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1726A - Kagetsu - Japanese Property (1934)

28-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON
BARRISTERS & SOLICITORS

CABLE ADDRESS
"USTEGAK"

E. KAGETSU
8 MOUNTVIEW AVENUE
TORONTO 9, CANADA

TELEPHONES
MURRAY 5023
ORCHARD 7571

July 17, 1954.

RECEIVED

JUL 19 1954

T. G. NORRIS

Mr. T. G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B.C.

Dear Mr. Norris:

I have now received three cheques, namely, \$483.75 for McKenzie St. house and Pontiac car; \$51,440.00 for Vancouver is properties of my own, Kagetsu & Co's and Deep Bay Logging's but not including T. Maikawa's interests which came to \$310.00 and which were withheld as enemy property; \$2,587.50 for expenses, or a total of \$54,511.25. It therefore appears that this matter is now closed as far as Ottawa is concerned.

I have read with very great interest your letter of 14th instant with thanks.

I must say that I am relieved to have this all over, even though our efforts were in vain. Your diligent efforts all these past years leaves me very much indebted to you. Please rest assured that I am fully cognizant of your invaluable assistance. It may also be added that such men as yourself and Mr. Macinnis form the element not only of Canada but of the whole world on whom rests every individual's hope for survival of democracy. You championed this cause because I was your friend but also because you knew they were making a travesty of justice.

The very best regards to all.

TGN:ej.
encls.

Yours very sincerely,

E. Kagetsu

case.

A copy of this letter is being sent

176A - Kagetsu - Japanese Property (1954)

28-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON
BARRISTERS & SOLICITORS

1726A - Kagetsu - Japanese Property (1934)

July 14th, 1954.

J. C. Osborne, Esq.,
c/o E. Kagetsu, Esq.,
8 Mountview Avenue,
TORONTO, Ontario.
Dear Sir:-

I enclose to you copy of a letter from
Mr. Osborne dated July 12th and copy of my reply
of today's date.

You will note what Mr. Osborne says
about the execution of the releases.

I have read with very great interest
the statement made by Mr. MacInnis in the House
of Commons and Mr. Pickersgill's very weak
answer.

I hope that you and yours are all well.
Kind regards.

Yours sincerely,

TGN:ej.

TGN:ej.
encs.

A copy of this letter is being sent

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON
BARRISTERS & SOLICITORS

GOWLING, MAC TAVISH, OSBORNE & HENDERSON
BARRISTERS & SOLICITORS

E. GORDON GOWLING, K.C.
DUNCAN R. MAC TAVISH, K.C.
ROBERT M. GOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
JOHN CAMPBELL
G. PERLEY OSBORNE
DAVID WATSON
E. PETER NEWCOMBE

COUNSEL
LEONARD W. BROCKINGTON, K.C., LL.D.

TELEPHONE 2-1721
CABLE HENDON

88 METCALFE STREET

OTTAWA 4

CANADA

July 14th, 1954.

July 12, 1954.

J. C. Osborne, Esq.,
c/o Messrs. Gowling, MacTavish, Osborne
& Henderson,
Barristers & Solicitors,
88 Metcalfe Street,
OTTAWA 4, Canada.
602 Hastings Street West,
Vancouver 2, B.C.
Dear John:-

Dear Colonel Morris:

I have your letter of July 12th.

I certainly think that the cheque for
expenses should be sent to Kagetsu direct.
Will you please write to the Custodian's office
accordingly?

Today he calls me that he has been corresponding with Mr. Kagetsu

With kind regards.

Yours faithfully,

TGN:ej.

Jr. in connection with the execution of the Releases and has had
some trouble in having them signed without reservations. However,
that is not a matter with which we need concern ourselves although
Mr. Wright has pointed out that if they are not executed in satis-
factory form shortly, there is a danger that the Government's offer
will be withdrawn. The specific question that Mr. Wright asked is
with respect to the disposition of the allowance for expenses. As-
suming that the Releases are ultimately signed and accepted by the
Custodian, is the cheque for expenses to be sent to Kagetsu, to
your office or to our office? I told Mr. Wright that as far as I
am concerned the cheque could be quite properly sent to Mr. Kagetsu.
I imagine that you will have no objection to this procedure but be-
fore I write to the Custodian's office authorizing it, would you let

case.

