

Corr. : Feb-Mar 1949

2-4

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

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

A. W. FISHER
R. J. McMASTER

A. J. F. JOHNSON

A. E. COBUS

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

OUR FILE NO.

February 2nd, 1949.

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

Dear Andy:

Re: Japanese Property Claims Commission.

Yesterday we had a session in the Judge's Chambers with respect to the discussions which had taken place between yourself and the Minister of Justice.

After reporting on that matter, Hunter mentioned the fact that he had given us an offer of settlement and I indicated that I had communicated the offer to the Committee but as far as I was concerned, it was not satisfactory. Virtue was also present at the meeting.

The Judge was naturally very much interested in the possibility of settlement and after some discussion I suggested that after our general evidence had gone in we might take two or three days off to see whether we could work something out. Hunter had suggested that the Judge take part in such discussions. I indicated that I was not keen about the Judge doing that but it might be helpful if after hearing our general evidence he gave some indication as to the weight it appeared to him should be given at this stage of the proceedings to the general evidence of both the Crown and ourselves concerning various types of property. Then it might be easier for Hunter and ourselves to make a better estimate of what we are likely to get if the matter goes through to completion. The Judge was not inclined to do this without first clearing the matter with the Department of Justice which he has undertaken to do if we wish to proceed with the suggestion.

Mr. Brewin:

February 2nd, 1949.

-2-

After the meeting I had a talk with Virtue and he made what I think is probably a proper suggestion and which I would have to discuss with Hunter and the Judge, that is, that we should have some sort of informal argument before Mr. Justice Bird gave any indication of his feeling with regard to the general evidence.

I would appreciate having your reaction to this by return mail and also wonder whether, in view of the fact that you are much closer to the Committee than I am, it would be advisable for you to be present. Discussion will likely commence to take place next Tuesday or Wednesday as we expect to complete our general evidence not later than Monday.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per: *R. J. McMaster*
m.m.

McM:MM
A I R M A I L

Campbell, Brazier, Fisher & McMaster
Barristers and Solicitors

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OUR FILE NO.

February 2nd, 1949.

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

Dear Andy:

Re: Japanese Property Claims Commission.

Further to my letter of this morning, enclosed herewith please find a copy of a letter which Mr. Justice Bird has sent today to Mr. Varcoe.

I might say that in conversation today with the Judge, Hunter and Virtue, it was agreed that before he intimated any of his views as to the weight of the evidence that we would have an opportunity informally to present brief argument.

I would like to have by airmail some intimation as to your opinion or the opinion of the Committee as to the advisability of proceeding along the lines suggested in the letter this morning, having regard to the enclosure and the above information.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per: *R. J. McMaster*

McM:MM
encl.

RECEIVED

FEB 4 1949

CAMPBELL, BRAZIER, FISHER & McMASTER
& BREWIN

COURT OF APPEAL

LAW COURTS

PERSONAL

Vancouver

2nd February, 1949.

F. P. Varcoe, Esq., K.C.,
Deputy Minister of Justice,
Ottawa, Ontario.

My dear Varcoe:

In the course of a discussion which I have had today with Messrs. McMaster and Virtue, Counsel for the Japanese claimants, and Hunter, I learned that some conversations recently had taken place between Counsel, relative to the possibility of settlement of claims other than those filed by corporations. Counsel expressed the desire to confer with me at the conclusion of the general evidence now being led on behalf of the claimants on the subject of these settlement proposals, in the expectation that I might indicate to them my views upon the evidence adduced up to the date of the conference.

I do not anticipate that the over-all picture of the various classes of claims will be greatly changed by the evidence which is likely to be introduced by the claimants on the hearing of the selected category claims. I think it is reasonable to assume that the position taken by claimants generally, as well as by the Government will have been so well defined by the general evidence led by each side that the only purpose to be served by hearing the selected claims in any category will be to determine the quantum of any recommendation I may make.

Much time and expense might be saved in this way, even though it is found practicable to settle only certain of the classifications, leaving others - such for instance as V.L.A. category claims - to be heard. I told them that I would adopt their proposal if the Minister of Justice approved.

Hunter also tells me that he discussed with the Minister and yourself the question of deductions made by the Custodian's department, for commissions, advertising, etc. which I think he said extends to approximately 7% of chattel sales, and the possibility of crediting the amount of such deductions to the several claimants' accounts.

Has the Minister reached any conclusion on that subject?

I thought it well to write you at once, so that you may have an opportunity to discuss these matters with the Minister, and so permit you to give me his views when I telephone you at the conclusion of the claimants' general evidence, which I expect to do about the middle of next week.

