214-General Pt.B ICBC-War- Seizure of Broughton I 1941-43

214. Dept. File 1939 War Re Indians' Claim against Authorities for damage to ... when ... Title 214

ACCESS REVIEWED:

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VOL/BOX 11288

FILE 214-General, pt. B.

~~Open~~ ✓ PD Closed

Date 10/05/91

Alert Bay, B.C.
12th Dec. 1941.

The Commissioner of Indian Affairs
Victoria.

Dear Sir,

I was fishing this season with a seine boat belonging to a Japanese by the name of C. Nakamura. The name of the boat was the "Broughton No. 1".

I was engaged by him to buy clams, using the same boat, and also to fish for dog-fish.

I had a crew of 5 men including myself and of these, two were my brothers.

On Tuesday the 9th inst. this boat was held here by the Naval Authorities as being Japanese owned.

I have a complaint to make as to our treatment by these officers since that time.

On the Tuesday the officers Lieut. Clough told us that we could take off the boat thoese things that were absolutely necessary but our other belongings could stay until things were settled up. This we did, but yesterday the 11th inst. all our private things were thrown out on to the upper deck and all practically destroyed by the torrents of rain. My brothers lost two suits of underclothing two pairs of lather shoes so soaked and filled with water as to make them useless, and other damage to many other articles.

The kees of my boat were handed over on the Tuesday.

I saw Lieut. Clough today re this matter, but the only satisfaction I could get from him was that he was away yesterday and did not know that his men were doing that.

I am
Sir
Your obedient servant

"Heber Webber"

Kawadaenuk Band

Received December 17, 1941.

18/6/5653

December 18, 1941.

Dear Sir:

I enclose herewith letter received from Heber Webber of Alert Bay complaining of loss and damage to personal effects due to negligence of the Naval authorities in seizure of the seine boat "Broughton No. 1" , owned by a Japanese, C. Nakamura.

Kindly have the Indians concerned file the statement of claim with you, in quadruplicate, detailing the items and their value and the circumstances under which the damage or loss occurred. If you will forward this to me I will take the matter up with the authorities concerned.

Yours faithfully,

D.M.MacKay,
Indian Commissioner for B.C.

:GR

M.S.Todd, Esq.,
Indian Agent,
Alert Bay, B.C.

(COPY)

Alert Bay, B.C.,
23rd December 1941.

M.S. Todd, Esq.,
Indian Agent,
Alert Bay, B.C.

Dear Sir,-

I wish to herewith file a claim against the Naval Department stationed at Alert Bay for damage sustained to personal effects, the circumstances of which loss were as follows:-

I have been employed by C.Nakamura on his seine boat "Broughton 1" during the past fishing season, and had an agreement to work on this boat during the winter,clam buying. Heber Webber was Captain of the boat.

On Tuesday, December 9th I was asleep on the "Broughton 1" when Glen Johnson, one of the crew, woke me up and told me that the boat had been seized by the Naval authorities as it was owned by a Japanese. The boat was taken down to the Standard Oil Company dock at Alert Bay with Heber Webber in charge, and the keys were then handed over to the Naval officer. He told us just to take with us what we needed right away, and to leave the rest of our stuff on board, that he would let us know later when we could get it. We therefore took our immediate necessities, but left quite a few things on the boat.

On Thursday, Heber Webber came to me and told me that all the things we had left on the boat had been taken outside and left on the upper deck, where they were now soaking wet with the extremely heavy rainfall. I went down to the boat but could not locate all the things I had left.

I feel that I should receive some compensation for this loss as we would have removed all our belongings if we had been given time to do so but were told at the time that we could get them later. Following is the list of goods which I have lost:-

2 pr. heavy socks	@ .75	-	$1.50
2 pr. underwear	@ 3.00	-	6.00
1 work shirt	2.00	-	2.00
1 windbreaker	6.00	-	6.00
1 pr. pants	2.50	-	2.50
1 pack sack	5.95	-	5.95
		Total	$ 23.95

Anything you may be able to do to assist me in recovering this claim will be appreciated.

I make the above statement, knowing it to be true, and of the same force and effect as though taken under the Canada Evidence Act.

Yours truly,

Willie Webber

(Willie Webber)

Member of Crew of "Broughton 1"

VANCOUVER, B.C. COMMISSIONER

Alert Bay, B.C.,
23rd December, 1941.

M.S. Todd, Esq.,
Indian Agent,
Alert Bay, B.C.

Dear Sir,-

I wish to herewith file a claim against the Naval Department for damages sustained to personal property, the circumstances of which loss were as follows:-

I have been employed as member of the crew of the "Broughton 1" of which Heber Webber is Captain, during the past fishing season and had arranged to work on this boat during the winter months in clam buying. The boat is owned by C. Nakamura, a Japanese.

On Tuesday, December 9th while the boat was tied at the Indian Agency float, a Naval officer came aboard and told the Captain he had instructions to seize the ship as it was owned by a Japanese. Heber Webber took the boat to the Standard Oil Co. float at the officer's request, and then handed over the keys. The Officer told us to take only the things that we needed immediately, and that as matters would soon be settled, he would advise us when we could come aboard and get the rest of our belongings. This we did, and left the boat.

On Thursday, Heber Webber told me he had been told that all our stuff was lying outside in the rain on the upper deck of the "Broughton 1". We investigated and found this to be so. The rainfall had been so heavy that our belongings were completely destroyed. He and I then went to interview Lieutenant Gough, Officer in charge of the Naval detachment, and informed him of what had happened. He expressed regret and stated this had been done during his absence.

I feel that under the circumstances we should be compensated for our loss, and I would like to file claim for the following articles:

1 pr. Oxfords, size 8½,	$ 5.95	
1 work Shirt, size 15½,	1.95	
Total,	$ 7.90	
2 pr. heavy socks @ 50¢	1.00	$ 8.90

I hereby state that the above circumstances are true, and I make this statement as having the same force and effect as though taken under the Canada Evidence Act.

Yours truly,

Glenn Johnson

(Glen Johnson)
Member of Crew, "Broughton 1"

INDIAN COMMISSIONER
DEC 27
VANCOUVER, B. C.

Alert Bay, B.C.,
23rd December 1941.

M.S. Todd, Esq.,
Indian Agent,
Alert Bay, B.C.

Dear Sir,-

I wish to herewith file a claim against the Naval Department stationed at Alert Bay under command of Lieut. Gough for damages sustained to personal effects. The circumstances of this claim are as follows:-

I have been employed by C. Nakamura during the past fishing season on his seine boat "Broughton 1", and had an agreement with him to use this boat for clam buying this winter. The crew was comprised of myself as Captain, Glen Johnson, Willie Webber, Peter Smith and Wilson Wallace, all Indians.

On Tuesday, December 9th, the "Broughton 1" was tied at the Indian Agency float, and one of the Naval officers stationed at Alert Bay came aboard and told me as this boat was Japanese owned, it was necessary for him to seize it. He came aboard, and asked me to take it down to the Standard Oil Company float. He then took over the keys of the boat, and told us to take off what we required immediately, but to leave the rest of our personal belongings on the boat until later and that he would let us know when things were settled and we could go and get them. This we did, and we did not go near the boat again, expecting to hear from him that things had been settled and that we could get the rest of our belongings off the boat.