A copy of this letter is being sent

1766A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MACTAVISH, OSBORNE & HENDERSON

GOWLING, MACTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

E. GORDON GOWLING, K.C.
DUNCAN K. MACTAVISH, K.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
JOHN CAMPBELL VIETS
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE

COUNSEL

LEONARD W. BROCKINGTON, K.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA 4,
CANADA

July 12, 1954.

Colonel T.G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver 2, B.C.

Dear Colonel Norris:

Re: Kagetsu

Ken Wright of the Custodian's office telephoned to me today. He tells me that he has been corresponding with Mr. Kagetsu Jr. in connection with the execution of the Releases and has had some trouble in having them signed without reservations. However, that is not a matter with which we need concern ourselves although Mr. Wright has pointed out that if they are not executed in satisfactory form shortly, there is a danger that the Government's offer will be withdrawn. The specific question that Mr. Wright asked is with respect to the disposition of the allowance for expenses. Assuming that the Releases are ultimately signed and accepted by the Custodian, is the cheque for expenses to be sent to Kagetsu, to your office or to our office? I told Mr. Wright that as far as I am concerned the cheque could be quite properly sent to Mr. Kagetsu. I imagine that you will have no objection to this procedure but before I write to the Custodian's office authorizing it, would you let

A copy of this letter is being sent to

1766A - Kagetsu - Japanese Property (1954)

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1726A - Kagetsu - Japanese Property (1934)

GOWLING, MACTAVISH, OSBORNE & HENDERSON

GOWLING, MACTAVISH, OSBORNE & HENDERSON

Colonel T.G. Norris, Q.C., -2- July 12, 1954.

me know if, by any chance, you would like to have the cheque sent
to you?

With kindest personal regards,

Yours very truly,

J. Osborne

JCO:MS

TG:ej.

A copy of this letter is being sent to

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

House of Commons
Canada

Ottawa
June 17, 1954

July 13th, 1954.

Mr. T. Angus MacInnis, Esq., M.P.,
Barrister 442 - West 15th Avenue,
602 West VANCOUVER, B. C.,
Vancouver 2
B. C.

Dear Mr. MacInnis:-

re: E. Kagetsu -
Japanese Losses Claim

Dear Mr. Norris:

I have only now had an opportunity of
acknowledging your letter of June 17th with
reference to the above.

On the 13th of July, 1954, I read with very great interest the
Hansard report of your remarks and the reply
of the Secretary of State - which latter
amounted to nothing at all. I still think that
the darkest blot on Canada's name is her treat-
ment of the Japanese Canadians. It has always
been a source of amusement to me that certain
men in public life in this Province professing
to believe in democracy and in the tenets of the
Christian faith were able to justify to them-
selves a stand in support of that policy.

I hope that you and Mrs. MacInnis are
well. My best wishes to you both.

Yours sincerely,

Yours sincerely,

Angus MacInnis, M.P.

TGN:ej.

A copy of this letter is being sent

1726A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781



House of Commons
Canada

O t t a w a
June 17, 1954

Mr. T. G. Norris, Q. C.,
Barrister-at-Law,
602 West Hastings Street,
Vancouver 2,
B. C.

RECEIVED

JUN 17 1954

T. G. NORRIS

Per

Dear Mr. Norris:

