cheques be made payable to claimants and that cheques with the releases be sent to the Solicitors who take responsibility for having the releases signed and securing their own share.

I suggest your plan to have cheques made to both claimants and the Cooperative Committee, as in some cases it would be necessary to mail out the releases. Mr. Wright was not happy about this and was anxious that the cheques be made to the claimants. However, he promised full cooperation in seeing that no cheques would be paid out to claimants without our approval.

We will proceed as quickly as possible to prepare statements, showing the amount that each claimant is to pay for his share of the costs.

As I understand it the \$ 57,000.00 will balance all of our disbursements. The total amount of fees for accounts that have been rendered to date is \$ 86,000.00. Do you think that if we made arrangements to deduct \$ 100,000.00 this would cover additional fees in regard to distribution, and also take account of possible shrinkage? If so, we will proceed on that basis.



It would appear that in all details as to payment out, you will have to deal with Shears.

There will, of course, be cases in which Shears has already money for claimants apart from their claims.

With regard to the question of interest, I addressed a letter to Mr. Garson after my interview with him in which he said he would present the matter to the cabinet. I have now had a letter from him in which he says the whole matter, including my letter, has been turned over to the Secretary of State.

Mr. Wright tells me this morning that no instructions have been given one way or the other about interest. I think it is probable that a decision has been made against paying interest, however, our Committee will no doubt make representation to the Prime Minister himself as we feel strongly about this. It seems to me in the interval, we should assume that interest will not be paid.

I will hope to see you at the end of July to check up any points of difficulty directly.

I would be glad if you would discuss the matter with Mr. Shears and advise me as soon as possible of anything which you think requires to be done before I am in Vancouver, as the time is getting short.

Yours very truly,

FAB/ml



June 26, 1950.

A. Gladstone Virtue, Esq., M.C., K.C.,  
Messrs. Virtue, Russell & Morgan,  
Barristers, Solicitors, &c.,  
LETHBRIDGE, Alta.

Re: JAPANESE PROPERTY CLAIMS COMMISSION

Dear Mr. Virtue:

I understand that monies have been made available to Mr. Shears to pay claims. This covers the claims outside the terms of reference subject to our satisfying Mr. Shears, and the Secretary of State's Department, that the amounts are in order, e.g., a recommendation for disbursements has been made but it will be necessary for us to satisfy the Custodian that the disbursements have in fact been made.

It seems that the method of payment out will be to send cheques payable to the claimants, to their solicitors, with releases, requesting the solicitors to secure releases before cheques are handed over.

The details, I think, will all be in the hands of Mr. Shears in Vancouver and therefore Mr. McMaster will be in the best position to discuss details.

No doubt Mr. McMaster already has the list of cases in which you represented claimants and can furnish the Custodian with this list.

In regard to interest, I wrote to Mr. Garson stating our reasons for urging that interest be paid, and received a reply from him that the matter had been turned over in its entirety to the Secretary of State. The Secretary of State's office today had no instructions or word as to interest.

I assume the Cabinet has either decided not to pay interest or that the matter has not been considered.

I think our Committee will decide to write to the Prime Minister to urge these demands. Perhaps you will wish to make your own representations about this.

Yours very truly,

FAB/ml



CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL  
COMMUNICATIONS  
TO THE  
CUSTODIAN'S OFFICE  
PLEASE REFER  
TO

FILE NO.....

RECEIVED  
JUN 27 1950  
CAMERON, WELDON, BREWIN &  
McCALLUM.

Victoria Building,  
7 O'Connor Street,  
Ottawa, Ontario.

June 26th, 1950.

F.A. Brewin, Esq., K.C.,  
Messrs. Cameron, Weldon, Brewin & MacCallum,  
Barristers & Solicitors,  
372 Bay Street,  
Toronto, Ontario.

Dear Mr. Brewin:

RE: Japanese Claims Commission

This will confirm our telephone conversation this morning, when you were informed that a cheque had been sent to Mr. Shears, Director of the Vancouver Office, on Saturday, in order that he might commence settlement of claims determined by Mr. Justice Bird.

I enclose copy of Release which the Custodian will require to be signed by every claimant before cheques issued by the Vancouver Office are handed over to such claimant. You will understand that this will not be suitable in all cases, e.g. a claimant may have died and release will then be executed by the personal representative appointed by the Court. Production of Letters of Administration or Letters Probate will also be necessary.

There are also 16 cases which the Commissioner felt should be dealt with although they do not come within the purview of the Inquiry.

Mr. Shears will have the assistance of Mr. Sheppard and Mr. McMaster in Vancouver, and they will settle appropriate forms to cover exceptional cases.

Yours very truly,

KWW/G  
Enc.

  
K.W. WRIGHT,  
Chief Counsel.



RELEASE

★  
WHEREAS during the war, A-----B-----  
of -----(hereinafter called the Releasor) was evacuated  
from the Protected Area of British Columbia and by Order in Council  
P.C.1665 of March 4, 1942, as amended, it was provided that his pro-  
perty should be vested in and subject to the control of the Custodian  
as defined in the Regulations Respecting Trading with the Enemy;

AND WHEREAS certain property belonging to the Releasor  
was disposed of by the Custodian and a claim was made that in respect  
of such disposal the Releasor suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part I of  
the Inquiries Act has recommended that the Releasor be awarded the sum of  
----- Dollars;

AND WHEREAS the Custodian has been duly authorized to  
carry out the recommendation of the Commissioner and to pay the afore-  
mentioned sum to the Releasor;

AND WHEREAS the Custodian has paid to the Releasor the  
said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of  
the premises and of the sum so paid by the Custodian the Releasor hereby  
releases His Majesty The King in Right of Canada and the Custodian  
from all actions, claims and demands whatsoever in respect of real and  
personal estate of the Releasor and the rents, profits and income  
thereof respectively, or any part or parts thereof ~~or in~~ respect of any  
act, deed, matter or thing whatsoever done or omitted to be done by  
the Custodian in or about the administration, sale or disposal of the  
Releasor's property or in respect of any of the matters above recited.

IN WITNESS WHEREOF the Releasor has affixed his hand and  
seal this -----day of ----- 1950.

SIGNED, SEALED AND DELIVERED )

IN THE PRESENCE OF: )  
)  
)  
)  
)  
)



AFFIDAVIT OF WITNESS

PROVINCE OF -----)

IN THE MATTER of a claim of

TO WIT:

( A-----B-----of-----  
(

I, -----of the-----of-----

-----DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.
3. That I am a subscribing witness to the said release.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of The Canada Evidence Act.

DECLARED BEFORE ME AT -----)

this -----day of----- A.D.1950)

\_\_\_\_\_  
A Commissioner etc.



June 27, 1950.

Messrs. Campbell, Brazier, Fisher, McMaster & Johnson,  
Barristers & Solicitors,  
675 Hastings St. West,  
VANCOUVER, B.C.

Attention: Mr. R. J. McMaster.

Re: Japanese Property Claims Commission.

Dear Bob:

I have been talking to our Auditor with a view to having him prepare statements as to what each individual claimant should pay to us.

So far as you are aware, are we reasonably safe in assuming that the monies to be paid by the Government will cover all of our expenses with the exception of Legal Fees, or should some further reserve be set up for this purpose?

I think I asked you whether you felt that in view of the fact that the total for Legal expenses came to \$ 86,000.00 to date, we would be safe in charging the individual claimants on the basis that the total Legal Fees would be \$ 100,000.00.

Are there any other matters which occur to you that I should have in mind when having the Auditor set up his statement?

It seems to me that it is most important that this be done as quickly as possible.

I have received from Mr. Wright a draft copy of a release and I presume you can get the same from Mr. Shears and discuss it with him. I enclose a copy of my letter to Mr. Wright in connection with this Release form.

Yours very truly,

FAB/ml  
Enc.



June 27, 1950.

Office of the Custodian,  
Victoria Building,  
7 O'Connor St.,  
O T T A W A, Ont.

Attention: Mr. K. W. Wright  
Chief Counsel.

Re: JAPANESE CLAIMS COMMISSION

Dear Mr. Wright:

I acknowledge with thanks receipt of your letter of June 26th enclosing a draft copy of Release.

I note that Mr. Shears, with the assistance of Mr. Sheppard and Mr. McMaster will settle appropriate forms to cover exceptional cases.

It occurs to me that recitals in your draft Release may not be adequate in all cases.

