CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO.

506 ROYAL BANK BLDG.

HASTINGS AND GRANVILLE

VANCOUVER, B. C.

4615 West 9th Avenue
VancouverB.C.
Sep. 22nd. 1952

K.W.Wright Esq., Q.C
Chief Counsel
Office of the Custodian,
Ottawa.

Dear Mr Wright,

I received three letters from Mr Clyne with enquires from Tagashira. In so far as Onaka is concerned there is an Enemy File 1409 which you will have and I notice that you do hold funds for $195-23 the amount mentioned in Clynes letter. However I do not recollect the matter of an assignment to Tagashira and would have thought that if we had considered it valid that the funds would have been paid out. However it will not be too much trouble for this file to be examined and a reply sent to Mr Clyne. Perhaps a copy could be sent to me.

In regard to the other two enquires however, Nishimura andWatanabe examination of the microfilms would be the only possible source of information and this might not lead to much satisfaction and by my replies I have tried to indicate that Tagashira should mind his own business and that in any case nothing can be accomplished by investigation. In the case of Watanabe it is possible that some amount is in Suspense account. I do not know if any Claim was made by this particular Watanabe. Whether you make any reply to Mr Clyne in regard to these two matters will be for you to decide in the light of what I have written to him.

Yours very truly,

F.G.Shears

CANADA

DEPARTMENT OF THE SECRETARY OF STATE
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FILE NO.

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

4615 West 9th Avenue
Vancouver B.C.
September 22nd 1952

H.R.N.Clyne Esq.,
Yorkshire & Canadian Trust Ltd
Yorkshire House
Vancouver B.C.

Dear Sir,

Rinkichi Tagashira
Tanosuke Onaka

I have for acknowledgment your letter of the 12th inst. in connection with the above matter.

Tanosuke Onaka was I beleive a resident in Japan and as such any assets he possessed would be considered as "Enemy property"

The File is at Ottawa and I have forwarded your letter asking them to examine the File for the assignment to which you refer and to see if this would have any bearing upon the funds being held in Onaka's account. I have asked them to reply to you direct.

Yours very truly,

F.GShears.

File 1401

TELEGRAMS:-
"YORKSHIRE, VANCOUVER"
TELEPHONE, MARINE 4211
HEAD OFFICE
HUDDERSFIELD, ENGLAND
LONDON OFFICE
25-31 MOORGATE, E.C.2
VICTORIA, B.C. OFFICE
600 VIEW ST.

The Yorkshire & Canadian Trust Limited

Yorkshire Building
525 Seymour Street
Vancouver, B.C.

September 12, 1952.

F. G. Shears, Esq.,
4615 W. 9th Avenue,
Vancouver 8, B. C.

Ref. 5129 & Int. 1409
07988 -in Japan

Dear Mr. Shears:

Rinkichi Tagashira
Tanosuke Onaka

I have been requested by Mr. Tagashira to ask you to state the disposition of the sum of $195.23 transferred to the account of T. Onaka on 2nd October, 1944. I understand this sum was assigned to Mr. Tagashira.

As the records of the Custodian may not now be in Vancouver. I am sending this letter in duplicate and will be pleased if you will forward a copy to the proper office concerned.

Yours faithfully,

Manager.

HRNC/rd
enc.

COPY

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

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PLEASE REFER TO
FILE NO.

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

4615 West 9th Avenue
Vancouver B.C.
Sep 22nd 1952

H.R.N.Clyne Esq.,
Yorkshire & Canadian Trust Ltd
Yorkshire House
Vancoyver, B.C.

Dear Sir,

Rinkichi Tagashira
re Watanabe

I received your letter of September 12th re the above matter. The enquiry directed to Mr Tagashira by Mr Spain of our office in 1946 was for the purpose of securing Mrs Watanabe's address. I am not sure that Mr Tagashira replied and other means of locating Mrs Watanabe would have been taken.

Even when the office at Vancouver was operating it was not our policy to supply information regarding personal matters to any other than the interested party and I feel sure that at the present time that Ottawa would see no reason to change that policy.

The Claims Commission under Mr Justice Henry Bird was specifically set up to take care of any outstanding matters in regard to the accounting for Real & Personal property and there is nothing further that can now be accomplished.

Yours very truly,

F.G.Shears

TELEGRAMS:-
"YORKSHIRE, VANCOUVER"
TELEPHONE, MARINE 4211
HEAD OFFICE
HUDDERSFIELD, ENGLAND
LONDON OFFICE
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VICTORIA, B.C. OFFICE
600 VIEW ST.

The Yorkshire & Canadian Trust Limited

Yorkshire Building
525 Seymour Street
Vancouver, B.C.

September 12, 1952.

F. G. Shears, Esq.,
4615 W. 9th Avenue,
Vancouver 8, B. C.

Ref. 5129/3
Reg. No. 07988

Dear Sir:

Rinkichi Tagashira
re Watanabe

I enclose a copy of a letter from the Custodian dated 12 April 1946.

Mr. Tagashira will be pleased if you will state the disposition of the proceeds of the articles mentioned therein.

Yours faithfully,

Manager.

HRNC/rd
enc.

COPY

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

File No. 5129/3

506 Royal Bank Bldg.,
April 12, 1946.

Mr. Rinkichi Tagashira,
Reg. No. 07988,
P. O. Box 666,
REVELSTOKE, B. C.

Re: Chattels marked "MRS. WATANABE"
removed from attic at 285 Heatley Ave.

Dear Sir:

With further reference to the above, the following is a list of the articles marked with the name of Mrs. Watanabe which were removed from the attic of 285 Heatley Ave.:

1 Box tools
2 Plates
1 Lamp

We should like to know if possible the full name of Mrs. Watanabe, her present address, and more particularly, her registration number.

If you are able to supply information that will enable us to identify her, this sale will be removed from Suspense Account and the proceeds credited to the proper owner.

Yours truly,

G. B. Spain,
Protection Department.

GBS:LBM

CANADA

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
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FILE NO.

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

4615 West 9th Avenue
Vancouver, B.C.
Sep 22nd 1952

H.R.N.Clyne Esq.,
Yorkshire & Canadian Trust Ltd
Vancouver B.C.

Dear Sir,

Rinkichi Tagashira
Toji Nishimura

Mr Tagashira is asking the disposition of chattels belonging to the above referres to in correspondence dating back to 1943

One purpose of setting up the Claims Commission under Mr Justice Henry Bird was to take care of the accounting for any chattels for which the owner did not have returned or for which he did not receive adequate sale proceeds.

No further claims of whatever nature have been considered since the finish of the Claims enquiry.

Mr Nishimura will know whether his goods were properly accounted for both in regard to what may have been shipped to him and any proceeds received and I do not know of anything further that can be accomplished at the present time, or of any information that Ottawa can now give that would be material.

Yours veru truly,

F.G.Shears

TELEGRAMS:-
"YORKSHIRE, VANCOUVER"
TELEPHONE, MARINE 4211
HEAD OFFICE
HUDDERSFIELD, ENGLAND
LONDON OFFICE
25-31 MOORGATE, E.C.2
VICTORIA, B.C. OFFICE
600 VIEW ST.

The Yorkshire & Canadian Trust Limited

Yorkshire Building
525 Seymour Street
Vancouver, B. C.

September 12, 1952.

File 7652
No.11118

F. G. Shears, Esq.,
4615 W. 9th Avenue,
Vancouver 8, B. C.

Dear Sir:

Rinkichi Tagashira
Toji Nishimura

I enclose copies of the following letters:

1. Evacuation section to Security Commission dated 27 November, 1944.
2. Mr. Tagashira to you dated 6 Oct. 1945.

I shall be pleased if you state the disposition of the chattels mentioned therein and the disposition of the proceeds of any sales.

COPY

Yours faithfully,

H R N Clarke

Manager.

HRNC/rd
enc.

c
o
p
y

P. O. Box 666,
Revelstoke, B.C.,
October 6, 1945.

Mr. F. G. Shears,
Office of the Custodian,
506 Royal Bank Bldg.,
Vancouver, B. C.

Dear Sir:

On Dec. 28, 1943 I made out the release for 1 couch, 1 bed and spring and 1 bureau with mirror to be sent to Mr. T. Nishimura #11118.

In reply to my inquiries regarding the release of the above mentioned articles you stated in your letter of August 1, 1944 that they should be ready for shipment soon afterwards.

As the goods did not reach Mr. Nishimura I wrote to Mr. Spain of the Protection Department on July 28, 1945 and on August 19, 1945 inquiring what had happened to those goods but to this day I have received no detail. As I wish to kno the details regarding the release and the disposition of the goods, please make an investigation into the matter to find out what has happened to them.

Yours truly,

c
o
p
y

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

506 Royal Bank Bldg.,
Nov. 27, 1944.

File No.7652

The B. C. Security Commission,
360 Homer Street,
Vancouver, B. C.

Dear Sir:

Re: Nishimura Toji #11118
Greenwood, B. C.

We have a copy of your letter of the 24th instant addressed to the Crone Storage Co.

After ex amining our records regarding the disposition of Nishimura's chattels we find in his registration with the Custodian here declared:

1 trunk, 1 clothes bag, 2 small suitcases, Upon removing the chattels from R. Tagashira's property at 285 Heatley Avenue we found two articles bearing his name viz.- 1 walnut dresser, 1 walnut bed and spring. Both of the above items were sold in our Vancouver Auction No. 18 May 2, 1944, and the proceeds were credited to his account.