I fully appreciate that there may be some danger in embarking upon any such off-the-record discussion as is suggested, but feel no adverse criticism should result since Counsel representing all the claimants and Government Counsel have made the proposal.

There is no occasion for an acknowledgment of this letter, at least until after I have discussed the matter further with you by telephone.

Counsel for the claimants assure me that they are authorized by their respective clients to proceed with the proposed conference. I propose to furnish the several Counsel concerned with a copy of this letter.

Yours very truly,

COPY

February 3, 1949.

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

Dear Bob:

I have your letter of the 30th of January. I have been ill in bed for a few days and still do not feel very clear headed.

I will discuss the matters contained in your letter with the Co-operative Committee. I frankly do not see how we could possibly agree to any such proposition without consulting our clients, whose views would presumably differ widely. I do not know how we could bind them to accept the amount suggested.

It does seem to me that the suggestion of settlement is still a little premature. If the Commissioner makes a finding in respect to some of the cases in the special categories upon the suggestion of counsel, which may correspond roughly to the figure suggested by Col. Hunter, then I think we may well be in a position to recommend to our clients that an allowance based upon these findings be accepted.

I do not see how the claimants could be compelled to agree to any such proposition even if we approved of it, unless the Government passed a new Order-in-Council in a sense relieving the Commission from further responsibility.

Frankly it is my personal opinion that in respect to the matters mentioned in the settlement, we are not likely to recover very much more than the figure suggested.

I assume that the Co-operative Committee will accept your recommendation that the proposal be not accepted.

I would be glad to hear from you as to whether you think it would be possible for us to make any counter suggestions in respect to some of the types of property re-

Mr. R. J. McMaster

February 3, 1949.

ferred to and how it is envisaged the machinery carrying out any settlement should be made in a way that would be binding on individuals.

I notice already that Mr. Virtue would not consider the proposal.

Please keep me advised as to any further information you may have in respect to this.

Yours sincerely,

FAB:NC

A handwritten signature, possibly 'TM', in dark ink, located to the right of the typed name 'FAB:NC'.

JAPANESE PROPERTY CLAIMS COMMISSION

RECEIVED
FEB 7 1949

COURT HOUSE CAMERON WELDON
VANCOUVER B.C.
& BREWIN

February 4th 1949.

F. A. Brewin, Esq.,
Messrs. Cameron, Weldon & Brewin,
Sterling Tower,
Toronto 1.

Dear Sir,

The Commissioner has directed me to advise you that he has reached and will shortly make known his conclusions on the question of fair market value. Please let us know if it is your desire meantime to submit further argument on this question, in addition to argument already submitted and which appears in transcript of evidence. We shall advise you of the date on which the Commissioner will make known his conclusions.

Yours truly,


A. WATSON

Secretary.

(1) { Worked Out
Wed. July
9th, 1949.

My Suggested Settlement

D. V. L. A. Lands:

Increase
Minimum. Attempt.
100% 125%

Nets:
(a)

Actually Sold: 50%

Declared Not Found;

On same basis
as those sold.

Claimed for - Not Found, 10%.

(b) Alternative:

All nets declared; or

Found,

(i) Ag & use as declared

(ii) Basis Rubie Tables.

Automobiles:

Actually sold 20%

Declared, not sold, 20%

(on Used Car Dealers
Table of values)

Chattels:

Minimum Attempt

- (a) Declared & Sold, 25%
- (b) Sold though not Declared, 25%
- (c) Declared & lost or destroyed,
- (i) Usual petty, 25%
(based on declared value or evidence)
 - (ii) Electric Ranges, Sewing Machines, Radios, Pianos & other "large" items, 50%
(based on evidence)
 - (iii) Machinery (e.g. Boat Equip & Supplies):
Stone Fixtures, etc., 50%
(based on evidence)
- (d) Claimed, but not Declared, 10%
(Based on evidence)

● Boats :

Minimum .

Sold by Cust \approx (Whether
sale previously arranged or
not)

Increase

50%

(Based on Sale Price if Sold)

(Based on Claimed Price if
Lost).

Solicitors Allowance

An allowance of 10% throughout.

Alternatively 5% on all Lands
10% on all Chattels.

Claimants Absorb All Other Costs;

e. g. Appraisal Expenses

Witness fees

etc.

VANCOUVER LANDS

Min^m

Houses, ——— (Incr) 25%

Stores & the like — (Incr) 50%.

OTHER URBAN^{RURAL} LANDS

e.g. Mission

Steveston

Nakoda Bay

Increase Farm Properties, 100%.