On Thursday the 11th I was informed by some of the boys that all our personal effects had been taken out of the boat and thrown on to the upper deck of the "Broughton 1" and were lying in the heavy rain; we investigated and found this to be so, and by this time they were so damaged they are practically worthless.

Peter Smith and Wilson Wallace had taken all their belongings off the boat, but the other two boys and I went to see Lieutenant Gough and asked him why our things had been thrown outside and left in the rain to be destroyed. He said he had been away for a day and that this had been done during his absence, and that he regretted the occurrence.

I feel under the circumstances that we should be compensated for the loss of our belongings, as we had obeyed orders and were waiting for the Naval authorities to give us permission to take our things off the boat. Following is the list of articles which I have lost through damage:

1 pr. shoes, value	$ 3.95	1 pr.work socks,	$ .65
1 pr. overalls,	1.75	1 pr.dress socks,	.50
1 good pocket knife	1.75	1 wool mackinaw	7.50
1 pyrex sport light globe	.90	1 pillow	2.00
1 bone dry hat	1.50		

25 gals (approx) RPM cylinder oil @ 96½¢ per gal. 24.12
(which I had paid for personally)

Total $ 44.62

INDIAN COMMISSIONER
VANCOUVER, B.C.
DEC 27

I should also state there was a supply of food on the boat which had been put on by C. Nakamura and which would have been charged to our account, but I have not at present the valuation of these goods.

Anything you may be able to do to assist in obtaining compensation for the two members of my crew and myself would be appreciated.

I make the above statement, knowing it to be true, and of the same force and effect as though taken under the "Canada Evidence Act.".

Yours truly,

Heber Webber

(Heber Webber)
Captain, Seine boat "Broughton 1"

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE_____

Alert Bay, B. C.,
23rd December, 1941.

Dear Sir,-

In reply to your letter No.18-6-5653 of the 18th instant re a claim submitted by Heber Webber, Indian, re damages sustained to personal property re the seizure of the Japanese owned seine boat "Broughton 1", I beg to advise I have interviewed the Indians concerned and have obtained from them a statement setting forth the circumstances surrounding their loss, and a list of articles owned by each individual.

The statements are in quadruplicate, as requested, and I trust will be found in order.

Your obedient servant,

G.M. Thompson.

Clerk

Major D.M. MacKay,
Indian Commissioner for B.C.,
Department of Mines and Resources,
Vancouver, B. C.

INDIAN COMMISSIONER
DEC 27 1941
VANCOUVER, B. C.

18/6/5937

January 8, 1942.

Dear Sir:

I enclose herewith claims received from Indians Heber Webber for $44.62, Glen Johnson for $8.90, and Willie Webber for $23.95, a total of $77.47, for damages sustained by them in the seizure by the Canadian Naval authorities on the 9th ultimo of a Japanese seine boat, the "Broughton I", at Alert Bay. The Indians are all of Alert Bay.

The circumstances are fully outlined in the claim but may be summarized by stating that the "Broughton I" was at the time of seizure under control of the Indian claimants and that after its seizure the personal effects of the Indian crew were damaged or destroyed by the negligence of the ratings in charge of the boat before the articles had been released to the claimants.

It would be appreciated if this claim could be passed to the Department of National Defence at Ottawa by the Department.

In my opinion, it is open to question whether the Naval authorities were acting within their authority, in that at the time of seizure the boat was under hire to Indians for fishing purposes and in operation by them. It appears to me that it should not have been subject to seizure until the Indians' agreement with the owner had expired, notwithstanding registration of the boat in the name of the Japanese owner.

Yours faithfully,

:GR

D.M.MacKay,
Indian Commissioner for B.C.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

18/6/5938

January 8, 1942.

Dear Sir:

I beg to acknowledge receipt of your letter of 23rd ultimo enclosing claims of Heber Webber for $44.62, Glen Johnson for $8.90, and Willie Webber for $23.95 for loss of personal effects in connection with the seizure of the Japanese owned seine boat "Broughton I".

This claim has been forwarded to the Department and I will advise you of the outcome on receipt of their reply.

Yours faithfully,

D.M.MacKay,
Indian Commissioner for B.C.

:GR

M.S.Todd, Esq.,
Indian Agent,
Alert Bay, B.C.

197/6508.

February 12,1942.

Dear Sir:- Your File 40-150-3.

I beg to acknowledge receipt of your letter of the 9th instant with reference to the acquisition for Indian use of Japanese fishing craft recently seized along the British Columbia coast by the Department of National Defence, in which you refer me to the Japanese Fishing Vessels Disposal Committee.

I have already contacted this Committee, after considerable delay on their part, in connection with an Indian of the West Coast Agency who came to Vancouver some three weeks ago with about Two thousand dollars in cash and anxious to purchase a boat with which he was familiar. He was referred to the Committee by this office but he was unable to secure permission to view the boat, which was tied up in New Westminster, and finally was compelled to return home with nothing accomplished. It is understood that the boats were very badly damaged in seizure and a most careful examination would have to be made before purchase is contemplated.

With reference to damage to Indian property at Alert Bay in connection with the seizure of one of these boats, I presume it was your intention that this claim be submitted to the Disposal Committee, and this is being done.

Yours faithfully,

The Secretary,
Indian Affairs Branch,
Dept. Mines & Resources,
Ottawa, Ont.

For. D. M. MacKay,
Indian Commissioner for B. C.

:ZEM.

214/6510.

February 13,1942.

Dear Sir:-

I enclose herewith the following of correspondence in duplicate relative to a claim of $77.47 for damages sustained in the seizure of a Japanese seine boat, the "Broughton 1" at Alert Bay on December 9th, 1941, at which time the boat was under charter to four Indians of that locality.

(1) Copy of letter Dec.23,1941,Willie Webber to Indian Agt.Todd.
(2) " " " " " Glen Johnson " " " "
(3) " " " " " Heber Webber " " " "
(4) " " " " " Indian Agt.Todd to Indian Comm'r.
(5) " " " Jan. 8,1942,Indian Commissioner to Secretary of Department at Ottawa.

The Department has now instructed that the claim be presented to your office.

The claim as stated in attached correspondence, is for loss of personal effects of the Indians concerned as a result of negligence by the naval ratings in the seizure of the boat in question.

Payment of the amount should be made to me at the above address.

Yours faithfully,

For. D. M. MacKay,
Indian Commissioner for B. C.

Japanese Fishing Vessels Disposal Committee.
Marine Building,
Vancouver. B.C.

encl.
;ZEM.

214/6510.

February 12,1942.

Dear Sir:-

I enclose herewith the following of correspondence in duplicate relative to a claim of $77.47 for damages sustained in the seizure of a Japanese seine boat, the "Broughton 1" at Alert Bay on December 9th, 1941, at which time the boat was under charter to four Indians of that locality.