If he had other articles mixed with those of R. Tagashira then they would be sold for account of R. Tagashira the owner of the building at that time.

Should Nishimura claim other articles we would require confirmation of such ownership from R. Tagashira.

Yours truly,

Geo. B. Spain

Protection Dept.

September 22nd, 1952.

Miss Jean Foy,
787 East 31st Avenue,
Vancouver 10, B.C.

Dear Jean:

We were pleased to receive your recent letter and to know that all is well with you, also that your activities have not shut all avenues to the point of erasing recollections of #7 O'Connor and the occupants thereof.

Evidently the Vancouver transportation problems keep you out of mischief and it is good to know the high executives recognize and are profiting by your schooling in the Department of State. You must be well qualified to advise on the proper methods of stalling complaints or when necessary apply brush off tactics.

I would say that you were very wise to buy a house thereby avoiding landlord whims and imagine you will all be very much better satisfied as time goes on. The gas and oil companies will have to cut dividends as a result of your move but I would not worry too much about that.

You will expect me to reveal the latest office news and I'll try to record a few items that may justify troubling the postal officials with this package.

Charles and Gordon left August 6th and are now on the high seas homeward bound. They dock at New York tomorrow and the latest word is that Charles will beat it for home but Gordon will spend a few days with Mrs. Beckett in New York. She is leaving today to meet them and although we have few reports on their accomplishments at the moment, I am sure that in the course of the next 30 or 60 days we will hear all and know all.

You may be startled to hear that the office is functioning regardless of their absence and they will not find the decks of this ship awash when they return. Their journey abroad interferred with my holidays, but I did manage to steal away for 3 or 4 days in order to take David and his Mom to the Toronto Exhibition over Labour Day weekend. That is the only break I have had in 14 months, however the statutory holiday credit will be there for use at some future date.

The programme of releasing goes on from day to day and we expect Claims Branch developments in the next couple of months including the appointment of a Commissioner or Commissioners to review war claims. Have also liquidated numerous enemy assets and as time goes on these funds will be handed to Finance for purpose of meeting war claims awards.

Not too many personnel changes of late. Clarey Brethour left on Saturday as she is expecting, and Gordon will have to revamp his section to take care of Clarey's work. Paul Douet leaves next Saturday to return to England, thus some changes will be made in Mr. Napier's Branch.

We sublet two offices on the 9th floor to the International Joint Commission as they have quarters in this building and required extra space due to St. Lawrence Seaway developments.

The rest of the gang are going along as usual and you would find few personnel changes if you walked in. The most important "amendment" relates to the office housecleaning accomplished this summer. Mr. Sherwood refused to decorate and we had to deplete the Administration Fund but the fresh paint in every nook and corner of both floors makes all the difference in the world to the appearance of the place.

Will you please send the enclosed clipping to Mr. Shears who now lives at 4615 West 9th Avenue. It is the only print I have and feel sure he will be interested.

Jim McCaffrey's students managed to pull out a win over the Alouettes on Saturday by a score of 8-7 in the last minute of play. Argos and Hamilton tied 13-13, but on the form shown to date the Riders will not take the Grey Cup or even get a crack at the Western Champions.

Will end this with a paragraph on bowling. Play started last Friday at the Ideal Bowling Alleys. We are on our own this year with four teams of six players.

The Patent & Trade Marks Branches outnumbered us last year and it was decided to revert to a Custodian league with fewer teams. My average was 145 against last years 152, and having regard for the fact that this was a first night effort on new Alleys one may envisage my climbing into your class with a score of 200 at least one might before the end of the season.

The boys are fine. Douglas is still pulling for Argos and proud of their record of three wins and one tie this year. David is on the go 18 hours a day. Enjoyed his work at the Experimental Farm this year and they look for him back next summer to take on greater responsibility in their Entomology Department. Mrs. Wright is by no means well and I threaten application to Parliament for permission to force her to hospital as she refuses to go willingly. You know how stubborn women can be when it comes to having pictures taken.

That's all for now and I expect you will say that's enough! There will be no time for lengthy personal notes after Charles returns, hence today's book.

Sincerely,

K. W. Wright.

KWW/G

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

PHONE PACIFIC 6131
PLEASE REFER TO
FILE NO.

JAPANESE EVACUATION SECTION

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

October 4th. 1952

K.W.Wright Esq., Q.C.
Chief Counsel
Office of the Custodian
Ottawa

re Paul Douet

Dear Mr Wright,

Received your letter of Sep. 27th. I delayed a little in answering as I got in touch with Mr Good for any help he could render and he undertook to drop me a line and this I have now received and forward to you.

I regret that there should be any concern due to the destruction of what are termed Staff Records but as Good says as far as what we termed Staff Records they appeared to have no permanent value. It was our thought that any challenge we had in regard to administration and such like would come from our Japanese clients and I certainly hever expected that any question could be raised in regard to the correctness of salary after the lapse of years.

I notice that you say that after examining Film 180 Mr Arpin gathered no useful information. Film 180 contained a lot of material on miscellaneous matters and the Pay Roll monthly sheets were right at the end of the Film. I think you understand that when these sheets were made out for a particular month the figures were written in pencil and were an exact copy of the previous months payments. These sheets were sent at that time to Mr Read or perhaps Glenn McPherson if he happened to be there. Any changes would be made in ink by either of these parties and then when the sheet was returned to Good he would ink over the other pencilled amounts and make out the cheques. What I was anxious to know was whether a careful examination of the figues for the September PayRoll indicated that the Ink figures of $200 against Douets name appeared to be in a different writing than the rest of the figures against other names. Apart from this matter of a reduction in Douets salary I am positive that there were a few other reductions that were made (Not many I admit) I am sure that Robinson was reduced and I am pretty certain Spain and Beattie also and I think it possible that these may have occurred in that same month of September. You might look in the Pay Roll Ledger and see if changes were made in these peoples salary by way of reduction and whether they happened to occur in September. This would at least shew that some revision was being made. For what it is worth I would also say that other men who were working at that time and doing similar work were being paid $200 or less. This I believe would apply to Bell Dusenbury, Cramer, Anderson, McAlister, Milsom Peers. Milsom was I think later considered Senior in the Administration Department and may have been advanced and there was a general advance made in 1945.

As I indicated in previous correspondence I do not consider that the destruction of the memo to which Douet refers is the final answer. Accept it word for word as Douet now recalls it (Which I would be prepared to do) it does not give the final answer. Douet does use the word "reinstate" but if at that time the September reduction was considered to have been in error it should have been "retroactive"

Apart from the general raise that took place in 1945 there were some upward changes made in a few cases. I have referredt to Milsom and Green Anderson & Peers were also advanced at odd times so that the advance given Douet was not unique.

I am sympathetic to Douet and would be to any person who thought that a mistake had been made. Good contends that no changes were made which were not authprized by someone in authority and that if the reduction which took place in September was not authorized the change would have been so apparent at the time the Ledger was posted that it would have been corrected at that time. I am aware that at the present time there may not bee any too friendly feeling as between Douet and Good & perhaps Eharlie Reed but I do not think that would have been the case in September 1942.

I think that this is all the information that I can give. If an examination of the September Pay Roll on Film 180 appears to be all in the writing of one person then I think I would have to say that it had been sent in to Mr Read incorrectly and that the change sprang from a clerical mistake in which case there would be strong grounds for favourable consideration although it is regrettable that the matter had not been pressed during the intervening years.

Yours very truly,

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO
FILE No. Van En 1409

Legal Section
DJS/EA

Victoria Building,
7 O'Connor Street,
Ottawa 4, Canada.

October 8, 1952.

Mr. F. G. Shears,
4615 West 9th Avenue,
Vancouver, B. C.

Dear Sir:

Re: Tanosuke Onaka

I was unable to reply to your letter of September 22, 1952, addressed to Mr. K. W. Wright, Q. C., as the micro-film viewer which I was expecting never arrived.

Your observations respecting Onaka's balance are quite correct. The balance amounts to $195.23. However, there is nothing in the file which would indicate that he had ever attempted to assign this balance to Rinkichi Tagashira. There is on the file a copy of a Power of Attorney from Onaka to Tagashira dated August 14, 1931. There is no evidence on this file that Tagashira ever used it, although it may be assumed that it came into use on the transfer of title to some property which was registered in their names jointly. I am enclosing, for your files, a copy of our reply to Mr. Klyne.

With respect to Nishimura and Watanabe, I shall take action (if necessary) as soon as I have been able to look at the micro-film which I expect will be late next week.

Yours very truly,

D. J. Sinclair,
Solicitor.

ENC.

Van En 1409

Legal Section
DJS/EA

Victoria Building,
7 O'Connor Street,
Ottawa 4, Canada.

October 8, 1952.

Mr. H. R. N. Clyne,
Yorkshire & Canadian Trust Limited,
Yorkshire House,
900 West Pender Street,
Vancouver 1, B. C.

Dear Mr. Clyne:

Re: Rinkichi Tagashira
Tanosuke Onaka

A copy of your letter of September 12, 1952, to Mr. F. G. Shears, and a copy of his reply dated September 22, 1952, have been sent to us for consideration. Please be advised that nothing on file indicates that Tanosuke Onaka ever made an assignment of all or any of his assets to Rinkichi Tagashira. If such an assignment is alleged kindly send us a copy of the same for our inspection as there is nothing on record here to bear out the allegation.