As you know, some claims were based, not on the ground that property was disposed of by the Custodian, but on the ground that property vested in the Custodian was lost, destroyed or stolen. I understand further that there are a number of cases in which the Custodian retains sums due to Claimants on previous accounts not covered by the award. In these cases the form would have to be varied. Subject to these suggestions, the Release would seem to me satisfactory.

Yours very truly,

(F.A. Brewin)

FAB/ml



MASON, FOULDS, ARNUP, WALTER & WEIR  
*Barristers, Solicitors, Notaries, Etc.*

G. W. Mason, K.C., LL.D., A. Foulds, K.C.,  
J. D. Arnup, R. D. Walter, K. A. Foulds,  
J. T. Weir, E. C. Gordon, E. W. Ireland, K.C.,  
J. S. Boeckh, H. S. O. Morris

*Sterling Tower Building*

*372 Bay Street*

*Toronto 1*

*Canada*

*Telephone Elgin 2481*

*Cable Address "Masemidon"*

June 27, 1950.

The Co-operative Committee on Japanese Canadians,  
c/o F. Andrew Brewin, Esq., K.C.,  
372 Bay Street,  
Toronto.

Dear Sirs:

re - Japanese Claims Commission

We have your letter of June 22nd with enclosures and have now considered further the accounts of Messrs. McLennan & Robinson and of Messrs. Campbell, Brazier, Fisher and McMaster in the light of the additional information now furnished.

We are now able to say that having regard to the services performed and the amounts involved and the result achieved, the amounts of these respective accounts are fair and reasonable.

We accordingly return the copy of the finding in connection with Royston Lumber Co. Ltd. and the summary of the claims and recoveries. We also enclose our account which we trust will be satisfactory.

Yours truly,

MASON, FOULDS, ARNUP, WALTER & WEIR,

per: 

JDA/OP.  
Encs.



MASON, FOULDS, ARNUP, WALTER & WEIR  
*Barristers, Solicitors, Notaries, Etc.*

G. W. Mason, K.C., LL.D., A. Foulds, K.C.,  
J. D. Arnup, R. D. Walter, K. A. Foulds,  
J. T. Weir, E. C. Gordon, E. W. Ireland, K.C.,  
J. S. Boeckh, H. S. O. Morris

*Telephone Elgin 2481*

*Cable Address "Masemidon"*

*Sterling Tower Building*

*372 Bay Street*

*Toronto 1*

*Canada*

June 9, 1950.

The Co-operative Committee on Japanese Canadians,  
c/o F. Andrew Brewin, Esq., K.C.,  
372 Bay Street,  
Toronto.

Dear Sirs:

re - Japanese Claims Commission

We have been requested to review the accounts for legal services submitted to you by the various counsel who acted on behalf of various claimants through your auspices, in proceedings before the Japanese Claims Commission established by Order-in-Council of the Dominion Government. Our Mr. Arnup and Mr. Weir have jointly considered all of the accounts with care.

We have also been furnished with summaries of the amounts actually realized on sales by the Custodian, the amounts claimed on behalf of the various claimants, the amounts of the various recoveries as they have been informally intimated to you, and the relationship of such recovery to the claims made. We have in turn considered the aggregate amount of the accounts for legal services in relation to the amounts involved, the responsibilities undertaken and the results achieved.

In reviewing these accounts we have necessarily assumed that the work shown by the accounts as having been performed was in fact performed to the extent indicated therein. We have also been informed that these various counsel received from Mr. F. A. Brewin, K.C., a suggestion that their accounts should be prepared along the following lines:

\$50.00 per day on presentation of individual claims.

\$75.00 per day on preparation of corporate claims.

\$10.00 per hour in preparation in respect to general evidence and preparation for discussion of settlement.

\$100.00 per day in respect to general evidence hearings, presentation of argument, discussion of settlements and attendances on Governments or Ministers.



The Co-operative Committee on Japanese Canadians

\$5.00 per hour in respect to general attendances and preparation of individual cases.

\$50.00 per day on travelling time.

We may say that we regard this scale of fees as being modest in the circumstances and on the low side having regard to the various factors normally taken into consideration in arriving at a fair and reasonable fee for work of this nature.

We now comment individually on the various accounts which we have considered, as follows:

Roger Ouimet, K.C. - Montreal

This account is prepared using a rate per hour for interviews and preparation somewhat in excess of the suggestion made by Mr. Brewin, and followed by most of the other counsel, but having regard to the fact that Mr. Ouimet is an outstanding barrister of great experience and ability and to the fact that in our opinion the fees as charged by him are fair and reasonable throughout, we have no hesitation in saying that we regard the account as proper, and we recommend that his account should be paid as rendered.

R. Alfred Best - Toronto

This account is prepared using the tariff of fees suggested by Mr. Brewin and is in exact accordance with it. We therefore are of the opinion that the account is fair and reasonable and should be paid as rendered.

L. S. Turcotte - Lethbridge

This account also is prepared in accordance with the suggested tariff and in our opinion its amount is fair and reasonable and should be paid.

M. C. Shumiatcher, K.C. - Regina

The amount of this account as rendered, exclusive of disbursements, is \$533.75. By comparison with the account of Messrs. Cherniack & Cherniack of Winnipeg, the account is perhaps \$35.00 or \$40.00 high, but in view of our opinion as to the modesty of the scale of suggested fees, we are quite



The Co-operative Committee on Japanese Canadians

satisfied that this account is fair and reasonable and should be paid as rendered. We point out that the items of April 7th and 8th cover hearings before the Commission but do not indicate what length of time was involved. However, since they were hearings in Moose Jaw and Mr. Shumiatcher is in Regina, the amounts do not seem at all unreasonable.

Cherniack & Cherniack - Winnipeg

This account is drawn in strict accordance with the suggested tariff, it details a large amount of work, some of which was out of Winnipeg, and in our opinion the bill is very reasonable indeed and should be paid. As a matter of fact we do not find in the bill any disbursements for hotel accommodations, travelling expenses or disbursements for telegrams, etc. The account indicates that a member of the firm was in Fort William from the evening of April 17th to the morning of April 29th, 1948, and we think that the attention of this firm should be drawn to the apparent omission of their disbursements.

Ritchie & Huckvale - Lethbridge

This account is drawn in accordance with the suggested tariff. As a matter of fact it does not appear to us that any charge has been made for correspondence. Accordingly the amount of the account is very modest indeed and by comparison is probably lower than it should have been.

Norris & MacLennan - Vancouver

This account is given in detail as to the work done. On some occasions the time taken by the attendance or interview is not stated. However, there is no amount extended opposite each item as the charge for that item but only a block figure of \$1500.00 at the end of the account. It has accordingly been necessary for us to endeavour to test the reasonableness of the fee by putting values on the individual items, which we have done.

On the basis of the suggested tariff of fees, or on the basis of comparison with the other accounts which we have reviewed, it is our opinion that a fair and reasonable fee on this account would be about \$1250.00 excluding disbursements. We are not prepared to say that \$1500.00 is



The Co-operative Committee on Japanese Canadians

unreasonably high in view of our general observations as to the scale of fees suggested and the difficult nature of the work undertaken. We think we can only leave this matter to be dealt with by the Committee in the light of the observations which we have made.

Cameron, Weldon, Brewin & McCallum - Toronto

In considering the amount of this account we have had regard to the fact that Mr. Brewin was charged with the responsibility of general supervision of the conduct of all of the claims, including that of instructing counsel or assisting them when required, and also to the fact that Mr. Brewin participated in the negotiations which led to substantial modifications from time to time by the Government in the governing Orders-in-Council. We regard that work as having been of the highest importance and vital to the success of the claimants as a whole.

After giving consideration to these matters, to the services indicated in the account and to the charges made therefor, it is our opinion that the account is fair and reasonable and should be paid as rendered. The disbursements are not included but we understand they will be submitted to you in due course.

MacLennan & Robinson - Vancouver

This account deals entirely with services rendered in connection with the claim of Royston Lumber Company, which we understand was made in the neighbourhood of \$500,000. The account is in block form and apart from attendances of unusual length, such as several hours or a whole day, it is not possible to tell how much time was spent in interviews and preparation nor in miscellaneous attendances. We have not been furnished with any information as to the result obtained and under these circumstances we find it impossible to express any opinion upon the account in its present form.

If we could be furnished with information as to the approximate total number of hours in preparation and miscellaneous attendances and with some information as to the probable result obtained for the client, we would be in a better position to endeavour to express an opinion as to the fee charged.



1949-50.

