

23-2-17-13 Property of Repatriated held by
the Custodian.

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Reviewed by / Révisé par : C Date : 2/6/15

DEPARTMENT OF LABOUR

FROM

TO

CROSS REFERENCES

SUBJECT JAPANESE DIVISION
SUB-SUBJECT SEGREGATION & REPATRIATION
FILE TITLE PROPERTY OF REPATRIATED HELD BY
THE CUSTODIAN

THIS COVER MUST NOT BE FOLDED UNDER FILE WHEN IN USE.

(1) DATE LEFT CENTRAL RECORDS	(2) PURPOSE FOR WHICH REFERRED (IF PURPOSE FOR WHICH REFERRED CANNOT BE EXPRESSED IN ONE LINE ADD MEMO TO FILE AND ENTER HERE "WITH MEMO")	(3) REFER FILE TO	(4) ENTER DATE TO BRING FOR- WARD WHEN REQUIRED	(5) USER'S INITIAL TO SHOW ACTION COMPLETED	(6) DATE RETURNED TO CENTRAL RECORDS
OCT 28 1947	AS REQUESTED	Pannett	Nov. 28		NOV 5 1947
NOV 5 1947	AS REQUESTED	Brown			NOV 5 1947
NOV 5 1947	AS REQUESTED	Brown			NOV 7 1947
Brown	BROUGHT FORWARD	Nov. 28	P/H		NOV 28 1947
Pannett	AS REQUESTED	AUG 10 1949	Pa	HP	
Pannett	Reg	Feb 11/50	Pa	HP	FEB 14 1950
Pannett	Reg	Dec 10/50	Pa	HP	
Mr. Pannett	reg	Jan 24/53	Pa	HP	FEB 11 1955
Parent	Clo Requested	Sept. 11/45	PA		OCT 3 1956
Parent	Reg	Nov 24/59	PA		DEC 1 1959
Pannett	reg	Dec 5/60	PO	HP	

FILE No. 23-2-17-12

CHARGED OUT

TO

RETURNED

May 18/60
Dec 5/60

Mr Brennan
Sammet

23-2-17a13

23-2-17-13
February 11, 1955.

to: Mr. M. J. Fergus,
A/Chief Treasury Officer.

Re: Japanese Repatriation.

Regarding your letter of February 1st dealing with remittances received from the United States Government covering undelivered monies of Japanese repatriates, this will confirm our understanding on the disposal of these funds following the interview we had with Mr. Arpin in the Office of the Custodian of Enemy Property.

These remittances will be turned over to the Office of the Custodian of Enemy Property and any claims made thereon would be handled by him. That Office will also seek from Treasury Board the necessary allotment of funds from Finance Vote 114 to cover the exchange differential.

PRP/MM

P. R. Parent,
Director, Administrative Services.

Noted
@

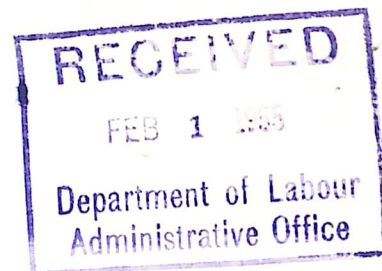
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DEPARTMENT OF
FINANCE



CANADA

COMPTROLLER OF THE TREASURY



Ottawa, February 1, 1955.

Mr. P.R. Parent,
Director,
Administrative Services,
Department of Labour,
O t t a w a.

Dear Sir:-

Re: Japanese Repatriation

Two remittances have been received from the United States Government covering undelivered monies of Japanese Repatriates. The first was for \$2,112.91 and the second for \$38.15. Both payments were in United States funds and represented unpaid sums of 15 Japanese. These cheques were deposited and the Canadian equivalent of \$2,078.40 was deposited to Labour Suspense. Details of names and amounts have been supplied to you.

The first cheque received, included an amount of \$1,500 for Hideo Kido. The legal firm of Davis and Company of Vancouver is representing him. The second cheque was on account of Zenjiro Morino, whose address has been supplied. In both cases it will be necessary for the claimants to forward the receipts provided, at the time repatriation took place. These have been requested.

Upon the receipt of the first remittance, Treasury Board direction was sought in connection with the payment to Hideo Kido. The direction is that the full amount in Canadian funds be paid and that the difference between the refund and payment be requested from Vote 114 "Unforeseen Expenses".

It would seem that having established the policy in relation to Hideo Kido other cases of a similar nature would be treated in the same manner. Therefore to effect payment to both Kido and Morino, an allotment from Vote 114 in the amount of \$51.97 will be required as follows:

FORWARD.....


	<u>U.S.Funds Received</u>	<u>Canadian Equivalent</u>	<u>Owing</u>	<u>Required</u>
Zenjiro Morino	38.15	36.81	38.15	1.34
Hideo Kido	1,500.00	1,449.37	1,500.00	50.63
	<u>\$ 1,538.15</u>	<u>\$ 1,486.18</u>	<u>\$ 1,538.15</u>	<u>\$ 51.97</u>

In the case of Tomoyuki Mukai and Buto Sakata, receipt numbers 1351 and 1350 respectively for \$200.00 each, to whom payment could not be made, we are enclosing a copy of a letter from Mr. J.M. Porter to the Chief Treasury Officer under date of October 29th, 1948. From this letter it appears that the United States equivalent was forwarded to Ottawa by the United States Government. I am having the records of that year checked to determine the ultimate disposition of this remittance.

The following documents are enclosed:

Copy of T.B. 479661 Sec. of Treasury Board to Compt. of Treasury
 " " Letter 28-1-55 Fergus to Charlton
 " " " 28-1-55 Fergus to Morino
 " " " 29-10-48 Porter to C.T.O. Labour
 Dept. of Labour File 23-2-17-17 Volume 2 - "Transfer of Money and
 Belongings of Repatriates
 to Japan".

Yours truly,



M.J. Fergus,
 A/Chief Treasury Officer,
 Central Office.

Encls.

X
Ottawa, January 28, 1955.

Mr. Zenjiro Morino,
c/o T. Tanaka,
Inaemura Kanazawa,
Echigun,
Shigaken,
J a p a n.

Dear Sir:-

re refund of monies

We have been advised that the money turned over to the United States Government, at the time of your repatriation, was not paid to you in Japan. The \$38.15 has now been sent to us.

In order to effect payment it will be necessary for you to forward the receipt for \$38.15 given to you in Canada. Upon receiving this document, we shall be pleased to issue a cheque for \$38.15 Canadian funds.

Please forward your receipt to the undersigned at the address shown on this letter.

Yours truly,



M.J. Fergus,
A/Chief Treasury Officer,
Central Office,
Confederation Bldg.,
Ottawa, Canada.

1/3/55


1. Mr. H.G. Charlton,
Regional Administrator,
Coast Region, 404 Federal Bldg.,
325 Granville St.,
Vancouver, B.C.

JAPANESE REPATRIATES

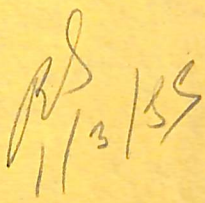
We have received from the United States Government some refunds of monies undelivered to Japanese repatriates. Included in these remittances is one for Hideo Kido for the sum of \$1,500.

Mr. Porter, Canadian Treasury Officer at Washington, advises that the firm of Davis and Company, Vancouver, are representing Hideo Kido. We do not have the address of this firm or any other details concerning the case. It is, therefore, requested that you contact this legal firm advising them that the funds are on hand. Payment will be made subject to submission of the same documents which Mr. Kido would be required to submit in Japan for the payment of the money held in his behalf.

I understand that receipts were issued in Canada specifying the amount in Canadian dollars and Japanese Yen and that Japanese banks made payment on the basis of these receipts. We have been directed by Treasury Board to make the payment in Canadian funds. Would you therefore contact this firm as soon as possible and advise.


M.J. Fergus,
A/Chief Treasury Officer,
Central Office.

O t t a w a,
January 28, 1955.



C
O
P
Y

OTTAWA 4, January 25, 1955.

T.B. 479661

B.G. McIntyre, Esquire,
Comptroller of the Treasury,
Department of Finance,
OTTAWA 4, Canada.

Dear Mr. McIntyre:

The Treasury Board have had under consideration your request for direction in the matter of a refund of credit to Mr. Hideo Kido, a Japanese repatriate.

The Board are of the opinion that payment to Mr. Kido should be in the amount of \$1,500 (Canadian), inasmuch as the funds surrendered by this Japanese repatriate to the Custodian of Enemy Property, were in Canadian currency.

Since the transfer of Mr. Kido's credit by the Canadian Government to the United States Government and the subsequent refund were effected in United States funds, the Board did not consider it feasible to recover the difference in exchange from the United States Government and are of the opinion that the exchange differential would be a proper charge to Finance Vote 114, "Miscellaneous, Minor and Unforeseen Expenses".

A request for allotment of the funds required to cover the exchange differential should be submitted to the Treasury Board.

Yours truly,

(sgd) J.J. Deutsch.

Secretary.

DEPARTMENT OF LABOUR

DEPUTY MINISTER'S OFFICE

OTTAWA.....January 20,.....1955.

MEMORANDUM

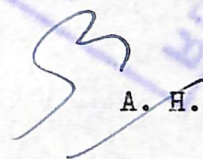
to: Mr. P. R. Parent

I have your memorandum of January 19 with reference to the attached letter dated January 14 from Mr. M.J. Fergus, A/Chief Treasury Officer, Central Office, Department of Finance.

I am wondering whether this money represents personal funds of the Japanese Repatriates which were handled by the Department of Labour or whether these are funds which were forwarded through the Custodian of Enemy Property.

I think you might check on this with Mr. Pammett. It may be that these funds, instead of remaining in "Suspense" in the Department of Labour accounts, should be turned over to the Custodian of Enemy Property.

Encl.


A. H. Brown.



Ottawa, January 14, 1955.

Mr. W.F. Anderson,
Accountant,
Department of Labour,
Confederation Building.

Dear Sir:-

We have deposited two cheques received from the
Treasurer of the United States amounting to \$2,151.06, U.S. funds, to
the credit of the Department of Labour, Suspense Account.

This credit in Canadian funds is \$2,078.40. The
accompanying list shows the names of Japanese repatriates and the
amount in American funds which were undelivered and have now been
credited to Department of Labour, Suspense.

Yours truly,

A handwritten signature in dark ink, appearing to read "M.J. Fergus".

M.J. Fergus,
A/Chief Treasury Officer,
Central Office.

Encl.

DEPARTMENT OF LABOUR - SUSPENSE

NAMES OF JAPANESE REPATRIATES FOR WHOM THE CANADIAN EQUIVALENT
OF U.S. DOLLARS RECEIVED FROM THE U.S. GOVERNMENT HAS BEEN
CREDITED TO LABOUR - SUSPENSE

Surname	Given Name	U.S. Funds Received
KITADE	Shigeo	\$ 162.60
WATANABE	Sadame	21.80
OSATO	Shikazo	18.80
SANO	Nobuharu	6.37
YANAI	Takizo	33.81
ABE	Ikusaburo	26.16
HONDO	Seizo	22.89
MURAKUBO	Masaru	1.33
KIDO	Yuko	126.48
KIDO	Hideo	1,500.00
KOBAYASHI	Chiyone	52.69
FUKUYAMA	Soshichi	35.97
SHIMADA	Hisaichi	10.27
KUMAGAI	Sueji	93.74
MORINO	Zenjiro	38.15

\$ 2,151.06

Canadian equivalent

\$ 2,078.40

4833
(Jan. 17/55)

DEPARTMENT OF LABOUR - SUSPENSE

NAMES OF JAPANESE REPATRIATES FOR WHOM THE CANADIAN EQUIVALENT
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SHIMADA	Hisaichi	10.27
KUMAGAI	Sueji	93.74
MORINO	Zenjiro	38.15
		<hr/>
		\$ 2,151.06
		<hr/>
	Canadian equivalent	\$ 2,078.40
		<hr/>

P/a

Ottawa, October 6, 1950.

23-2-17-13

Dear Mr. Tanaka:

I would like to acknowledge your letter of September 23, enclosing a submission prepared by the National Japanese Canadian Citizens Association in the matter of Japanese Canadian Economic Losses Arising from Evacuation.

I am glad to have the representations of your Association, concerning Japanese Canadian Property Losses during wartime, available for study, and you may be sure that I will keep them in mind if I am consulted with respect to this subject.

Yours sincerely,

~~Mr. George Tanaka,~~
~~National Executive Secretary,~~
~~Japanese Canadian Citizens Assoc.,~~
~~61 College Street,~~
~~Toronto 2, Ontario.~~

Amack

hc
20/10/50

Office of the
Comptroller of the Treasury

C
O
P
Y

File: 190-1

Washington D.C. Office
1205-15th St., N.W.