It is true that Tagashira held a Power of Attorney from Onaka, and it is possible that he used it in connection with the transfer of title to some real-estate registered in their names jointly. However, at the conveyancing the joint accounts were closed out and on the adjustment Rinkichi Tagashira received his interest therein.

Yours very truly,

D. J. Sinclair,
Solicitor.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
PLEASE REFER TO
FILE NO.

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

4615 West 9th Avenue
Vancouver, B.C.
November 6th 1952

K.W Wright Esq., Q.C.
Chief Counsel
Office of the Custodian
Ottawa.

Orito TAMARU
Mrs Chieko TAMARU

Dear Mr Wright,

I am enclosing a letter received from Mrs Chieko Tamaru which I received some time ago and set aside to see what information I could gather before replying or writing to you. I overlooked doing so but have now gone into the matter and the following will be helpful to you.

On March 31st I wrote to Mr Arpin and commenced the letter by saying,-" Among our final acts was the clearing of our safety deposit box. The contents are briefly described as follows- " Among the items mentioned was ,-

Orito TAMARU Evacuee File 12846 Envelope No.499 Life Ins.Policy

This and the other documents referred to were sent to Ottawa packed in a bottom drawer of Filing Cabinet. Mr Arpin will doubtless have this. I dont think we are interested and I dont think you need to refer to the microfilm of File 12846 which appears to be the File of the Policy holder. I spoke to Mr Lawson of the Sun Life here and according to his records they have notpaid out any money on this Policy. The value is $380 in I think 1958 but would have some lesser present value.

At this date I will not write to Mrs Chieko Tamaru but will leave you to write to her after you have looked at the policy. She does not say where her husband is, he was an Evacuee judging by the File Number perhaps he went back to Japan after but as stated above I doubt if we have any real interest in the value of the Policy and you may be glad to get rid of it. I dont know if there is any point in your making any enquiries with the Sun Head Office.

Yours very truly,

Letter from Mrs C// T///
Shinjo-mura
Kuga-gun
Yamaguchi-ken
Japan

In letter Sep 14th 1948 I requested you this paid-up-non-participating-endowment policy $380 of my husband Orito T. G. File 12846 is to be paid to Mr Sansuke KAWAMOTO File 8670 whose present address is RR No 3 Vernon Since the Peave Treay has been signed with Japan and such action can be taken I shall be obliged if you would send this policy directly to me as soon as possibel to address ..

KENNETH W. WRIGHT, K.C.

15 LAKEVIEW TERRACE
OTTAWA, ONT.

November 24th, 1952.

F. G. Shears, Esq.,
4615 West 9th Avenue,
Vancouver, B.C.,

Dear Frank:

Have made frequent attempts to drop you a line in reply to recent notes indicating that you are busy and well, but it is not possible to devote much time to personal matters when the cup of official demands is full to overflowing.

We are indeed pleased to know that Mrs. Shears' health has improved and that you find time to hammer away at sinners like myself in an an effort to persuade them to repent. There must be something in the suggestion that I do not live right. For months on end there has been no time to relax and the constant grind causes one to think that somewhere the wires must be crossed.

Edgar T. is in Florida for the winter and I send you a copy of my first letter to him as it contains some news that may interest you and there just is not time today to send you a lengthy note.

Cam Gay is the chap from our office who accompanied Charlie Stein on the Royal Tour and was advised to see you while in Vancouver. Ed Aubrey is our Personnel Manager and Don Sinclair my first assistant. This is just to clear up a few paragraphs in the letter to Edgar T.

Kindest regards from all,

Sincerely yours,

K. W. Wright.

KWW/G

he will return in ten days.

15 Lakeview Terrace,
Ottawa 1, Ontario.

November 24th, 1952.

Edgar T. Read, Esq.,
Apartment 3,
825 N. Oleander Avenue,
Daytona Beach,
Florida,
U.S.A.

Dear Edgar:

We have enjoyed reading your cards and thank you especially for the letter with snaps of your southern home. Bertha looks as though she had been enjoying the swing for years and we are indeed happy to note the complete contentment which the scene portrays. The brief statements concerning your swims in the ocean indicate that all these luxuries are being taken in stride and that you too have fitted into the new surroundings and facilities speedily. May only repeat my comment during your last call at the house "You just don't know how lucky you are". We are confident that you will derive great benefit and all I may add is that "it couldn't happen to a better guy or a better gal".

It would not be worth while troubling the postal authorities with this epistle if it did not contain news of the goings on in this quarter of the globe. I regret that for the most part this phase will afford you considerable concern.

Don Sinclair was taken to hospital last Monday night due to another heart attack. The reports up to now are vague as the Drs. are not committing themselves regarding possible duration of absence. He was rushed to the Veterans Wing at the Civic Hospital but has since been transferred to the Pavilion and finds it less noisy with service more to his liking. No visitors have been allowed therefor my information comes by phone conversations with Mrs. Sinclair and Elizabeth. The last talk suggested Drs. might decide to accede to his request to return home and I expect they realize his concern and worry over expense. His address by the way is 551 Hillcrest Avenue if you wish to write, and due to uncertainty it would be best to send the note to the home address.

I send you two clippings from Saturday's paper re the passing of Cam Gay's father and Ed. Aubrey's brother. I do not know Cam Gay's home address therefor suggest you send a line to the Arthur Street address. Ed Aubrey lives at 60 Rochester Street. The passing of Rex was a great shock and a tradegy in true sense. The had the best surgeons in the City - performed two brain operations and we were kept fully posted in regard to his condition. The chances were good one hour and then word would come that all was not well. We thought so much of Rec and as you know he was responsible for securing our car and looked after all repairs. I was at the garage a week ago yesterday and we chatted generaly for half an hour after he filled the tank. He was up at camp when Ed. David and I were in Quebec a few years ago. Rex was prince among men and his friends were legion.

As to the office - we are overburdened with work and and travelling under pressure day in and day out. No less than twelve members of the staff including Robitaille are now engaged full time on war claims work, and this has disrupted execution of our normal duties. Miss Latour and Mrs. Lavigne are at the Elgin Street Offices of the Commissioner all of the time and Graham and Havelock at External compiling information for the Commissioner. Napier is in the south recuperating and we hope he will return in ten days.

The business of building up the files (5000 or more) for the Commissioner is unsettled. Finance and External say we should do this - i.e gather evidence etc. We say this is the job of the Commission. Expect we will lose out and if so more staff will be required and added responsibility for the Board. In the light of all this do you wonder why I envy your status?

As to the family - Charlotte suffers much from severe headaches every morning but picks up during the day and still finds it possible to discover specks of dirt about the house that thousands of persons would never see. Continuous rain during many recent days provide the basis for full employment of swinging the mop and broom all of which tends to make life beautiful.

David is engrossed in Xmas exams that started today. He did not take time out from study Saturday to witness the Santa Claus Parage. It must be said that he is working like a trojan and deserves to jump clear of the hurdles that will be put before him during the next three weeks.

Douglas' favourate Argos won the sudden death game over Tigers on Saturday and he hopes to go to Toronto for the Grey Cup Game next Saturday. This involves lining up all night tomorrow night as I have given him my season card and he hopes to secure two of the precious tickets following the all night vigil. I wanted Tigers to win as they have not been in the finals for 17 years but Argos and Douglas could not see it my way - so what?

Attended two very enjoyable functions at Canadian Club last week - Anthony Eden, Monday - Dean Acheson, Friday. Messrs. Bain, Pawlica and Hutchon went along and we missed you. Advised all that you gathered with the bathing beauties early in the morning - went to church and then felt free to go back to your firl friends on the beach. For unexplained reasons they did not believe my story but feel sure you will understand I did everything possible to get you and your wolfing activities talked about.

Have been on the air too long with this message to you therefor must sign off. All good wishes to you both from each and every member of our household. Have fun, take care of yourselves and as Edgar Read would say - "Further reports will be warmly appreciated".

Cordially yours,

K. W. Wright.

KWW/

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No.....

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

December 2nd, 1952.

F. G. Shears, Esq.,
4615 West 9th Avenue,
Vancouver, B.C.

Dear Mr. Shears:

You have a fair knowledge of the general situation that confronts us at the moment, viz. shortage of executives.

There is a considerable amount of work coming in which pertains to the Vancouver Office, and I am wondering if you would entertain the thought of spending a couple of months here commencing say, the first of the year.

Reports from the Hospital indicate that we may not look forward to Mr. Sinclair's return for three months.

Mr. Beckett is absent in Toronto all this week but Mr. Arpin is with me as this is dictated and he agrees that you could assist us in many ways quite apart from the Japanese problems. I have not spoken to the Deputy Custodian, and there would be no point in my doing so if you would not consider the proposal. If you favour the suggestion I will be very happy to make such a recommendation to the Board and the Board in turn will recommend such a move to the Deputy Custodian. Of course, he might turn such a recommendation down but I think we have a better chance of success than Len Coulter had against Charlotte Whitton last night.

Yours very truly,

K. W. Wright,
Chairman, Administration Borad
and Chief Counsel.

KW"/G

Encl.

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
PLEASE REFER TO
FILE NO.

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

Dear Ken,

I dont always send you copies of correspondence I may write to Ottawa but I am enclosing what I have written to Sinclair in reply to his enquiry.

Is the Deep Bay and Norris matter still at a standstill?