(1) Copy of letter Dec.23,1941,Willie Webber to Indian Agt.Todd A.
(2) " " " " " Glen Johnson " " " "
(3) " " " " " Heber Webber " " " "
(4) " " " " " Indian Agt.Todd to Indian Comm'r B.
(5) " " " Jan. 8,1942,Indian Commissioner to Secretary of Department at Ottawa.

The Department has now instructed that the claim be presented to your office.

The claim as stated in attached correspondence, is for loss of personal effects of the Indians concerned as a result of negligence by the naval ratings in the seizure of the boat in question.

Payment of the amount should be made to me at the above address.

Yours faithfully,

For. D. M. MacKay,
Indian Commissioner for B. C.

Japanese Fishing Vessels Disposal Committee.
Marine Building,
Vancouver. B.C.

encl.
;ZEM.

TELEPHONE PACIFIC 9331

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

Committee:
THE HONORABLE MR. JUSTICE SIDNEY SMITH
CHAIRMAN
COMMANDER B. L. JOHNSON, D.S.O., R.C.N.R.
KISHIZO KIMURA

A. E. McMASTER, EXECUTIVE ASSISTANT

1528 MARINE BUILDING
VANCOUVER, B.C.

February 14th, 1942.

Mr. D. M. MacKay,
Indian Commissioner for B. C.,
Department of Mines and Resources,
P. O. Box 70,
VANCOUVER, B. C.

Dear Sir:

This will acknowledge receipt of your letter of the 12th instant, File No. 214/6510, enclosing copies of correspondence in duplicate relative to a claim of $77.47 in relation to the immobilization of Japanese Fishing Vessels.

This matter properly comes under the jurisdiction of the Commanding Officer of the Auxiliary Vessels, Esquimalt, B. C., to whom I have referred your file.

Yours very truly,

A. E. McMaster,
Executive Assistant.

RO

INDIAN COMMISSIONER
FEB 16 1942
VANCOUVER, B.C.

ALL COMMUNICATIONS TO BE ADDRESSED TO THE COMMITTEE

TELEPHONE PA CIFIC 9331

OFFICE OF THE DEPUTY MINISTER OF FISHERIES

OTTAWA

February 10th, 1942.

COPY

Dear Doctor McGill,

In the absence of the Deputy Minister I desire to acknowledge receipt of your letter of the 5th instant enclosing copies of claims by several Indians of the Kwawkewlth Indian Agency (Alert Bay), for damage to personal effects sustained incidental to seizure by Naval authorities of a Japanese-owned fishing boat upon which they are employed; also copy of covering letter dated January 8th from the Indian Commissioner for British Columbia.

As you will have observed from Order in Council of January 13th, 1942, P.C. 288, copy of which was sent to you under cover of the Department's letter of the 5th instant, the terms of reference to the Committee appointed thereby for the disposal of Japanese-owned fishing boats immobilized in British Columbia, include the duty of reporting on claims which may be made on the Government for damage to or deterioration of the vessels and equipment while under detention. In these circumstances you may desire to have the claims filed with the Committee and I am accordingly returning the signed copies that were enclosed with your letter under acknowledgment.

Yours very truly,

D. H. Sutherland,
Acting Deputy Minister.

Dr. Harold W. McGill,
Director,
Indian Affairs Branch,
Department of Mines and Resources,
O t t a w a.

TELEPHONE PA CIFIC 9331

ADDRESS REPLY TO THE
SECRETARY, INDIAN
AFFAIRS BRANCH

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 40-150-3

OTTAWA February 13, 1942.

Dear Sir:-

I have to refer to your letter of January 8, 1942, wherewith you enclosed claims received from Indians at Alert Bay for damages sustained by them in the seizure by the Canadian Naval authorities of a Japanese seine boat.

As I advised you this matter was referred to the Department of Fisheries.

For your information I am enclosing herewith copy of a reply received from the Acting Deputy Minister, dated February 10.

I have to request that you will take the matter up with the Japanese Fishing Vessels Disposal Committee as suggested. Please advise me further in due course for our files.

Yours very truly,

T.R.L. MacInnes,
Secretary.

Major D. M. MacKay,
Indian Commissioner for B. C.,
P. O. Box 70,
Vancouver, B. C.

TELEPHONE PA CIFIC 9331

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE_____

Alert Bay, B.C.,
March 10th, 1942.

Dear Sir,-

Would you kindly advise me whether you have heard anything further from the Naval Authorities re the claims of Heber Webber, Glen Johnson and Willie Webber for loss of personal effects in connection with the seizure of the Japanese owned seine boat "Broughton 1"?

This matter was dealt with in your letter No. 18-6-5938 dated January 8th, 1942.

Your obedient servant,

(M. S. Todd)
Indian Agent

Major D.M. MacKay,
Indian Commissioner for B.C.,
Department of Mines and Resources,
Vancouver, B. C.

INDIAN COMMISSIONER
MAR 12 1942
VANCOUVER, B. C.

TELEPHONE PACIFIC 9331

214/7101

14th March, 1942.

Dear Sir:

Replying to your letter of the 10th instant with reference to claims of Heber Webber, et al, in connection with their loss of personal effects in the seizure of the Japanese owned boat "Broughton" I would advise that this has been a subject of considerable discussion with the Department, and on their instructions was submitted to the Japanese Fishing Vessels Disposal Committee, who in turn on the 14th ultimo referred the claim to the Commanding Officer of the Auxiliary Vessels, Esquimalt, B. C. Since this time, no further report has been received in the matter.

Yours faithfully,

:KT

D. M. MacKay,
Indian Commissioner for B.C.

M.S. Todd,Esq.,
Indian Agent,
Alert Bay, B.C.

TELEPHONE PA CIFIC 9331

214/7102

14th March, 1942.

Dear Sir:-

I was informed by the Japanese Fishing Vessels Disposal Committee on the 14th ultimo that they had referred to you correspondence regarding the claim of Heber Hebber, et al, for a claim amounting to $77.47 in connection with the seizure of the Japanese owned seine boat "Broughton 1".

It would be appreciated if you would kindly let me hear from you regarding this matter, as the Indian claimants are enquiring as to when they can expect payment.

Yours faithfully,

D. M. MacKay,
Indian Commissioner for B.C.

:KT

Commanding Officer,
Auxiliary Vessels,
Esquimalt, B. C.

TELEPHONE PA CIFIC 9331

ADDRESS REPLY TO THE
SECRETARY, INDIAN
AFFAIRS BRANCH

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 40-150-3

OTTAWA March 13, 1942.

Dear Sir:-

I have to refer to your communication of February 28 and previous correspondence with respect to the acquisition for Indian use of Japanese fishing craft recently seized along the British Columbia coast by the Department of National Defence.

I have noted your report in connection with this matter.

I should be obliged if you would advise me further when you have heard from the Officer Commanding of the Auxiliary Vessels at Edquimalt, respecting the claims of the Indians at Alert Bay in regard to damage to their property when a Japanese fishing boat was seized.

Yours very truly,

T.R.L. MacInnes,
Secretary.

Major D. M. MacKay,
Indian Commissioner for B.C.,
Vancouver, B. C.

INDIAN COMMISSIONER
MAR 15 1942
VANCOUVER, B. C.