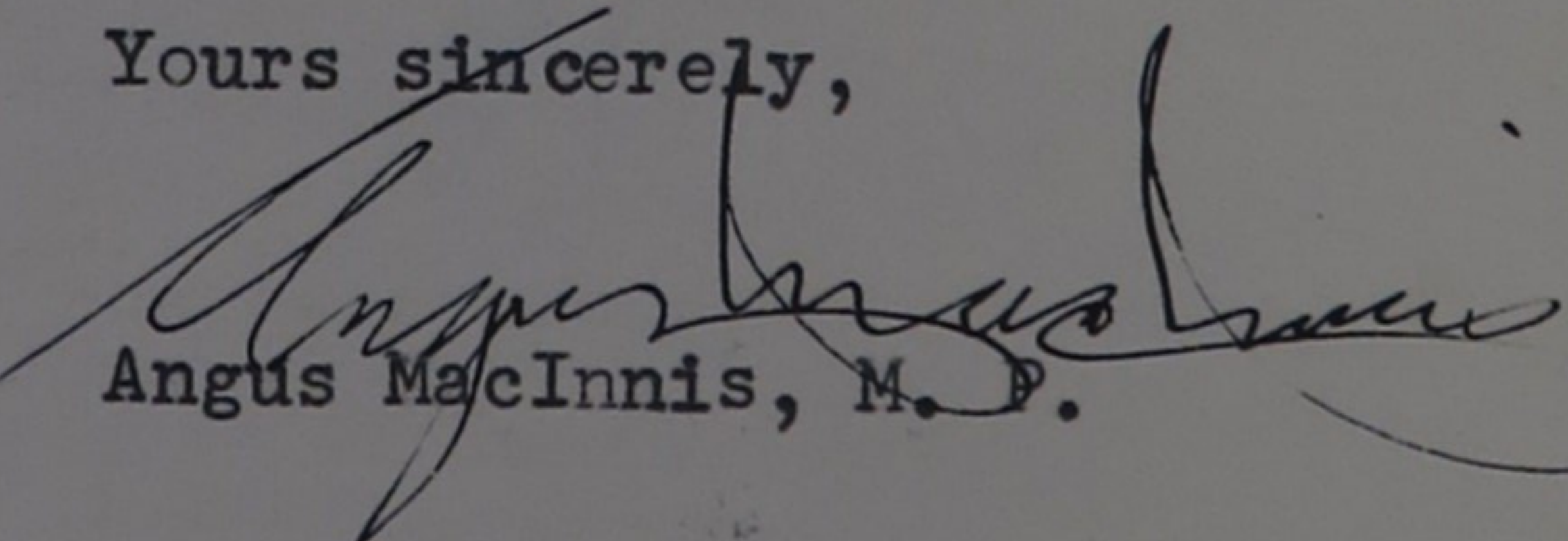
Re: E. Kagetsu - Japanese
Losses Claim

On the Estimates of the Secretary of State, I took some little time to point out the injustice that was done to Mr. Kagetsu in the settlement of his claim for property on Vancouver Island.

I did not expect that anything that I would have to say would change the mind of the government in the matter and it didn't.

Under separate cover, I am sending you a marked copy of yesterday's Hansard in which you will find my remarks and the reply of the Secretary of State.

Yours sincerely,


Angus MacInnis, M. P.

A copy of this letter is being sent

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

1726

May 11th, 1954

E. Kagetsu Esq.,
8 Mountview Avenue,
Toronto, Ont.

Dear Sir:

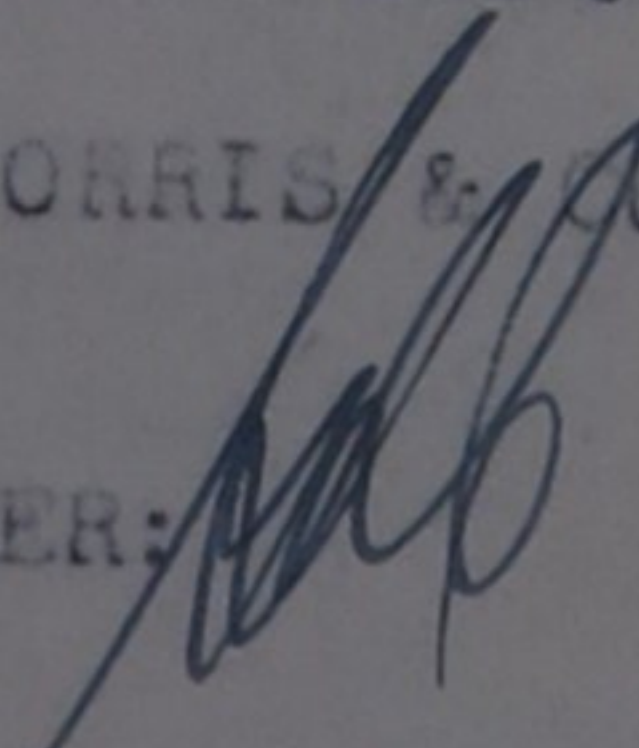
Re: Deep Bay Logging Co.