Kind regards.

Asked for more information

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

ACIFIC 6131

REFER TO

~~506 ROYAL BANK BLDG.~~

HASTINGS AND GRANVILLE

VANCOUVER, B. C.

4615 West 9th Avenue
Vancouver, B.C.
Dece,ber 2nd. 1952

K.W Wright Esq., Q.C.
Chief Counsel
Office of the Custodian
Ottawa.

Letter from Lily Matsushita
re Choju Matsushita

Dear Mr Wright,

I enclose letter received from Japan. I am afraid that I cannot be helpful in this case. From her enquiry it would appear that Choju Matsushita would be covered by an Enemy file but there does not seem to be a file of that name. There is Tomio Matsushita Enemy File 1411 with no money in the account and Gundaya Matsushita Enemy File 1620 with $88-07 in the account, As you have these actual files it might be worth while taking a look at them in case there is any connection with the present enquiry.

If this was an Evacuee or Ex Internee file you would have to refer to the Index and then I suppose the Microfilm but I dont think there is any money being held under this name.

Rather than go to much trouble at the present time you might wish to write to Japan and just ask her to refer to the letter she received from us and get her to quote the File number which would without doubt have appeared on any correspondence that we wrote.

Yours very truly,

F.G.Shears.

1007 Nakagami Showa-machi
KITATAMA-GUN Tokio
Concerning lamd owned by my father, Choju Matsushita, Lake Como Road Burquitlam could t ou please tell us details how it has been determined, sinec the Peace-T has been signed.
I have written to you many tim before the P. T was signed Also a letter was sent from ths Milit Military Gov team of Kumamoto At that time your reply was that you will let us know after P.T signed Also told us letters sent will be filed
S ne the Peace T has been signed we have been waiting for your letter 'til today
Awaiting reply at your earliest

Lily Matsushita

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

PHONE PACIFIC 6131
PLEASE REFER TO
FILE NO.

JAPANESE EVACUATION SECTION

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

4615 West 9th Avenue
Vancouber, B.C.
December 4th 1952

K.W.Wright Esq., Q.C.
Chief Counsel,
Office of the Custodian
Ottawa.

Dear Mr Wright,

Received your letter of the 2nd. inst. I feel that the question raised will permit a reply in a somewhat personal manner.

I am not sure whether I told you that this summer I had a wire and 'phone call from Winnipeg, asking if I would go back for a month or so and handle some special matters for a group of Lake Fish Exporting Companies. It would have involved travelling expenses, Hotel accommodation as well as salary. However, I felt under no particular obligation and did not go.

Your tentative suggestion however affects me differently, in that while I am not over anxious to accept such a proposal, the past relationship with yourself and others at Ottawa including Dr.Coleman and Mr Stein, brings me to the conclusion that I should respond favourably if your suggestion should become definite.

While I may have been able to do a fair job here as the organization grew and problems emerged, you will have to decide whether I would be able to be of real service if arrangements were made for me to come for a couple of months.

I assume that circumstances do not warrant a more permanent addition to your staff being sought at the present time, rather than the temporary way in which I could only come?

You will see from this that I will not be disappointed if I do not hear further regarding this matter, but that I will be glad to do what I can if it appears desirable to bring me from Vancouver for this short period.

Kind regards,
Yours very truly,

F.G.Shears.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO.

FILE No.....

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

December 8th, 1952.

F. G. Shears, Esq.,
4615 West 9th Avenue,
Vancouver, B.C.

Dear Mr. Shears:

I have for acknowledgment your communication of 4th instant, and appreciate your splendid response to my suggestion.

The whole situation has changed over night and I regret to advise that Don Sinclair passed away at the Civic Hospital yesterday.

My thought was that you might come to us for a couple of months until he returned to look after all Japanese matters and some other work I felt you could handle without much difficulty. We will now have to examine the position and determine the need for a permanent replacementof Mr. Sinclair, but you will understand that the entire office is suffering from shock today. His passing is a great personal loss and the time is not ripe to determine future arrangements.

I discussed the matter of your coming for a few months with members of the Board following receipt of your letter and they were prepared to join in a recommendation to the Deputy, but this of course has gone out the window for reasons above stated, and the matter has not been put forward to the Deputy.

I hope to write you in the course of the next week or ten days when the situation is more clear to us.

Yours very truly,

K. W. Wright,
Chairman, Administration Board
and Chief Counsel.

KWW/G

Mr. F. G. Shears.

15 Lakeview Terrace,
Ottawa 1, Ontario.

December 23rd, 1952.

Edgar T. Read, Esq.,
Apartment #3,
825 N. Oleander Avenue,
Daytona Beach,
Florida.

Dear Edgar:

There must be three if not four letters from you not yet acknowledged, including one with cheque for the Sinclair flowers. Herewith the receipt from the florist thereby closing the file.

There are many official letters ageing on the desk and in the woods of Mrs. Garland - "It has been hectic here for weeks".

Added to this was the sudden death of my sister-in-law in East Orange last Thursday. We received word by phone Wednesday that she was critically ill and this was followed by phone call Thursday that she had passed away. All arrangements for burial in Madoc were placed in my hands and interment took place in our family plot at Madoc late Sunday afternoon.

Douglas and Audrey drove me to Madoc early Saturday and we went to Belleville that evening following a hec of a day in Madoc. Ken took the plane from Victoria and arrived East Orange Friday afternoon. He along with Margaret and her husband reached Belleville Sunday afternoon. It started to snow Saturday night and the storm continued and at its peak at the cemetery. The high wind made it very cold and you will understand a suggestion that I am a bit done in.

Charlotte was not well enough to go, in fact spent most of Sunday and yesterday in bed. The rheumatics have joined forces with a severe cold to put her on the sick list but it is best to say little about this when you write as she does not like me to convey news of her condition.

Will brighten the picture by saying that David will not allow all of this to mar the holiday and over the week end he took charge of our living room tree arrangements - has it beautifully decorated and also put all Christmas lights around Verandah so that our house is the most colorful on Lakeview.

He has charge of the big Scout Party at the Church tonight and has personally sold over $100. Christmas cards to provide troop funds.

Incidently Scout Headquarters were asked for two boys to assist at Fishers and he was selected and worked three Saturdays before school closed. They asked him to come every day after exams until Christmas, and as exams finished on the afternoon of the 16th - he reported on the 17th and will be on the job until tomorrow night. The hours are long from 9 to 6 with half hour for lunch but the lad is getting a grand kick out of serving the dear damn public. His daily recap of experiences with fussy women and easy to please men is a scream and if recorded would rank with the best sellers.

We are so glad to know you are seeing how the other half of the world lives and sharing their enjoyment. The outing will do you both the world of good and we are happy about this as it is so well deserved.

Civil Servants were given the choice of the afternoon before Xmas or the afternoon before New Year's, and we are closing tomorrow noon, but have to be on the job Friday and Saturday. Banks and sotres are closing for Boxing Day and many firms are closing Saturday as well. The wicked must work so "ours not to reason why".

Once again our heartiest good wishes to you both for all the joys of a happy holiday season.

Sincerely yours,

Dear Ken

Thanks for copy of letter that you wrote to Edgar T.

Sorry to hear of the reason which made your visit to Madoc necessary.

Please give our best wishes to Mrs Wright and we hope that the force of the rheumatics has abated. It is something that seems difficult to get rid of entirely. Mabel has developed an arthritic condition around the thumb of one hand which is quite painful at times. With some ups and downs however we are still very thankful that the throat and groin condition seem well under control. She is in bed with a head cold just now possibly due to the fact that snow all of two inches deep lay on the ground for several hours yesterday before rain took it away! Very strenuous weather you will agree.

Did not know about Bell's demise until after the funeral. I dont suppose you have heard of it from any other source.

Remember me to the boys. David seems to be a salesman. I could'nt sell a dollars worth of goods I am afraid much less $100 of Christmas cards.

Am wondering how you will make out regarding Deep Bay and how long it will be before that admit they are licked!

You may need my help in drafting a Release when they are ready to accept any award.

Best wishes for the New Year, and please pass the same along to Arpin.

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. 19257

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

December 11th, 1952.

F. G. Shears, Esq.,
4615 West 9th Avenue,
Vancouver, B.C.

Dear Mr. Shears:

Re: Rinkichi Tagashira

On the 2nd instant I sent you copy of letter received from J. Arthur McLennan relative to the claim of the above named.

It would be appreciated if you would let me have your comments as soon as possible as I wish to bring the matter before the members of the Administration Board early next week.

Yours very truly,

K. W. Wright,
Chairman, Administration Board
and Chief Counsel.

KWW/G

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
PLEASE REFER TO
FILE NO.

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

4615 West 9th Avenue
Vancouver, B.C.
November 25th 1952.

D.J.Sinclair Esq.,
Solicitor
Office of the Custodian
Ottawa.

Kuniye & Hideo YADA

Dear Mr Sinclair,

I have for acknowledgment your letter of the 15th concerning the above.

First let me say in reference to being loath to bother me, that you need not hesitate to write at any time. If I cannot be helpful I will have to say so but where possible I am only too glad to co-operate with you good folk. In the present case I can save you any further exploritory work.