TELEPHONE PACIFIC 9331

CANADA

PHS/LH

Department of National Defence

IN REPLY PLEASE QUOTE
NO. G.030-2-1

Naval Service

H.M.C.S. "GIVENCHY",
Esquimalt, B. C.,
18th March, 1942.

Dear Sir:

I wish to acknowledge receipt of your letter No. 214/7102 dated 14th March, 1942, and advise that this matter has been represented to Naval Service Headquarters, Ottawa, by the Commanding Officer, Pacific Coast, and you will no doubt receive a reply in the near future.

Yours truly,

A/COMMANDER, R.C.N.
Commanding Officer.

D. M. MacKay, Esq.,
Indian Commissioner for B. C.
P.O.Box 70,
Vancouver, B. C.

INDIAN COMMISSIONER
MAR 20 1942
VANCOUVER, B. C.

D 2258
1600M—11-40 (7828)
N.S. 815-5-2258

TELEPHONE PA CIFIC 9331

214/7330

24th March, 1942.

Dear Sir:-

Replying to your letter of the 13th instant with reference to claims of Indians at Alert Bay against the Navy, in regard to damage to their property when the Japanese fishing boat was seized, I would advise that I was informed by the Commanding Officer, H.M.C.S. "Givenchy" that this matter has been represented to Naval Service Headquarters, at Ottawa.

Yours faithfully,

D. M. MacKay,
Indian Commissioner for B.C.

:KT

The Secretary,
Indian Affairs Branch,
OTTAWA, Ontario.

INDIAN COMMISSIONER
MAR 29 1942
VANCOUVER, B. C.

TELEPHONE PACIFIC 9331

DEPARTMENT OF NATIONAL DEFENCE P.C. 2-39
Naval Service

H.M.C. Dockyard,
Esquimalt, B.C.
28th April, 1942.

Dear Sir:

With reference to your letter, File No. 214/6510 dated 12th February, 1942, addressed to the Japanese Fishing Vessels Disposal Committee, regarding claims by Indians for damages sustained when the Japanese seine boat "Broughton I" was seized, I wish to inform you that the following has been received from Naval Service Headquarters:

" The Deputy Minister of Justice has now ruled that the material submitted does not establish legal liability on the part of the Crown, in connection with the alleged loss suffered by Indians with respect to the seizure of Japanese seine boat "Broughton I" at Alert Bay on the 9th December, 1941."

(sgd) D.P. Reed(?)

COMMODORE, R.C.N.
Commanding Officer,
Pacific Coast.

O/wd

D.M. MacKay, Esq.,
Indian Commissioner for B.C.
Department of Mines & Resources,
P.O. Box 70,
Vancouver, B.C.

TELEPHONE PA CIFIC 9331

214- 7952.

May 1st, 1942.

Dear Sir:-

I would refer to your letter of March 13th, file 40-150-3, with respect to the claims of Indians at Alert Bay in regard to damage to their property when a Japanese fishing boat was seized by the naval authorities in December last. This damage amounted to $ 77.47.

I am now in receipt of a letter from the navy dated the 28th ultimo which is enclosed herewith and in which it is stated that the Deputy Minister of Justice has ruled that the Indians do not establish legal liability on the part of the Crown.

It would be appreciated if you would review the claims of the Indians and advise me of any further steps they could take in the matter to establish their claim, which in my opinion, is a moral obligation upon the Crown apart from any legal details in the matter, as the evidence before me indicates that the navy personnel making the seizure did so with absolutely no regard for the property taken over by them.

Yours faithfully,

/ZEM.
encl

D. M. MacKay,
Indian Commissioner for B.C.

The Secretary,
Indian Affairs Branch,
Ottawa, Ontario.

TELEPHONE PA CIFIC 9331

ADDRESS REPLY TO THE
SECRETARY, INDIAN
AFFAIRS BRANCH

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 40-150-3

OTTAWA May 20,1942.

Dear Sir:

I have to refer to your letter of May 1 with respect to the claims of Indians at Alert Bay in regard to damage to their property when a Japanese fishing boat was seized by the naval authorities in December last.

I have asked the Department of National Defence (Navy) to make further inquiry into the matter. I shall advise you with regard thereto in due course.

Yours very truly,

T.R.L.MacInnes.
Secretary.

Major D.M.MacKay,
Indian Commissioner,
Vancouver,B.C.

INDIAN COMMISSIONER
MAY 26 1942
VANCOUVER, B. C.

TELEPHONE PACIFIC 9331

tm

FROM: LIEUTENANT W. B. McGREGOR, H.M.C.S. "NADEN"

DATE: 23rd FEBRUARY, 1942.

TO : LIEUTENANT A. E. GOUGH, R.C.N.R.

SUBJECT - CLAIMS FOR CLOTHING

On December 9th, 1941 after seizing the "Broughton I", I told the Captain of the boat that he and the crew were to remove their gear and he said, "that as they had too much to take at one time, would it be all right if they called for it at a later date". I agreed to this and said that Lieutenant Gough would tell them when they could pick up their gear.

2. The crew of the boat saw you on the 10th or 11th of December and at that time you gave them 36 hours to remove their clothing, which they didn't do.

3. When the draft of 1 Petty Officer and 15 Seamen arrived in the "VENCEDOR" they were put to work cleaning up the "Broughton I" and II. Unfortunately while cleaning the "Broughton I" they left some old clothing and sea boots on the after deck all night. It rained very hea ily that night and the clothing was sopping wet in the morning. The Captain of the "Broughton I" came to me during the morning and complained about the state of their clothing. I told him that it was an unfortunate accident and that I was very sorry, but that I thought a good drying out would make the clothing just as good as new. He was very upset about it but agreed finally that there really wasn't much damage done.

4. When the Captain of the "Broughton I" came down to the boat with me he started to gether up his clothing and while storing it away in a pack sack threw several articles overboard including a pair of shoes.

5. In my estimation the claims for remuneration of clothing destroyed by the Naval Party at Alert Bay are entirely without foundation.

(SGd.) W.B. McGregor
LIEUTENANT, R.C.N.V.R.

5. The items of dirty clothing that were left on deck, I did not tally but noted that there was a couple of pairs of dungaree pants, a couple of work shirts, socks and underwear as well as oilskin aprons. They were all dirty and were not damaged by being wet. With regards to the Cylinder Oil he could not produce a bill for the same. But we did not use any of the Oil, and what oil that was in the vessel was left in the tank.

6. The list of clothing that these Indians are claiming for is more than any of them possessed at the time I saw them at any rate. Regarding Heber Webber's claim of food on board. There was no food left on board. But I did take him and one Indian over to Gilford Island to remove some groceries from their scow that was moored there for clam buying. The groceries were brought to Alert Bay and turned over by Webber to Capser Peterson, the storekeeper from whom they had been bought on credit. I also made a further trip, specially to see that the clam scow was safely moored at a later date.

7. I can faithfully state that these people were given ample warning, and time to remove all their belongings, They removed three Coleman lamps which I am sure belonged to the Japanese owner. I also allowed them to remove the skiff which I was not sure to whom it belonged.