Increase Urban Houses, 50%

Business Properties (or Semi-Business) 100%.

OUTSIDE ABOVE CATEGORIES

As a guide. Approx 34% on chattels

" " " Approx 50% on Urban Properties

" " " Approx 100% on Farm Properties

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

Minutes

TIME - Jan. 26th, 1949; 5:00 p.m.

PLACE - Carlton Church

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

REGRETS: Fowler.

EDITORIAL COMMITTEE REPORT - Edith Fowke has begun work on a popular reading pamphlet, with special emphasis on the function of an "ad hoc" committee in a democracy. Publication possibilities are being explored through the Publications Committee of the Canadian Association for Adult Education. Failing inclusion in a series, which would be preferable, its publication can be jointly sponsored by the C.A.A.E., J.C.C.A., Canadian Citizenship Council and our Committee.

MINUTES - previously circulated, were adopted as read -

(a) of the Co-operative Committee - on MOTION: Boos/Haslam

(b) of the Finance Committee - " " Nichols/Tanaka.

FINANCIAL REPORT - Statement to 31.12.48 showed that disbursements left a balance of \$986.94, which January disbursements reduced to \$407.18. Remittances of additional 1% fee to date total \$3,117.73, while Mr. Virtue has remitted \$3,000.00 for the Southern Alta. Committee. Thus, \$6,524.86 is now available for further expenses. Just 150 claimants have responded so far, but it was felt that the month end should bring a considerable number more.

Discussion followed on Mr. McMaster's suggestion that provincial solicitors send letters to their clients who have not responded, outlining how the final hearing is proceeding and urging fullest co-operation. Finally agreed that after February 7th, follow-up letters should be sent centrally to all who have failed to reply -- Mr. Brewin to prepare the copy and the Secretary to work out details for having them individually typed. In Ontario and B.C. at least, the provincial solicitor's name is to be mentioned.

REPORT RE MR. BREWIN'S OTTAWA TRIP - An interview with the new Minister of Justice, Hon. S. Garson, was arranged and lasted over two hours. A definite decision had been made against any consideration of the financial proposition which we had outlined in our letter of Dec. 27th. With respect to the other matters raised at that time: (a) inclusion of claims re fishing vessels, now falling outside the present terms of reference, and (b) commission deductions, Mr. Brewin felt there was some hope of a change in policy.

It has been learned that a sum of \$40,000. - \$50,000., accrued interest on sums of money held in trust, is being held by the Government. The possibility of refunding commissions from this amount is being explored.

NEW BUDGET - Pressure of Mr. McMaster's work has been eased since assistance of a young lawyer - Alec McDonald - has been secured at a very moderate salary. Since practically all future expenses will be incurred through Mr. McMaster's office, Mr. Brewin agreed to ask him for an estimated budget of expenses till the end of the hearings. The Finance Committee can then meet, consider it, and make recommendations.

ADJOURNMENT - 6:30 p.m.

Campbell, Brazier, Fisher & McMaster
Barristers and Solicitors

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

A. W. FISHER
R. J. McMASTER

A. J. F. JOHNSON

A. E. COBUS

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

OUR FILE NO.

February 15th, 1949.

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

Dear Andy:

Re: Japanese Property Claims Commission.

We enclose one copy of each of the statements which
Mr. Hunter produced yesterday morning to the meeting.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per: 

MM
encls.

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

Minutes

TIME - Feb. 8th, 1949; 5:30 p.m.

PLACE - Carlton Church

PRESENT - Fowler, Haslam, Nichols, Obata, Tanaka, & Boos.

Regrets: Finlay & Tucker.

FINANCIAL REPORT - Remittances to date now total \$13,277.91, including the \$3,000.00 from Alberta.

FOLLOW-UP LETTERS - In view of the fact that remittances are still being received daily, it was moved - Nichols/Tanaka - that these letters be sent out as soon as remittances drop off. Carried.

SETTLEMENT PROPOSAL - A letter from Mr. McMaster was then read, outlining in detail a percentage basis proposal for settlement of all claims (other than D.V.L.A. and corporations) which the Government Counsel has presented to him for consideration. If the principle involved is accepted, and it is to be discussed with Col. Hunter, Mr. McMaster desires that Mr. Brewin be present. Mr. Brewin pointed out that if an adequate upward revision of the suggested percentages could be secured, a greater aggregate recovery would likely be achieved by accepting a settlement on this basis. It must, however, be recognized that the category set-up, of which we approved, provided for the review of each claim. However, in an informal discussion of the proposition it would be possible to discover now the Commissioner's mind is working, which would be an advantage, but having agreed to discuss the percentage basis, we would not then be in a position to reject the principle involved.