The award in this Case (No. 54) as we have it in our Custodian records is for the amount of $42-50 and this amount had not been paid at the time we closed the office. The reference which Mr Drew Pratt makes to a further award granted by Commissioner Bird on June 24th 1949 is I find correct. Let me say however that our office had no knowledge of this at the time we closed. So that you will understand this I will recite what happened in cases of this nature. After the original award had been recommended, there were some cases where the Solicitor for the Japanese felt there was a special reason for the case to be reviewed and the Commissioner permitted the Solicitor for the Japanese and the Solicitor for the Government (Mr Braidwood) to appear before him and present the case again. I did not attend these special hearings unless Mr Braidwood or Mr Justice Bird requested me to attend, which they sometimes did. I was not present in this particular case. The Court Senographer was present on those occasions and a transcript of the evidence and the Commissioners ruling was made and which Mr Braidwood afterwards received direct from the Court House. If any change was made in the amount previously awarded it was Mr Braidwood's duty and policy to advise our office by endorsing and signing on the back of what we termed an Award sheet. (A form we had specially prepared) Unless we received this we had no knowledge of nor any authority to make a change of even one dollar in the amount of the award previously recommended. In this case our office had no record of any change. This is evidenced by the fact that at the time of closing the office the amount of this particular outstanding award was $42-50 and everything connected with the Claims account had been audited and was in balance.

After receiving your letter I arranged an appointment with Mr Pratt and went to his office. He was able to produce the transcript to which he referred in his letter to you. As he had two copies I secured one and am enclosing same herein.

Box Great Hastings
TA 1954

You will see from this that the Commissioner did make a change. You say that Pratt & Mitchell advised you that Commissioner Bird awarded the sum of $150 in addition to the overall recommendation of $42-50. This is not quite correct as the transcript reads "I would allow $150 in lieu of the overall recommendation"

Having obtained this transcript I called at Mr Braidwood's office and they searched all the records they had for any light on this case but without any success. The theory which I advanced to Mr Braidwood and in which he concurs is this. Mr Pratt as I have said earlier had two copies of this transcript and I suspect that at the time by some mistake the lady at the Court House who handled these matters for Mr Justice Bird (Miss White) sent or delivered both copies to Mr Pratt instead of giving one to Pratt and the other to Braidwood. If this did occur it would explain why it was that Braidwood omitted to give us any official information of the change. Mr Braidwood does not actually remember this case in detail but has told me that he is quite prepared to state that this particular award instead of being $42-50 should be a total of $150. I would say therefore that the only thing that can be done is to make this notation in your records and be prepared to pay this amount. You have copies of the "Form of Release" which the claimant has to sign before payment and I would suggest that you prepare a Release and send it to Pratt & Mitchell stating that if he will get his client to properly execute and return the document that an award of $150 will be paid. Mr Pratt informed me that he was not interested at all in the collection of any fees for past services so that a cheque for the full amount of $150 would be payable to the two Yada's.

I trust that this reply will put you in a position to conclude this matter without having to make any further research. I am writing a separate letter in regard to the matter of legal fees which you mention in your letter to me.

Yours very truly,

F.G.Shears

bar Liaison Hastings
TA 1954

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
PLEASE REFER TO
FILE NO.

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

4615 West 9th Avenue
Vancouver, B.C.
November 25th 1952

D.J.Sinclair Esq.,
Solicitor
Office of the Custodian
Ottawa.

re Legal fees

Dear Mr Sinclair,

In your letter of the 15th instant regarding the Yada award you refer to a letter to Mr Wright of March 27th 1952 which mentioned the matter of legal fees. I am not quite sure that you fully understand the situation in regard to these fees, so you will not mind if I try to explain the situation.

We accept no responsibility at all for the payment of legal fees to Solicitors who acted for Japanese at the Claims enquiry beyond the following.

We said to these Solicitors, if you have any legal fees that you want to collect from your clients, we will make a note of the amount and at the time your client signs our form of Release for the full amount of the award payable to him, if he will also sign a form instructing us to deduct some amount and pay it to you, we will be glad to co-operate. This was done by us in hundreds of cases.

The letter to Mr Wright of March 27th Listed sixteen awards which we had not paid because the claimant had not signed our required release, and in that letter we indicated the amounts that we had been asked to collect when the award was paid. Except for the few cases where we have mentioned the name of a Solicitor the other legal fees mentioned would be payable to the Co-operative Committee i Toronto. As an example if you will refer to the second item mentioned in our letter of March 27th it simply means that under case 224 Uegama is entitled to an award of $162-77. The Co-operative committee advised us they would like to collect $10-21 . If Uegama would sign a Release for $162-77 and at the same time sign a form authorizing us to pay $10-21 to the Co-operative Committee you would then need to issue two cheques one to Uegama for $152-51 and one to the Committee for $10-21. As mentioned in my other letter Mr Pratt says he has nothing to collect from the Yada's

Some time when you are looking for work!!! and want to make an effort to clean up these outstanding awards it might be well to give a list to the Co-operative Committee and see if they could persuade these claimants to sign the necessary Release and get the money they could then receive.

Yours very truly,

F.G.Shears

Bar Assn Hastings
TA 1954

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. Van Ev General, Item #7
Legal Section
DJS/EA

Victoria Building,
7 O'Connor Street,
Ottawa 4, Canada.

November 15, 1952.

Mr. F. G. Shears,
4615 West 9th Avenue,
Vancouver, B. C.

Dear Sir:

Re: Genji Yada - Van Ev #8554
Kuniye Yada- Van Ev #8553 now Custodian 18651
Hideo Yada - Van Ev #4580

Messrs. Pratt & Mitchell, Vancouver, wrote last month on behalf of Genji Yada seeking information as to the outcome of his case. It was case 88 before the Bird Commission, and was completely settled. They have now written on behalf of Kuniye Yada and Hideo Yada with respect to their claim before the Bird Commission which was case #54 and for which an award of $42.50 was made. If you refer to your letter to Mr. Wright of March 27, 1952, you will note that it is the first time a reference was made to legal fees outstanding as a first claim against the award. The claimants have never signed a release, and I note in your letter of March 31, 1952, covering the files sent to Ottawa, that on page 2 "claims account", the first item is case 54 files 4580 & 8553. Messrs. Pratt & Mitchell have now advised us that Commissioner Bird, on June 24, 1949, awarded the sum of $150.00 in addition to the overall recommendation of $42.50. They claim to have a transcript of the hearing. I have carefully checked through everything I can lay my hands on, and can find no reference to this hearing to which Pratt & Mitchell refer. I hate to bother you with this lost item, likewise I hate to write to Pratt & Mitchell and admit that I can find no copy of the record of the hearing. Perhaps you may recall the hearing which took place in Vancouver, or you may have some material which would refer to it. If you have nothing on this subject I guess I will have to write to Mr. Justice Bird and ask him if he can let me have a transcript of the hearing.

Yours very truly,

D. J. Sinclair,
Solicitor.

bor Lower Mainland
TA 1954

CASE NO: 54.

JAPANESE PROPERTY CLAIMS COMMISSION.

Kamloops, B.C.,

February 9th, 1948.

IN THE MATTER OF THE CLAIM OF

KUNIYE YADA and HIDEO YADA.

PROCEEDINGS AT HEARING.

.D. Pratt, Esq.

CASE NO: 54.

IN THE MATTER OF THE "INQUIRIES ACT"
PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(THE HONOURABLE MR. JUSTICE H.I. BIRD, COMMISSIONER).

Kamloops, B.C.,
February 9th, 1948.

IN THE MATTER OF THE CLAIM OF

KUNIYE YADA and HIDEO YADA

PROCEEDINGS AT HEARING.

APPEARANCES:

J.W.G. HUNTER, Esq., appearing for the Dominion Government.

F. DREWE PRATT, Esq., appearing for the Claimants.

A. WATSON, Esq., Secretary.

G.N.R. UPTON, Esq., Official Interpreter.

G. HAMBLETON, Esq., Official Reporter.

MR. HUNTER: My lord, this is a very simple case and my defence will be based purely upon the question of fair market value of the real property.

THE COMMISSIONER: That is to say, your contention being that the fair market value was realized?

MR. HUNTER: Quite, my lord.

KUNIYE YADA, one of the Claimants herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. PRATT:

MR. PRATT: My lord, I have been endeavouring to compile these forms. I have given my learned friend, Mr. Hunter, one and this is for your Lordship in this case.

(STATEMENT MARKED EXHIBIT NO. 1)

Q Mrs. Yada, what is your full name, please?

A Kuniye Yada.

Q And you are the owner of some real property with one Hideo Yada? A: Yes.

Q Where was that property? A: It was right at Hastings and Cassiar.

Q At Hastings and Cassiar in the City of Vancouver?

A City of Vancouver, B.C.

Q And consisted of what? A: Consisted of property right on the corner of Hastings and Cassiar.

Q Would that be one lot on the corner?

A One lot, yes.

Q And if I may lead -- the dimensions of that lot were 48 x 122 feet? A: I think so.

Q And what did you — by the way, what is the relationship of Mr. Hideo Yada to you?

A He is my husband's brother.

Q Your husband's brother. Your brother-in-law, then?

A Brother-in-law, yes.

Q And what did you and your brother-in-law pay for this property? A: We paid $600.00.

Q When? A: Well, that was either in 1939 or '40, I think.

Q You don't remember the exact date?

A No, I don't remember.

THE COMMISSIONER: '39 or '40?

MR. PRATT: '39 or '40.

Q And there were no improvements on the lot?

A No, there was no improvements.