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(Unaudited)



The Co-operative Committee on Japanese Canadians

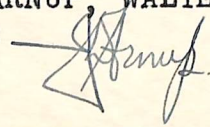
Campbell, Brazier, Fisher & McMaster - Vancouver

This account is by far the largest of those rendered and indeed accounts for \$55,000.00 of the total aggregate of \$86,800.00. The bill is itemized and the items are stated with precision in all cases, and the extensions of the items appear to be in strict accordance with the suggested general tariff of fees. In addition, the total of the items as extended is \$63,915.75 but the account has been rendered on a flat basis of \$55,000.00 so that in addition to the favourable factor of the low scale of fees suggested, the solicitors have already voluntarily reduced their account by nearly \$9,000.00.

We would not care, however, to express a final opinion without further information on two points:

1. There are a number of instances in which, for the same period of days, charges are made for preparation averaging about 5 hours per day at the suggested rate of \$10.00 per hour and for the same period of days, charges are made for attendances in Court or for negotiating settlement at the suggested rate of \$100.00 per day. It is not clear to us whether this represents the work of two persons working concurrently or whether Mr. McMaster, in addition to appearing before the Commissioner or negotiating with the Crown officers for what was regarded by them as a normal day, was engaged 4 or 5 hours a day in preparation for future hearings and negotiations. From what Mr. Brewin has told us of Mr. McMaster's zeal in pursuing his tasks, it may well be that the latter is the correct situation but we would like to know about this.
2. A flat fee of \$2500.00 is charged for the services of Mr. Cobus for assisting and appearing with Mr. McMaster on various hearings. We assume that this is independent of and in addition to the various services which Mr. Cobus appears to have performed by himself on occasion (for example, the items of June 26th to 30th, 1948, inclusive).

If we could have some further information on the points we will express our opinion with regard to the account. In the meantime we are returning all of the accounts.

Yours truly,  
MASON, FOULDS, ARNUP, WALTER & WEIR,  
per: 

JDA/OP.  
Encs.



## RETAINER

I hereby retain the Co-operative Committee on Japanese Canadians which is acting in consultation with the National Japanese Canadian Citizens Association to present my claim to the Custodian and to secure such legal assistance, valuator's reports, and other information as may be necessary and I enclose, herewith, \$..... being 1% of the total claim which I have made as a retaining fee and undertake to pay proportionately out of any monies that I may be awarded by the report of the Commissioner my share of such further legal and valuation and other expenses and disbursements as may be approved by the Co-operative Committee.

N.B.: If your financial circumstances do not enable you to pay this fee, kindly mark an X in the blank space after the following statement:

I wish to retain the Co-operative Committee to act for me, but I am not in a financial position to pay any retaining fee. I am willing that my share of the expenses of presenting my case should be paid out of such monies as I may be awarded by the Commissioner.

.....

..... *Kai Hishigami* .....  
Signature

**IMPORTANT** — make cheques, money orders, payable to **Co-operative Committee Claims Fund**, and send with this retainer form and claim form addressed to the Co-operative Committee to your provincial Japanese Canadian Citizens Association or Co-operating Committee as listed in accompanying letter.



1930  
1500  
Great  
Trends  
Vern  
movement

divorce  
liberalism  
Arise to meet challenge and decay  
Creative minority  
Active minority

Apathy Post-war 1945 Solid core

Membership  
Rise worthwhile  
Sudden  
Growth  
of future

Practical Terms: First Term Program

Intelligent  
Suckatitewon (pt.) Labor

millard  
Ontario Day Centre



CHANGES OF ADDRESS.

THE NEW CANADIAN  
479 Queen St. West  
Toronto 2-B, Ont.

Phone PL. 5005

June 26, 1950.

AMATATSU, Mr. Tsunemori, 2318 Dyke Road,  
New Westminster, B.C.

ARZA, Mr. Miyozo, 185 Chalmer Ave., Winnipeg, Man.

KAKUMASU, Mr. Shinjiro, 1402 Selkirk Ave., Winnipeg, Man.

KIKUCHI, Mr. F. 71 Indian Road, Toronto 3

KIKUCHI, Mr. S.. " "

KUNIMOTO, Mr. Shinkatsu, 6675 Curtis Street,  
P.O. Lochdale, Burnaby, B.C.

MATSUNE, Mr. Inosuke, 404-6th Ave., Lethbridge, Alta.

MATSNE, Mr. T. " (must same as above)

NISHIMURA, Mr. Jutaro, 85 Merrick St., Toronto 3

NISHIMURA, Naka, " (must same as above)

ONODERA, Mr. Genjiro, 4288 Main St., Vancouver, BC

SAKAKI, Mr. Tetsuo, RR #1, Kamloops, BC

SANO, Mr. Matasaburo, C-o Tregunno Farm,  
St. Catharines, Ont.

SASAKI, Mr. Shintaro, 51 Grant St., Toronto 8

SHIMIZU, Mr. Shoji, 367 Huron St., Toronto 2-B.

TERAGUCHI, M... Sakie, 539 Moncton St., Steveston, BC

TSUCHIYA, Mr. Harry, P.O.Box 532, Revelstoke, B.C.

TSUTSUMI, Mr. Hiroshi, Coaldstream Ranch, Vernon, BC

WATANABE, Mr. Takazo, 3237 Evelyn St., Verdun, P.Q.



Phone PL. 5005

2,2,2,...

THE NEW CANADIAN

479 Queen St. West

Toronto 2-B, Ont.

YAMAGUCHI, Mr. Shogoro, ~~12 Mel~~

12 Melbourne St., Hamilton, Ont.



THE CO-OPERATIVE COMMITTEE  
ON  
JAPANESE CANADIANS

TORONTO, ONT.

June 17th, 1950.

LIST OF CLAIMANTS WHOSE RECENT MAIL HAS BEEN RETURNEDNameAddress

✓ Amadatsu, Tsunemori,

P.O. Box 82, Hudson, Ont.

✓ Arizo, Miyoze,

316 Kingsford Ave., Winnipeg, Man.

✓ Hiji, Ei,

Box 229, Lethbridge, Alta.

✓ Iwata, Hisao,

c/o McLean & Fitzpatrick,  
Kelowna, B.C.

✓ Kakumasu, Shinjiro,

1085½ Main St., Winnipeg, Man.

✓ Kikuchi, F.,

452 Spence St., Winnipeg, Man.

✓ Kikuchi, S.,

452 Spence St., Winnipeg, Man.

✓ Kitamura, Kichinosuke,

c/o Mr. Geo. Ormsby,  
R.R.2, Vernon, B.C.

✓ Koyanagi, Tadatoshii,

511 Simpson St., Ft. William, Ont.

✓ Kunimoto, Shinkatsu,

Coldstream, B.C.

✓ Matsumura, Y.,

Box 69, Lethbridge, Alta.

✓ Matsune, I.,

c/o Smith Farm, Lethbridge, Alta.

✓ Matsune, T.,

Box 229, Lethbridge, Alta.

✓ Nakano, Yasuzo,

200 Howard St., Ft. William, Ont.

✓ Nishimura, Jutaro,

Vernon, B.C.

✓ Nishimura, Naka,

Vernon, B.C.

✓ Nomura, Y.,

Cranford, Alta.

✓ Note, Kosaburo,

Revelstoke, B.C.

✓ Ohori, Yasushi,

Dryden, Ont.

✓ Oikawa, Yoshio,

Vernon, B.C.

✓ Onodera, Genjiro,

4109 - 20th St., Vernon, B.C.

✓ Sakaki, Tetsuo,

Gen. Delivery, Revelstoke, B.C.



<u>Name</u>	<u>Address</u>
Sano, Matasaburo,	Box 195, Geraldton, Ont.
Sasaki, Kihichiro,	469 Logan Ave., Winnipeg, Man.
Sasaki, Shintaro,	c/o Walter E. Calvert, Brampton, Ont.
Shimizu, Shoji,	367 Huron St., Toronto, Ont.
Suga, Y.,	Stirling, Alta.
Suyehiro, Kantaro,	St. Eustache, Man.
Teraguchi, Sakie,	Vernon, B.C.
Tsuchiya, Harry Kaname,	450 Burrows Ave., Winnipeg, Man.
Tsuji, Juichi,	Shaughnessy, Alta.
Tsutsumi, Hiroshi,	Vernon, B.C.
Watanabe, I.,	529 Simpson St., Ft. William, Ont.
Watanabe, Isamu,	529 Simpson St., Ft. William, Ont.
Watanabe, Takazo,	New Denver, B.C.
Yamaguchi, Shogoro & Kaneo,	Kaslo, B.C.