It was finally agreed, after much discussion, that Mr. Brewin should go immediately to Vancouver, discuss and explore possibilities of the proposed settlement, endeavouring to have the suggested percentages raised.

Announcement of any settlement, if one should be reached, regarding the categories listed, would be held until all claims have been settled.

ADJOURNMENT - 7:30 p.m.

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

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

A. W. FISHER
R. J. McMASTER

A. J. F. JOHNSON

A. E. COBUS

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

OUR FILE NO.

February 15th, 1949.

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

RECEIVED
FEB 17 1949
CAMERON WELDON
& BREWIN

Dear Andy:

Re: Japanese Property Claims Commission

We had our session with Judge Bird yesterday with a view to presenting informal argument which I set forth as well as I was able with occasional contributions from Mr. Virtue. It was very difficult to tell what impression we made on him. His only comment which I recall that gave any indication of his thinking was with respect to City properties where he indicated that he was surprised that the Crown's offer was as high as it was. In connection with City properties, however, he did note that we were only 5% apart and asked Hunter to ascertain for him through Shears the costs in addition to the 5% commission which was charged to the claimants with respect to those sales. Frankly, I do not recall any such costs being charged to the claimants. He did indicate that he thought the commissions ought not to have been charged against the claimants which sounded as if he was trying to find some excuse to arrive at some settlement on those properties. I am afraid that we are going to be pressed fairly hard to reduce our offer in this respect.

Mr. Hunter apparently had done little in the way of preparation of his argument and whereas we gave the Judge page references in the transcript to support ours, his general attitude was "We did the thing properly and therefore we must have got the fair market

Mr. Brewin:

February 15th, 1949.

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value". He tried to avoid the issue with regard to the automobiles by alleging that the appraiser must have been appraising dealers' prices instead of fair market value.

Hunter has handed us his alleged study on Maple Ridge which, even using his unusual statistical methods, produces a result showing V.L.A. sales to be 74.29% below market prices. He is proceeding to have his henchmen obtain data on the other municipalities and we have arranged that Tony, Alex and myself will assist in the work in collecting the data.

The approach which he has made to the selection of private sales is that he has excluded all private sales which were more than 150% above assessment and as he describes any private sales which are "more than 150% below assessment". How you can be 150% below assessment we have not been able to figure out although in the Schedule attached to his study he has ~~all~~ private sales which are below 30% of assessment and all sales which are above 250% of assessment. When you take all the sales that he has for the period January 1st to June 30th, they total 65. By this arbitrary method of elimination he excludes 13 of them or roughly one-fifth. On the figures he has produced including the ones he has excluded, half of the sales lie above 130, taking assessment at 100 and the other half lie below. Using that as a measuring rod and dealing with the cases he has selected, 32 of them lie below 130 and only 20 lie above. Tony has worked on the study and we expect to consult Dr. Drummond with regard to it. Then we will have to have it out with John because we cannot agree that it is in accordance with proper statistical methods. If he is going to use the same basis of selection in the other municipalities then we very much doubt despite all the work involved whether it will be possible for us to get together. He has limited the D.V.L.A. cases that he deals with to cases with respect to which there are claims. If you take all of the cases with respect to which there are claims then the relationship of V.L.A. prices to assessment is only about 50%. However, he has excluded from his study D.V.L.A. prices which fall "below 150% of assessment" and thus arrives at a relationship between V.L.A. prices and assessment of 72 to 100. If he is going to do this kind of juggling with his facts, it is going to make it difficult to get together. However, I think we may be able to

Mr. Brewin:

February 15th, 1949.

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talk him into going at it in a fair and reasonable way and if he will I think the studies will prove most helpful.

I will try to keep you advised as to progress.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per: *R. McMaster*

McM:MM

February 17, 1949.

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

Re: Japanese Property Claims Commission

Dear Bob:

Thank you for your letter of February 15th.

The comment that Mr. Justice Bird made in regard to the City properties is not unexpected.

I believe, however, that he will be so anxious to get a settlement that we may be able to get him to recommend our figure.

I am interested in what you say about Hunter's study on Maple Ridge. It seems to me that he is struggling very hard to justify an offer as low as 75%. It seems to me that apart altogether from these studies there is ample justification for a higher figure.

In regard to the proposed studies on other municipalities, what I think may be important quite apart from whether Hunter's methods are proper ones, is to see whether there is any basis for a substantial difference between the other municipalities and Maple Ridge.

We are having a meeting of the Co-operative Committee next Tuesday.