We are forwarding you under separate cover the following exhibits which are the remainder of the exhibits that we have in our files:

Exhibits	1 - 4	Exhibits	49 - 50
"	8 - 17	"	52
"	19 - 21	"	54
"	24 - 26	"	58
"	32 - 35	"	63
"	46 - 47	"	

Yours faithfully,

NORRIS & GUMMING

PER: 

GSC:eev

ENCLS

A copy of this letter is being sent

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

1726
8 Mountview Avenue
Toronto, Ont.
April 6, 1954.

RECEIVED

APR 8 1954

T. G. NORRIS

Per P.R.

Mr. T.G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B.C.

Dear Mr. Norris:

Re: Mr. Osborne's Account

Thank you for letter regards the above. Mr. Osborne's kind gesture and sentiments are greatly appreciated, which please advise him. Enclosed, please find ~~money order~~ to cover the account, the amount being made out to you as instructed. We are fully cognizant of Mr. Osborne's circumstances and his integrity and generosity, our only regret is that for his sake as well as ours it is too bad the entire procedure was not more successful. We have been frank about Mr. Osborne so our opinion is the more sincere. We have the highest regard for him.

It is a new and unpleasant revelation to me as to the extend a department of our Government can be unreasonable. The outcome of our claim is one thing but their being annoyed about the present delay is quite another thing. I have always argued that our various accounts with the Custodians could not be entirely divorced from the awards. Just as I feared, the 8th paragraph of the unconditional release pertains to such accounts; and the document is a general release including the liability from the same accounts. Mr. Legault of the Custodian's Office is probing into the status of the accounts and until that matter is closed it would be the height of folly to release them from that responsibility. Furthermore, from the information thus far made available there is \$5,888.98 of Kagetsu & Co to be distributed, also Deep Bay Logging has a credit balance of \$917.56 and through clever manipulation of the liquidators Deep Bay owes E. Kagetsu \$1,237.30 (\$319.74 in excess of funds available). The latter is the outcome of a sale of convenience, arbitrarily in March 15, 1945 of E.K. property to Deep Bay, after such property had already been sold by Deep Bay to MacMillan et al. Deep Bay in other words sold property not its own, so the sale was really ultra vires. Or assuming the sales were bona fide, we have a ridiculous situation where after all assets are sold, and all outstanding accounts are paid the books of Deep Bay are in the red by \$319. and nothing is left for shareholders. In other words, the sales were so undervalued that the \$50,000.00 of Capital Stock automatically became less than worthless!

A copy of this letter is being sent to

1726A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

-2-

As for the delay, of course there is the matter of establishing the rightful shareholders for purposes of award distribution, which as you know, and as they should know, I am doing all that I can. I await your reply re Ushizawa.

As for the unconditional release the body reads as follows: "...that in consideration of the premises and of the sums so paid by the Custodian the Releasors hereby release Her Majesty the Queen in Right of Canada and the Custodian from all actions claims and demands whatsoever in respect of real and personal property of the said Company and Eikichi Kagetsu and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale, or disposal of the Releasors' property or in respect of any of the matters above recited."

When it is timely of course the claimant will sign a release. To sign the above is unfair. However, Mr. Norris, if you can think of no way out, we will ultimately have to sign. Please advise. To sign for losses from sales only, would be fair.

If you are writing to Mr. Osborne, your instructing him to send the exhibits in his possession to us would be appreciated. I see they include the following:- 5, 22, 23, 36, 45, 53, 55, 56, 61 and 62. Those that you have also we would appreciate receiving as I may have occasion for their use, which I anticipate.

I regret this imposition on your time.