8. With regard to Mr. D.M. MacKay's letter of January 8th, 1942, I might state that the Indians were operating the boat buying clams for the Japanese owner through his agent Mr. Blane Myers in Vancouver. The clam scow at Gilford Island was in charge of a naturalized Japanese, and he was handling the money end of the business.

I have the honour to be

Sir,

Your obedient servant,

(sgd) A.E. Gough
Lieutenant, R.C.N.R.

The Commanding Officer,
H.M.C.S. "Givenchy".,
Esquimalt, B.C.

DEPARTMENT OF NATIONAL DEFENCE

NAVAL SERVICE

H.M.C.S. " BAYFIELD"?
Esquimalt, B.C.
23rd February, 1942.

Dear Sir:

RE: Seizure M/V "Broughton I".

I have the hon ur to report the following in accordance with your instructions.

2. Regarding the claims of H. Webber and his crew of the "Broughton I". This vessel was seized by Lieutenant W.B. McGregor and I herewith enclose his report along with my own.

3. I interviewed Heber Webber on the Standard Oil Scow at Alert Bay on December 9th, and told him to remove all his gear from the said vessel as soon as he could. He was rather reluctant about removing his gear as he thought he could get the boat released through their agent in Vancouver. I told Webber if he did not remove his and his crews's gear in two days I would remove same. On December 11th I had our ratings clean out the forecastle of the "Broughton I" and wash out all the living quarters. The Indians arrived on the scow and commenced to pick out their individual belongings. They left a few dirty pairs of pants and some very dirty socks and underwear lying about the deck after they had picked out what they wanted. One Indian threw a pair of old tan coloured oxfords overboard himself. They also left some oilskin clothing on deck along with an old pair of seaboots. They then left the boat and did not return for a couple of days. On December 12th, I received a wire from N.O.I.C. Vancouver to release "Broughtons I & II" and dispatch them to Vancouver. I consulted you by phone and received your instructions to hold both Vessels in custody. The Indians appeared this day expecting to take over the boat. But when they were refused they then removed all the gear they had not taken previously. It had rained in the meantime, and their old clothing had been drenched. I had not stowed this clothing below again as I was using the boat for patrolling the following day. All the clothing was stinking and dirty and I could not expect our ratings to sleep alongside dirty clothes. The fish hold was too dirty to stow it in.

4. The following items were not left on board:-

1 Pack sack
1.windbreaker
1 Pocket knife
1 Pyrex sport light globe
1 Wool Mackinaw
1 Pr. Shoes
1 Pr. Overalls
1 Pillow
1 Bone dry hat.

These were all removed by the Indins on Tuesday afternoon December 0th, 1942.

TPA

PHS/DF

In reply please quote
G. 030-2-1

DEPARTMENT OF NATIONAL DEFENCE

NAVAL SERVICE

25th February 1942.

FROM: The Commanding Officer,
H.M.C.S. "Givency".,
Esquimalt, B.C.

TO : The Commanding Officer,
H.M.C. Dockyard,
Esquimalt, B.C.

Subject: CLAIMS OF INDIANS FOR PERSONAL EFFECTS DAMAGED IN M.V. "BROUGHTON I". (JAPANESE).

The following report is submitted for your consideration with reference to Commanding Officer Pacific Coast's Minute II No. P.C. 2-30 of 24th February , 1942

2. I have investigated the charges in the letter, dated 12th February, 1942, from D.M. MacKay, Indian Commissioner for B.C., addressed to the J.F.V.D.C., copy attached, which has been forwarded to me for necessary action (copies of correspondence attached). In my opinion these charges cannot be substantiated as this boat was only one of many boats owned by Japanese, but manned by non-Japanese, that was taken into protective custody. It is submitted that as the whole operation was for the purpose of National Defence, under a State of Emergency, there can be no question of the Naval Service acting without authority.

3. Lieutenant A.E. Gough, R.C.N.R. was in charge of operations in this area, and his statement, which is attached, fully covers the situation referred to. Lieutenant W.B. McGregor, R;C.N.V.R., assisting Lieut. Gough, also bears out the latter statment. I am fully satisfied that these Officers carried out their duties promptly, and in the most thorough manner, and while I have no doubt the Officers showed firmness in giving their orders and in seeing these orders carried out, they are not the type to abuse their authority when dealing with civilians.

(Sgd)

A/COMMANDER, R.C.N. (Temp.)

DEPARTMENT OF NATIONAL DEFENCE

NAVAL SERVICE No. P.C. 2-39

28th February, 1942.

From: The Commanding Officer,
Pacific Coast,
H.M.C. Dockyard,
Esquimalt, B.C.

To: The Naval Secretary,
Department of National Defence,
O T T A W A.

(Copies to: The Commanding Officer,
H.M.C.S. "GIVENCHY"

Japanese Fishing Vessels
Disposal Committee,
1528 Marine Building,
Vancouver, B.C.)

CLAIMS FOR PERSONAL EFFECTS - M.V. "BROUGHTON"

The attached copy of theCommanding Officer, H.M.C.S. "GIVENCHY'S" letter No. G. 030-2-1 of 25th February, 1942 together with enclosures is forwarded for the information and consideration of the Department with reference to Naval Service Headquarters' Memorandum No. N.S. 1030-6-14, F.D. 268 of 16th February, 1942.

2. The remarks of the Commanding Officer, H.M.C.S. "GIVENCHY" are concurred in and it is considered that this officer was acting in the course of his duty. The remarks made by the Indian Commissioner for British Columbia are not concurred in and it is not considered in view of the attached report that the claim is a legitimate one.

(Sgd)

COMMODORE, R.C.N.
Commanding Officer,
Pacific Coast.

:dt

COPY

H.Q.N.S.S. 1030-6-14 F.D. 35
(JAG)

Ottawa, Canda, March 31st, 2.

Re: Seizure Japanese Seine boat at
Alert Bay, 9th December, 1941 -
Indian Claimants
Yours reference J.R. 6493-42

Dear Sir:

I have the honour to acknowledge receipt of your letter of the 5th February 1942 and the information which was requested therein has now been obtained and is forwarded herewith for your information and further consideration.

I am also returning the documents which were originally forwarded to you with my letter of the 23rd January 1942 as you may wish to have these before you when considering the liability of the Crown.

Yours very truly,

(sgd.) R.K.C.

for (W.G. MILLS)
Acting Deputy Minister

The Deputy Minister of Justice,
OTTAWA, Ontario.

WWC/ESG

DEPARTMENT OF JUSTICE, CANADA

OTTAWA, April 8th, 1942.

RAO/AH

H.Q.N.S.S. 1030-6-14
F.D. 35 (JAG)

J.R. 6493-42
Re: Seizure Japanese seine boat at Alert Bay, 9th Dec. 1941 - Indian Claimants

Dear Sir:

With reference to your letters herein of january 23rd and March 31st, I now beg to advise that in my opinion the material submitted does not establish legal liability on the part of the Crown.

I am returning your file herewith.

Yours truly,

Deputy Minister of Justice

The Acting Deputy Minister,
Department of National Defence (Naval Service),
O T T A W A.