## DRAFT REPORT

The report of Mr. Justice Bird as Commissioner on property claims of Japanese Canadians who were forced during the war to leave their homes and property in the coastal areas of British Columbia has awarded upwards of 1 million dollars. His findings vindicate the claims put forward by the Japanese Canadians that they suffered substantial property loss as a result of this evacuation and received from the sale of their property considerably less than the market value at the time of sale.

The Co-operative Committee on Japanese Canadians which represented most of the claimants will urge the Government of Canada to implement the findings of the Commissioner promptly and to pay interest on the awards from the date of sale. Claimants have lost the use of their property in the meantime and property values have gone up considerably since their properties were sold at less than the market value in 1943 and 1944. The award of interest would be in accordance with the rules of justice and law universally recognised in ordinary compensation cases.

The Co-operative Committee have from time to time pointed out that the terms of reference to the Commission were in their view unduly narrow as they excluded claims arising out of forced sales by Japanese Canadians caused by the evacuation policy of the Government. The terms of reference were limited to loss occasioned by sales by the Custodian at less than a fair market price. Even at this date the Government can reconsider this matter.

The claimants have never based their claims on any suggestion of maladministration by the Custodian or other representatives of the Government. The losses were inevitable in the circumstances but they were inflicted on an innocent group of Canadians as a result of policy thought necessary as a war measure.

No financial award can adequately compensate for the hardships and sufferings of those who were the innocent victims of this policy and who had to leave behind their homes and farms and possessions which in many cases they had acquired by a life time of toil. The difficulties of proving actual financial loss have been immense.

The Canadian people will recognize the findings of the



Commissioner and their prompt and full implementation by the Government as some measure of belated justice for a group of fellow citizens who deserve generous consideration because of the special hardships imposed on them during the war.



MINUTES OF THE MEETING OF THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS HELD  
WEDNESDAY, JUNE 28th, 1950.

Time - 5.15 p.m.

Place - Carlton Street Church, Toronto.

ATTENDANCE:

Those Present - Rev. J. M. Finlay, Miss M. Boos, Messrs. A. Brewin, F. Haslam, K. Hidaka, R. Obata, S. Takashima, G. Tanaka.

The minutes of the meeting of June 22nd, were read and approved.

Copies of the Brief sent to Senator Roebuck and his Senate Committee were circulated among the members present at the meeting.

Report from Mr. Brewin: - Mr. Brewin reported that things are moving faster than had been anticipated. He wrote to Mr. Garson and received an answer that the whole matter had been turned over to the Secretary of States Department. He received a telephone call from the Secretary of States Department saying that the money had already been forwarded to Mr. Shears in Vancouver and that a form of release had been drafted and sent out also. Money allowed was sufficient to pay claims as well as additional amounts suggested, with the exception that we will have to discuss with the Custodian's office proof of accounts. Expenses are included in this, but will have to satisfy Mr. Shears that they have been made. No instructions were received about interest.

It was suggested that our Committee should write to the Prime Minister putting the matter of interest before the whole Cabinet. It was agreed that the J.C.C.A. and the J.C.C.C. should operate on entirely different lines at this time.

Mr. Brewin then read draft of a letter he had prepared to send to Mr. St. Laurent, representing position we are taking at the moment.

MOTION: Tanaka/Haslam - "That the letter drafted by Mr. Brewin be sent to Prime Minister St. Laurent." Carried.

Mr. Brewin briefly reviewed the draft brief prepared by the J.C.C.A.

MOTION: Brewin/Hidaka - "That we thank the National J.C.C.A. for their courtesy in showing us the draft of their proposed Brief". Carried.

Expense Accounts: - As was decided some time ago, an independent counsel has now reviewed the legal accounts for fairness. Mr. Brewin reported that Mason, Foulds, Davidson and Arnup expressed the view that one amount in Vancouver was a little high in comparison with the others, but that otherwise the amounts involved were fair and reasonable and should be paid as rendered. Mr. Brewin also stated that the accounts were available at his office for any members of the Committee to peruse.

MOTION: Tanaka/Haslam - "That if money is available before we meet again, that up to 50% of these accounts be paid on account". Carried.

Summer-time Machinery: It was agreed that only emergency meetings would be held and that we will get as many as possible to meetings, but it will be judgements of the majority. It was also agreed that summer addresses should be left at the J.C.C.A. offices in case it was absolutely necessary to get in touch with members.

Adjournment at 6.30 p.m.



Campbell, Brazier, Fisher, McMaster & Johnson

Barristers and Solicitors

A. T. R. CAMPBELL      C. W. BRAZIER  
A. W. FISHER          R. J. MCMASTER  
A. J. F. JOHNSON

H. C. MURRAY

G. B. GARDOM

RECEIVED

JUN 28 1950

CAMERON, WELDON, BREWIN &  
THE ROYAL BANK BUILDING

675 WEST HASTINGS STREET

VANCOUVER, B.C.

TELEPHONE PACIFIC 9164  
CABLE ADDRESS: "CAMBRA"

OUR FILE NO.

June 26th, 1950.

Andrew Brewin, Esq., K.C.,  
Sterling Tower,  
Toronto, Ontario.

Dear Andy:

I had a call from Mr. Shears this morning and attended him at his office with regard to the subject matter of distribution. He advises me that his instructions are now such that he can immediately proceed to make payment upon receipt of releases and showed me a copy of a proposed form of release.

I pointed out to him that there were at least two matters which required to be clarified from the standpoint of the Government before distribution can be effected. He was already cognizant of the fact that we had made representations or were going to make representations to the Government with regard to the payment of interest. Actually I think he only became aware of this fact from the last issue of the New Canadian. In the circumstances he agreed that if there were any likelihood of the Government paying interest it would be desirable to hold up distribution until this question was determined.

In the second place I pointed out that it would be necessary for the Government to clearly state the exact amount of costs which they would pay before we could finally determine the amount payable by each claimant to the Committee. In this respect it is my own feeling that if the Government wishes to have the Treasury Branch go into our disbursements in detail we ought not to finalize the distribution of costs between the claimants until we see whether after examination, the Government will pay the full amount. There are some items with respect to which there obviously are not vouchers and some argument might arise with respect to these. With respect



Mr. Brewin:

June 26th, 1950.

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to monies expended in furtherance of the claimants' interest with regard to the proceedings, it is possible that all of the items would not pass the Treasury Board on examination.

In these circumstances I think that it is most important that we should press the Government for a clear decision on the interest question and for a clear commitment as to the exact amount of costs to be paid. If they wish to investigate our expenditures, we would urge that this be undertaken without delay.

I also pointed out to Mr. Shears that there were some cases included in the special recommendations made by Mr. Justice Bird, approximately sixteen in number, which affected our Committee and that I had not yet received advice as to whether the Committee wished to include these cases in dealing with the costs or whether these were going to be dealt with separately. In a recent letter to Miss Boos I think I suggested to the Committee that they should be dealt with separately and some fee charged or negotiated aside from the general picture having regard to the fact that they related to matters outside the terms of reference. It is my understanding from Mr. Shears and he seemed to think you would be aware of this, that the proposal with regard to those claims outside the terms of reference was that there should be negotiations between Mr. Wright and yourself or Mr. Wright and myself when he comes out here in several months' time with a view to determining the amount which the Government will pay in these cases. If such were the case, it would be some time until we could know the exact figure on which we were proceeding in relating cost to total recovery.

We are enclosing herewith a copy of the release proposed by the Crown. It is very much in line with what I expected. However, I pointed out to Shears two features which theoretically at least would not appear to me to be proper. It is my feeling that the release ought to be limited to matters which came within the terms of reference. Whether there is any hope of getting the Government to agree to this or not I don't know. I think probably the point is theoretical because I doubt if there are any legal claims outside the terms of reference which could be pursued. However, I can see the pos-



Mr. Brewin:

June 26th, 1950.

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sibility that some of the claimants if they understand the release might balk at signing a general release in this form. I would like to have your views in this respect. The other point arising with regard to the release is that in some instances the Custodian still has in his possession monies received on the sale of the property or from the income therefrom which the claimant has to date refused to accept. While Shears assures me that it is his intention to add these monies to any cheque which is paid on receipt of the release, the wording of the release would appear to exclude the payment of these monies. Furthermore I did not discuss with him but it has crossed my mind that the Custodian is still possessed of some personal property and possibly some real property belonging to claimants and the release ought not to extend to these. However, there are relatively few claimants involved in these circumstances. I would appreciate receiving at your early convenience your instructions with regard to the form of release.