October 29, 1948

Chief Treasury Officer,
Department of Labour,
238 Sparks St.,
Ottawa, Ontario,
Canada.

Dear Mr. Tubman:

Enclosed please find Treasurer of the United States cheque No. 240,301 in the amount of \$362.00 U.S. funds, in reimbursement of remittances on behalf of Japanese repatriates:

<u>Name</u>	<u>CT-JAP-1 No.</u>	<u>Amount (C\$)</u>
Mukai, Tomoyuki	No. 1351	200.00
Sakata, Buto	No. 1350	200.00

Also enclosed are copies of correspondence from the U.S. War Department, stating the reason for the reimbursement of these funds. It is believed from the CT-JAP-1 numbers that you will be able to indentify the original payment and to dispose of this matter.

Yours faithfully,

J.M. Porter,
A/Canadian Treasury Officer

JMP/B
Encl.-3
cc.-Mr. J.O. Hodgkin

REG.

DEPARTMENT OF LABOUR

OTTAWA, October 6, 1950.

MEMORANDUM TO: Mr. A. MacNamara.

RE: Submission of the National Japanese Canadian
Citizens Association, September 22, 1950.

This Submission

- (1) Recites the story of the 1942 evacuation of persons of Japanese origin from the Pacific Coast, and
- (2) Repeats the charges made to the Royal Commission under Justice Bird (see the attached blue-covered submission) that the Custodian's control of Japanese property from 1942 on did not prevent considerable losses by deterioration, theft, etc., and
- (3) Alleges that, due to the limited terms of reference and the difficulty of strict legal proof of value after 6 or 7 years, the Bird Commission's decisions did not provide "reasonable and just compensation" for property losses incurred by Japanese at the time of evacuation, and
- (4) Proposes that further compensation be awarded by the Government of Canada to remedy remaining injustices to claimants.



H.T. Pammett.

HC
20/10/50

Japanese Canadian

TELEPHONE: PLAZA 1253

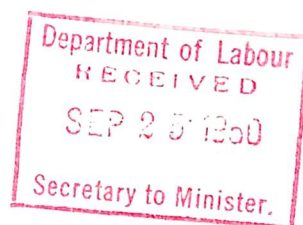


CITIZENS ASSOCIATION

NATIONAL HEADQUARTERS:
~~84 GERRARD ST. E.~~, TORONTO 2, ONTARIO
61 College Street

September 23rd, 1950.

Honourable M. F. Gregg,
Minister of Labour,
Parliament Buildings,
OTTAWA, Canada.



Dear Mr. Gregg:

The National Japanese Canadian Citizens Association which fully represents Canadian citizens of Japanese ancestry, wishes, in the first place to express its gratitude to the Government for the granting of awards to Japanese Canadian claimants as recommended by the Royal Commission Enquiry.

The Association, which has on several occasions in the past brought to the attention of the Government matters which were of grave concern to its members in respect to Federal restrictive measures, desires to bring to the attention of the Government, the reasons upon which it is felt there still remains many injustices and hardship against Japanese Canadians arising from their forceful removal from British Columbia in 1942.

The attached submission is therefore respectfully tendered with due regard to the basic confidence the people of Canada have in their Government to remedy any injustices.

May we receive your consideration to our submission.

Respectfully yours,

George Tanaka,
National Executive Secretary.

GT:yo
Enc.

SUBMISSION TO THE PRIME MINISTER
AND MEMBERS OF THE GOVERNMENT

IN THE MATTER OF
JAPANESE CANADIAN ECONOMIC LOSSES
ARISING FROM EVACUATION

ENTERED BY THE
NATIONAL JAPANESE CANADIAN CITIZENS ASSOCIATION
61 COLLEGE STREET, TORONTO 2, ONTARIO

To the Right Honourable Louis St. Laurent, Prime Minister,
and Honourable Members of the
Government of Canada.

This submission is made by the National Japanese Canadian Citizens' Association and its component chapter organizations in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Quebec. This national body was founded by a conference of representatives of various Japanese Canadian organizations through Canada on September 2, 1947. It has as its primary aims the protection of the economic and social welfare of persons of Japanese ancestry in the Dominion and the development of a truly democratic society wherein fundamental rights and liberties are preserved for all citizens.

After Pearl Harbour in December, 1941, it was deemed expedient to evacuate all persons of the Japanese race from the Pacific Coast of Canada. It was considered to be essential to carry out this task with the least possible delay. Some 22,000 persons were evacuated within 6 months. Being an emergency measure, emergency methods had to be employed.

The B. C. Security Commission was vested with the responsibility of the physical removal of this mass of persons. The immensity of the task and the haste required left little room for the protection of individual rights and humanitarian consideration.

To the Secretary of State, acting as Custodian, fell the onerous and difficult task of protecting the personal chattels and real property of the evacuated population from vandalism, depreciation and destruction. The task was difficult by reason of:

- (a) the necessity to hurriedly organize a large staff;
- (b) the removal on short notice of families, particularly

- from remote and isolated areas, without adequate provision for recording or protecting their property;
- (c) the strong anti-Japanese attitude in the community which lowered the moral barriers to condone theft, destruction and exploitation in acquiring assets;
 - (d) the panic of uncertainty amongst the evacuees which influenced them to overlook the taking of many precautions for the protection of their property which might have assisted in its preservation.

Prior to evacuation these persons were allowed to dispose of their own assets. In certain cases they were encouraged by the Custodian to do so. However, being under notice to evacuate, many improvident sales were made, and all such sales were as if made on a forced liquidation and were not free sales in a normal market. Heavy losses were sustained. Exploitation was rampant and the Government by various Orders-in-Council recognized the need for protective action. P.C. 288 of January 13, 1942 creating the Japanese Fishing Vessels Disposal Committee, recognized the need for protection from duress in the sale of vessels. However, other types of property were sold at heavy sacrifices.

Once evacuated, all property of evacuees were vested in the Custodian except cash and securities and until August, 1942, vessels. At first it was the intention of the Government to preserve the property of these hapless people. In good faith and in reliance upon this frequently stated policy of the Government and the Custodian,

many persons left their properties in his care. In this expectation, many persons after leaving their belongings, if they had time, did not make full inventories. In the same expectation, the Custodian's field men often made only general inventories when they were able to get around to the property. They, too, worked under haste and pressure.

After a year's experience with the impossible task of protecting all this property, the Government changed its policy to one of "orderly liquidation". In the meantime vandalism, theft and depreciation had had their toll. Had this policy been established at the time of evacuation and had time permitted, the Japanese could have made full inventories and obtained valuations of their property. However, orderly the liquidation of all of the property of 22,000 people to the last kitchen chair may be, such a sale, it is submitted, must remain a liquidation. The essential difference in price between a liquidation and voluntary sale is universal knowledge. Such sales are the happy hunting ground of bargain seekers, dealers and speculators.

As indicated above, vessels at first did not vest in the Custodian. It was decided at the outset to sell these as rapidly as possible to avoid depreciation and to get them into use in the essential fishing industry. That the boats were damaged in their collection and early detention by the navy has been recognized by the Government. However, compensation for damage and missing essential gear was paid to the purchaser. The market was flooded by the dump-

ing of these boats in a 7 month period. The unsold boats vested in the Custodian in August, 1942.

Recognizing that injustices had been done, the Government in mid-year, 1947, after study of the problem by the Public Accounts Committee of the House of Commons, set up a Commission under the Public Inquiries Act to determine the losses suffered and to recommend just and equitable awards therefore. The operative portion of the Orders-in-Council, P.C. 1810 of July 18, 1947 and P.C. 3737 of September 17, 1947 read as follows as amended:

"That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner to inquire into the following claims, namely:-

- (a) that real and personal property vested in the Custodian was disposed of by the Custodian for less than the fair market value thereof at the time of sale
- (b) that personal property vested in the Custodian was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him."

Mr. Justice Bird, a Judge of the British Columbia Court of Appeal, was appointed Commissioner. The Commission held hearings and discussions for over two years and the Commissioner has reported his findings.

With respect to the Bird Commission and the awards recommended by the Commissioner, having regard to the immensity and difficulty of the problem, we believe the vast majority of the persons of Japanese ancestry in Canada regard these awards as a measure of rough justice within the limited terms of reference.

We respectfully submit, however, that the people of Canada will fall far short of providing "reasonable and just compensation" to evacuees if that compensation is limited to the results of the enquiry. This submission is based upon the following considerations:

1. The Difficulty Caused by Limited Scope of Terms of Reference -

(a) Fair Market value was to be determined as at date of sale, thus:

(i) Deterioration, in some cases admitted by the Crown to be extensive, and not caused through any fault of claimant, had the effect of reducing the award.

(ii) Properties which were tenanted at date of sale, by reason of eviction freezing orders, brought less than they would had the claimant been in occupation. This factor was excluded by the terms of reference. However the properties were only tenanted because of evacuation and the evacuees were urged by the Government to rent and if they did not do so the Custodian rented the property himself.

(iii) Depression of market value by reason of towns or areas becoming substantially 'ghost towns' resulting from evacuation of Japanese.

(b) Loss of goodwill of business was excluded from the terms of reference. For the most part the goodwill of business disappeared when the owner was evacuated. In many cases

tenancies of premises in which businesses were carried on were terminated leaving only the equipment and stock-in-trade to sell. In some cases the Custodian sold the business premises and the chattels separately.

- (c) Exclusion of losses on accounts receivable. Evacuees could not themselves collect these accounts by force of law. The Custodian did not, except in a very few cases, employ any collection agency or legal counsel, as a result, a very large number of these accounts were never collected and are now uncollectable.
- (d) By requiring that the property must have been sold by the Custodian the terms of reference excluded:
 - (i) Forced sales by individuals made in the panic of evacuation, despite the fact that the Custodian encouraged sales of businesses particularly.
 - (ii) Sales of vessels through the Japanese Fishing Vessels Disposal Committee concurred in by the claimants only because any further delay would mean rapid depreciation to the vessels. (Report of Royal Commission on Japanese Property, page 42, par. 2 re rejection of claims, & page 44, par. 3.)
- (e) Failure to provide for losses incidental to evacuation in addition to the sale of property such as has been provided by Act of Congress in the U.S.A.

2. The Difficulty of Strict Legal Proof of Value -

- (a) On all types of property after 6 or 7 years have elapsed. (Report of Royal Commission on Japanese Property, page 38, par. 3)

(b) By reason of extensive alterations and /or deterioration to real property.

(c) By reason of the inability to have appraisers examine personal property lost or sold.

(d) By reason of inadequate records by the claimant due to:
(Report of Royal Commission on Japanese Property, re Custodian's administration, page 12, par. 1).

(i) The assurance given by the police and the Custodian that his property would be protected. Many of the evacuees therefore did not make detailed inventories of all chattels or have any valuations made on property. A large amount of vandalism occurred in many cases before the Custodian took physical possession.

(ii) The Custodian often did not take detailed inventories until quite late for the same reason.

(iii) In outlying places particularly, the claimants were given very short notice of removal and did not have time to carefully inventory property.

(iv) In many cases, records and evidence of value of property were left on the premises and never recovered, being discarded by the Custodian's field men as unsaleable.

(e) By reason of wide dispersion of claimants, counsel have not been able to consult fully with their clients.

(f) The unwillingness of many persons to give evidence or take part in the proceedings - a problem common to all public enquiries.

3. Proposals -

In the light of the circumstances we have recounted we propose to the Government that over and above the awards made by the Commissioner within the terms of reference, further compensation should be allowed fully to remedy the injustices suffered by the claimants.

- (a) A percentage of Sale Price allowance on all real properties sold subject to rental regulations.
- (b) A percentage of Sale Price allowance on all real properties to cover depreciation.
- (c) A percentage of Sale Price allowance for goodwill on all businesses subject to sale.
- (d) Percentage of all uncollected accounts receivable.
- (e) Establishment of an adjustment agency to adjust losses on forced sales on claims filed within 12 months with an appeal to the Attorney General for Canada.
- (f) A grant of monies to each adult evacuee to compensate for general losses.
- (g) Interest on all awards from date of sale.
- (g) Adjustments on Real Property not sold to Veterans Land Administration where no special award at a rate equal to the percentage which the average special award bears to the average sale price of properties on which special awards were made.