COPY

N.S. 1030-6-14
FD 10 (1)

DEPARTMENT OF NATIONAL DEFENCE

NAVAL SERVICE

SECRET

OTTAWA, Canada.

22nd May, 1942

Dear Sir:

Receipt is acknowledged of your letter dated 19th May, dealing with claims that have been made by Indians for losses sustained when the Japanese Seine Boat "BROUGHTON I" was seized.

In order that you may be fully acquainted with information which resulted in the decision of the Deputy Minister of Justice, I am enclosing herewith copies of the relevant reports that have been received from the Naval Officers concerned on the West Coast.

Yours truly,

(Sgd) W.G. Mills)

(W.G. MILLS)
DEPUTY MINISTER.

The Deputy Minister of Mines and Resources,
Department of Mines and Resources,
OTTAWA, Canada.

COPY

ADDRESS REPLY TO THE SECRETARY, INDIAN AFFAIRS BRANCH

CANADA
DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE FILE 40-150-3

SECRET

OTTAWA June 5,1942.

Dear Sir:

I have to refer to my letter to you of May 20 and previous correspondence with respect to the claims of Indians at Alert Bay in regard to damage to their property when a Japanese fishing boat was seized by the naval authorities in December last.

enclos.

I am enclosing herewith correspondence that has been received from the Department of National Defence in connection with this matter.

I should be obliged if you would return the correspondence in due course with any further comments you may wish to make.

Yours very truly,

T.R.L. MacInnes

T.R.L.MacInnes.
Secretary.

Major D.M.MacKay,
Indian Commissioner,
Vancouver, B.C.

Seizing officers should have taken receipts for articles removed
C

214-8721

SECRET

10th June, 1942.

SECRET

Dear Sir:

With reference to the claims of Indians at Alert Bay in regard to damage to their property when a Japanese fishing boat was seized by the naval authorities in December last, I enclose herewith copies of a file of correspondence received from the Department in this connection, and would request any comments that you may wish to make in the matter, which should be forwarded to me in triplicate.

Yours faithfully,

D.M. MacKay,
Indian Commissioner for B.C.

:KT
Enc.

M.S. Todd, Esq.,
Indian Agent,
Alert Bay, B.C.

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE_____

Alert Bay, B.C.,
June 15th, 1942.

Dear Sir,-

This will acknowledge receipt of your letter of June 10th last, file 214-8721,marked "Secret", in connection with the claim of certain Indians in regard to damage to their property when the seine boat which they were operating which was owned by a Japanese, was seized by the Naval authorities.

In your letter you request any comments that I may wish to make in the matter, but as this office only accepted the statements as made by the Indians, and know nothing further about it, it is impossible for me to make any comments without discussing the matter further with the claimants. In view of the fact that this letter is marked "Secret", this is not possible.

Your obedient servant,

M S Todd

(M. S. Todd)
Indian Agent

Major D.M. MacKay,
Indian Commissioner for B.C.,
Department of Mines and Resources,
Vancouver, B.C.

INDIAN COMMISSIONER
JUN 19 1942
VANCOUVER, B. C.

214-8879

20th June, 1942.

Dear Sir:

Replying to your letter of the 15th instant, I would advise that there is no reason why you should not discuss with the Indians concerned the losses sustained in the seizure of the Japanese seine boat "Broughton 1". Please do so and furnish me with the information requested as soon as possible.

Yours faithfully,

D.M. MacKay,
Indian Commissioner for B.C.

:KT

M.S. Todd, Esq.,
Indian Agent,
Alert Bay, B.C.

INDIAN COMMISSIONER
JUN 19 1942
VANCOUVER, B. C.

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE_____.

Alert Bay, B.C.,
June 30th, 1942.

(COPY)

Dear Sir,-

Replying further to your letter of June 10th last, file 214-8721, I beg to advise I have interviewed Heber Webber, Indian, who was Captain on the seine boat "Broughton 1" when it was seized by the Naval Authorities.

I informed him of the contents of the communications received by you from the Naval Authorities, and he reiterated what he had said in his previous statement. He denies that either Lieutenant A.E. Gough or Lieutenant W.B. McGregor of the R.C.N.V.R. gave him thirty-six hours to remove his effects; he states that in the first place Lieutenant Gough asked him to remove what few personal effects they required at the moment, and that he would inform him later if the boat could be turned back to him, and if not, when he was to remove the balance of the personal effects. Webber states he was not informed further, and the first intimation he had of the personal effects being taken out of the pilot house and thrown on the after deck came from the Captain of the seine boat "Broughton 11" who was at that time staying at the hotel, waiting the outcome of the seizure of his vessel and who visited the boats at intervals.

Webber stated that when he was thus informed, he and Glen Johnson one of his crew, went to see Lieutenant McGregor and asked why they had not been informed as agreed, and he and his crew members just laughed at him and thought it was a huge joke. Later, Lieutenant McGregor went to Webber and told him he was sorry it had happened, and that members of the crew had thrown the personal effects out during his absence.

Webber informs me no Naval Ratings slept aboard the boat during the time it was under seizure and tied up at Alert Bay, but that they had taken the mattresses off the boats, which had previously been used by the Indians, and removed them to a shack belonging to the B.C. Packers Limited and had slept on them there. I feel that if the Naval Ratings were satisfied to sleep on the mattresses previously used by the Indians, they should not have had very much objection to their clothing being left on the boat when they were not using it for quarters.

Webber further states that the day previous to the clothing being thrown out of the pilot house, he and Glen Johnson went to Lieutenant Gough and asked to take their effects off, and he refused to allow them to do so, and the following morning they found their clothes scattered on the after deck and soaked with rain.

Major D.M. MacKay,
Indian Commissioner for B.C.,
Department of Mines and Resources,
Vancouver, B.C.

INDIAN COMMISSIONER
... 3 1942
VANCOUVER, B. C.

While every consideration must be given to the Naval Authorities under trying conditions such as existed at that time, nevertheless I am under the opinion that these Indians were not treated with due consideration. The Authorities could have informed them, as they live right here and were available at any time, to come and take their clothing off, and had this been done as agreed, there would have been no difficulty in any way as the Indians are very anxious to help the Naval Authorities in every way possible.

I would therefore appreciate if the Department would refer this matter back to the Naval Authorities with a request that the Indians' claim be honoured and paid.

Your obedient servant,

M S Todd

(M. S. Todd)
Indian Agent

214-9112

July 8, 1942.

Dear Sir:

I beg to acknowledge receipt of your letter of the 5th ultimo in respect to the claims of Indians at Alert Bay in regard to damage to their property when a Japanese fishing boat was seized by the Naval authorities in December last, and to return herewith your file of correspondence.

This matter was taken up with Mr. Indian Agent Todd and I enclose herewith his letter of the 30th ultimo which is practically a repitition of the previous statements.