I understand that the instructions which Mr. Shears has received concerning the method of distribution is that the cheques should be made payable to the claimants in the full amount but that such cheques might be forwarded to counsel upon their undertaking to obtain releases. While these are his instructions, he suggested to me this morning that he would endeavour to obtain concurrence of Ottawa to a proposal which he made, that is, that the releases be forwarded to counsel and that we draw a form acceptable to his office whereby the claimant would authorize the deduction of our charges from the total amount. Upon presentation of the release duly executed together with the authorization for payment of our costs, ~~He~~ would issue one cheque to the claimant and another cheque to counsel or to the Co-operative Committee. I mentioned to him that I would discuss this matter with you.

I mentioned to him what appeared to me to be another alternative, that is, having the cheque issued jointly either to the claimant and counsel or the claimant and the Co-operative Committee. He appeared to be doubtful as to whether his Department would be agreeable to this procedure although it seems to me that this was Garson's own suggestion when we talked with him in March. Shears proposal seems reasonably sound to me provided that the claimants are prepared to sign releases without seeing the cheque in the hands of their solicitors. Shears points out one advantage to his department in this procedure would be that it would mean they would not have cheques outstanding for a long period of time as the like-



Mr. Brewin:

June 26th, 1950.

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lihood is that once the claimant had signed the release and cheque issued he would cash it very soon thereafter. I would be pleased to have your views in this matter before I take the matter up with Mr. Virtue.

I also discussed with Mr. Shears the situation with regard to deceased persons and while he did not commit himself with finality in this matter, I think probably an arrangement can be made of this nature that where the person died prior to distribution of the proceeds after sale by the Custodian distribution should now be made to the same persons as the Custodian distributed the initial monies received; where the claimant died subsequent to distribution by the Custodian but prior to the Commission hearings, payment might be made to the person who made the claim to the Commission and there might be added to the release in this event an undertaking by such person to distribute the monies to the persons entitled thereto at law. Where the claimant died subsequent to the setting up of the Commission it would be necessary to have letters of administration or probate with this possibility that in the event of small amounts particularly Mr. Shears might be prepared to accept affidavit evidence as to the heirs at law and there being no debts without putting the claimants to the expense of administration or probate. However, I imagine that he will have to clear these matters with Ken Wright.

I would be pleased to hear what progress is being made with regard to working out the charges to the claimants. I will send you under separate cover today a copy of the schedule of recommendations for payment of awards which accompanied the Commissioner's report. I did not send this earlier as there was some doubt as to whether we were entitled to retain this copy. I think it will be easier for you to work from this than from the green sheets. On the last page of the typewritten sheets you will find additional recommendations on certain claims re Hakoda Bay property. You will observe throughout the sheets that there is typewritten in a reference to those opposite the respective cases. The claimants in these cases will be entitled to the amount appearing on the right hand margin opposite their name number plus the amount being at the end of the last sheet. This schedule includes all of the cases heard by the Commissioner. I have marked by a circle around the case number those cases which according to our records were not represented through the Committee. I think that the balance of the cases should be checked with our retainer forms or at least our list of claimants



Mr. Brewin:

June 26th, 1950.

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to make certain that we have instructions from all of those that remain uncircled. With regard to cases No. 31 and 32, I forwarded some correspondence to Miss Boos recently. While it was indicated to the writer that these claimants intended to instruct the Committee despite several requests we have not received written instructions from them. Unless we do receive these instructions in the near future I think that they should not be included in the calculations.

Yours truly,

CAMPBELL BRAZIER FISHER McMASTER & JOHNSON,

Per:

A handwritten signature in cursive script, appearing to read "Bob", with a horizontal line underneath.

McM:McC  
encl.



Campbell, Brazier, Fisher, McMaster & Johnson

Barristers and Solicitors

A. T. R. CAMPBELL      C. W. BRAZIER  
A. W. FISHER          R. J. McMASTER  
A. J. F. JOHNSON

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

H. C. MURRAY      G. B. GARDOM

OUR FILE NO.

June 26th, 1950.

Andrew Brewin, Esq., K.C.,  
Barrister, etc.,  
Sterling Tower,  
Toronto 1, Ontario.

Dear Andy:

Re: Japanese Property Claims Commission.

I have for acknowledgment receipt of your letter of June 22nd and have noted the contents. Concerning the dilemma about which you refer as to having questions raised in Parliament, in view of the information contained in the paragraph of your letter dealing with this matter, it is my opinion that it would be wiser not to raise questions. One likes to see matters of this sort dealt with in the open. However, it is also to be kept in mind that from the standpoint of practical politics, the other approach is often the more effective.

I might say that our Mr. Fisher saw Paul Martin when he was at the Coast and subsequently wrote him a letter urging his support for the proposal of the payment of interest when the matter is discussed in the Cabinet.

Yours very truly,  
CAMPBELL BRAZIER FISHER McMASTER & JOHNSON,

Per:

*Bob.*

McMMcC



RELEASE

WHEREAS during the war, A-----B-----  
of -----(hereinafter called the Releaser) was evacuated  
from the Protected Area of British Columbia and by Order in Council  
P.C.1665 of March 4, 1942, as amended, it was provided that his pro-  
perty should be vested in and subject to the control of the Custodian  
as defined in the Regulations Respecting Trading with the Enemy;

AND WHEREAS certain property belonging to the Releaser  
was disposed of by the Custodian and a claim was made that in respect  
of such disposal the Releaser suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part I of  
the Inquiries Act has recommended that the Releaser be awarded the sum of  
-----Dollars;

AND WHEREAS the Custodian has been duly authorized to  
carry out the recommendation of the Commissioner and to pay the afore-  
mentioned sum to the Releaser;

AND WHEREAS the Custodian has paid to the Releaser the  
said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of  
the premises and of the sum so paid by the Custodian the Releaser hereby  
releases His Majesty The King in Right of Canada and the Custodian  
from all actions claims and demands whatsoever in respect of real and  
personal estate of the Releaser and the rents, profits and income  
thereof respectively, or any part or parts thereof or in respect of any  
act, deed, matter or thing whatsoever done or omitted to be done by  
the Custodian in or about the administration, sale or disposal of the  
Releaser's property or in respect of any of the matters above recited.

IN WITNESS WHEREOF the Releaser has affixed his hand and  
seal this -----day of -----1950.

SIGNED, SEALED AND DELIVERED )

IN THE PRESENCE OF: )

RED SEAL



**HARRIES, HOUSER & JONES**  
BARRISTERS & SOLICITORS

WAVERLEY 1766

IVAN C. HARRIES  
HUGH B. L. JONES  
LLOYD W. HOULDEN  
J. BOWMAN GALBRAITH  
ELMORE HOUSER  
JAMES S. BROWN  
DAVID T. BENNETT

36 TORONTO STREET  
TORONTO, 1  
CANADA

June 27th, 1950.

RECEIVED

JUN 28 1950

CAMERON, WELDON, BREWIN &  
MCALLUM.

Mr. A. F. Brewin, K. C.,  
Messrs. Cameron, Weldon, Brewin & McCallum,  
Sterling Tower,  
Toronto 1, Ontario.

Dear Sir:

Re: Tagashira vs. Nakatani

You will recall our recent telephone conversation about the Japanese Co-operative Committee in which you suggested that I write you this letter. We are agents for the Vancouver's solicitors of Tagashira, the above-named. This man's full name is Rinkichi Tagashira and he is of Japanese origin. On the 6th of January, 1937, he obtained a Judgment in the Supreme Court of British Columbia against Inosuke Nakatani and his wife, Masuye Nakatani, in the amount of \$2,525.58. The Judgment carries interest at the rate of 5% from that date. Mr. Tagashira was unable to collect anything on account of this Judgment and during the war years was evacuated to the eastern portion of Canada along with Nakatani pursuant to Government regulations. Tagashira made a claim on the Office of the Custodian of Enemy Property who was handling some of Nakatani's money and on May 17th, 1949, received from the Custodian the sum of \$35.31 on account of this Judgment.

The Defendant, Nakatani, resides at the City of Grand Forks in British Columbia which, I believe, is 200 miles distance from Vancouver, and we understand he is operating a laundry there. The only other information that we have is that the Defendant has made a claim for compensation from the Dominion Government for his losses arising out of the Japanese evacuation programme during the war years.

We thank you for your very kind attention in this matter.

Yours very truly,

HARRIES, HOUSER & JONES,

Per: *C. B. Sproule*

CBS:KO

C. B. Sproule



DRAFT.

Cooperative Committee on  
Japanese Canadians.

June 28, 1950.