In the meantime I have discussed the matter with George Tanaka and while he believes that the claimants will be disappointed in part of the proposals, he thinks that they will be willing to accept it under protest in regard to the narrowness of the terms of reference which make it necessary to accept such figures.

Yours sincerely,

FAB:HC

Japanese Canadian

TELEPHONE: ~~XXXXXXXXXXXX~~
PLaza 1253



CITIZENS ASSOCIATION

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

February 21, 1949.

RECEIVED

FEB 22 1949

CAMERON WELDON
& BREWIN

Mr. Andrew Brewin,
Sterling Towers,
372 Bay Street,
Toronto, Ontario.

Dear Andy:

Please accept my apologies for not sending you earlier the following stated material which you requested for submission to the Minister of Justice.

I am sending you under separate cover our national organization constitution, the list of the members of the national organization and the component chapter organizations. Also, one copy of our claimant's brief to the Commission which I believe you desire to send to the Minister.

As we have a number of extra copies of our Claims Brief, we shall be very pleased to send you further copies should you require them.

Sincerely yours,

GEORGE TANAKA,
National Executive Secretary.

GT/nf

Norris V MacLennan

RECEIVED

FEB 25 1949

CAMERON WELDON
& BREWIN

313 Bank of Nova Scotia,
Vancouver, B.C.

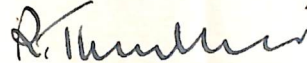
February 23rd 1949

Co-Operative Committee on Japanese Losses,
c/o Cameron, Weldon & Brewin,
Stirling Tower,
Toronto, Ont.

Dear Sirs,

I would appreciate being advised when I may
expect payment of the balance of this firm's
account amounting to \$756.59.

Yours truly,



Liquidator,
Norris & MacLennan

February 25, 1949.

Messrs. Norris & MacLennan,
Barristers,
313 Bank of Nova Scotia,
Vancouver, B.C.

Dear Sirs:

I have your letter of February 23rd addressed to the Co-operative Committee on Japanese Canadians, pointing out that there was a balance due in the firm account of \$756.59.

As was earlier explained to Mr. Norris and Mr. MacLennan, the payment of accounts for legal services as had to be deferred until the Commission terminates, and payments are made under it.

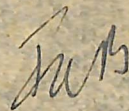
We hope that this matter will be completed this year.

Yours very truly,

CAMERON, WELDON & BREWIN

FAB:HC

per:

A handwritten signature in dark ink, appearing to be 'JWB' or similar, written over the printed name 'CAMERON, WELDON & BREWIN'.

JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE
VANCOUVER, B.C.

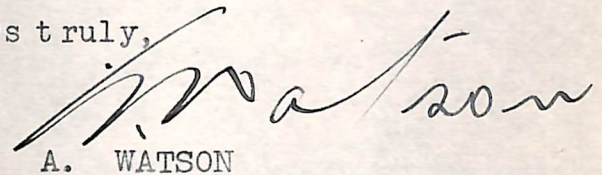
February 26th 1949.

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

Dear Sir,

The Commissioner has directed that
a copy of his Conclusions on the argument
relating to "Fair Market Value" be forwarded
to you, and the same is enclosed herewith.

Yours truly,



A. WATSON

Secretary.

Enc.

JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE
VANCOUVER, B.C.

February 26th 1949.

RECEIVED

FEB 28 1949

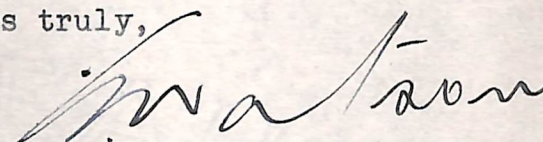
CAMERON WELDON
& BREWIN

F. A. Brewin, Esq.,
Messrs. Cameron, Weldon & Brewin,
Sterling Tower,
Toronto 1.

Dear Sir,

The Commissioner has directed me
to enclose to you copy of the Minutes of the
Conference held in his Chambers on the 12th inst.,
in which is outlined the opening remarks made prior
to the discussion which took place on that day
relative to the proposal for settlement of claims.

Yours truly,



A. WATSON

Secretary.

Enc.

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

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

A. W. FISHER
R. J. MCMASTER

A. J. F. JOHNSON

A. E. COBUS

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

OUR FILE NO.

RECEIVED
MAR 9 1949

March 7th, 1949.

CAMERON WELDON
& BREWIN

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

Dear Andy:

Re: Japanese Property Claims Commission.

This task is proceeding very slowly. The job of obtaining the necessary data in each of the municipalities is an arduous one and after the data is obtained it is quite a job to break it down into material which can be analyzed.