While the statements of this case may not have convinced the Deputy Minister of Justice that the Indians had established a legal liability on the part of the Crown, it does appear, in my opinion, that they have established a reasonable moral obligation on the part of the Naval authorities to compensate the Indians for the loss, as I do not consider the report of Lieutenant Gough has shown that any particular effort was made for the care and protection of the Indians' clothing, etc., nor was any receipt taken by him for those articles removed. His attitude towards the Indians is clearly shown in his statement that "the clothing was stinking and dirty", whereas, actually, the Indians in this locality are equally as clean as their white neighbours.

I consider the Indians' claims in this case should be met in full.

Yours faithfully,

:KT

D.M. MacKay,
Indian Commissioner for B.C.

The Secretary,
Indian Affairs Branch,
OTTAWA, Ontario.

ADDRESS REPLY TO THE
SECRETARY, INDIAN
AFFAIRS BRANCH

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 40-150-3

OTTAWA August 14, 1942.

Dear Sir:-

I have to refer to your letter of July 8 and previous correspondence with regard to damage to Indians' property at Alert Bay when a Japanese fishing boat was seized by the Naval authorities in December last.

This matter has again been referred to the Department of National Defence (Navy) and I shall communicate with you again in due course. I may add that the Naval Services Dept. here has referred the matter to the Naval authorities on the West Coast for additional information.

Yours very truly,

T.R.L. MacInnes,
Secretary.

Major D. M. MacKay,
Indian Commissioner for B.C.,
P. O. Box 70,
Vancouver, B. C.

Dum
1

INDIAN COMMISSIONER
AUG 19 1942
VANCOUVER, B. C.

214-44

September 3, 1942.

Dear Sir:

With reference to your letter of June 30th regarding the claims of Indians of Alert Bay in regard to damage to their property by the Naval authorities when seizing a Japanese fishing boat last December, I enclose herewith copy of a letter dated the 14th ultimo received from the Department in this connection which is self-explanatory.

Yours faithfully,

D.M. MacKay,
Indian Commissioner for B.C.

:KT

M.S. Todd, Esq.,
Indian Agent,
Alert Bay, B.C.

Copy

Office of the Deputy Minister for Naval Services
Ottawa,
Sept, 10,1942.

SECRET

Without prejudice.

Dear Sir:

With further reference to your letter of July 17 and my reply of August 7 regarding losses said to have been sustained by Indians when the Japanese Seine boat, "BroughtonI" was seized, additional information on this matter has now been received.

From the information now available, it appears that some items for which claims have been made were removed from the vessel by the Indians on December 9, the day the vessel was seized.

In the circumstances, itappears that the balance for which an ex-gratia payment might be made is as follows:

Heber Webber	
1 pr. of work socks	.65
1 pr of dresssocks	.50
Glen Johnson	
1 pr Oxfords	5.95
1 work shirt	1.95
2 pr. heavy socks	1.00
Willie Webber	
2 pr. heavy socks at .75	1.50
2 pr underwear at3.00	6.00
1 work shirt	2.00
1 pr pants	2.50

With respect to the 25 gals of cylinder oil valued at $24.12, for which a claim has been made by Heber Webber, the dept is prepared to give consideration to a payment being made on the basis of half value as it seems that such cylinder oil as was on hand had been used prior to the Naval Service taking custody of the vessel.

I may mention that the values placed on the aforementioned items by the claimants would seem to indicate that they were new, and in this connection the information available does not tend

to substantiate this view.

I would be pleased to have your views on the question of payment being made on a basis as outlined herein, and with your concurrence the preparation of the necessary submission for the consideration of Treasury Board will be undertaken by this department.

Yours very truly,

(Sgd) R.K.Odell
(W.G.Mills)
for
Deputy Minister.

ADDRESS REPLY TO THE
SECRETARY, INDIAN
AFFAIRS BRANCH

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 40-150-3

AIRMAIL.
Confidential.

OTTAWA September 16,1942.

Dear Sir:

I have to refer to your letter of July 8 and my reply of August 14, and previous correspondence with regard to damage fo Indians' property at Alert Bay when a Japanese fishing boat was seized by the Naval authorities in December last.

I am enclosing copy of letter that has now been received from the Deputy Minister of the Naval Services Branch of the Department of National Defence dealing with this matter.

Would you please let me have your comments and advice on the question of payment as outlined therein.

Kindly let me have your reply by airmail.

You will note that the letter from the Naval Services is secret.

Yours very truly,

T.R.L. MacInnes

T.R.L.MacInnes.
Secretary.

Major D.M.MacKay,
Indian Commissioner,
Royal Canadian Mounted Police,
Ottawa.

FSM

214-382

September 23, 1942

Dear Sir:

I enclose herewith copy of a letter received from the Deputy Minister for Naval Services by the Department in respect to damage to Indian property at Alert Bay when a Japanese Fishing boat was seized by the naval authorities in December last.

It would be appreciated if you would please advise me by return mail if the proposed settlements would dispose of this matter.

You will note that the naval service's letter is marked "secret", but there should be no objection to your ascertaining the information required.

Yours faithfully,

D.M. MacKay,
Indian Commissioner for B.C.

:KT
Enc.

M.S. Todd, Esq.,
Indian Agent,
Alert Bay, B.C.

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE_____

Alert Bay, B.C.,
1st October, 1942.

Dear Sir,-

This will acknowledge receipt of your letter of September 23rd last, file 214-382 with enclosure, in connection with Indian claims for damage done to their property which was aboard the Japanese fishing boat "Broughton 1" when that vessel was seized by Naval Authorities at Alert Bay.

Upon receipt of your letter, I took the matter up with Heber Webber, who was captain of the seine boat "Broughton 1", and he gave me the following information.

In regard to Heber Webber's claim in the amount of $44.62, it is noted the Naval Authorities are suggesting to pay only for two items, one at 65¢ and the other at 50¢, plus half the value of the cylinder oil which was left on the boat, which would amount to $12.06, making a total of $13.21. Webber informs me he had only returned from Vancouver a fe w days previous to the seizure, and that while there he had purchased the new clothing etc. which was on the boat, and that all these goods were lost and never removed from the boat as stated in Lieutenant A.E. Gough's report. In regard to the cylinder oil, he had purchased 45 gallons from the Union Oil Company just previous to the seizure of the boat, and states there was 25 gallons left on the boat when it was taken over by the Naval Authorities. The boat was taken by its own power from Alerf Bay to Vancouver, and in addition to this, according to the reports of the Naval Authorities, they operated the boat around Alert Bay, and no doubt used this oil. I have checked Webber's statements with other persons and in each case I have found them to be correct.

Everyone sympathizes with the Naval Officers in charge of this seizure and realizes they had a difficult task, but nevertheless in this claim I feel the Indians have not been given proper consideration, and for the sake of a few dollars it seems to me it would be the proper thing for the Government to honour these poor Indians' claims in full.

I might add none of the Indians put in any claim for any used clothing which was lost, it was only for new material they had purchased just previous to the seizure while in Vancouver, and I feel they should be compensated in full for their claims as originally submitted.

Your obedient servant,

(M. S. Todd)
Indian Agent

Major D.M. MacKay,
Indian Commissioner for B.C.,
Department of Mines and Resources,
Vancouver, B.C.

214-599

October 7, 1942.