Q I see. And you set a value here of $2000.00 for that property? A: Yes, sir.

Q You base that valuation on what grounds, Mrs. Yada?

A I don't know what you mean.

Q Well, why do you think it was worth $2000.00 when it was sold by the Custodian?

A Oh, because, you know, —

MR. HUTTER: Excuse me, my lord, I wonder if the witness would speak a little more loudly.

THE COMMISSIONER: Mrs. Yada, would you speak up a little louder so that counsel may hear you as well as myself?

MR. PRATT: Q: Yes, Mrs Yada, go on, now.

A When I got the property, if someone had offered me $2000.00 I wouldn't have sold it anyway.

Q You wouldn't have sold it if you were offered $2000.00? A: No, I wouldn't have sold it because it was very valuable to me and I wanted to keep it, if possible.

Q I see. Now, what was the purpose of buying that lot? A: Well, we had planned on building an apartment in that block.

Q An apartment in that block?

A Yes.

Q All right. Now, Mrs. Yada, I understand from you that your brother-in-law is unable to be here today?

A No, he wasn't able to be here.

Q I see. Is there anything else now you can add to this? Were you offered anything for the lot at any time after you bought it?

A Yes. It was -- was it the year 1941? -- there was one fellow, I can't remember his name, but he was -- he wanted to buy that lot for $1500.00 then.

Q He wanted to buy the lot for $1500.00. You don't remember who that was, though?

A I can't remember him. I didn't have any intention of selling the property, so I didn't even bother asking his name.

MR. PRATT: I see. I think that is all this witness can give, my lord.

CROSS-EXAMINATION BY MR. HUNTER:

Q Mrs. Yada, your brother-in-law isn't here, and I presume that you are making this claim for him as well as for yourself, is that correct?

A Yes, sir.

Q Now this individual that offered you $1500.00, did he say why he wanted the property?

A Yes, he said he wants to build a store there.

Q Wanted to build a store?

A Yes, sir.

Q What kind of a store — did he say?

A Well, I can't say what kind of a store, drug store, I think he told me.

Q I beg your pardon? A: You know, like a pharmacy.

Q A drug store, a chemist's shop?

A Yes, sir, something like that.

Q Now, as I understand it, this is a business area, isn't it? A: Yes.

Q And the only business close by is a grocery store on the south-west corner, is that correct?

A Yes.

Q And there is a gasoline service station opposite, is that correct? A: Yes, sir.

Q Are there any other businesses there?

A No, there isn't any.

Q Those are the only businesses. How far are you from the North Burnaby shopping district?

A We were three blocks from the North Burnaby.

Q And there is quite a shopping district there, isn't there? A: Oh yes.

Q Have you any knowledge of fair market value other than this chap who offered you $1500.00 for the property? Have you any other knowledge of what

lots in that vicinity were selling for at that time?

A No, sir.

Q You hadn't any personal knowledge?

A No, sir.

Q How concrete was this offer of $1500.00, that is how did it come about? Just explain to his Lordship what happened? A: I think it was in the year that the war broke out, the man came into the store, that grocery store that was on the corner of Hastings and Cassiar that was owned by myself, and he came into the store and wanted to know who owned that property across the street, so I told him it was my property. He wanted to know whether I wanted to sell that property. And you know, of course, I asked him how much he want to buy it for, and he said $1500.00 — I think $1500.00 for it. But, of course, you know I didn't have any intention of selling it so I simply refused him.

Q Was he of the Japanese race, or was he a —

A No, he was an Occidental.

Q I see. Did anybody else make any offer to you at all? A: No, not then.

Q Or at any time ? A: Yes, Mr. Stevens was wanting to buy that place once. He was a fellow that bought the store from me in Vancouver.

Q Did it get around to anything concrete or was it just sort of a vague desire to buy?

A Well, I don't know about that, but —

THE COMMISSIONER: Q: He didn't go any farther than to say

to you that he would pay $1500.00 and you said "No"? A: Yes, sir.

MR. HUNTER: Q: Well, was Mr. Stevens the man who offered $1500.00? A: No, it wasn't him; it wasn't Mr. Stevens. The man that offered me $1500.00, he was a stranger to me.

Q Did Mr. Stevens make an exact offer?

A No, he didn't.

Q You just told him you weren't interested; is that correct? A: No, I told him I wanted to keep the property.

Q Do you know anything about the other lots in this block? Do you know whether they had reverted to the City for taxes? A: I don't know anything about it.

RE-DIRECT EXAMINATION BY MR. PRATT:

Q Mrs. Yada, you don't know who owns the property now, I suppose, of your own knowledge?

A No, I don't think --

MR. PRATT: I don't think this lady can assist us further in this claim.

THE COMMISSIONER: Very well. Mr. Hunter, at what price did the Government sell?

MR. HUNTER: $600.00, my lord.

THE COMMISSIONER: When was the sale made?

MR. HUNTER: 1946.

MR. PRATT: In that connection, my lord, I draw your attention to the appraisal which was made in 1943. At that time, the Johnson-Reeves' appraisal

of July 19th, 1943, which they set at $600.00, and you will note that is two years after that when the sale was consummated.

THE COMMISSIONER: There is an argument open on that.

MR. PRATT: Yes. Also, I don't know if I should at this stage indicate to my learned friend what my further evidence will be --

THE COMMISSIONER: You are under no obligation to.

MR. PRATT: Well, if it will assist him to expedite this matter, I can tell him right here. I propose to adduce evidence to show that the purchaser of this property from the Custodian sold it a few weeks later for $3000.00.

That is all, Mrs. Yada, thank you.

(Witness aside)

THE COMMISSIONER: That is all the evidence you have here. All right, the next claim, Mr. Secretary.

(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify the foregoing to be a true and accurate transcript of the proceedings herein.

Gordon Hambleton

"G. HAMBLETON"
Official Reporter.

THE
MANUFACTURERS
INSURANCE LIFE COMPANY

HEAD OFFICE - TORONTO, CANADA

November 25th, 1952.

The Custodian,
912 Royal Bank Bldg.,
VANCOUVER, B.C.

Dear Sir:

RE: Your File No. 1252,
Our Policy No. 543,419
Jenmatsu Kinoshita

We are attaching notice of premium due December 8th, 1952 under this policy.

Yours very truly,

Assistant Secretary.

WJR/G
Encl.

Note for Ottawa.

Premium 100-50
Div 19-08
81-42.

There is however a loan on the policy and very litlle equity at present time.
You may wish to put this letter in Enemy File 1252.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
PLEASE REFER TO
FILE NO.

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

4615 West 9th Avenue
Vancouver, B.C.
December 2nd 1952

Manufacturers Life Insurance Co
Toronto
Canada

Policy 543,419 Jenmatsu Kinoshita
En File 1252

Dear Sirs,

The office of the Custodian in Vancouver has been closed since March 31st last but mail addressed to the Custodian is received by the undersigned as former Director of the office.

Concerning your letter of Nov. 25th enclosing premium notice I have been in touch with your local office here and find that they have correspondence of file indicating that the Custodian is not interested in this particular policy. Several past premiums have apparently been paid by the Royal Bank, East End Branch, Vancouver and I am sending the premium notice to your local office as requested by them .

Yours very truly,

F.G.Shears.

Note for Ottawa.

Premium 100-50
Div 19-08
81-42.

There is however a loan on the policy and very litlle equity at present time.
You may wish to put this letter in Enemy File 1252.

Mr. Shears.

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

56116

To: The Under-Secretary of State
for External Affairs, Ottawa.

Re: Japanese assets under Custodian Control.
Your File 9160-40.

Reference is made to my letter addressed to you under date of 11th instant.

Mr. Shears confirms that they never made any attempt to compile lists of Nationals, naturalized and Canadian born Japanese. Residence in Japan was the basis for placing any asset dealt with in the enemy category without reference to the possibility that the resident in Japan may have been naturalized.

There were 374 files and if needs be these could be examined for any available information regarding the status of the persons in whose names we held the funds. Evidently on some files there is information received from the Royal Canadian Mounted Police which often indicated whether they were nationals, naturalized or Canadian born.

Mr. Shears considers that practically all of the accounts referred to were for Japanese nationals.

It would not appear from Article 14 of the Treaty that these persons could secure release of their former assets.

K. W. Wright,
Chairman, Administration Board
and Chief Counsel.

KWW/G

continue to reside in Canada, except perhaps for a few who may have been on a visit to Japan at the outbreak of war. The same would apply to those who were Canadian born.

(iii) Assets of Japanese diplomatic and

5. I propose to ask all Japanese nationals (with no claim to Canadian citizenship) to take their cases up with the Ministry of Foreign Affairs. The Ministry can refer such cases to their Embassy in Ottawa if they appear to come under the exceptions listed in Article 14 of the Treaty of Peace.

A. R. Menzies,
Charge d'Affaires, a.i.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
PLEASE REFER TO
FILE No.

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

4615 West 9th Avenue
Vancouver, B.C.
September 15th 1952

K.W.Wright Esq., Q.C.
Chief Counsel
Office of the Cudtodian,
Ottawa.

Dear Mr Wright,

I have received your letter of the 11th inst. with enclosures from Mr A.R.Menzies, Canadian Embassy, Tokio.

If I have interpreted this correspondence correctly, I am wondering if the following facts may not form the basis of the Custodian's attitude towards this enquiry.