4. Conclusion -

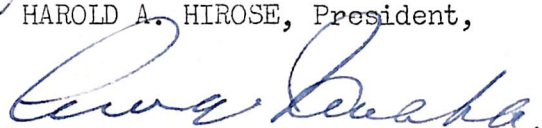
This submission has been concerned with drawing to your Government's attention issues which are relevant under the Royal Commission inquiry on Japanese property and issues which were completely excluded or given little attention due to the inadequate terms of reference of the Inquiry.

We tender as an appendix to this submission, the Association's submission to the Royal Commission on Japanese Canadian Property, dealing with the broad aspects of the evacuation property losses and the deeply human and significant experience of a people in Canada which no Canadian citizen would bear without the utmost sense of grave injustice.

We therefore respectfully suggest a broad appreciation of all the circumstances which shaped the problem into its present form is fully merited, if it is the intent of your Government to provide for a measure of justice which is equal to the standards of a truly democratic, Canadian way of life.

Respectfully submitted,


HAROLD A. HIROSE, President,


GEORGE TANAKA, Executive Secretary,

National Japanese Canadian Citizens
Association,

61 College Street, Toronto 2, Ontario.

September twenty-second, Nineteen hundred and fifty.

SUBMISSION TO THE ROYAL COMMISSION ON
JAPANESE CANADIAN PROPERTY

ENTERED BY THE
NATIONAL JAPANESE CANADIAN CITIZENS ASSOCIATION
84 GERRARD STREET EAST, TORONTO, ONTARIO

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To the Honourable Mr. Justice Henry Irvine Bird,
of the Court of Appeal of British Columbia,
Commissioner:

This submission is made by the National Japanese Canadian Citizens' Association and its component chapter organizations in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Quebec. This national body was founded by a conference of representatives of various Japanese Canadian organizations throughout Canada on September 2, 1947. It has as its primary aims the protection of the economic and social welfare of persons of Japanese ancestry in the Dominion and the development of a truly democratic society wherein fundamental rights and liberties are preserved for all citizens.

The decision of the Federal Government to appoint the present Royal Commission to investigate and report on claims for property losses incurred by persons of Japanese ancestry as a result of their evacuation from the coastal areas of British Columbia during the year 1942 has been received by this Association with deep gratification. In taking such action, it is believed, the Government is moved by its desire to extend a reasonable measure of compensation wherever possible to those individuals who were called upon by the emergencies of war to assume a burden of financial sacrifice so much heavier than that borne by the national community at large. The Association accordingly has sought to co-operate at all times with the Commission in its admittedly difficult task of evaluating these losses. It has prepared and distributed claim forms, assisted where possible in the filling out of such forms, provided interpreters and information, and in general worked in close liaison with the Co-operative Committee on Japanese Canadians in Toronto.

It is not intended in this submission to consider individual claims for property losses. Rather it is proposed to outline for Your Lordship's consideration such background material and general information as appears relevant to the problem. These are discussed under the following three heads:

- (1) The economic progress achieved by the Japanese people in Canada during the half-century preceding 1942.

(2) The conditions under which the Japanese people were evacuated from the coastal areas of British Columbia during 1942.

(3) The various factors suggested for consideration in determining "fair market value" under the terms of reference of the present inquiry.

PART I

ECONOMIC PROGRESS

Immigration and Settlement

When, early in 1942 and under the grim compulsion of global war, the Federal Government finally decreed the complete removal of the Japanese Canadian minority from the British Columbia coast, it brought to a drastic and disruptive end a half-century's advance towards economic security and success. The story of the struggle of that half-century, beginning with the early arrival of eager, though bewildered young men, is an intensely human one, beneath all its political, social and economic ramifications. It cannot, of course, be related here in detail: but it is essentially the self-same history of many other immigrant groups from the Old World to the New -- a story of extravagant hopes and prospects quickly deflated by the press of unexpected reality; a gradual acceptance of and adjustment to actual conditions; a transformation from hopes of easy and quick success into the determination to build for the future; a compelling impulse to rise to higher economic and social status; and through the long process, the steady, inevitable sinking of roots deeper and deeper into the new soil. All this was as true of the Japanese immigrants as it was of those from across the Atlantic. And it is against a background such as this that the economic aspects, no less than the psychological implications, of wartime evacuation may properly be assessed.

The early migration of Japanese to Canada was a part of the general wave of emigration from Japan consequent upon the opening up of that country by American forces in 1854. By 1890 a small number of immigrants had pressed on beyond Hawaii and the American state to engage in the salmon fishing of the Fraser River. From that date the province of British Columbia itself, only two decades previously linked by its first railway to eastern Canada, entered into a period of rapid expansion and development. The great inflow of capital from

Great Britain into the Dominion reached west across the Prairies, pushing new rail lines through the mountains to the Pacific and tapping the rich resources of the coastal area -- the salmon fishing, the coal mines, the virgin forests and the rich farm lands of the Fraser Valley. This rapid development created a peak demand for manual labour, a demand which, as Young, Reid and Carrothers have pointed out, could not be met by immigrants from the remote Atlantic seaboard. The Orient alone could provide the men to do the "spade work" and between 1896 and 1908, about 26,000 immigrants came to British Columbia, often lured by the promise of high wages and the fantastic stories of great wealth. Thousands came by arrangement of the Japanese emigration companies which operated under contract from Canadian concerns. Two of the largest such concerns, W.L. Mackenzie King officially reported in 1908 in his capacity of a Royal Commissioner investigating "methods by which Oriental labourers have been induced to come to Canada," were the Wellington Colliery Company and the Canadian Pacific Railway. These are names highly suggestive of the contribution by these immigrants toward the early economic development of the Province.

Of the large number of contract workers who arrived up to 1908, however, many remained in Canada a relatively short time. Some moved on to the United States before 1901. Some had come only as seasonal workers. Many others returned to Japan in thorough disillusionment, not only with the hard fact of their economic servitude, but also dismayed by the early agitation and prejudice directed against them. For throughout this period of rapid immigration, public unrest and opposition had been growing steadily stronger. It culminated finally in the riot of 1907, which led to the first concrete restriction of Japanese immigration into Canada. This was effected by the first Gentlemen's Agreement of 1908, under which Japan agreed to permit only the following four classes of people to emigrate to Canada: (1) returning immigrants and their wives and children; (2) emigrants specially engaged by Japanese residents in Canada for bona fide personal or domestic service; (3) labourers under specifically-worded contracts

approved by the Canadian Government; and (4) immigrants brought in under contract by Japanese resident agricultural holders in Canada. A total annual quota of 400 persons was fixed for all but the first group. In 1924, the agreement was modified to reducing the quota to 150 persons. In 1928 a further limitation was introduced (extending the 150 maximum) to include the wives and children of Japanese residents in Canada within the quota limitation. The 1928 revision continued in force until the outbreak of the war, but actual immigration remained well below the limit. From 1933 to 1940 the average number of new immigrants was less than 80 in each year.

While the total volume of immigration was thus substantially limited in three important stages, an even more significant change took place in the character of this immigration. Prior to 1908 the movement to Canada had consisted, as in the earlier instance of Chinese immigration, almost entirely of adult men. But subsequent to the first agreement the number of female arrivals exceeded that of male immigrants in almost every year up to 1940. The consequences of this change are clearly reflected in the composition of the population in each census year. In 1901 the census reported 4,700 Japanese in Canada, all of whom were male; in 1921 there were 10,500 males and 5,300 females and of the total number, 4,300 were children born in Canada. By 1931, these figures had changed to 13,000 males and 9,200 females, including Canadian-born children.

These changes in the character of immigration and in the composition of the Japanese population were both reflections of, and important influences upon the economic progress of the immigrant group. Migration from Japan had begun as a transient movement of young, adult males hoping for quick and early fortune. Thousands who came to Canada remained only very briefly once they learned the actual prospect. But those who remained did so with serious intentions of permanent settlement. These intentions found concrete expression through the immigration of women and the establishment of normal family life. In turn these developments were stabilizing influences of the greatest impor-

tance. The compelling drive of family responsibilities gave full play to inherent attitudes of thrift and industry coupled with an insistent urge for economic self-improvement.

This economic advance followed a familiar pattern. First the immigrants accepted the status of unskilled workers, floating from job to job and camp to camp, receiving the lowest wages. Then came the gradual acquisition of skill and knowledge, the command of higher wages and accumulation of capital. This was followed by an initial investment in some kind of productive resources and the establishment of permanent homes. In turn, an initial investment led to further capital accumulation and investment in further capital resources. These were distributed for the most part among modern fishing boats and equipment, market gardens and small farms, urban mercantile or service businesses, and processing and manufacturing establishments of various kinds. For those who remained in the wage-earning group, there was a strong tendency to shift from the extractive and mobile stages of industry, such as the logging camps or railway section gangs, to more fixed and stable employment, such as in the pulp and paper mills or the sawmills in larger centres with wider employment opportunities, where normal homes could be established and school facilities for children obtained. In general the case histories of hundreds of Japanese Canadian families settled in Canada for over thirty years reveal the repeated story of an upward struggle for economic stability or self-sufficiency, -- an economic independence offering in some degree protection from the vagaries of employers and discriminatory policy and from complete destitution in times of economic depression. It will be of value to note some of the highlights of this occupational picture as it obtained at the time of evacuation.

Occupational Distribution

Young, Reid and Carrothers have provided us with a concise description of the economic advance of Japanese immigrants, noting particularly how the range of activities undertaken gradually expanded.

"In four decades the Japanese immigrants covered by the survey extended the range of their economic activities from six occupations in 1893 to over sixty by the end of the period. During the early years they were concentrated in industries involving heavy labour and a moderate amount of skill, such as lumbering, fishing, mining, railroading and domestic service. They gradually moved out of the occupations and industries through which they entered the economic life of the Province, into farming on the one hand, and occupations of a commercial and service nature on the other, such as clerks, proprietors of stores, restaurants and rooming houses, and business and the professions. The shift from the major industries to the commercial occupations occurred particularly in the twenties when expansion in fishing, lumbering, mining and railroading came to an end and a decline set in, partly because of the agitation and discrimination against the Japanese in these industries, but also because the Japanese like other people were seeking better conditions and a higher social status in the community."

In 1941, the Federal Department of Labor reported the following distribution of occupations applied to all Japanese Canadians gainfully employed, fourteen years ^{of age} and more:

TABLE I OCCUPATIONAL DISTRIBUTION OF JAPANESE CANADIANS IN B.C., 1941

<u>Occupation</u>	<u>Percentage of All Japanese Canadians</u>	<u>Percentage of Total Gainfully Employed</u>
Agriculture	18.8	3.9
Fishing	16.3	15.0
Labourers (n.e.s.)	14.7	5.1
Manufacturing	13.4	2.5
Services	12.9	1.8
Trade	8.4	2.4
Lumbering	8.3	5.1
Transport & Communication	2.9	.9
Clerical	2.1	.7
Miscellaneous	2.2	--
All Occupations	100.0	2.8

Source: Canada Department of Labor, "Report on Japanese Affairs," 1944.

Agricultural Expansion

It will be noted in the foregoing table that by 1941 agriculture was the most important occupational endeavour of the Japanese Canadian group. During the previous two decades, more and more of the early immigrants had accumulated the necessary capital to purchase small land-holdings and had turned to farming as a securer means of livelihood. With limited capital resources they were unable to acquire developed farms in well-settled areas. Almost without exception they took up uncleared land lacking the advantages of location and access by main highways. But over the two decades many of these backroad, marginal holdings were built up and developed into fertile farms of high productivity, and as settlement pushed back further and further, they gained steadily in value.

In taking up land for farming, the settler's first task was to cut down trees and brush to clear a spot large enough for home and garden. The original cost of the holding and the assessed value were usually low because of the poor condition of the roads and the relative abundance of wild, undeveloped land. With the digging of drains and building of irrigation systems, the gradual clearing of more and more land, the adding of auxiliary farm buildings; the farms were steadily improved. As settlement increased, roads were improved and gravelled; power and telephone services were brought in, often financed by the individual farmer; rural mail was provided; and the railway station hamlets increased in size and services.

New crops were planted and land productivity was increased from year to year as farmers instituted crop rotation and diversification, developed new methods of tillage, and improved the varieties of plants. Co-operative marketing and buying services were organized to bring better returns for produce sold and to effect savings in essential purchases. Co-operative organization was extended to processing and canning, particularly of small fruits, the most important product of many Japanese farmers; and some protection was thus provided against

the fluctuations of the market. By these methods the farmers, acting in concert, were able steadily to increase their cash income.