AIR MAIL

Dear Sir:

Replying to your letter of the 16th ultimo, file 40-150-3, in respect to damage to Indian property at Alert Bay in the seizure of the Japanese fishing boat by the Naval authorities in December last, I would advise that it was necessary to make further enquiries in this matter.

It has been ascertained in respect to Heber Webber's claim amounting to $44.62, against which the Naval authorities wish to pay only $13.21, that this Indian purchased 45 gallons of oil from the Union Oil Company just previous to the seizure of the boat and he estimates that there were 25 gallons left on the boat when it was taken over, and that this boat was used around Alert Bay and then taken to Vancouver by use of the oil in question. This man had returned from Vancouver a few days previous to the seizure taking with him new articles of clothing and these only were mentioned in the claim, no mention being made of old or used clothing.

However, if the Naval Services Branch insist on settling for the amount stated, there is presumably nothing the Indians can do in the matter however unsatisfactory such a settlement may be to them. In my opinion, they should assume liability for the claim in full.

Yours faithfully,

:KT

D.M. MacKay,
Indian Commissioner for B.C.

The Secretary,
Indian Affairs Branch,
OTTAWA, Ontario.

Major D.M. MacKay,
Indian Commissioner for B.C.,
Department of Mines and Resources,
Vancouver, B.C.

(M. S. Todd)
Indian Agent

CANADA

Department of National Defence

Naval Service

IN REPLY PLEASE QUOTE
NO. P.C. 2-39

Joint Service Hqs.(Naval)
Vancouver, B. C.
4th January, 1943.

Dear Sir:

With reference to my letter of 28th April, 1942, I enclose herewith for transmission, Official Cheques as shown below, being full settlement of claims for damage to personal effects arising from the seizure by the Naval Service of the Japanese vessel "Broughton I".

Heber Webber	Cheque No. A43719 - $13.21
Glen Johnson	Cheque No. A43720 - $ 8.90
Willie Webber	Cheque No. A 43721- $12.00

2. It is requested that receipt of these cheques may be acknowledged.

Yours truly,

COMMODORE, R.C.N.,
Commanding Officer,
Pacific Coast.

:mr
Enc.

D.M. Mackay, Esq.,
Indian Commissioner for B.C.,
Department of Mines & Resources,
P.O. Box 70,
VANCOUVER, B. C.

INDIAN COMMISSIONER
JAN 6 1943
VANCOUVER, B. C.

D 2258
1500M—11-40 (7828)
N.S. 815-5-2258

214-2021

January 6, 1943.

M.S. Todd, Esq., Indian Agent, Alert Bay, B.C.

I have to refer to your letter of October 1st, and previous correspondence, regarding the claims of certain Indians of your Agency for damage done to their property on the Japanese fishing vessel "Broughton I" when their vessel was seized in December, 1941, at Alert Bay by the Naval authorities.

Although the amount of compensation allowed is not what the Indians claimed, there is nothing further we are in a position to do about it. Please issue the cheques to the Indians concerned and secure from them the necessary receipts.

/KT

Enc.

D.M. MacKay,
Indian Commissioner for B.C.

214-2026

January 6, 1943.

Dear Sir: Your File P.C. 2-39

I beg to acknowledge with thanks receipt of the following cheques forwarded to this office with your letter of January 4th:-

Cheque No.	A43719	$13.21	Heber Webber
" "	A43720	$ 8.90	Glen Johnson
" "	A43721	$12.00	Willie Webber

These cheques will be forwarded to Mr. Indian Agent Todd at Alert Bay for issue to the Indians concerned.

Yours faithfully

for B.C.

DEPT. OF MINES AND RESOURCES B 28134

INDIAN AFFAIRS BRANCH

AGENCY Kwawkewlth Jan 27 1943

Received FROM Indian Commissioner for BC cheques for $13.21, 12.00, 8.90

Cheques from Dept National Defence Naval Service DOLLARS 100

ON ACCOUNT OF Compensation re claims for damage to personal effects of Indians on "Broughton I".

FOR THE CREDIT OF Heber Webber, Willie Webber, Glen Johnson

I. A. 521

J. M. Thompson
for INDIAN AGENT

For the information of Indian Agent Todd.

OFFICE OF THE DIRECTOR

CANADA
DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

Ottawa, February 24,1943.

Major D.M.MacKay, Indian Commissioner, Vancouver,B.C.

I have to refer to previous correspondence with regard to losses sustained by Indian fishermen when the Japanese seine boat, "Broughton I" was seized.

I have to advise you that I have now been advised by the Department of National Defence (Navy), Ottawa, that cheques in full settlement of claims for damages to personal effects were forwarded to the Commanding Officer, Pacific Coast, on December 29,1942, for transmission to Messrs. Webber, Johnson and Webber. The amounts of these cheques are as follows:

Heber Webber	$ 13.21
Glen Johnson	8.90
Willie Webber	12.00

H. Howard

Director.

INDIAN COMMISSIONER
MAR 3 1943
VANCOUVER, B.C.

For the information of Indian Agent Todd.

214-2943

March 5, 1943.

Indian Affairs Branch, Dept. Mines & Resources, Ottawa, Ont.

Replying to your letter of the 24th ultimo with regard to losses sustained by Indian fishermen when the Japanese seine boat "Broughton I" was seized, I would advise that these cheques for the amounts stated were received from the Commanding Officer for the Pacific Coast Naval Service and forwarded to Mr. Indian Agent Todd to hand to the Indian concerned.

:KT

D.M. MacKay,
Indian Commissioner for B.C.

For the information of Indian Agent Todd.

RECEIVED FROM - M.S. Todd, Indian Agent - cheque No. A 43719

in the amount of $ 13.21 from the Department of National Defence,

Naval Service, as compensation allowed against claim for damage to personal effects on seine boat "Broughton 1" in December 1941.

Heber Webber

(Heber Webber)

RECEIVED FROM - M.S. Todd, Indian Agent - cheque No.A 43721

in the amount of $ 12.00 from the Department of National Defence,

Naval Service, as compensation allowed against claim for damage to personal effects on seine boat "Broughton 1" in December 1941.

Willie Webber

(Willie Webber)

RECEIVED FROM - M.S. Todd, Indian Agent - cheque No.A 43720

in the amount of $8.90 from the Department of National Defence,

Naval Service, as compensation allowed against claim for damage to personal effects on seine boat "Broughton 1" in December 1941.

Cheque mailed to G. Johnson at Cape Mudge.

(Glen Johnson)

INDIAN COMMISSIONER
MAR 22 1943
VANCOUVER, B. C.

For the information of Indian Agent Todd.

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE

Alert Bay, B.C.,
March 18, 1943.

Major D.M. MacKay, Indian Commissioner for B.C., Vancouver, BC.

With reference to your letter No.214-2021 dated January 6th last, I enclose herewith Receipts from Indians of this Agency for cheques received as compensation for personal loss sustained by them in the seizure of the Japanese fishing vessel "Broughton 1" by the Naval authorities.

(M. S. Todd)
Indian Agent

INDIAN COMMISSIONER
MAR 22 1943
VANCOUVER, B. C.