I have not had many discussions with Hunter in the last few weeks but from those which I have had I anticipate that we may have some difficulty getting together with him on the results of the study. It is our understanding that the study only has validity in terms of an over-all picture and is not valid if it is broken into small groupings of properties which may or may not be representative of the whole. He apparently cannot bring himself to believe that it is possible that the Soldier Settlement Board might be from 90 to 100 per cent out and is trying to break down the figures in such a way so as to bring this percentage down.

From our study of the material so far, it appears that in most of the municipalities the average Japanese property, both as to lands and buildings were assessed at a higher value than the properties which were sold at private sale. Accordingly, despite the evidence that the Japanese buildings were on the whole less attractive or inferior, we are not prepared to concede too much of an adjustment in this respect.

The problem we are struggling with now is

Mr. Brewin:

March 7th, 1949.

- 2 -

Re: Japanese Property Claims
Commission.

how much adjustment on the over-all picture of private sales requires to be made by reason of the fact that in the private sales the largest number of sales took place with respect to small acreages and better prices were obtained on small acreages. On the other hand, the larger number of Japanese properties are larger acreages which at private sale appear to bring smaller prices. In most municipalities judging from the census figures, I think we can establish that the private sales which did take place represented a cross section of the farm lands according to size, that is to say, there are more small holdings, say from one to ten acres in each municipality than there are large holdings, say from ten to fifty acres.

At present, I think probably it will be wiser for us to arrive at our own conclusions as to what would be a fair settlement having regard to the statistical material and let Hunter arrive at his own without too much discussion of the means of arriving thereat and then when we appear before the Judge set forth our reasons for arriving at our figure and attack whatever reasoning Hunter puts forth for arriving at his.

I have had a couple of sessions with George Tanaka and am somewhat concerned over the fact that he seems to feel that it will be necessary to seek some kind of approval from the claimants for any settlement. I take it from him that he doesn't think that the J.C.C.A. or any other Japanese organization are prepared to stick their necks out in this respect without such approval. I understand that he is going to meet with each of the executives of the J.C.C.A. in the Provinces on his way back. I have given him a statement which does not indicate that we are presently negotiating a settlement but which indicates that some proposal of settlement may be forthcoming and outlining the strength and weaknesses of our evidence and the maximum amount which in my opinion we can hope to obtain in the event that we go through with the hearings to the bitter end and recommending that if an offer of settlement

Mr. Brewin:

March 7th, 1949.

-3-

Re: Japanese Property Claims
Commission.

can be obtained which is close to these figures that it should be accepted. The proposal is that George will discuss this confidentially with the local executives and will set up the machinery in each Province with three or four key persons so that upon being advised by the National Office of the terms of an actual offer of settlement or proposal for settlement, they can meet with groups of claimants in each Province as rapidly as possible and discuss it with them. I would very much like to receive your views on this matter before George starts back East.

With respect to the matter of the method of distribution between the claimants if an offer of settlement is made, I received an intimation through Hunter last week that Mr. Justice Bird would like to talk to me about this and accordingly called upon him. He is prepared to go quite a long way in accepting full responsibility for the manner of distribution. He is prepared to listen to any suggestions that we have to make as to the manner of distribution which would lead to greater equity but is anxious that any such proposal should not be too refined. For instance, I take it that the sort of thing that he has in mind is that we might indicate to him general evidence as to the differences in land value in 1943 in different parts of a municipality. Then there might be added to these land values the present day value of the buildings as shown on the S.S.B. report in order to establish the relationship between the various claimants' properties. He seems to prefer this method to the one which we discussed of having all the properties appraised by our appraiser.

I have been so busy with other aspects of the case that I have not given the matter too much further thought. I would only comment that we have run into further snags in having additional appraisals made in the country now that the snow is gone by reason of the terrible condition of the roads which makes it practically impossible for the appraiser to get about once he gets off the main highways. In terms of City properties, I think Bird's idea would be to classify them by districts in the City and possibly to make some distinction between housing accommodation and business accommodation. I am

Mr. Brewin:

March 7th, 1949.

-4-

Re: Japanese Property Claims
Commission.

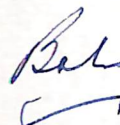
not at all sure but what this might work out just as equitably as the proposal of having all the properties appraised and applying an arbitrary formula to the appraisals as we discussed.

I have not yet discussed this matter with
Virtue.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per:



McM:MM

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

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

A. W. FISHER
R. J. MCMASTER

A. J. F. JOHNSON

A. E. COBUS

RECEIVED
MAR 21 1949
CAMERON WELDON
& BREWIN

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

OUR FILE NO.