Best regards to all from myself and father,

Sincerely yours,

H. Kagetsu.

A copy of this letter is being sent to

1726A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

MEMORANDUM

Gowling,
Solicitors,
1001-1003 Blg.,
St.,

RECEIVED

APR 23 1954

T. G. NORRIS

Per PIS

VICTORIA, B.C.

RE: Deep Bay Logging Co. Ltd.

Herewith receipt for 50¢ search fee in regard to the
above Company.

MENT BUILDINGS, VICTORIA, B.C.

REGISTRAR OF COMPANIES

Apr. 22nd/54, 19

PER hh

copy of the brief together with the exhibits
and other material mentioned in your letter to me of February
21, 1952. You probably have received the parcel by now.

Many thanks for your kindness and I am glad to know
that Mr. Kagetsu realizes that we did everything possible for
him here.

With kindest personal regards,

Yours very truly,

John W. Wilson

JCO:MS

A copy of this letter is being sent to our

1736A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781
CABLE, HERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE
R. DIGBY VIETS
D. B. MacDOUGALL
PAUL P. HEWITT

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL.D.

88 METCALFE STREET
OTTAWA, 4,
CANADA

April 20, 1954.

Colonel T.G. Norris, Q.C.,
Messrs. Norris & Cumming,
Barristers &c.,
602 Hastings Street West,
Vancouver 2, B.C.

Dear Colonel Norris:

Re: Mr. E. Kagetsu

Thank you very much indeed for your letter
of April 8 with which was enclosed a copy of Mr. Kagetsu's
letter to you of April 6 and your cheque in the amount of
\$100.00.

Your letter of April 8 apparently crossed mine to
you of the same day advising you that I was sending under
separate cover a copy of the Brief together with the exhibits
and other material mentioned in your letter to me of February
21, 1952. You probably have received the parcel by now.

Many thanks for your kindness and I am glad to know
that Mr. Kagetsu realizes that we did everything possible for
him here.

With kindest personal regards,

Yours very truly,

John Watson

JCO:MS

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

F. GORDON GOWLING, Q. C., LL. D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

MEMORANDUM

70

10

220th April, 1954.

E. Kagetsu, Esq.,
8 Mountview Avenue,
Toronto, Ontario.

Registrar of Companies,

Dear Sir: Buildings, Victoria, B. C. re: Deep Bay Logging Co. Ltd.

Dear Sir: We have now been advised by the Registrar of Companies as follows: Logging Co. Ltd.

"According to the Annual Report made up to the 20th of May, 1942, 100 shares of our formerly held by Manji Ushizawa were transferred on the 19th of May, 1942 to Mrs. T. Kagetsu." Using herewith a further .50¢ payment to cover search made in this matter.

We trust that this is the information that you require herein.

Yours faithfully,

NOR Yours faithfully,

NORRIS & CUMMING,

Per:

Per:

JS:ej.

enc.

JS:ej.

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON
BARRISTERS & SOLICITORS

20th April, 1954.

Registrar of Companies,
Parliament Buildings,
Victoria, B. C.

Dear Sir:

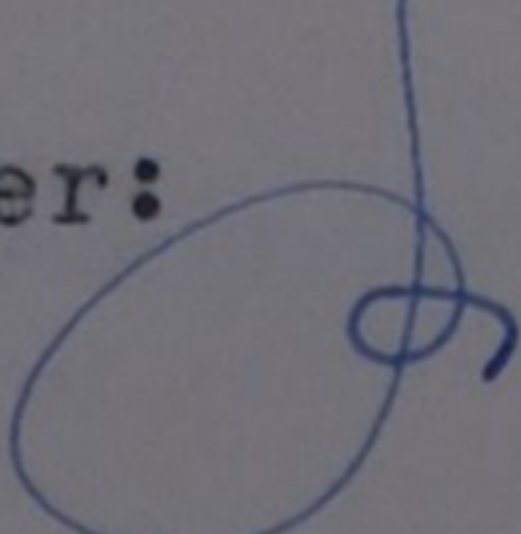
re: Deep Bay Logging Co. Ltd.

We have for acknowledgment your memorandum
of search dated April 13th, for which please accept
our thanks.

We are enclosing herewith a further .50¢
payment to cover search made in this matter.