While rapid advance was being made in farm development, both in expanded acreage, improved crops and produce, and in better marketing facilities, most rural municipalities adopted a policy of giving every encouragement to farm improvement. As a general rule, assessed values of farms were low in the first instance, largely because the land was non-producing. They were not increased in any way commensurate with the increased productivity nor the values of the farms resulting from the improvements. Some municipalities, in fact, maintained a lower tax rate on improved land than on wild land in order to encourage such development. Thus in 1942, the Municipality of Maple Ridge had a general tax rate on improved land of 16 mills in contrast with the rate on wild land of 30 mills.

It is, of course, well known that specialization based upon intensive agriculture was a major characteristic of this period of expansion enjoyed by Japanese Canadian farmers. Forces of economic necessity and occupational aptitude had induced a strong concentration in the small fruits industry. A secondary concentration occurred in the greenhouse industry, while individual operators built up important and substantial poultry farms, market gardens and nurseries. In these particular farm avenues the Japanese farmers were aided not only by habits of unremitting industry, but also by the fact that their families of growing children in many instances had reached the age when they were able to make an all-important labour contribution to the building up of the family enterprise.

The Fishing Industry

The Japanese in Canada have had a long association with the fishing industry. The fact that they have held a relatively prominent position in this field (see Table I) has led to some strong agitation by others similarly engaged.

It should not be overlooked, however, that the entry of the Japa-

nese fisherman was a critically important factor in the development of the industry to the point where it became one of basic importance to the British Columbia economy.

It appears a historical fact that the development of the industry would have been retarded if it were not for the Japanese immigrants who brought certain valuable experience from their homeland.

At a later stage when competition became more intense and the dependence on immigrants lessened with the entry of later arrivals, a very strong movement arose to restrict the activities of the Japanese fishermen.

Successive attempts to reduce licenses to the Japanese were substantially effective, until in a period just before the war, less than 15% of licenses issued were held by fishermen of Japanese ancestry. Notwithstanding this small percentage, however, the efficiency of this particular group had developed through many years of experience and they continued to be an important factor in production.

The Japanese fishermen in the course of time had acquired the best possible types of boats and equipment, and thus at the time of evacuation their capital investment was substantial.

The increasing mechanization in the industry, over the period of several decades, for instance, had seen the transformation of oar-propelled boats to gasoline and diesel boats together with modern drums for reeling in nets. Considerable investments were made in the various kinds of nets to be used with varying conditions of season and water levels.

The fact that Japanese fishermen were faced with restrictions (not applying to other fishermen) -- such as not being allowed to move from one fishing district to another -- made it necessary for them to improve their techniques to the highest level possible, and this involved high investment for the best type of equipment.

The early fishermen were not discontented with the living quarters supplied by canneries -- such as shacks along the Steveston dykes, but as they gradually absorbed the influence of western cul-

ture and their Canadian-born and Canadian educated children grew up, they made increased efforts to improve their living conditions. Even in the unpicturesque cannery-provided houses, it became not unusual to find good quality home furnishings.

Development in the fishing industry was, of course, accompanied by boat-building, canning and processing industries which employed a considerable number of Japanese.

The Japanese are credited with the development of the herring fishing and salt herring industries.

Lumbering and Wood Products

The more important communities where the Japanese were employed in lumbering were Vancouver, New Westminster, Fraser Mills, Mission City, Woodfibre, Ocean Falls, Port Alice, Alberni, Royston, Fanny Bay and Courtenay.

There was a trend over a period of years for workers in forest products industries to move to more fixed sawmill industries in order to enable them to make homes, and secure education for their children, whereas in the earlier days they were willing to accept the lot of migratory forest workers.

This was true especially in Vancouver, New Westminster, as well as the smaller centres of Chemainus, Duncan, Port Hammond, etc. Even when the workers went into the woods for employment, they maintained homes in adjacent centres. As with the fishermen, the stimulus of Canadian-educated children made itself felt in the desire for better home furnishings and comforts for the home.

Some of the forest workers eventually became fairly large logging operators and by 1933 there were some fourteen such operators in British Columbia. The following table gives the extent of these operations:

TABLE II INVESTMENT AND ANNUAL PRODUCTION OF JAPANESE LOGGING
COMPANIES IN BRITISH COLUMBIA 1933

<u>Name of Company</u>	<u>Capital Investment</u>	<u>Annual Production</u>
Fanny Bay Logging Company	\$ 200,000	\$ 135,500
Deep Bay Logging Company	200,000	135,500
Cartwright Bay Logging Company	40,000	67,500
Highland Logging Company	20,000	35,000
Feelmore " "	10,000	54,000
Stolts " "	4,000	13,000
Taniguchi " "	15,000	40,000
Takahashi " "	500,000	570,000
Maeda " "	6,000	20,000
Uyenaka " "	25,000	60,000
Channel " "	20,000	31,500
Mission " "	8,000	23,000
	<hr/>	<hr/>
	\$1,048,000	\$1,185,000

Source: Records of the Japanese Consulate, Vancouver (The Japanese Canadians by Young and Reid).

Commercial Developments

At first the Japanese immigrants looked for employment in the Province's basic industries of fishing, agriculture, lumbering and in various unskilled employment, but there was soon a trend towards settling into urban communities where they started modest retail and service establishments.

In 1931, 907 trade licenses were issued to persons of Japanese ancestry in the coastal areas.

In Vancouver, there was some publicity over the fact that a trade license was issued to one out of every ten Japanese, when the average for the city was one for every twenty-one persons, and there was some talk of restricting the number of trade licenses to Japanese.

Such a step, of course, would have been a fairly serious blow to a group who found themselves faced with restrictions in almost every field of employment into which they ventured.

The importance of the large part of these Japanese-operated

business establishments did not lie so much in the amount of business transacted or the investment represented as in the fact that they provided a livelihood for many individuals who were not fitted for any other type of employment.

The shopowners, the shoemakers, the carpenters, were often the people who had spent the more active part of their life engaged in physical labor, who had accumulated two or three thousand dollars to provide for an independent livelihood when they were no longer capable of hard work. That they found themselves turning to commercial enterprises on a small scale reflected too the lack of employment opportunities requiring less physical strength and suitable to the more elderly group into which the earlier immigrants were emerging.

These small business enterprises for the most part did provide a living, and in more cases than otherwise, represented the sole security for the family until the children were old enough to support the family. Probably because these businesses represented so much to the individual shop owners, and partially too because of their reluctance to depend on public welfare organizations, business failures were extremely rare even during the worst periods of the depression years, and very few families went on relief.

With the evacuation, this unique economic structure was broken down.

It is rather important to bear in mind when considering the valuation of the Japanese business enterprises to note two factors:

(1) These businesses had, to the Japanese, a peculiar intangible value in addition to what may be represented in financial terms -- a value, which they were required, to ignore altogether in making their claims. This intangible value lies in the fact that these small commercial enterprises were the only tangible means of security and livelihood known to its owners. They represented a goal reached after many years of toil.

(2) The years immediately before the war when the nation was

getting back on its feet after the depression seemed to have coincided with the period when a large number of Japanese enterprises had reached the stage of having become established. In other words, the generally favourable outlook for the future which the Japanese businesses faced at the time of evacuation did reflect, but is not altogether attributable to the generally increased tempo of economic activity which was beginning to make itself felt at that time.

PART II

GOVERNMENT POLICY AND THE PROPERTY PROBLEM

The Development of Evacuation Policy

The introductory section of our submission to the Royal Commission has been devoted to a summary description of the overall economic status of the Japanese minority, noting especially the development of that status and of social stability over the years. This second section is concerned with an attempt to trace the highlights of the unfolding policy introduced by the Federal Government in dealing with the repercussions on the domestic front of the disaster at Pearl Harbor, and particularly with those aspects of policy bearing directly upon the property problem.

It is, of course, well known that the prospect of the War in spreading to the Pacific Area after 1939 had caused keen concern and widespread popular agitation centered upon the 20,000 persons of Japanese ancestry settled on the British Columbia coast. The tensions and prejudice, which trace their roots back to the early history of the minority group, had once again been raised to a high pitch. So acute was the war agitation that the Federal Government late in 1940 undertook steps to ease the situation by appointment of a special committee of inquiry. In January, 1941, the Prime Minister tabled the report of the Committee which urged the importance of checking irresponsible attacks upon the Japanese in British Columbia "as an integral part of civil security and national defence." The Prime Minister announced that a special registration of all persons of Japanese origin would be immediately undertaken by the federal police as a key supervisory measure. He further announced the appointment of a small Standing Committee composed of representatives of the military, the federal police, and civic and legislative authority to advise the Government upon the developing situation. These measures, it was widely felt, contributed an important stabilizing influence not only

during the months of increasing international tension of 1941, but also during the few weeks of relative calm immediately after Pearl Harbor.

A review of the events of the critical three months up to March, 1942, however, makes it clear that the wholesale evacuation was in no wise conceived as a conscious policy from the beginning; nor were plans of any kind formulated to deal with all the ramifications of this tremendous disruption until after the decision had been forced upon the Federal Government.

The initial action of the Government was to add to its supervisory, precautionary measures. Some forty Japanese nationals were detained under the Defence of Canada regulations, most of whom were cleared and released from custody within a year's time. Under advisement of the police, the Japanese language schools and newspapers closed down voluntarily. Shortly thereafter, the special registration was made compulsory and tightened up under a new order-in-council; and policy was formalized to prohibit the operating of the fishing boats, which had already been impounded as an emergency measure.

Public opinion in its initial reaction was inclined to accept this precautionary phase as adequate, but only for a brief period; and by the middle of January the Government had evolved a more stringent, but still moderate policy. The announcement of January 14, 1942, made known the intention of the Government to undertake partial evacuation, by establishing a "protected area" from which "all enemy aliens" would be excluded. Strict surveillance of all Japanese nationals was to be continued, with added prohibitions on the use of short-wave radios and cameras. And it was proposed that the exclusion of Japanese Canadians from the Armed Forces should be continued, but provision made to set up a special Civilian Corps. In implementing this policy, the Minister of Justice on February 5, 1942, ordered all male enemy aliens of 18 to 45 years to leave the protected coastal area.

Acceptance of "partial evacuation", however, proved only momentary. By the middle of February a widespread campaign urging complete

evacuation was in full swing. Pressure was both organized and popular, and bowing before the irresistible flood a drastic change in policy was finally adopted. On February 26, Orders-in-Council were made public announcing the new situation. All prohibitions with regard to a number of special articles such as radios and cameras were extended to Canadian citizens as well. A curfew regulation was introduced confining everyone to their homes between sunset and sunrise. And every person of Japanese race, citizen and alien, male and female, young and old, was ordered "to leave the protected area forthwith."

Evacuation Movements

As previously stated the protected area was designated on January 29, 1942, and on February 5, 1942, Japanese nationals of 18 to 45 years were ordered to leave the area by April 1. On February 24 the exclusion order was revised and extended to order out all persons of Japanese ancestry forthwith. Following the exclusion order for Japanese nationals on February 5, two weeks later work camps were authorized on February 19, 1942 -- a week prior to the total exclusion order.

Except for the property of interned persons which came under Regulations Respecting Trading with the Enemy 1939, no public agency was available at this stage for the protection of Japanese property, other than fishing vessels which were subject to the divided authority of several Government agencies. When men were ordered to leave for road camps no provision was ready to care for their property. It was not until March 4, 1942, that the Custodian of Enemy Alien Property was given jurisdiction under Order-in-Council P.C. 1665. This official, however, for the first several months provided no physical facilities and confined his activities to receiving reports on property from Japanese persons as they were transported from the protected area. No advice was forthcoming as to public facilities and no central storage depots were provided. Because statements had been made that baggage was restricted to 150 pounds per adult and 75 pounds per child, al-

though in actual practice more was permitted, most of the property and belongings were left behind in homes. It had also been stated that freight and any amount in excess of the allowance would be charged to the owner.

For a large number of persons from areas outside the City of Vancouver, the removal had two stages; the first was from their homes to Hastings Park Clearing Station, and the second from the Park to Interior British Columbia. Particularly significant are the removal orders of the first stage when persons were ordered from the outlying areas of British Columbia and because of the precipitate nature of the evacuation, in the absence of public facilities they lost a large portion of their household goods and the equipment for their occupation. For example, a former resident of Hyde Creek could do nothing with his household and real property because he was given only two hours notice to vacate. Persons in Cumberland were given a week's notice to move to Hastings Park, and were told that one suitcase and one clothesbag were the only baggage allowed. A person with a rooming house was ordered to a road camp on March 29, 1942; when he refused to leave before settling his business matters, he was interned. A person from Nanaimo reports that he was ordered to Vancouver on twelve hours notice, but because this was physically impossible, he was given two days. During the interval when he was packing his belongings, a soldier followed his every movement. The only baggage he was allowed amounted to two suitcases and one clothesbag.