March 18, 1948.

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

Dear Andy:-

Re: City Property.

Pursuant to our discussion today with respect to Mr. Justice Bird's expression of opinion in this matter and your suggestion that we would have to take a tough attitude, I have to report that for the first time today I have had an opportunity of examining a report on the appraisals of most of these properties by our appraiser.

Frankly the picture is not encouraging. We just ran off the figures on 56 cases other than category cases where we had figures on the Custodian's selling price. Of these there were only 18 cases in which he gave any increase over the Custodian selling price. The overall average on these 18 would only represent a 5.9% increase. Dealing with the 18 they average out at a 26% increase, and included in them is one on which he gives 100%.

We know that our appraiser is a very conservative appraiser, but can we persuade Bird on that? One fortunate thing is that the category cases were well selected and while I do not have the final figures as Alex had to dash away, it appeared that the percentage on which he gave ~~know~~ no increase was much smaller and the overall average was about a 20% increase. We will do some intensive work on the figures but I am not happy about them, and in the face of them how tough can we afford to get? -(particularly if the deal on the other things is reasonably good.)

It seems to me we ought to bluff to the last ditch, but we may have to yield before our bluff is called. I would like you to think this over and I will report again.

Yours truly,

Bob

Copy to A. G. Virtue.

March 21, 1949.

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

Re: City Property

Dear Bob:

I have your letter of March 18th, and before replying I was considering our telephone conversation.

I do feel very strongly that it would be difficult if not ~~impossible~~ for us to agree to an overall payment on the Vancouver properties, of less than 10%, which the Government have offered. These involve a substantial number of cases as you know, and the purpose of our agreeing to an overall settlement is that we may be able to commend the proposed settlement to all of our clients. I am quite sure that they would feel very dissatisfied at the overall of 10%, more particularly as some of them would undoubtedly be able to establish on the particular facts of their case, a higher award.

As I understand it the 10% includes an allowance of at least 5% in respect to commissions. I am quite confident that the claimants would resist and strenuously object to an overall allowance of less than 10% which the Government have offered. I quite appreciate the difficulties of proof and the difficulties involved in the attitude of Mr. Justice Bird. It remains the fact, however, that a substantial group of claimants are going to be extremely dissatisfied.

It is one thing for them to be dissatisfied with the eventual award made by the Commissioner after hearing all the evidence. It is quite another thing that they should feel as I think they would if we agreed to less than 10% on Vancouver properties, that we have sacrificed their interests.

I suspect that Mr. Justice Bird may be suff-

Mr. R. J. McMaster

March 21, 1949.

iciently anxious to get our acquiescence in an overall settlement, that if we are firm about this he may give way.

After all, he can say that this was the figure that the Government counsel were prepared to recommend, and while he himself may have some doubt, bearing in mind that at least part of it consists of commissions, he is prepared to recommend it as part of an overall settlement.

I am quite content to leave the matter in your hands in view of all the other considerations in the Government offer and proposal, but I do not think you should yield on the 10% unless or until you are sure that it means sacrificing everything else.

Yours very truly,

FAB:HC

A handwritten signature, likely of the sender, is written in dark ink. It consists of a series of fluid, connected loops and strokes, characteristic of a cursive signature.

March 22, 1949.

Miss M. Boos,
67 Riverdale Avenue,
Toronto, Ontario.

Dear Miss Boos:

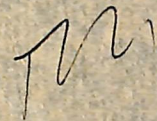
We are enclosing herewith account of
Mr. Roger Ouimet. Could you please look after this.

Yours very truly,

CAMERON, WELDON & BREWIN

per:

FAB:HC
Encl.

A handwritten signature, possibly reading 'JW', is written in dark ink on the right side of the page.

CANADA

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

PHONE 6131

PLEASE REFER TO

FILE NO. 5112

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

RECEIVED

14th March, 1949.

MAR 23 1949

CAMERON WELDON
& BREWIN

Messrs. Cameron, Weldon & Brewin,
Barristers & Solicitors,
Toronto, Ontario.

Dear Sirs:

Re: Fred Kingo MORIYAMA - Regn. No. 00928

We should be obliged if you would kindly let us know
the present address of your client, Mr. F. Moriyama.

According to our records his last address was 115
Grange Ave., Toronto, but a letter sent to his mother care of
this address was returned to this office.

Thanking you in anticipation.

Yours truly,

C. Allan

Office of the Custodian.

HA

March 23, 1949.

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

Dear Bob:

I have your letter of March 21st which crossed my last letter to you.