Yours faithfully,

NORRIS & CUMMING,

Per: 

JS:ej.
enc.

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

MEMORANDUM

TO Messrs. Norris & Cumming,
Barristers and Solicitors,
Bank of Nova Scotia Building,
602 Hastings Street West,
VANCOUVER 2, B.C.

RECEIVED

APR 15 1954

T. G. NORRIS

Per PK

RE: Deep Bay Logging Company Limited

In reply to your letter of April 9th, I wish to advise that "according to the Annual Report made up to the 20th of May, 1942, 100 shares formerly held by Manji Ushizawa were transferred on the 19th of May, 1942 to Mrs. T. Kagetsu."

Kindly remit 50¢ to cover search fee herein, and oblige.

PARLIAMENT BUILDINGS, VICTORIA, B.C.

REGISTRAR OF COMPANIES

April 13th, 1954

PER...bh

0

TGN/PK
Encs.

JS:ccw

Yours faithfully,

NORRIS & CUMMING

PER...PK

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q. C., LL. D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

COUNSEL

12th April, 1954

E. Kagetsu Esq.,
8 Mountview Avenue,
Toronto, Ont.

Registrar of Companies,
Parliament Buildings

Dear Sir: B. C.

Dear Sir: I enclose herewith the following exhibits
received by me to-day from Mr. Osborne:

Exhibit 5, Company Exhibit 45,

" 22, " 53,

We have 23, acknowledged 55, our Memorandum

dated April 16th 1941, signed by that Mr. 56, Manji

Ushizawa was the registered owner 61, and 62.

the above-named Company according to the annual re-

ports made I am sending these to you now so that you may

have them without delay. 1941. Will you kindly

advise us whether or not in the 1942 report Mr.

E. Kagetsu I will go through the remainder of your papers

and send you anything else that I have that may be

useful to you.

May we take this opportunity to thank you

for the co-operation you have given in this

matter.

Yours faithfully,

Yours faithfully,

NORRIS & CUMMING

Yours faithfully,

PER: J. CUMMING

JS:cow

Encs.

JS:cow

JS:cow

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A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

COUNSEL

1726

April 9th, 1954

Registrar of Companies
Parliament Buildings
Victoria, B. C.

Dear Sir:

Re: Deep Bay Logging
Company Limited.

We have for acknowledgment your Memorandum dated April 6th advising us that Mr. Manji Ushizawa was the registered owner of 100 shares in the above-named Company according to the annual reports made up to the 5th day of December, 1940 and the 6th day of December, 1941. Will you kindly advise us whether or not in the 1942 report, Mr. E. Kagetsu appears as the transferee of these shares.

May we take this opportunity to thank you for the co-operation you have shown to us in this matter.

We have in the meantime, written to the Registrar of Companies in order to ascertain whether or not he has any record of the shares transferred to you.

NORRIS & CUMMING

Yours faithfully,

PER: NORRIS & CUMMING

PER:

JS:ecw

JS:ecw

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

COUNSEL

1228

April 9th, 1954

8th April, 1954

John Osborne Esq.,
Messrs. Gowling MacTavish, Osborne
and Henderson, Q.C.,
Barristers & Solicitors,
Mr. E. Kagetsu
8 Mountview Avenue
Toronto 9, Canada

Dear Sir:

Re: Deep Bay Logging
Company Limited.

In reply to your letter dated March 23rd
may we advise you that we have searched the register
of the above-named Company and the Registrar of
Companies has advised that Mr. Manji Ushizawa of
Fanny Bay, B. C. logger, held 100 shares in the
above-named Company according to the annual reports
filed on the 5th day of December, 1940 and the 6th
day of December, 1941. This would indicate that
the shares were purchased by you however, in late
1941 or possibly in 1942.

In the event that you wish us to make a
further search, kindly advise and we will do so.
We have in the meantime, written to the Registrar
of Companies in order to ascertain whether or not
he has any record of these shares being transferred
to you.

TGN/PK
Encs.

Yours faithfully,
NORRIS & CUMMING

PER:

JS:ecw

A copy of this letter is being sent to our counsel.