On March 27, 1942, a New Westminster family was given twenty-four hours notice to leave the protected area. The father and eldest son of the family were already at a road camp, consequently they experienced considerable difficulty in packing.

After reaching Kaslo a former Steveston fisherman sent for his household chattels. When he opened the crates he found that all valuable articles had been stolen.

A person from Georgetown near Prince Rupert states that he was

evacuated on very short notice and was allowed 170 pounds baggage made up entirely of items such as blankets and things for personal use which he placed in one suitcase and one clothesbag. He asked to be permitted to take his trunk with him but this was refused. After he reached Hastings Park on April 4, 1942, he asked that his trunk and remaining baggage be shipped to him. Months later in Slocan he received the trunk and three boxes but when the boxes were opened it was discovered that they were empty and the contents had been stolen.

A person from Qualicum Beach reports that on March 17, 1942 at nine o'clock in the morning he was ordered to take his family out of the area on the train leaving at eleven thirty o'clock. Because this was impossible he pleaded for an extension of twenty-four hours, which was permitted. He was able to take only his bedding with him. During the twenty-four hour period he disposed of his household goods by selling, and otherwise, as best he could at very great loss.

Another person from Qualicum Beach describes the conditions under which he surrendered his automobile in March of 1942. He was ordered on March 11 to deliver his automobile to a representative of the Custodian with the understanding that he would be re-imbursed for all expenses connected therewith. About noon the next day he joined a convoy of Japanese automobiles from Cumberland enroute to Victoria. It reached Victoria about five o'clock that afternoon whereupon registration took until ten o'clock that night. All gasoline and oil was bought by the owner and no reimbursement was made. Further complications arose because of the curfew. He had to take a taxi to the hotel, and also had to meet all expenses.

Cases such as the above were typical, and similar conditions were experienced by the Japanese in their movement from their homes and later again when they reached the interior towns. The economic loss arising from such conditions has affected all the Japanese. Men ordered to road camps, both before and after the Custodian was placed in charge of Japanese property on March 4, 1942, had no facilities for

storing their belongings. The minimum amount of baggage, which they were allowed, consisted only of bare essentials for physical survival; such as, blankets, heavy work clothing, boots, etc.; their other belongings had to be left with their families or stored with friends. Persons interned were able to take even fewer things with them; usually the clothes they wore, a towel and a toothbrush. Their other belongings also were left behind in an indefinite state. When families moved, the accumulated possessions of many years of domestic life were on their hands; with no storage facilities other than their own homes and some community buildings, their predicament was worse. It was out of the question for them to take their possessions to Hastings Park, to the interior towns, or to sugar beet farms in Alberta and Manitoba. Consequently, very little property was shipped and resulting therefrom, because of the attitudes of some sections of the public and because of the general circumstances of the period, a large proportion of these belongings were lost or stolen.

Impact of Evacuation Policy upon Property Administration

A review of the foregoing circumstances points still further to the contention made earlier that evacuation was not initiated on a broad plan nor as a permanent movement. It is only in the light of this fact that the failure of the Government to take adequate steps for the protection and preservation of property can be explained. The Government provided no facilities for the protection of property while the evacuees still remained in the protected area, other than the formality of registration. Caught unprepared, there was forced upon the Government a civilian undertaking of such magnitude and complexity that it was not able to find personnel capable of realizing all the programme entailed. Under the emergency conditions it was called upon to face, it was unable to formulate policies and procedures adequate to cope with the problems as they arose. As a consequence, there was unnecessary suffering and hardship on the part of the people and the loss of economic resources on a large scale.

There had been no previous preparation by the Custodian to include the administration of Japanese property within his organization. The first instructions given the Custodian under Orders-in-Council P.C. 1665 of March 4 and P.C. 2483 of March 27th, 1942, were to assume management and control of evacuee property "as a protective measure only." The first sign that the removal had assumed permanent aspects came with Order-in-Council P.C. 5523, on June 29, 1942, whereunder "protection only" was abandoned and powers of disposition by "sale, lease, or otherwise" of agricultural land was authorized, and again with P.C. 469 of January 19, 1943, when such powers were extended to all Japanese property within protected areas.

Further evidence of the temporary nature of the evacuation programme is given in the provisions of P.C. 3213 of April 21, 1942, where upon the recommendation of the Minister of Justice, the British Columbia Security Commission was empowered to enter agreements with the Government of any province relative to temporary placement of persons of Japanese race for the duration of the war, with the understanding that such persons were to be removed upon the termination of the state of war.

Even as recent as July, 1944, during the course of the debate on a section of the War Services Electors Bill, which deprived certain Japanese Canadians of the franchise for the war period, the Prime Minister in the House of Commons stated that the franchise was denied because the Japanese Canadians were moved as a temporary measure and were to be returned at the end of the war.

From these official statements, the removal would have to be viewed as an undertaking similar to the evacuation of civilians from other war zones and it would not be unreasonable to expect that evacuated persons would be permitted to return to their homes as soon as permitted by military exigency. For this reason, persons spent the short time available storing their personal property, often without crating, in their attics, basements, rooms, barns, etc., and in some

instances did no more than lock the windows and doors as they left. Where quarters were rented, persons without storage space often had to resort to quick sales or to leaving their goods in community halls, temples, churches and schools. Because proper public facilities were not provided, and because they had to resort to makeshift arrangements for storing possessions, the change in policy from temporary removal to permanent resettlement has made a very high percentage of loss inevitable.

Evacuation Programme gave Opportunity for Economic Profiteering

Where occupations had both White and Japanese persons, unfortunately a division on racial lines was promoted as a matter of historical tradition and each group eyed the other as competitor. This was the case in fishing, small fruit growing, and in the small retail trades. It was clearly evident to White groups that a competitive advantage could be gained by making use of war hysteria to eliminate the Japanese entirely from certain occupations. They would benefit from higher prices, the result of reduced supply caused by the removal of the Japanese from the industry and steadily increasing demand for products and services from improved economic conditions.

During the summer^{of} 1942 and 1943, certain White persons who had taken over Japanese berry farms for the season on short leases or purchase, organized the Berry Growers Protective Association and applied to the Government for a subsidy at a time when berry prices were their highest since the first World War. This is an example of the attitude of some sections of the general population at that time. Not content with reaping the benefit from the toil of Japanese berry farmers they wanted to live off the general taxpayer as well. In other fields, it has been freely reported that many articles were pilfered from fishing vessels while impounded. Skiffs and life-boats were stolen, net houses were broken into and nets, gear and equipment stolen or damaged. Automobiles left at designated points were stripped of tools and even inner tubes and tires were replaced by those of poorer quality.

The Custodian's policy to liquidate the holdings of persons of Japanese ancestry without reserve by public auction methods eliminated any possibility of the conditions required for a fair market value being applied. By no interpretation could the seller be classed as a willing seller; moreover, the sales being part of government policy of liquidation were, in effect, compulsory and were to be carried out regardless of price. The only willing person under the circumstances was the buyer who saw that all material conditions were fully weighted in his favour and he was in a position to take full advantage of them. Under the circumstances normal competitive bidding would be discouraged, and sales would be completed at abnormally low prices. The sale price by the Custodian could not, therefore, be regarded as the fair market price.

Problems in Property Management and Liquidation

It is apparent that under the foregoing conditions, Government policy in management and disposal of property did not give adequate and sufficient protection to the owners' interests. The primary function of a custodian is to conserve the assets of the owners. In this case it may be stated that this first function, due to the particular circumstances which obtained, was not successfully fulfilled. Aside from property sold directly by owners prior to the establishing of the Custodian's office, much property which should have been the responsibility of the Custodian was not adequately protected. In regard to household goods and movable property left in the homes before and after the Custodian assumed responsibility, insufficient protection was the cause of large quantities of valuable possessions being lost. In the sale of automobiles, unnecessary depreciation resulted from mishandling and lack of proper care. In addition, sale by auction without reserve, under conditions of forced liquidation, resulted in low-bidding and low prices. Boats and gear also received similar treatment in sales. Real property, businesses and equipment suffered a similar fate for the same reasons.

Some of the most serious examples of property loss and destruction are recorded in the reports of the auditors of the Custodian. They are now a matter of public record. The Proceedings of the Public Accounts Committee, May 8 to June 26, 1947, furnish further information on losses and damage to property.

The auditors for the Custodian, P. S. Ross and Sons, in their report of October 20, 1943, state:

"We understand that many requests have been received from evacuees to have shipped to them at their present address certain articles which, in some cases, have necessitated the unpacking of a carton or other container in order to locate the particular thing or things requested. We were also informed that storage places have on a number of occasions been broken into and containers ransacked, and as a result the belongings of one evacuee mixed with those of another, thus destroying means of identification of ownership with the office records"

Mr. Mathieu, assistant deputy custodian states in his report of January 15, 1947 (page 39):

"It is also true that a certain type of citizen considered the abandoned homes of evacuees an opportunity to engage in theft and vandalism which were in evidence in many cases before our field men or agents had an opportunity of taking charge .

"Even in the better class districts this was in evidence and perhaps an outstanding example may be given in connection with the property owned by the former Japanese consul in the Shaughnessy district of Vancouver. This house was under the control of the protective powers until the capitulation of Japan.

"At the time the property was handed over to us in December, 1945, Mr. K. W. Wright, counsel to the Custodian, and Mr. F. G. Shears, director of our Vancouver office, inspected these premises with Mr. Baeschlin, representing the Swiss government. Every piece of plumbing had been removed, light fixtures and switches had been disconnected and taken away and even leaded glass doors and windows had been taken from their frames and were missing. This had occurred in one of the best districts of Vancouver and according to representatives of both the Spanish and Swiss authorities, the house had been broken into time after time even although it was boarded up after each depredation.

"Our own experience in regard to buildings which had been used for storage was somewhat similar to that of the Japanese consul's house. Breakings-in were frequent, entrance being made in some cases by the use of fire escapes, through windows which were boarded up or covered with a grill or through basement doors.

"It may be of interest to record that a building on East Hastings Street, registered in the name of a Japanese association and which certain Japanese had filled with chattels, was left by them in the care of Messrs. Norris and McLennan. Upon request for the shipment, through the Security Commission, of some of the contents of this building, we requested Mr. McLennan to accompany one of

our staff to the building for the purpose of selecting the goods required for shipment. Finding it impossible to open the front door, access was made through a rear entrance when it was discovered that thieves had entered by the front door and had then barred it from the inside with planks. The place had been ransacked, lids of boxes torn off and the entire contents scattered over the floor....."

Although these reports are undoubtedly familiar to Your Lordship, the above quotations are given at length because of their importance. It was partly as a result of the above information to Members of Parliament that the whole matter was referred to the Public Accounts Committee which undertook a thorough investigation of the terms under which Fraser Valley farm lands were sold to the Veterans Land Administration. This investigation revealed that agricultural lands were evaluated following Order-in-Council P.C. 5523 of June 29, 1942, at \$ 911,156.00, and sold for \$ 893,390.00 in the face of assessment values which totalled \$ 1,250,000.00. It is submitted that as a general practice in this area, assessed value is a determination selected for taxation purposes. In some cases, they were below original cost and in most cases certainly far below market value. Although this was a general policy in most municipalities the Veterans Land appraisals were 2 per cent and assessed values were as much as 40 per cent, above sale price.

The Proceedings of the Public Accounts Committee, May 12, 1947, at page 114, show that the spot valuations of the Advisory Committee to the Custodian of May, 1943, compared with assessed value and Soldier Settlement valuation for seventeen properties, as follows:

Soldier Settlement valuation	\$ 28,232.00
Assessed value	\$ 31,119.00
Advisory Committee valuation	\$ 43,100.00

The Advisory Committee valuations for the seventeen properties in this instance were 39 per cent above assessed value and 53 per cent above Soldier Settlement valuation. This will indicate that Soldier Settlement valuations were far too low.

On page 115 of the Proceedings, a list of forty-three properties

withdrawn from the Veterans Land Administration offer until matters of title were cleared, and subsequently advertised and sold by the Custodian, is given as follows:

Veterans Land Administration appraisal	\$ 39,571.00
Veterans Land Administration offer	\$ 38,876.00
Custodian appraisal	\$ 73,312.00
Custodian sale price	\$ 82,183.50

It is noted that the Custodian appraisal was 90 per cent and sale price was 112 per cent above the offer made by the Veterans Land Administration. This would indicate further that the Veterans Land Administration transaction was not made on the basis of free trading and fair market price. Therefore it is submitted that prices received from the sale of these farm lands should be examined with this condition in mind.