The subject concerns "Requests for the Release of Assets held by the Custodian" What assets does the Custodian hold? and the answer is, as far as the Vancouver administration of Japanese assets is concerned, only the proceeds of property which has been considered as "Enemy owned"

The proceeds of such property is what comprises the Number 2 Account in our Ledgers. Mr Arpin will have a list on 6 sheets headed "Number 2 Account Trial Balance as at August 16th, 1951" which supports the transfer of Securities and funds to Ottawa for the total of $2,260,891-92

All of the individuals listed on these sheets and in whose names the Custodian holds funds, were at the outbreak of war, residing in Japan. I think it safe to assume that practically all of these persons would be Japanese Nationals. The No. 2 account also includes the liquidated assets of Companies controlled from Japan. I would consider therefore that the No. 2 Account represents the property, rights and interests of (a) Japan & Japanes nationals
(b) Persons acting for Japanese nationals
(c)entities owned or controlled by Japanese nationals
referred to in Article 14 of the Treaty of Peace in regard to which,Canada has the right to retain these assets, and would not be "Assets that could be released"

I have just said that I consider that all of the No.2 accounts were for Japanese Nationals. My reason for saying this is that for the most part at least, those Japanese who became naturalized would continue to reside in Canada, except perhaps for a few who may have been on a visit to Japan at the outbreak of war.The same would apply to those who were Canadian born.

(iii) Assets of Japanese diplomatic and

5. I propose to ask all Japanese nationals (with no claim to Canadian citizenship) to take their cases up with the Ministry of Foreign Affairs. The Ministry can refer such cases to their Embassy in Ottawa if they appear to come under the exceptions listed in Article 14 of the Treaty of Peace.

A. R. Menzies,
Charge d'Affaires, a.i.

K.W.Wright Esq.

The Files covering the No. 2 accounts were not microfilmed but you have them intact at Ottawa and all available information regarding the status of the persons in whose names we hold funds could be found in the actual files, of which there are 374 . The file would not always reveal the status of the person concerned as our knowledge was sometimes confined to the fact that the person was living in Japan or assumed to be there. There is however information which we received from the R.C.M.P which often indicated whether they were nationals, naturalized or Xanadian born. If necessary therefore it might not be too onerous a task to have these 374 files perused for the information we obtained from the R.C.M.P.

In regard to these accounts , while I believe that most of them would be Japanese nationals, those who may have been naturalized were classed as "Enemy accounts" because of their residence in Japan at the outbreak of war. (A few were in Canada when war broke out but went back on the Gripsholm on the exchange basis and these were also classed as enemies)

Article 14 of the Treaty does provide that property of some Japanes natural persons (I presume this is synomymous with national) is excepted from the right to be retained by our Government. This is set out in subparagraph (11) subsection (i) But in these cases the Japanese national must have been residing in Allied territory and not in Japan. This would apply to Japanesenationals living in Canada whose property we sold. In all of these cases however there can be no question of these persons claiming the release of any assets because we have already accounted to them for their assets and they have received the proceeds of same as well as having the right to claim under the Claims commission of the Honourable Justice Henry Bird. In so far as Japanese who were living in Canada is concerned, no distinction was made as to whether they were nationals, naturalized or Canadian born, and with the exception of those ffw who refused to take their money, the Custodian does not now hold any assets capable of being released.

Your letter mentions that you have not yet secured a projector for use in connection with the microfilms which we sent to you. For the present purpose the examination of the microfilms would have no value. The files which were microfilmed cover those persons who were living in Canada and as just mentioned, even if they were Japanese nationals who owned property as of course many were, all of these individuals have been paid the proceeds of the property they had.

To answer the enquiry being made in another way it could be said in reply to paragraph 4 of Mr Mr Menzies letter where he says:-

> It would be useful if you could obtain from the Custodian some indication as to the number of outstanding claims under the following categories:
>
> (i) Assets of Naturalized Canadians
> (ii) Assets of Japanese Nationals
> (iii) Assets of Japanese diplomatic & consular officials

the information we have could be given as follows:-

(iii) Assets of Japanese diplomatic

5. I propose to ask all Japanese nationals (with no claim to Canadian citizenship) to take their cases up with the Ministry of Foreign Affairs. The Ministry can refer such cases to their Embassy in Ottawa if they appear to come under the exceptions listed in Article 14 of the Treaty of Peace.

A. R. Menzies,
Charge d'Affaires, a.i.

K.W.Wright Esq.,

(i) Assets of Naturalized Canadians

If they were in Canada as doubtless most naturalized persons were we have no remaining assets which could be released as the assets of all these persons have been accounted for directly to the individuals concerned.

If they were in Japan as perhaps a limited number may have been when war broke out, their property has been considered as an enemy asset. They would be listed among the No 2 Accounts. The files which cover these accounts would have to be examined for any information we obtained from the R.C.M.P which would indicate naturalization or Canadian born

(ii) Assets of Japanese Nationals

If they were in Canada as a considerable number were, we have no remaining assets which could be released, as the assets of all these persons have been accounted for directly to the individuals concerned.

If they were in Japan and we think that most of those in Japan would have been nationals their property has been dealt with as an enemy asset. They would be listed among the No 2 Accounts. The files which cover these accounts would have to be examined for any information we obtained from the R.C.M.P. which would indicate those who were nationals. It would not appear from Article 14 of the Treaty that these persons could secure any release of these assets.

(iii) Assets of Japanese diplomatic & consular officials.

You indicate that you can supply this information. It would I assume include the Vancouver propertywhich was registered in the name of Ichiro Kawasaki. Real Property- Office furniture '& personal goods were Sold

You will of course know that there are more Enemy Files which we sent to Ottawa than the 374 referred to in this letter. About 800 Files were sent but those accounts in which there are funds number 374. As mentioned Mr Arpin has this list shewing File Numbers and names. It might be worth while to have some of these files pulled so that you might find out if this list could be readily divided into nationals & naturalized and to what extent this information is lacking . It does appear to me that theseaccounts are the only ones relevant to the present enquiry and then only to the limited extent that I think it would be found that these particular persons were found to be naturalized.

I would think it desirable as Mr Menzies suggests in Clause 5 for Japanese nationals (with no claim to Canadian citizenship) to take their cases up with the Ministry of Foreign affairs , but I cannot see how the case of any National whose property we dealt with can come under the exceptions listed in Article 14 to which he refers. My reason as stated above being that if the National was in Japan we would appear to have the right to liquidate & retain the asset and if the National was in Canada we have already settled with him.

(iii) Assets of Japanese diplomatic and consular

5. I propose to ask all Japanese nationals (with no claim to Canadian citizenship) to take their cases up with the Ministry of Foreign Affairs. The Ministry can refer such cases to their Embassy in Ottawa if they appear to come under the exceptions listed in Article 14 of the Treaty of Peace.

A. R. Menzies,
Charge d'Affaires, a.i.

K.W.Wright Esq.,

We never made any attempt to make lists of Nationals, Naturalized and Canadian born. No distinction was made among those Japanese living in Canada and the proceeds of liquidation was paid to them regardless of national status. In a similar manner, residence in Japan was the basis for placing any asset dealt with in the "Enemy" category without referencet to the possibility that the resident in Japan may have been naturalized.

I trust that I may have been of some little help in this reply so that you may be guided in dealing with Mr Menzies enquiry.

Yours very truly,

F.G.Shears

(iii) Assets of Japanese diplomatic and consular officials.

5. I propose to ask all Japanese nationals (with no claim to Canadian citizenship) to take their cases up with the Ministry of Foreign Affairs. The Ministry can refer such cases to their Embassy in Ottawa if they appear to come under the exceptions listed in Article 14 of the Treaty of Peace.

A. R. Menzies,
Charge d'Affaires, a.i.

AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No.....

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

September 11th, 1952.

F. G. Shears, Esq.,
4615 West 9th Avenue,
Vancouver, B.C.

Dear Mr. Shears:

I enclose copy of a letter from External Affairs under date of 5th instant with copy of letter #895 dated August 28th, 1952, from A. R. Menzies, Tokyo.

It is possible to furnish Mr. Menzies with the information he asks for in connection with the Japanese Government Consular property, but the other two categories pose a real problem. We have not secured a projector for use in connection with the micro-films you forwarded, but doubt if we would find a particular file that would serve to answer his queries.

To examine the files to ascertain information as to naturalization would involve a great deal of time, and as you know we are sorely pressed with other problems which entail considerable overtime attendance.

Your comments and suggestions in regard to the matter would be appreciated.

Yours very truly,

K. W. Wright,
Chairman, Administration Board
and Chief Counsel.

KWW/G
Encls.

4. It would be useful if you could obtain from the Custodian some indication as to the number of outstanding claims under the following categories:

(i) Assets of Naturalized Canadians;
(ii) Assets of Japanese Nationals; and
(iii) Assets of Japanese diplomatic and consular officials.

5. I propose to ask all Japanese nationals (with no claim to Canadian citizenship) to take their cases up with the Ministry of Foreign Affairs. The Ministry can refer such cases to their Embassy in Ottawa if they appear to come under the exceptions listed in Article 14 of the Treaty of Peace.

A. R. Menzies,
Charge d'Affaires, a.i.

COPY

Please refer to our
File No. 9161-40.

OTTAWA, September 5, 1952.

The Under-Secretary of State,
Department of the Secretary of State,
of Canada,
OTTAWA, Ontario.