The Prime Minister,  
The Right Honourable Louis St. Laurent, K.C., M.P.,  
OTTAWA.

Dear Mr. Prime Minister:

As you are probably aware the Cooperative Committee on Japanese Canadians has for some years been active in defending the interests of Japanese Canadians who, by the exigencies of war, were compelled to leave their homes in the Coastal areas of British Columbia, and who have been dispersed across Canada. Our Committee was particularly active in connection with the proposed proceedings for deportation of certain of these Canadians.

When the question arose as to losses sustained through the sale of properties formerly owned by the Japanese Canadians who had been compelled to leave the Coast, our Committee made representations to the Cabinet and in particular to your predecessor, the Rt. Honourable W.L. McKenzie King. We asked that compensation should be made for losses sustained by this group of Canadian citizens through no fault of their own. In a statement issued to the Press on the 24th January 1947 Mr. McKenzie King said as follows: "To insure, however, the fair treatment promised in 1944, the Government is prepared in cases, where it can be shown that the sale was made at less than fair market value, to remedy the injustice".

In pursuance of this promise the Honourable Mr. Justice Bird was appointed a Commissioner under the Public Inquiries Act and his terms of reference were to enquire whether the properties vested in the Custodian had been sold at less than a fair market price at the date of sale.

As you will be aware, the Commissioner has now made his report and has found that the amount realized by the Custodian fell short of a fair market value to the extent of \$ 1,222,829.26.

The Government has now indicated its intention to implement the recommendations made by the Commissioner and our Committee welcome this announcement as a partial fulfillment of the promise implicit in the words of the former Prime Minister.

There is however, one matter in respect to which the Government has made no announcement and which, in our respectful submission, still remains, if the fair treatment promised in 1944 is to be



truly fair and if the injustice is to be remedied.

We refer to the matter of an allowance of interest on the amounts found to be due from the date of sale to the date of distribution.

Our General Counsel Mr. F. A. Brewin, K.C., of the firm of Cameron, Weldon, Brewin and McCallum, has already addressed a letter under date of 19th June 1950 to the Minister of Justice setting out in detail the arguments which support our position.

Mr. Garson has replied that the matter is one which has been now referred to the Secretary of State.

It is, however, our opinion that the question which we now raise, as it concerns the full and fair implementation of a promise made by the former Prime Minister himself, is one which concerns not only a single Department but the whole Government of which you are the head.

May we summarize our reasons for urging that interest be paid:

1. It has been an invariable rule that where property is lost to the owner by reason of its taking for any public purpose interest should be paid from the date of taking until the date of payment. The justice of this rule is obvious inasmuch as the persons deprived of their property through the necessity of Government action have also lost the use of the property and the money which is to be paid to them in compensation from the date of the taking until the date of payment. Interest is therefor charged as an integral part of the compensation, it is designed to restore the claimant as nearly as possible to the position he would have been in if the property had not been taken.
2. It is a settled rule of International Law that interest is paid on awards from the time of actual loss to the time of payment.
3. Circumstances in the present case make it particularly appropriate that interest be paid at the time of sale, which was, generally speaking, in or about the year 1943. Properties - real property and personal property - generally had a value then in dollars far less than at the time payments are to be made (1950).



Payments made in 1950 representing the fair market value of property in 1943 will have a much lower purchasing power than they would have if a fair market value had been arrived at the date of sale and payments had been able to be made promptly.

Although there were extreme difficulties in proving the claims owing to the lapse of time, and changes in the condition of the properties, the claimants have not made any claim as is usual in cases of this sort, that 10% be added to their claims for forceful taking.

4. The question of interest was clearly not a matter for the consideration of the Commissioner Mr. Justice Bird. It was definitely outside the terms of reference by which the Commissioner was directed to make certain findings of fact. The allowance or disallowance of interest is purely a question of policy of the Government.

No claim was presented to the Commissioner for interest.

Throughout these lengthy proceedings, the Cooperative Committee which is representative of many citizens across Canada, has carefully refrained from any criticism of the Government or any agency of the Government. It has seen fit to rely upon the sense of fairness of the Government in dealing with this matter and has recognized that the losses sustained by the Japanese Canadians were the inevitable result of necessary war-time policy.

We do now, however, wish to press upon yourself and the Government as clearly and vigorously as we can that in our view justice and equity will not be done to the claimants if the usual rule as to the payment of interest in cases of this sort is not followed.

Canadian treatment of the Japanese Canadians will compare unfavourably with that accorded to American Japanese in similar circumstances by the American Government and Congress.

It is our earnest desire that we may continue to be able to say that the Government has fully and fairly implemented the promise made by Mr. McKenzie King.

A decision on this matter is of some urgency as plans are already under way toward making distribution of the claims. May we urge the early attention of yourself and your colleagues to this question.

For your information we enclose a document previously prepared



- 3 -  
- 4 -

by the Cooperative Committee which set forth the number of organizations and individuals who have shown their practical interest in the work of our Committee



VIRTUE, RUSSELL & MORGAN

BARRISTERS, SOLICITORS  
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE

LETHBRIDGE, ALBERTA

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

26th June, 1950

PLEASE REFER TO FILE NO.

3201

RECEIVED

JUN 29 1950

CAMERON, WELDON, BREWIN &  
McMILLAN

THE HONOURABLE FREDERICK G. BRADLEY,  
Secretary of State,  
OTTAWA, C A N A D A.

Dear Mr. Bradley: RE: JAPANESE PROPERTY CLAIMS  
COMMISSION

Throughout this inquiry we have been representing about 184 of the Japanese Canadian claimants living in Southern Alberta. We not only attended the Hearings in Lethbridge before the Commissioner and the Deputy Commissioner, but the writer also attended before Mr. Justice Bird at Vancouver during the greater part of the taking of general evidence there. The writer also conferred with the former Secretary of State, The Honourable Colin Gibson, in the early stages of the proceedings with a view to the appointment of a Commission.

We are giving this history of our connection with the matter to indicate that we have had an opportunity of becoming familiar with the various issues involved from beginning to end.

We understand that Mr. Brewin of Toronto, and Mr. McMaster of Vancouver, representing the claimants generally, have represented to the Minister of Justice, and are now making representations direct to you with regard to payment of interest on the awards from the date of evacuation up to the time of payment.

We do not intend to burden you by going into the matter in detail, but on behalf of the



THE HONOURABLE FREDERICK G. BRADLEY,  
Secretary of State,  
OTTAWA, C A N A D A

26th June, 1950

- 2 -

RE: JAPANESE PROPERTY CLAIMS COMMISSION.

claimants we represent we wish to record our belief that interest should be paid since the claimants were deprived of the benefit of their property from the time of their evacuation onward, and since it has now been established that the amounts then paid to the claimants were inadequate.

We would also like to express our belief that the sentiment of Canadians generally is one of approval of the policy of the Government in making a reasonably adequate compensation. We believe that the payment of interest would be considered by the people of Canada a reasonable act under all the circumstances.

We would therefore like to express to you our hope that you will be able to give special consideration to this aspect of the matter, and that the decision of the Government may be consistent with the fair and generous spirit of the Canadian people.

Thanking you, we are,

Yours truly,

VIRTUE, RUSSELL & MORGAN,

Per 

V/L  
AIRMAIL.

Copy to Mr. Brewin for his information.



~~Campbell~~, Brazier, Fisher, McMaster & Johnson  
Barristers and Solicitors

A. T. R. CAMPBELL C. W. BRAZIER  
A. W. FISHER R. J. MCMASTER  
A. J. F. JOHNSON

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

H. C. MURRAY

G. B. GARDOM

OUR FILE NO.

RECEIVED

JUN 30 1950

June 28th, 1950.

CAMERON, WELDON BREWIN  
MCCALLUM

Andrew Brewin, Esq., K.C.,  
Barrister, etc.,  
Sterling Tower,  
Toronto, Ontario.

Dear Andy:

Re: Japanese Property Claims  
Commission.

I have for acknowledgment receipt  
of your letter of June 26th and have noted the contents.

Upon receipt of your letter I had further discussions with Mr. Shears. While he has not had written instructions advising him that he would have authority to recommend payment of our disbursements, he had spoken to Ken Wright on the long distance telephone and understands at least that his recommendations are to be considered. We had some discussion as to the amount of detail which he would require and I am preparing a memorandum for him today. It may be that this will provide sufficient detail or that he will require more. He is going to be away on vacation for the remainder of this week but undertakes to deal with the matter not later than Monday of next week. I will have the memorandum on his desk tomorrow and he will be in his office tomorrow evening. It is possible that if he finds it in satisfactory detail then he will take some action with respect to it before Monday.