Furthermore, when the final offer from the Veterans Land Administration was lower than appraised value, all amounts were uniformly scaled down without attention to individual cases. In view of this administrative action, it cannot be stated that either the Advisory Committee to the Custodian, or the Custodian, had proceeded in the sale with a view to getting the owners a fair market price when entertaining offers from the Veterans Land Administration. Accruing losses to Japanese owners would, therefore, be substantial, and legitimate claims before the Commissioner will be for sizeable amounts.

Even in the case cited above, there is no indication that the \$ 82,000.00 total figure, the selling price of the Custodian was the fair market price. It is re-emphasized that the circumstances surrounding these cases would encourage low-bidding. Compulsory sales over the protest of owners would allow buyers to withhold high offers and yet acquire the desired property.

Sales of this type are unprecedented; there was no recourse to arbitration, nor any appeal to the courts as provided under the War Measures Act in cases of expropriation by the Crown.

PART III

EVALUATION OF PROPERTY

It is not intended here to discuss at length the technical legal aspects of the terms of reference of the Royal Commission, which it is felt, will be adequately and fairly dealt with by Your Lordship with the assistance of Counsel for the claimants and for the Government. We realize that the task of evaluating the losses suffered by the claimants is an extremely difficult one, requiring infinite patience and skill, and above all an appreciation of the human and economic aspects of this unprecedented forced movement. This work is not made easier by the emergency nature of the evacuation as described above or by the fact that six years or more have now elapsed since that time and that the claimants are now scattered in almost every province of the Dominion.

It is felt that the determination of "fair market value" under the terms of reference is an economic problem as well as a legal one, involving consideration of such factors as original cost, replacement cost, prospective earning power, general price levels, and the existence or non-existence of an open market free from compulsion. In order, therefore, that every claimant can be treated fairly we respectfully urge that as a minimum condition the factors set out below should be considered, depending on the type of property for which a claim is made.

(1) Urban Real Estate - Land

- a. Sales realization from adjacent parcels sold freely at about the same time.
- b. Assessed value of the specific parcel adjusted by the average relation of assessed value to the sale price for comparable parcels in the same or comparable locality.
- c. Earning value assuming the parcel is to be developed to the highest usefulness possible in its location.
- d. If the land is occupied by old buildings, the fact that present earnings may not be a good criterion of probable future earnings when the old buildings are replaced with

modern structures, perhaps designed for more appropriate uses from the point of view of the land location.

- e. Trend of market value of adjacent land as reflection of environment factors on probable future earnings.

(2) Urban Real Estate - Buildings

- a. Assessed value of buildings adjusted by the average relation of assessed value to the sale price of comparable buildings in the same or comparable locality.
- b. Original cost and replacement cost of buildings.
- c. Earning value based on past experience and prospects in the future.
- d. Evaluation of other pertinent factors such as exceptionally favourable leases, working capital employed in administration of building, nearby developments which affect the value, etc.

(3) Farms

- a. General level of farm values from recent sales records of comparable farms in same locality.
- b. Original cost, depreciation, and replacement cost of buildings and other fixed improvements.
- c. A farm being both a productive unit and a home, a number of special factors to be given careful consideration in each individual case: e.g.,
 - i. kind of crops that can be grown advantageously on the soil.
 - ii. extent to which fertility of the soil has been depleted or built up.
 - iii. character of road system serving the farm.
 - iv. accessibility of markets for each possible crop.
 - v. annual rainfall or source and cost of irrigation water.
 - vi. nature and abundance of water for stock and domestic use.
 - vii. adequacy of natural and artificial drainage.
 - viii. character and adequacy of fences.
 - ix. accessibility or approach of rural electric lines.
 - x. aesthetic setting of the farm home.
 - xi. annual tax rate.
 - xii. social character of the neighbourhood.
 - xiii. educational facilities available.
 - xiv. alternative uses to which all or part of the farm could be put.

- xv possibility of future revenue producing activities of importance, such as site for waterfront development, highway, powerline, tourist resort, etc.

(4) Business Enterprises

- a. Original cost and replacement cost of physical assets (buildings, machinery, equipment and land).
- b. Historical and reproduction preliminary-expense value: This includes the fair capital allowance for the necessary expenses incurred in the organization and promotion of the enterprise.
- c. Going-concern value: The element of value in an assembled and established business doing business and earning money, in comparison with one not thus advanced. The value element is the present worth of the near-future earnings of the going plant during the period required to duplicate the enterprise and place it in operation.
- d. Goodwill value: This is something different from going-concern value. It was succinctly stated by Lord Eldon in 1810 as "the probability that the old customers will resort to the old place". The unit of measurement of goodwill value is one-year's purchase of the excess of the profits of the business over reasonable interest on the fair value of the property. The number of years by which the unit value is multiplied in individual cases depends on the kind of business involved.
- e. Other intangibles: These may include favourable leases, contracts, options, trade secrets, trade names, patent rights, copyrights, etc. where they are present.

(5) Fishing Vessels and Gear

About the same list of possible elements of value exist as noted above for other business enterprises. In addition, a factor of great importance in 1942-43 was the practical impossibility of replacing these physical assets under the existing conditions of very short supply.

(6) Automobiles, Radios, Cameras, and Firearms

- a. Replacement cost.
- b. W.P.T.B. price ceilings.

(7) Household Chattels and Other Personal Property

- a. Replacement cost.
- b. Intrinsic and sentimental value not replaceable.

PART IV

CONCLUSION

This submission has been concerned with drawing to the attention of Your Lordship certain background material which we believe is directly relevant to the issue under consideration by your Commission. It would appear that in spite of careful, painstaking investigation and deliberation, many practical and imponderable difficulties stand in the way of achieving a precision of just and reasonable awards. In the alternative, we respectfully suggest a broad appreciation of all the circumstances which shaped the problem into its present form is fully merited.

The first part of our submission has sketched the historical background of Japanese immigration into Canada, noting the conditions of their early arrival and employment in this country. In common with most immigrant groups, their's was a struggle over the years to establish economic security. In this struggle they were motivated not merely by individual self-interest, but even more important by the fact that the immigration of women had brought about a fairly balanced population and a family structure was rapidly built up. Homes were necessary for families. And growing numbers of immigrant fathers sought stability of income and employment, as well as a necessary advance in economic status. In general this provided a strong motivating force to accumulate savings and to establish self-owned enterprises whenever possible.

By the end of the first four decades of the century, the immigrants from Japan, first generation fathers and mothers, were reaching an established status in years, and large numbers of their Canadian-born children were achieving maturity. These joined the ranks of productive workers, and family income in the years immediately preceding the evacuation of 1942 increased rapidly. Increased income led in turn both to acquisition of durable consumer goods such as home furnishings,

radios, electrical appliances, automobiles and chattels, which Canadian-educated children looked upon as necessities; and to increased investment in capital goods such as improved housing, larger farm acreage, farm equipment, expanded commercial premises, and fishing vessels and gear. An overall conclusion was that the standard of living of the immigrant group was rising rapidly, not only because of improved economic conditions, but also because of the advancing productivity of the people themselves.

The second part of our submission has reviewed the course of evacuation policy, noting particularly how the problem of property management and subsequent disposal was thus influenced. The first programme adopted by the Federal Government was a moderate one, contemplating the exclusion from the "protected area" only of male enemy aliens between the ages of 18 and 45 years. But public pressure led over the course of a brief six weeks to the adoption of far more extreme measures, the carrying out of which imposed an extremely heavy burden upon unprepared administrative agencies of the Government. Particularly was this true of the Custodian's Office which was suddenly called upon to provide for the effective management and control of all the real and personal property of 21,000 people scattered up and down several hundred miles of British Columbia coastline. Moreover, when wholesale evacuation was first initiated, it was not looked upon as a permanent movement. For this reason neither the evacuees themselves, nor the Government itself, realized that extensive precautions were necessary for the protection and preservation of their property.

Not least of all the actual mechanics of the evacuation contributed to extensive losses. In many cases only very brief notice to move was given, necessitating hasty and precipitate action. With no storage facilities, and with restrictions on baggage permitted for transport out of the protected zone, large quantities of personal property was stored under makeshift arrangements. Possessions could

not be taken to the Hastings Park Clearing Station in Vancouver, to the Interior Towns, to sugar beet farms, road camps or internment camps, but often had to be left behind to an indefinite future. The overall picture was one of a large group of people engulfed in a crisis beyond their control. Confusion, rumour and counter rumour, doubt and dismay were acute psychological characteristics which precluded rational behavior. The Government itself was unable to offer adequate mechanical facilities to meet the confusion of the emergency situation, or to give needed encouragement and advice.

However, concerned the Custodian's Office actually was in protecting evacuee property, substantial losses were inherent in the entire situation. Reports of the auditors for the Custodian indicate that theft and vandalism of the property were not uncommon in the City of Vancouver. It is likewise indicated that real and personal property in the outlying areas and isolated camps, as well as in the farming areas of the Fraser Valley were subject to equal, if not greater, destruction and theft. In the actual process of liquidation, a wholly abnormal and unprecedented situation was created. When goods and chattels were sold at continuing public auctions, it was clear that the normal conditions of free trading did not apply. Because it was known that liquidation would be effected without reserve, bidding could not be described as competitive, and auctioneers, working on a commission basis with minimum prices, tended to seek rapid disposal of goods in large quantities rather than adequate unit prices. The Proceedings of the Public Accounts Committee contain information which indicates that transactions between the Custodian and the Veterans Land Administration in regard to Fraser Valley farm lands were not resolved on a basis of "fair market value." Nor can the wholesale liquidation of a large number of urban holdings within a short space of time be regarded as a normal procedure guaranteed to maintain the property rights of the owners.

In the third section of our submission, we have attempted respectfully to suggest to Your Lordship some of the considerations

entering into the problem of valuation as being of concern to the evacuee claimants. It would appear that many relevant questions, including prospective earning power, are involved in the determination of value. Conditions and approaches differ with the different classes of property, compelling a wide economic review. The needs of property valuation are, we most earnestly submit, of a very broad nature which find their parallel in the comprehensive appraisal of all the many varied factors involved in wartime evacuation.

Respectfully submitted,

THOMAS K. SHOYAMA, President,

GEORGE TANAKA, Executive Secretary,

National Japanese Canadian Citizens
Association,

84 Gerrard Street East, Toronto 2, Ont.

November twelfth, Nineteen hundred and forty-eight.

OTTAWA, November 6, 1947.

X
✓
Mr. A. E. Russell,
Taxation Branch,
Income Tax Division,
Department of National Revenue,
Room 3044 - 444 Sussex Street,
OTTAWA.

Dear Sirs:

In accordance with telephone conversation with Mr. Anderson and yourself, I am enclosing two copies of a list of persons of Japanese origin in Canada who have property not yet realized upon by the Custodian, consisting of the refundable savings portion of income tax between 1942 and 1944.

I would also advise that the address of the Custodian's Office at Vancouver is 506 Royal Bank Building.