Attention: Office of the Custodian.

I enclose a copy of a letter received from the Canadian Embassy, Tokyo referring to requests received by the Embassy for the release of assets held by the Custodian.

I would appreciate receiving your comments which I should be glad to forward to the Canadian Embassy, Tokyo.

Under-Secretary of State
for External Affairs.

service. We would, of course, continue to handle the classes listed under (a), (b) and (c) above through this office as in the past.

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A. R. Menzies,
Charge d'Affaires, a.i.

COPY

Letter No. 895

Date August 28th, 1952.

FROM: The Canadian Embassy, Tokyo, Japan.

TO: The Under-Secretary of State for External Affairs, Canada

Reference: None

Subject: Requests for the Release of Assets held by the Custodian.

Since the ratification of the Peace Treaty we have been receiving an increasing number of enquiries concerning the release of assets held by the Custodian. These requests fall under the following categories:

(a) Diplomatic and consular officials;

(b) Japanese Government enquiries;

(c) Persons of Japanese origin who have taken out Canadian naturalization papers and possibly retain some claim to Canadian citizenship;

(d) Japanese nationals with no claim to Canadian citizenship.

2. In the past we have transmitted applications on behalf of Japanese diplomatic and consular officials. We have also written to you regarding claims which the Japanese Government desired information on. Persons falling under (c) above have been provided with the facilities of this office including our translation service. The question now arises whether we should entertain requests submitted to us by Japanese nationals who have no claim to Canadian citizenship.

3. We have no way of knowing the number of cases involved in this class. If there are relatively few, there is no problem in dealing with them on an individual basis. However, if they should run into several hundred cases we would suggest that they be advised to take their cases up with the Japanese Ministry, of Foreign Affairs, who could in turn, refer each case to their own Embassy in Ottawa. In this way any correspondence with the Office of the Custodian would be conducted in English. The majority of the people in this calagory cannot read or write English. It is, therefore, impractical to expect the Custodian to conduct direct correspondence with them unless he is provided with a translation service. We would, of course, continue to handle the classes listed under (a), (b) and (c) above through this office as in the past.

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A. R. Menzies,
Charge d'Affaires, a.i.

EXCERPT from ARTICLE 14 of

TREATY OF PEACE WITH JAPAN

2. (I) Subject to the provisions of sub-paragraph (II) below, each of the Allied Powers shall have the right to seize, retain, liquidate or otherwise dispose of all property, rights and interests of

(a) Japan and Japanese nationals,

(b) persons acting for or on behalf of Japan or Japanese nationals, and

(c) entities owned or controlled by Japan or Japanese nationals,

which on the first coming into force of the present Treaty were subject to its jurisdiction. The property, rights and interests specified in this sub-paragraph shall include those now blocked, vested or in the possession or under the control of enemy property authorities of Allied Powers, which belonged to, or were held or managed on behalf of, any of the persons or entities mentioned in (a), (b) or (c) above at the time such assets came under the controls of such authorities.

(II) The following shall be excepted from the right specified in subparagraph (I) above:

(i) property of Japanese natural persons who during the war resided with the permission of the Government concerned in the territory of one of the Allied Powers, other than territory occupied by Japan, except property subjected to restrictions during the war and notreleased from such restrictions as of the date of the first coming into force of the present Treaty;

(ii) all real property, furniture and fixtures owned by the Government of Japan and used for diplomatic or consular purposes, and all personal furniture and furnishings and other private property not of an investment nature which was normally necessary for the carrying out of diplomatic and consular functions, owned by Japanese diplomatic and consular personnel;

(iii) property belonging to religious bodies or private charitable institutions and used exclusively for religious or charitable purposes;

(iv) property, rights and interests which have come within its jurisdiction in consequence of the resumption of trade and financial relations subsequent to September 2, 1945, between the country concerned and Japan, except such as have resulted from transactions contrary to the laws of the Allied Power concerned;

(v) obligations of Japan or Japanese nationals, any right, title or interest in tangible property located in Japan, interests in enterprises organized under the laws of Japan, or any paper evidence thereof; provided that this exception shall only apply to obligations of Japan and its nationals expressed in Japanese currency.

(III) Property referred to in exceptions (i) through (v) above shall be returned subject to reasonable expenses for its preservation and administration. If any such property has been liquidated the proceeds shall be returned instead.

(IV) The right to seize, retain, liquidate or otherwise dispose of property as provided in sub-paragraph (I) above shall be exercised in accordance with the laws of the Allied Power concerned, and the owner shall have only such rights as may be given him by those laws.

(V) The Allied Powers agree to deal with Japanese trademarks and literary and artistic property rights on a basis as favorable to Japan as circumstances ruling in each country will permit.

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO.....

Victoria Building,
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Your comments and suggestions in regard to the matter would be appreciated.

Yours very truly,

K. W. Wright,
Chairman, Administration Board
and Chief Counsel.

KW^W/G
Encls.

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A. R. Menzies,
Charge d'Affaires, a.i.

COPY

Mr. Arpin

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File No. 9161-40.

OTTAWA, September 5, 1952.

The Under-Secretary of State,
Department of the Secretary of State,
of Canada,
OTTAWA, Ontario.

Attention: Office of the Custodian.

I enclose a copy of a letter received from the Canadian Embassy, Tokyo referring to requests received by the Embassy for the release of assets held by the Custodian.

I would appreciate receiving your comments which I should be glad to forward to the Canadian Embassy, Tokyo.

Under-Secretary of State
for External Affairs.

correspondence with them unless he is provided with a translation service. We would, of course, continue to handle the classes listed under (a), (b) and (c) above through this office as in the past.

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A. R. Menzies,
Charge d'Affaires, a.i.

COPY

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Date August 28th, 1952.

FROM: The Canadian Embassy, Tokyo, Japan.

TO: The Under-Secretary of State for External Affairs, Canada

Reference: None

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(a) Diplomatic and consular officials;

(b) Japanese Government enquiries;

(c) Persons of Japanese origin who have taken out Canadian naturalization papers and possibly retain some claim to Canadian citizenship;

(d) Japanese nationals with no claim to Canadian citizenship.

2. In the past we have transmitted applications on behalf of Japanese diplomatic and consular officials. We have also written to you regarding claims which the Japanese Government desired information on. Persons falling under (c) above have been provided with the facilities of this office including our translation service. The question now arises whether we should entertain requests submitted to us by Japanese nationals who have no claim to Canadian citizenship.

3. We have no way of knowing the number of cases involved in this class. If there are relatively few, there is no problem in dealing with them on an individual basis. However, if they should run into several hundred cases we would suggest that they be advised to take their cases up with the Japanese Ministry of Foreign Affairs, who could in turn, refer each case to their own Embassy in Ottawa. In this way any correspondence with the Office of the Custodian would be conducted in English. The majority of the people in this calagory cannot read or write English. It is, therefore, impractical to expect the Custodian to conduct direct correspondence with them unless he is provided with a translation service. We would, of course, continue to handle the classes listed under (a), (b) and (c) above through this office as in the past.

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A. R. Menzies,
Charge d'Affaires, a.i.

EXCERPT from ARTICLE 14 of

TREATY OF PEACE WITH JAPAN

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(a) Japan and Japanese nationals,

(b) persons acting for or on behalf of Japan or Japanese nationals, and

(c) entities owned or controlled by Japan or Japanese nationals,

which on the first coming into force of the present Treaty were subject to its jurisdiction. The property, rights and interests specified in this sub-paragraph shall include those now blocked, vested or in the possession or under the control of enemy property authorities of Allied Powers, which belonged to, or were held or managed on behalf of, any of the persons or entities mentioned in (a), (b) or (c) above at the time such assets came under the controls of such authorities.

(II) The following shall be excepted from the right specified in subparagraph (I) above:

(i) property of Japanese natural persons who during the war resided with the permission of the Government concerned in the territory of one of the Allied Powers, other than territory occupied by Japan, except property subjected to restrictions during the war and notreleased from such restrictions as of the date of the first coming into force of the present Treaty;

(ii) all real property, furniture and fixtures owned by the Government of Japan and used for diplomatic or consular purposes, and all personal furniture and furnishings and other private property not of an investment nature which was normally necessary for the carrying out of diplomatic and consular functions, owned by Japanese diplomatic and consular personnel;

(iii) property belonging to religious bodies or private charitable institutions and used exclusively for religious or charitable purposes;

(iv) property, rights and interests which have come within its jurisdiction in consequence of the resumption of trade and financial relations subsequent to September 2, 1945, between the country concerned and Japan, except such as have resulted from transactions contrary to the laws of the Allied Power concerned;

(v) obligations of Japan or Japanese nationals, any right, title or interest in tangible property located in Japan, interests in enterprises organized under the laws of Japan, or any paper evidence thereof; provided that this exception shall only apply to obligations of Japan and its nationals expressed in Japanese currency.

(III) Property referred to in exceptions (i) through (v) above shall be returned subject to reasonable expenses for its preservation and administration. If any such property has been liquidated the proceeds shall be returned instead.

(IV) The right to seize, retain, liquidate or otherwise dispose of property as provided in sub-paragraph (I) above shall be exercised in accordance with the laws of the Allied Power concerned, and the owner shall have only such rights as may be given him by those laws.

(V) The Allied Powers agree to deal with Japanese trademarks and literary and artistic property rights on a basis as favorable to Japan as circumstances ruling in each country will permit.