I would be pleased to hear from you if you have not already written as to Shears' proposed method of distribution, that is, by our filing releases and authorities to pay our charges and the Custodian in exchange therefor issuing the cheque to the claimant and one to ourselves or the Committee. I think this would work out



Mr. Brewin:

June 28th, 1950.

-2-

most satisfactorily especially in British Columbia where we won't be able to see the claimants. If we run into some "ornery" individuals who would not sign the releases until we have the cheque in our hands, I think this could be arranged with the Custodian. He is not anxious to have a large number of cheques outstanding.

Concerning your suggestion as to charges, it would be nice if we could limit our charges to 10%. However, on the basis of our estimate of what the total recovery for our clients is, I do not think this would provide sufficient funds as it would provide only approximately \$94,000. I would therefore suggest that rather than fix the amount at an even figure of \$100,000 as you propose, that we either fix it at 10.5% or 11%. 10.5% would give us roughly \$99,000 and 11% would give us \$103,000. It seems to me that it would be easier to work out in each individual claim because then you take the percentage less the amount received by way of retainer. Assuming that the Crown pays roughly \$57,900, all of the disbursements up to the filing of the Commissioner's Report will so far as I am aware, be covered. I would draw your attention to the fact, however, that I have no statement from your Committee subsequent to April 28th, 1949, or from the Japanese Claims Committee subsequent to May 12th, 1949 or from Virtue subsequent to January 25th, 1950. I do not anticipate, however, that your disbursements would be very high between the date of your account and the report of the Commissioner and should therefore be taken care of out of the surplus over fees in the proposed charge.

Concerning the payment of interest, Shears spoke to Wright on the telephone about it subsequent to my discussions with Shears and they both seem to feel that the payment will have to await the Government's decision in this respect. From what Shears tells me the first time Wright heard we were requesting interest was when you discussed the matter with him in Ottawa. It would not therefore appear that the Secretary of State had given him any instructions in the matter. I think you ought to concentrate on getting a decision from the Government on this point as soon as possible. In the first place I do not think that the Secretary of State's Department will pay the monies out until the question is determined and in the second place, the claimants could hardly sign the proposed release if there was the prospect of getting interest.

N.B. I have  
oversimplified  
it here as I take  
it the original  
1% is not  
debatable.



Mr. Brewin:

June 28th, 1950.

-3-

Once the Committee has determined the charges for each claimant, if we are going to use the method proposed by Mr. Shears I think a form of authorization for payment should be mimeographed and the claimant's name, case number and the amount of charges filled in. If these could be forwarded then to this office we could see that they went out with the appropriate release forms. It would be as well to show on the acknowledgment form the present address of the claimant. You could then instruct us as to whether you wish the release forms and acknowledgment forms to go out direct to the claimant with a covering letter advising them to get in touch with the Co-operative Counsel for the execution of the documents in the Province where they reside where Co-operative Counsel are available or whether you would want them distributed to Co-operative Counsel and let the individual Co-operative Counsel communicate with the claimants. It appears more practical to send them directly to the claimants as in many instances it will be just as convenient for the claimants to get a Notary in the locality in which he lives to swear the Affidavit of Execution on the release as it would be for him to get in touch with the Co-operative Counsel.

Whatever is the decision in this respect I would appreciate receiving back if it meets the convenience of the Committee the schedule which I forwarded by airmail yesterday showing the awards in each case and my suggestion would be that some place on that schedule in each case the amount of charges would be endorsed so that I will have full information in this office in the event of any questions arising with the Custodian.

I am looking forward to the opportunity of seeing you again at the end of July. If it is at all possible for you to plan to stay over a few days I am taking the family up to camp on the first of August and would be very pleased to have you spend some time with us there.

Yours truly,

CAMPBELL BRAZIER FISHER McMASTER & JOHNSON,

Per: Bob

McM:McC



~~Campbell~~ I, Brazier, Fisher, McMaster & Johnson

Barristers and Solicitors

A. T. R. CAMPBELL      C. W. BRAZIER  
A. W. FISHER          R. J. MCMASTER  
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THE ROYAL BANK BUILDING  
675 WEST HASTINGS STREET  
VANCOUVER, B.C.

H. C. MURRAY      G. B. GARDOM

OUR FILE NO.

June 29th, 1950.

Andrew Brewin, Esq., K.C.,  
Barrister, etc.,  
Sterling Tower,  
Toronto, 1, Ontario.

RECEIVED  
JUL 3 1950  
CAMERON, WELDON, BREWIN &  
McGILLUM.

Dear Andy:

Re: Japanese Property Claims Commission.

I have for acknowledgment receipt of  
your letter of the 27th inst.

I wrote to you last night with regard  
to the charges to be made and it is apparent that you  
had not received my earlier letter concerning the release.

From my discussions with Shears I  
think it is likely that he will recommend payment of  
~~the full~~ of the full amount of the accounts which  
we are filing with him with the possible exception  
of one item in Virtue's account relating to travelling  
expenses prior to the Commission being set up. You will  
have observed that I included in the schedule which I  
filed with the Commissioner and the statements which I  
forwarded to the Committee an estimate, being \$500.00,  
for auditing, taxing and winding up, in addition to the  
\$75.00 which you had paid according to your previous  
statement to me. Whether or not this amount will be  
allowed, I am not sure. I am hopeful that by next Monday  
or Tuesday that I will have some definite indication from  
Shears as to what recommendation he will make. However,  
I think that if the charges are set up on the basis of  
10.5 or 11% of recovery there should be a reasonably  
safe margin for disbursements not met by the Crown as  
well as for the expenses of distribution.

I do not know whether the Committee has  
decided the policy to be followed with regard to the 1%  
retainer, that is to say, is it to be taken to be an



Mr. Brewin:

June 29th, 1950.

- 2 -

absolute payment so that if the 1% of claim exceeded the 1% of recovery, the whole of the 1% retainer would be retained and no further charges made? It appears to me that this was the basis on which the retainer was collected and is quite fair particularly where exorbitant claims were made and involved a considerable amount of work although the recovery was relatively small. However, the Committee may decide that it is simpler to give credit for the monies paid on the 1%. I am assuming that anyone who paid the additional 1% will have that fully credited and if there is any surplus over and above their share of the costs, then the Committee will rebate such surplus. I am assuming this to be the case as it is my understanding that a fairly large number of the claimants did not come through with the additional 1%. However, I would be pleased to be advised in due course as to what policy is adopted by the Committee so as to be able to give a reasonable explanation to claimants when the occasion arises.

In several recent letters to you and Miss Boos I indicated that I had not received retainer forms in cases 31 and 32. However, these were received today together with the balance of the 2% payable thereon and we have forwarded copies of the retainer forms and the funds to Miss Boos by airmail today.

In preparing the breakdown of schedule of disbursements for Mr. Shears I have included appraisal costs and stenographic costs for two cases on which I acted personally. This will mean that the final disbursement figure will be some \$398.97 greater than the schedule filed by me before the Commission. The disbursements in these cases amounted to \$552.13. If he is not prepared to recommend anything in excess of the schedule filed, these individual claimants will have to suffer thereby. However, in view of the fact that the claimants acting through the Committee are having their disbursements paid by the Commission I feel it my duty to try to recover the disbursements of these individuals.

No consideration has been given by myself in filing statements of the disbursements re the Kugetsu case as the Committee did not act in this matter and I did



Mr. Brewin:

June 29th, 1950.

- 3 -

not have any relationship with that case. My suggestion would be that after approval has been obtained for payment of the disbursements by the various committees and this firm you, as solicitor, for Kugetsu might take up with the Department payment of his disbursements if you deem it advisable so to do.

If you examine the statement which I forwarded to Miss Boos a short time ago you will observe that we received a donation from the Vancouver Consultative Council of \$773.72. This money was disbursed on appraisals and the disbursements are included in the statements which we rendered to the Crown. Accordingly, if they pay the full amount of our disbursements there will be a surplus of \$773.72 in the hands of the Committee. This will act as an additional shock absorber to any expenses which might have been overlooked. You will also observe that we received a contribution of \$300.00 from the Greenwood Committee. However, this money was accounted for in the statements rendered and we expect the likelihood is that the Consultative Committee rebated this \$300 to Greenwood. We might say that we had an inquiry with regard to this item from P. S. Ross & Sons and explained the situation to them.

Yours truly,

CAMPBELL BRAZIER FISHER McMASTER & JOHNSON,

Per: Bob.

McM:McC



June 30th, 1950.