Yours very truly,

A. H. Brown,
Executive Assistant to the Deputy Minister.

HTP:FD

LC
8/11/47

<u>File</u>	<u>Name</u>	<u>Property not yet Realized</u>			
			<u>Refundable Savings Portion</u>		
			<u>Income Tax</u>		
348	FUKUHARA, Miss Sumi	1944	\$	20.50	\$ 20.50
448	FUKUYAMA, Soshichi	1942		33.00	
		1943		65.00	
		1944		60.50	158.50
677	FUKUSHIMA, Fujitaro	1944			20.50
738	IWABUCHI, Chitaro	1944			50.00
802	MIYAHARA, Choru	1943			11.00
1081	KIMURA, Tokichi	1944			43.50
1084	NISHIMURA, Yoshisaku	1944			42.50
1160	NAKAWATASE, Yokichi	1943			91.00
1227	HATAKAYAMA, Kasutoski	1943			11.00
1291	OGINO, Kanejiro	1944			22.50
1310	OHARA, Shigeo	1943		59.00	
		1944		27.50	86.50
1544	HAMANISHI, Tatsunosuke	1944			37.50
2096	UYEDE, Masami	1943		35.00	
		1944		35.00	70.00
2130	YANAGIMOTO, Jitsue	1943		97.00	
		1944		54.00	151.00
2170	WATANABE, Sadame	1942			20.00
2201	MORIZAWA, Shigeo	1944			52.50
2402	SHIN, Masaharu	1943			48.00
2645	SHIOZAKI, Shigeji	1944			12.50
2773	OHARA, Masajiro	1943			31.00
2847	SHISHIDO, Tatsuto	1944			43.00
3072	MIZUTA, Josaburo	1944			48.00
3352	HISAOKA, Bunji	1944			94.90
3451	MARUOKA, Ninosuke	1943			87.00
3748	MUKAI, Masaharu	1944			50.00
4032	TAKAO, Shintaro	1944			15.50
4086	KURAHASHI, Bunkichi	1944			72.00
5116	KARIYA, Hideo	1943		51.00	
		1944		14.00	65.00
5492	EGO, Yonezo	1944			51.50
5830	MIYATA, Einosuke	1944			15.50
5919	MORITA, Denjo	1943			21.00
5933	KIMURA, Yonezo	1943			81.00
7543	KATSUMI, Kinichi	1944			37.68
8058	KAWAGUCHI, Mamoru	1943		25.00	
		1944		42.00	67.00
8131	NOMA, Naomuri	1943			11.00
8141	TOMITA, Ichiro	1943			15.00
8742	KISHIYAMA, Tokuzo	1943		51.00	
		1944		46.00	97.00
8771	ISOKI, Shunichi	1944			2.50
10661	FUJIMOTO, Shutaro	1944			50.00
11222	MURAKAMI, Kaoru	1944			2.00
11718	MATSUMOTO, Masaki	1943			8.00
11757	OMAE, Hachijiro	1944			34.00
12026	TABATA, Bunshira	1943			11.00
12141	IKEBATA, Yoshikazu	1944			4.00
12337	OKUI, Gengo	1943			18.00
12351	KAWADA, Shuichi	1943			15.00
12564	IKEDA, Sakuhei	1944			10.50
13608	NISHIDA, Genji	1943			11.00
13622	KIKEGAWA, Ryosaburo	1943			2.00
13631	MURAKI, Gisaburo	1943		18.00	
		1944		31.50	49.50
13643	HAYASHI, Genya	1943			5.00
13655	SAWADA, Shuzaburo	1943			41.00
13686	NITTA, Keiji	1943		38.00	
		1942		1.57	39.57

File

Name

Property not yet Realized

Refundable Savings Portion
Income Tax

13832	SHIMODE, Toraichi	1943	\$	\$ 5.00
13895	MORIYA, Takejiro	1943		31.00
14062	MURAKUBO, Masaru	1942		1.22
14063	KITAGAWA, Tomekichi	1943		18.00
14273	OHASHI, Shohei	1944		38.50
14405	NISHIMURA, Sutomatsu	1944		17.50
14711	ATAGI, Aizo	1944		14.00
14762	YOSHIDA, Toyojiro	1944		49.50
14834	KATO, Harumasa	1943		11.00
14849	OHARA, Jitsuro	1943		11.00
14890	SHIMURA, Tsurutaro	1943		38.00
15204	TSUBOTA, Minosuke	1943		11.00
15210	OSAKO, Shigeyoshi	1944		41.00
15213	HIGASHI, Yuichi	1944		54.50
15242	MANO, Jonoshin	1943		15.00
15269	MORINO, Zenjiro	1943		35.00
15358	MIZOHATA, Gunzo	1943		31.00
15536	KIDO, Taneyoshi	1943	31.00	
		1944	20.50	51.50
15563	SHIMADA, Hisaichi	1942	15.18	
		1943	93.23	108.41
15658	YOSHIDA, Koichi	1944		61.50
15662	YANAI, Takizo	1942	31.02	
		1943	60.36	91.38
15665	YOSHIDA, Shogo	1943		149.00
15666	HONDA, Seizo	1942	21.00	
		1943	27.50	48.50
15670	ABE, Ikusaburo	1942		24.00
				<u>\$3,065.66</u>

23-2-17-13

November 5, 1947.

to Mr. H. T. Pamnett.

In connection with the refund by the
Income Tax Department of 1942 refundable savings
portions of income tax, I have agreed to furnish
the Income Tax Department with two copies of the
attached list furnish^{ed} to us by the Department of
the Secretary of State.

Would you please write to Mr. A. E. Russell,
Taxation Division, Income Tax Department, Room 3044,
444 Sussex Street, sending him two copies of the list
for me pursuant to the conversation which he and
Mr. Anderson had with me; also give him the address
of the Custodian's Office at Vancouver.

0
A. H. Brown.

ADK
29/11/47

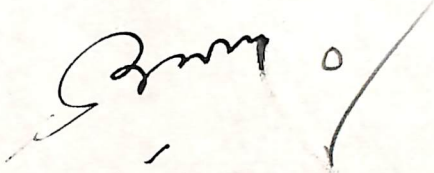
DEPARTMENT OF LABOUR

OTTAWA, November 5, 1947.

MEMORANDUM to Mr. H. T. Pammett.

In connection with the refund by the Income Tax Department of 1942 refundable savings portions of income tax, I have agreed to furnish the Income Tax Department with two copies of the attached list furnished to us by the Department of the Secretary of State. *(pages one and two only)*

Would you please write to Mr. A. E. Russell, Taxation Division, Income Tax Department, Room 3044, 444 Sussex Street, sending him two copies of the list for me pursuant to the conversation which he and Mr. Anderson had with me; also give him the address of the Custodian's Office at Vancouver.


A. H. Brown.

*506 Royal Bank Bldg
Vancouver*

68/11/47

Deliver to: Mr. A. H. Brown

Room:

A. MacNamara

From:

Room:

Remarks: Will you draft any
necessary letters, and oblige, please

What about extension of
our own powers?

DEPARTMENT OF LABOUR

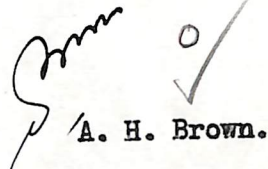
OTTAWA, October 29, 1947.

MEMORANDUM to: Mr. A. MacNamara,
Deputy Minister.

Re: Property of Repatriated Japanese

When the time comes for the Government to consider the extension of Emergency Powers legislation beyond the 31st of March next, it will be necessary to make provision whereby the Custodian of Enemy Property shall have continued powers for the disposition and transfer of property belonging to Japanese who went to Japan, and which has not yet been realized on and transferred to these Japanese.

I have just obtained a list from the Custodian of the property of these Japanese which has not yet been realized on. There is an amount of \$3,000, consisting of refundable savings portion of Income Tax running from the year 1942 to 1944, and a miscellaneous quantity of items such as company shares, insurance policy payments, etc., which will obviously not be cleaned up by the 31st of March.


A. H. Brown.

ATM



DEPARTMENT OF THE SECRETARY OF STATE
OF CANADA

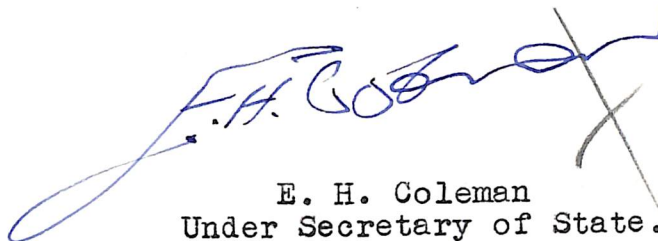
23-2-17-13
Department of Labour

Ottawa, October 27, 1947.

Dear Dr. MacNamara,-

With reference to your letter of the 12th ultimo, asking for information as to the assets of repatriated Japanese which vested in the Custodian under the provisions of Order in Council P.C. 7355 dated September 15, 1945, I am enclosing a memorandum handed to me by K. W. Wright, Solicitor in the Custodian's Office, together with the list referred to by Mr. Wright.

Yours truly,



E. H. Coleman
Under Secretary of State.

Dr. A. MacNamara, C.M.G.,
Deputy Minister of Labour,
O t t a w a .

LC
8/11/47

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

ADDRESS ALL
COMMUNICATIONS
TO THE
CUSTODIAN'S OFFICE

PLEASE REFER
TO

FILE NO.....

October 16, 1947

1947 OCT 16 PM 2:29

UNDER SECRETARY
OF STATE

MEMORANDUM FOR DR. COLEMAN

RE: Property of Repatriated Japanese

The Deputy Minister of Labour addressed a letter to you under date of September 12, 1947, asking for information as to assets of repatriated Japanese which vested in the Custodian under the provisions of Order in Council P.C. 7355, dated September 15, 1945.

Mr. Shears was asked for a report and the matter was taken up when I was in Vancouver.

I attach a list of assets compiled by our Vancouver Office and you will note that we have under control two parcels of real estate, stocks, bonds, interests in life insurance policies and refundable savings portion of income tax.

Mr. McNamara suggests that the Order in Council referred to may be repealed or allowed to lapse unless extension is necessary. It will not be possible for the Custodian to complete the winding up of estates of Japanese repatriates for some time and I therefor recommend that the provisions of Order in Council P.C. 7355, relating to Custodian control, be extended.


K. W. WRIGHT

KWW/JF
Attach.

LC
8/11/47

32

<u>File</u>	<u>Name</u>	<u>Property not yet Realized</u>	
		<u>Refundable Savings Portion</u> <u>Income Tax</u>	
348	FUKUHARA, Miss Sumi	1944	\$ 20.50
448	FUKUYAMA, Soshichi	1942	\$ 20.50
		1943	33.00
		1944	65.00
		1944	60.50
677	FUKUSHIMA, Fujitaro	1944	158.50
738	IWABUCHI, Chitaro	1944	20.50
802	MIYAHARA, Choru	1944	50.00
1081	KIMURA, Tokichi	1943	11.00
1084	NISHIMURA, Yoshisaku	1944	43.50
1160	NAKAWATASE, Yokichi	1944	42.50
1227	HATAKAYAMA, Kasutoski	1943	91.00
1291	OGINO, Kanejiro	1943	11.00
1310	OHARA, Shigeo	1944	22.50
		1943	59.00
		1944	27.50
1544	HAMANISHI, Tatsunosuke	1944	86.50
2096	UYEDE, Masami	1944	37.50
		1943	35.00
		1944	35.00
2130	YANAGIMOTO, Jitsue	1943	70.00
		1944	97.00
		1944	54.00
2170	WATANABE, Sadame	1942	151.00
2201	MORIZAWA, Shigeo	1944	20.00
2402	SHIN, Masaharu	1944	52.50
2645	SHIOZAKI, Shigeji	1943	48.00
2773	OHARA, Masajiro	1944	12.50
2847	SHISHIDO, Tatsuto	1943	31.00
3072	MIZUTA, Josaburo	1944	43.00
3352	HISAOKA, Bunji	1944	48.00
3451	MARUOKA, Ninosuke	1944	94.90
3748	MUKAI, Masaharu	1943	87.00
4032	TAKAO, Shintaro	1944	50.00
4086	KURAHASHI, Bunkichi	1944	15.50
5116	KARIYA, Hideo	1944	72.00
		1943	51.00
		1944	14.00
5492	EGO, Yonezo	1944	65.00
5830	MIYATA, Einosuke	1944	5.50
5919	MORITA, Denjo	1944	15.50
5933	KIMURA, Yonezo	1943	21.00
7543	KATSUMI, Kinichi	1943	81.00
8058	KAWAGUCHI, Mamoru	1944	37.68
		1943	25.00
		1944	42.00
8131	NOMA, Naomuri	1944	67.00
8141	TOMITA, Ichiro	1943	11.00
8742	KISHIYAMA, Tokuzo	1943	15.00
		1944	51.00
		1944	46.00
8771	ISOKI, Shunichi	1944	97.00
10661	FUJIMOTO, Shutaro	1944	2.50
11222	MURAKAMI, Kaoru	1944	50.00
11718	MATSUMOTO, Masaki	1944	2.00
11757	OMAE, Hachijiro	1943	8.00
12026	TABATA, Bunshira	1944	34.00
12141	IKEBATA, Yoshikazu	1943	11.00
12337	OKUI, Gengo	1944	4.00
12351	KAWADA, Shuichi	1943	18.00
12564	IKEDA, Sakuhei	1944	15.00
13608	NISHIDA, Genji	1944	10.50
13622	KIKEGAWA, Ryosaburo	1943	11.00
13631	MURAKI, Gisaburo	1943	2.00
		1944	18.00
		1944	31.50
13643	HAYASHI, Genya	1943	49.50
13655	SAWADA, Shuzaburo	1943	5.00
13686	NITTA, Keiji	1943	41.00
		1942	38.00
		1944	1.57
13832	SHIMODE, Toraichi	1943	39.57
13895	MORIYA, Takejiro	1943	5.00
14062	MURAKUBO, Masaru	1943	31.00
14063	KITAGAWA, Tomekichi	1942	1.22
14273	OHASHI, Shohei	1943	18.00
		1944	38.50

<u>File No</u>	<u>Name</u>	<u>Property Not Yet Realized</u>
4851	MINATO, Kinosuke	20 shares Royston Lumber Co. Ltd. (being liquidated by P. S. Ross & Sons)
6054	KIDO, Hideo	100 shares Japan & Canada Trust Savings Co. (being liquidated by P. S. Ross & Sons)
XI 882	SHIKAZE, Kaichi	6276 shares Riversyde Lumber Co. Ltd. (being liquidated by Hamilton Read & Paterson)
6600	HAYASHI, Torao	9 Bonds Japanese Government 4% 1910 @ Fcs 500 each - 4500 Fcs.
11902	SUMIYA, Rikichi	1 Bond - Japanese Government - \$1,000.00
13052	NISHIDERA, Shinpachi	220 Bonds Japanese Government @ Fcs 500 each - 110,000 Fcs
7331	NAKAMURA, Masako	Japanese money - 1305 Yen
12172	NAKATA, Ume	Deposit Cert. Sumitomo Bank of Seattle 1386.50 Yen
12846	TAMARU, Orito	Fully paid non-participating endowment Sun Life Assurance Co. policy on his wife (In Japan) payable to her on 29th October, 1959 or to him if wife dies before that date. \$380.00
XI 479	KOBAYASHI, Kazuo	1000 shares Dunwell Mines Ltd. Of No Value
1398	FUKUHARA, Takakazu	(Cat # 738) Dwelling & furniture at Port Essington Value \$ 270.00
		(Cat # 740) Restaurant & furniture at Port Essington Value \$2,650.00
11849	KOBAYASHI, Chiyono	Commissions on renewal premiums Sun Life Policies Value unknown

TO: CENTRAL REGISTRY,
Room 7, Conf. Bldg.