I appreciate your difficulty in regard to the Vancouver properties. However, I think we should not agree to go any lower than the Crown offer. After all, what is proposed is in effect a settlement which is designed to leave the least possible sense of grievance. If the 10% is considered by Mr. Justice Bird to be a little bit too high, there may well be a good many cases in which we are agreeing to settle at a figure that might be regarded as too low, especially in regard to individual claims.

The great advantage of an overall settlement is that those individuals who may have better claims are willing to forego the possibility of their being able to prove a higher claim in order that some sort of allowance may be made to all. I think that at the appropriate occasion you should impress Mr. Justice Bird as forcefully as possible, with the idea that if we were to recommend ourselves, less than the Crown itself offers, we could be very seriously criticized by our clients, and I have no doubt that the Japanese claimants as a whole would be extremely unhappy.

After all, nearly all of the 10% can be explained by relation to the commissions, and the balance can have reference to the extreme difficulties of obtaining a fair market price in the circumstances forced upon the Custodian. It seems to me that there is no implicit criticism of the Advisory Committee or the Custodian in saying that an overall allowance of 5% on sale values would take care of any inequities that might have resulted from the fact that the methods of sale were inevitably different to those which the voluntary vendor would adopt.

In regard to the V.L.A. transactions, I would be quite willing to accept the 75% which you think Mr. Justice Bird may be inclined to recommend.

Mr. R. J. McMaster

March 23, 1949.

I am also in agreement with you as to the difficulty and danger of attempting to file individual appraisals in respect to all the properties. I do not know what other formula you can suggest which would take account of substantial differences in individual cases.

Please feel that you have our full confidence and authority in making any arrangements or suggestions with a view to a recommended settlement, that you think advisable.

Yours sincerely,

FAB:HC

A handwritten signature in dark ink, appearing to be 'DM' or similar initials, written in a cursive style.

~~Co-operative Committee on Japanese Canadians~~
67 Riverdale Avenue
Toronto 6, Ontario

Campbell, Brazier, Fisher & McMaster
Barristers and Solicitors

November 1/48 to March 31, 1949	Nov. 1	G. F. Drummond re statistical survey	\$ 150.00
	8	William Byers re information on lumber prices	37.50
	16	J. G. Leckie Registrar of Companies re Haney Box Company	100.00 6.60
		S. Tagami - Interpreter's fees	46.00
	24	Department of Municipal Affairs re searches	10.00
	29	J. G. Leckie	100.00
	Dec. 11	J. G. Leckie	100.00
	21	J. G. Leckie	100.00
	23	David Harper re photostatic copy of chart	3.29
	Jan. 3	J. G. Leckie	100.00
	14	J. G. Leckie	100.00
	27	J. G. Leckie	100.00
	Feb. 5	G. F. Drummond (witness)	5.80
	12	J. G. Leckie	50.00
	17	Central Stenographers	3.30
	18	J. G. Leckie	50.00
	21	C. Bentall - witness fee	15.00
		Fenwick Fatkin - witness fee	4.65
		Buck Suzuki - witness fee	15.00
		Harry Christiansen - witness fee	15.00
	26	J. G. Leckie	50.00
	Mar. 3	W. H. Itter & Son - witness fee	35.00
		A. T. Dalton - witness fee	15.00
		Alex McDonald - on account	400.00
	4	J. G. Leckie	100.00
	14	Moresby, Farr, Byers & Moresby re Professor Farr	100.00
	18	J. G. Leckie	50.00
	30	J. G. Leckie	100.00
		CARRIES FORWARD	\$ 1962.14

BROUGHT FORWARD \$ 1962.14

Miscellaneous Disbursements:

R. J. McMasters's expenses re stop-overs in Winnipeg & Toronto re Ottawa trip	30.00
Miscellaneous meals	64.66
Transportation	45.06
Stenographic Overtime	24.25
Postage and Exchange	12.12
Telegraph Service	12.04
Long Distance Telephone Service:	
General (Includes \$36 call to Toronto February 4)	38.75
re Haney Box Company	11.40

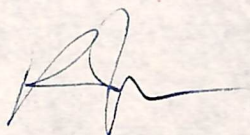
Re Appraisals

Dec. 13	I. B. Hewer - November account and balance of October account	966.54 9.65
Nov. 16	Universal Appraisal Company	234.54
Jan. 18	I. B. Hewer	1115.42
Feb. 16	I. B. Hewer	411.12
Mar. 22	I. B. Hewer	287.39

TOTAL EXPENDITURE \$ 5225.08

CAMPBELL, BRAZIER, FISHER & McMASTER

Per



E. & O.E.