The Prime Minister,  
The Right Honourable Louis St. Laurent, K.C., M.P.,  
OTTAWA, Ontario.

Dear Mr. Prime Minister:

As you are probably aware, the Co-operative Committee on Japanese Canadians has for some years been active in defending the interests of Japanese Canadians who, by the exigencies of war, were compelled to leave their homes in the Coastal areas of British Columbia, and who have been dispersed across Canada. Our Committee was particularly active in connection with the proposed proceedings for deportation of certain of these Canadians.

When the question arose as to losses sustained through the sale of properties formerly owned by the Japanese Canadians who had been compelled to leave the Coast, our Committee made representations to the Cabinet and in particular to your predecessor, the Right Honourable W. L. Mackenzie King. We asked that compensation should be made for losses sustained by this group of Canadian citizens through no fault of their own. In a statement issued to the Press on the 24th January, 1947, Mr. Mackenzie King said as follows: "To insure, however, the fair treatment promised in 1944, the Government is prepared in cases, where it can be shown that the sale was made at less than fair market value, to remedy the injustice".

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As you will be aware, the Commissioner has now made his report and has found that the amount realized by the Custodian fell short of a fair market value to the extent of \$1,222,829.26.

The Government has now indicated its intention to implement the recommendations made by the Commissioner and our Committee welcome this announcement as a partial fulfillment of the promise implicit in the words of the former Prime Minister.

There is, however, one matter in respect to which the Government has made no announcement and which, in our respectful submission, still remains, if the



fair treatment promised in 1944 is to be truly fair and if the injustice is to be remedied.

We refer to the matter of an allowance of interest on the amounts found to be due from the date of sale to the date of distribution.

Our General Counsel, Mr. F. A. Brewin, K.C., of the firm of Cameron, Weldon, Brewin and McCallum, has already addressed a letter under date of 19th June, 1950 to the Minister of Justice, setting out in detail the arguments which support our position.

Mr. Garson has replied that the matter is one which has now been referred to the Secretary of State.

It is, however, our opinion that the question which we now raise, as it concerns the full and fair implementation of a promise made by the former Prime Minister himself, is one which concerns not only a single Department but the whole Government of which you are the head.

May we summarize our reasons for urging that interest be paid:

1. It has been an invariable rule that where property is lost to the owner by reason of its taking for any public purpose, interest should be paid from the date of taking until the date of payment. The justice of this rule is obvious inasmuch as the persons deprived of their property through the necessity of Government action have also lost the use of the property and the money which is to be paid to them in compensation from the date of the taking until the date of payment. Interest is therefore charged as an integral part of the compensation; it is designed to restore the claimant as nearly as possible to the position he would have been in if the property had not been taken.
2. It is a settled rule of International Law that interest is paid on awards from the time of actual loss to the time of payment.
3. Circumstances in the present case make it particularly appropriate that interest be paid at the time of sale, which was, generally speaking, in or about the year 1943. Properties - real property and personal property - generally had a value then in dollars far less than at the time payments are to be made (1950).

Payments made in 1950 representing the fair market value of property in 1943 will have a much lower purchasing power than they would have if a fair market value had been arrived at the date of sale and payments had been able to be made promptly.



Although there were extreme difficulties in proving the claims owing to the lapse of time, and changes in the condition of the properties, the claimants have not made any claim as is usual in cases of this sort, that 10% be added to their claims for forceful taking.

4. The question of interest was clearly not a matter for the consideration of the Commissioner, Mr. Justice Bird. It was definitely outside the terms of reference by which the Commissioner was directed to make certain findings of fact. The allowance or disallowance of interest is purely a question of policy of the Government.

No claim was presented to the Commissioner for interest.

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We do now, however, wish to press upon yourself and the Government as clearly and vigorously as we can that in our view justice and equity will not be done to the claimants if the usual rule as to the payment of interest in cases of this sort is not followed.

Canadian treatment of the Japanese Canadians will compare unfavourably with that accorded to American Japanese in similar circumstances by the American Government and Congress.

It is our earnest desire that we may continue to be able to say that the Government has fully and fairly implemented the promise made by Mr. Mackenzie King.

A decision on this matter is of some urgency as plans are already under way toward making distribution of the claims. May we urge the early attention of yourself and your colleagues to this question.

For your information we enclose a document previously prepared by the Co-operative Committee which set forth the number of organizations and individuals who have shown their practical interest in the work of our Committee.

Sincerely yours,

James M. Finlay, Chairman,  
Co-operative Committee on Japanese Canadians.



June 30, 1950.

R. J. McMaster, Esq.,  
Barrister & Solicitor,  
675 West Hastings St.  
VANCOUVER, B.C.

Dear Bob:

Re: Japanese Property Claims.

I have to answer your letters of June 26th and 28th.

I will first deal with developments at this end. First, the legal ~~actions~~ <sup>claims</sup> to date have been proved for payment after a favourable report from the Mason Foulds firm. Next, the Committee has sent, or is sending to the Prime Minister a letter urging payment of interest. I am enclosing a copy of the letter to be sent.

You will note that we have urged the government to make a decision on the matter at an early date. I am not optimistic and I think we should go ahead and make our plans as if the payments of interest were not going to be made.

I have instructed Mr. Murray of T. S. Ross & Sons Ltd., to prepare a statement showing the balance which each claimant will be required to repay in accordance with his retainer. He will prepare a schedule corresponding with Appendix (1) to the Commissioner's report. He hopes to have this ready by July 20th.

At that date I expect to be back in Toronto after a brief trip to England on a case in Privy Council. I will then pick his report up and have it available for discussion with you in Vancouver. I understand that the train on which I will be going out is expected to arrive in Vancouver in the morning of July 24th.

Thank you very much for your invitation to go to the camp on August 1st; I would like so much to spend some time with you there but as I will be away from my own family for nearly a month, they will be expecting me to get back just as soon as I can.

In regard to your suggestion as to the mode of payment, one of the first points is to determine whether or not the Custodian's office would be willing to accede to Mr. Shear's proposal; certainly Mr. Wright was not enthusiastic when I



Mr. Mc Master.

- 2 -

discussed the matter with him about honouring any directions from the claims and was anxious to have the cheques for the full amount made out to the claimant. However it does seem to me that if the Custodian is willing to carry out this plan it has obvious advantages; it seems to me that we would have to write an individual letter to each claimant explaining the release and the amount of the award and the way in which we have arrived at the amount of costs which he should pay. It is however, my opinion that where possible we should invite claimants to attend upon the solicitors who represent the Co-operative Committee in order that they may be able to explain the situation directly.

I note that the draft release which was sent to me included an affidavit of execution so it would be necessary for them to attend before some Commissioner in any event.

In regard to the special recommendations made by Mr. Justice Bird and referred to on page (2) in your letter of June 26th, I think that there is no reason why these matters should not be dealt with separately although in cases which were similar in nature to the claims within the terms of reference and did not require special work I think the charges to the claimants should be in the same scale as those they have agreed to pay in respect to matters within the terms of reference.

In regard to deceased persons, the suggestions made in your letter on page (4) seem to be in order.

The basis of instructions that I have given to Mr. Murray are that the additional amounts to be charged to the claimants must, together with what they have already paid, bring in a total fee for Legal expenses, exclusive of disbursements, of \$ 100,000.00.

The details as to how this will be worked out are a little different to the suggestion on 2nd page of your letter of June 28th, this is because the matter mentioned in your note, namely that of 1%, is not rebatable.

George Tanaka, whose office is now 67 College Street, will be the only member of the Committee who will be in Toronto steadily for the next few weeks and I have asked him to keep in touch with you and with Mr. Murray regarding any details which may arise.

I will be in the office Thursday July 6th and 7th and



Mr. McMaster.

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and will then leave for England.

Yours sincerely,

FAB/ML



# CANADA

## DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL  
COMMUNICATIONS  
TO THE  
CUSTODIAN'S OFFICE

PLEASE REFER  
TO

FILE NO.....

Victoria Building,  
70 Connor Street,  
Ottawa, Ontario.

June 30th, 1950.

F. A. Brewin, Esq., K.C.,  
Messrs. Cameron, Weldon, Brewin & McCallum,  
Barristers & Solicitors,  
Sterling Tower,  
Toronto 1, Ontario.

Dear Mr. Brewin,-

Re: Japanese Claims Commission.

I have for acknowledgment your  
communication of the 27th instant.

A copy of your letter is being  
sent to Mr. Shears for his information.

Yours very truly,



K. W. Wright,  
Chief Counsel.

KWW/G