Please place attached on file

23-2-17-13

H.T. Parrott.

P.A.

B.F.

Ottawa, Ontario.
September 12, 1947.

Dr. R. H. Coleman, K.C.,
Deputy Custodian of Enemy Property,
Department of Secretary of State,
Victoria Building,
O t t a w a.

Dear Dr. Coleman: Re: Property of Repatriated Japanese

Under the provisions of P.C. 7355 of September 15, 1945, copy of which is enclosed, provision was made whereby the property of Japanese persons repatriated to Japan under the provisions of the said P.C. 7355 would be vested in the Custodian.

Under this Order it was provided that where real or personal property of persons repatriating to Japan under that Order had not been sold or disposed of prior to departure, the same would be vested in the Custodian, who would realize on it, and the proceeds so realized would be placed to the credit of a repatriate and transmitted to him in Japan in accordance with the procedure prescribed in the Order in Council.

Under the provisions of P.C. 7355, between 3900 and 4000 Japanese repatriated to Japan. Arrangements with respect to realization of assets of these persons, and transmission of proceeds thereof to Japan, were worked out between your officers at Vancouver, the officers of this Department at Vancouver, and the office of the Comptroller of the Treasury, and have operated very satisfactorily.

We are under the impression that very little property was left belonging to these repatriates which had not been realized on before they repatriated to Japan. However, we would appreciate your advice as to the exact situation in this regard. In other words, to what extent is there unrealized property in the hands of the Custodian which was vested in him under the provisions of P.C. 7355?

The Government has decided to discontinue financial assistance for those repatriated under P.C. 7355, and, in the circumstances, this

h.c.
17/9/47...2.

Order accordingly will either be repealed or will be allowed to lapse unless it is necessary to extend some of the provisions thereof, having regard for the fact that there is property vested in the Custodian still to be realized on thereunder.

If you will let us have information on the above at your convenience, we will appreciate it.

Yours very truly,

A. MacNamara.

Encl.

NOTICE

TO PERSONS OF THE JAPANESE RACE WHO WERE EVACUATED FROM THE PROTECTED AREA OF BRITISH COLUMBIA AND RESIDED IN CANADA AS AT JULY 18, 1947.

TAKE NOTICE THAT by Order in Council P. C. 1810, dated July 18, 1947, as amended by Order in Council P. C. 3737, dated September 17, 1947, His Excellency The Governor-General in Council has authorized the appointment of The Honourable Mr. Justice Henry Irvine Bird, a Justice of the Court of Appeal for the Province of British Columbia, as a Commissioner under the Inquiries Act, R. S. C. 1927, to inquire into and report upon the claim of any of the before-mentioned persons of the Japanese Race who alleges:

- (a) that real and personal property of the claimant vested in the custodian was disposed of by the Custodian or some person appointed by him, thereof at the time of sale resulting in loss to the claimant equal to the difference between the amount received from the sale and the fair market value aforesaid; or
- (b) that personal property of the claimant vested in the Custodian was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen: provided that no claim shall be considered in respect of property lost, destroyed or stolen, while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property.

I am now directed by the Commissioner to give public notice to intending claimants to file their respective claims, in duplicate, written in the English or French language and verified by statutory declaration, at the Office of the Custodian, Royal Bank Building, Vancouver, B.C., on or before November 30, 1947.

Claimants are required to prepare their claims in the following form:

1. Name of claimant in full with registration number.
2. Claimant's address at the time of his evacuation from the Protected Area.
3. Claimant's present address.
4. In the case of claims relating to real property:
 - (a) Street address of real property.
 - (b) A legal description sufficient to identify the property.
 - (c) Type of real property, i.e., farm, residence, commercial, etc., and short description of it.
 - (d) Title or interest held by claimant in the real property.
 - (e) Fair market value of real property at date of sale.
 - (a) Land.
 - (b) Buildings.
 - (f) Amount of loss alleged to have been sustained by the claimant under the terms of reference.
5. In the case of claims relating to personal property:
 - (a) Location at which property was left by the claimant at date of evacuation.
 - (b) Type of premises in which property was left by the claimant and manner in which that property was stored or packed at the time of evacuation.
 - (c) In whose care was property left by the claimant at date of evacuation.
 - (d) Itemized and detailed description of the property which is the subject of claim and itemized value thereof at the time of sale, loss or destruction.
 - (e) Amount of loss alleged to have been sustained by the claimant under the terms of reference.

Subject to change following receipt of claims, it is proposed that sittings of the Commission in respect of claims filed at the office of the Custodian will be held at:

Vancouver, B.C.	Moose Jaw, Saskatchewan.
Kamloops, B.C.	Winnipeg, Manitoba.
Nelson, B.C.	Toronto, Ontario.
Lethbridge, Alberta.	Montreal, Quebec.

and such other places as may be determined by the Commissioner, at the times and locations to be fixed by the Commissioner, notice whereof will be given to the claimant.

Claimants will indicate at which of the above cities they prefer to be heard and whether or not the services of an interpreter will be required.

Claims filed subsequent to November 30, 1947, will not be considered unless special leave is granted by the Commissioner upon good cause shown.

**THE ATTENTION OF CLAIMANTS IS DIRECTED TO
THE TERMS OF REFERENCE QUOTED ABOVE. THE
COMMISSIONER'S AUTHORITY IS LIMITED TO CON-
SIDERATION OF CLAIMS AS THEREIN DEFINED.**

Dated at Vancouver, British Columbia, September 26th.
1947,

By authority of the Commissioner,

A. WATON, Secretary to the Commission.

The Dean

TH
TREET
nson, D.D.
Higgs
Dunelm), F.R.C.
ER TRINITY

TO: CENTRAL REGISTRY,
Room 7, Conf. Bldg.

Please place attached on file

23-2-17-13

H.T. Pammett.

P.A.

B.F.

AIR MAIL

O t t a w a, December 6, 1945.

Mr. J. Maeno,
R. R. 1,
Kamloops, B.C.

Dear Sir:

I wish to acknowledge your letter of December 1 concerning the money which repatriates may take to Japan with them.

I would draw your attention to the Statement issued by the Minister of Labour last spring on the subject of repatriation which included a reference to the proceeds of property.

If you will write directly to the Commissioner of Japanese Placement, Department of Labour, 360 Homer Street, Vancouver, he will be able to give you definite particulars on this subject.

Yours very truly,

HTP:MS

A. MacNamara.

See new file 23-2-17-17



CANADA

DEPARTMENT OF LABOUR

JAPANESE DIVISION

360 Homer Street,

VANCOUVER, B.C.

AIRMAIL.

Attention: Mr. Pammett.

A. MacNamara Esq.,
Deputy Minister,
Department of Labour,
OTTAWA.

Re: PROVIDING LIST OF REPATRIATES TO
CUSTODIAN'S OFFICE.

In reply to your letter of September 9th, we will be pleased to provide the Custodian's office with the list of those who have signed for repatriation as soon as this list has been prepared.

In the meantime we are giving Mr. Shears this information about individual cases as they arise.

Department of Labour

OCT 15 1945

To: *File*


☐ DRAFT LETTER
☒ 11th October 1945
☐ YOUR COMMENTS
☐ SEE ME PLEASE
☐ NOTE & RETURN
☐ GET FILE FOR ME

A. MacN.

T.B. Pickersgill

T.B. PICKERSGILL,
Commissioner.

16/10/95

TO:  CENTRAL REGISTRY,
Room 7, Conf. Bldg.

Please place attached on file

23-2-17-13

H.T. Pammett.

P.A.

B.F.

AIR MAIL

Ottawa, October 2, 1945.

Mr. T. B. Pickersgill,
Commissioner of Japanese Placement,
Department of Labour,
360 Homer Street,
Vancouver, B.C.

Dear Sir:

I enclose a letter received from
Kenji Tatebe of Slocan City, British Columbia,
asking if he can take various articles back to
Japan.

The Minister's Statement of February 13,
1945, assured these people "free transportation of
such of their personal property as they may take
with them." While this would cover their clothing,
and possibly also the sewing machine, it is not felt
that it should cover such things as stoves. We should
however be willing to make a reasonable interpretation
of "personal property", and I would appreciate your
views on this matter. The attached letter has not
been acknowledged, and I would be obliged if you
would do so direct.

Yours very truly,

See 23-2-17-1

HTP/LBN

A. MacNamara.

AIR MAIL

Ottawa, September 29, 1945.

Mr. T. B. Pickersgill,
Commissioner of Japanese Placement,
Department of Labour,
360 Homer Street,
Vancouver, B.C.

Dear Mr. Pickersgill:-

Mr. MacPherson of the Custodian's Office has asked that his Vancouver representative, Mr. Schears, be given a list of those Japanese who have applied for repatriation as soon as convenient.

They wish to get the files of these persons in order within the next few months so that they can handle promptly the requests for cash balances to be taken with the repatriates under the terms of the Minister's Statement of February 13, 1945.

It will be in order therefore to give Mr. Schears a copy of the list of those applying for repatriation as soon as it is compiled, or such sections of it as he may require for the above purpose.

Yours very truly,

A. MacNamara.

HTP:MS

Copy on 23-2-11-1

9/10/45



CANADA

NOTICE

TO ALL PERSONS OF JAPANESE RACIAL ORIGIN

*HAVING REFERENCE TO MAKING APPLICATION FOR
VOLUNTARY REPATRIATION TO JAPAN*

The Minister of Labour has been authorized by the Government of Canada to make known the following decisions made with respect to persons of Japanese ancestry, now resident in Canada, who make voluntary application to go to Japan after the war, or sooner where this can be arranged:

1. The net proceeds realized from the disposition of their property, real and personal, in Canada, and standing to their credit at time of repatriation, will be secured to them and may be transferred by them to Japan upon repatriation following the close of the war.
2. In the case of persons sent to Japan under any agreement for exchange of Nationals between Canada and Japan before the close of war, under which agreement the amount of personal property and funds carried by the repatriates is limited, the Custodian of Enemy Alien Property will be authorized, on the advice of the Department of External Affairs, to provide such Japanese repatriates with receipts showing the property left behind in Canada, or net proceeds of same if sold, with a view to their being permitted to secure possession of their property or the net proceeds thereof after the end of hostilities.
3. Free passage will be guaranteed by the Canadian Government to all repatriates being sent to Japan, and all their dependents who accompany them, and including free transportation of such of their personal property as they may take with them.

The above assurances will apply to such persons as have already made written application in satisfactory form to the Government of Canada to go to Japan, or who make written application hereafter for that purpose to the Government of Canada within the period of time fixed by the Commissioner of Japanese Placement for the completion and filing of applications.

These assurances do not apply to persons of the Japanese race repatriated on other than a voluntary basis.

Dated at Ottawa this 13th day of February, 1945.

HUMPHREY MITCHELL

Minister of Labour.

The special R.C.M.P. Detachment for taking applications will be at

from _____

to _____ and will take applications at

_____. Every person of Japanese origin 16 years of age and over is required to report to the R.C.M.P. Detachment on one of these dates to signify his or her intention concerning repatriation.

T. B. PICKERSGILL,

COMMISSIONER OF JAPANESE PLACEMENT

Vancouver, B. C.

March 12th, 1945.