1766A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN A. MAC TAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON A. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
C. PERCY ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE
R. DOUGLAS VETS
D. B. MACDOUGALL
PAUL R. HEWITT

BARRISTERS & SOLICITORS

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL.D.

TELEPHONE 2-1781
CABLE, HENDERSON

88 METCALFE STREET

OTTAWA, 4.

8th April, 1954

John Osborne Esq.,
Messrs. Gowling MacTavish, Osborne
and Henderson,
Barristers & Solicitors,
88 Metcalfe Street,
Toronto, Ont.,
Vancouver 2, B.C.

Dear John: Morris,

Re: Kagetsu, Kasei

I enclose herewith copy of a letter dated of
April 6th which I have to-day received from Mr.
Kagetsu that you will note that Mr. H. Kagetsu is
fully appreciative of your services. I also enclose
my cheque for \$100.00, the amount forwarded to me
by Mr. Kagetsu together with your account for this
amount. Will you please receipt and return the
account.

I think that it will be best for you to keep these
You will note Mr. Kagetsu's request for exhibits.
Will you please send him what you have of them as you
see fit. Kind personal regards.

With kindest personal regards,
Yours sincerely,

Yours very truly,

TGN/PK
Encs.

A copy of this letter is being sent to our counsel.

176A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
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G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE
R. DIGBY VIETS
D. B. MacDOUGALL
PAUL P. HEWITT

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA, 4,
CANADA

RECEIVED

April 8, 1954.

APR 12 1954

Colonel T.G. Norris, Q.C.,
Messrs. Norris & Cumming,
Barristers &c.,
602 Hastings St. W.,
Vancouver 2, B.C.

T. G. NORRIS

Per PK

Dear Colonel Norris,

Re: Mr. E. Kazetsu

I am returning to you under separate cover a copy of the brief that you forwarded to me with your letter of February 21, 1952 together with the exhibits and other material mentioned in that letter.

I think that it will be best for you to keep these documents with your records or otherwise dispose of them as you see fit.

With kindest personal regards,

Yours very truly,

Jdn

JCO:BAW

A copy of this letter is being sent to our counsel.

1766A - Kazetsu - Japanese Property (1934)

28-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

MEMORANDUM

To

Mr. H. Kagetsu Esq.,
8 Mountview Avenue,
Toronto, Ont.

RECEIVED

7485
1726

APR 9 1954

T. G. MORRIS

PK

Re:

Deep Bay Logging Company Limited

8th April, 1954

H. Kagetsu Esq.,
8 Mountview Avenue,
Toronto, Ont.

Dear Mr. Kagetsu:

In reply to your letter of April 6th, I wish to
advise that Mr. Manji Ushizawa, of Pann Bay, B.C. Logger, will

Re: Mr. Osborne's Account.

I have your letter of April 6th and am sending
a cheque to Mr. Osborne at once. I will write to Mr.
Osborne to send the exhibits to you and will forward
the exhibits which I have to you as well.

Will you please give my very best regards to
your Father.

With regard to the third paragraph on the
second page of your letter I will consider the matter
again and write you very shortly.

Kind regards.

REGISTRAR OF COMPANIES

Yours sincerely,

TGN/PK

RECEIVED
GOWLING, MAC TAVISH, OSBORNE & HENDERSON
APR 10 1954

JS/PK If you are agreeable will you please send me
a cheque for \$100.00 so that I can send it to Mr.
Osborne.

sounds

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

MEMORANDUM

TO

Messrs. Norris & Cumming,
Barristers and Solicitors,
Bank of Nova Scotia Building,
602 Hastings Street West,
VANCOUVER 2, B.C.

RECEIVED

APR 9 1954

T. G. NORRIS

RE:

Deep Bay Logging Company Limited

Per PK

In reply to your letter of April 2nd, I wish to advise that Mr. Manji Ushizawa, of Fanny Bay, B.C. Logger, held 100 shares according to annual reports made up to the 15th of December, 1940 and the 6th of December, 1941.

Herewith receipt for 50¢ covering search fee herein.

PARLIAMENT BUILDINGS, VICTORIA, B.C.

REGISTRAR OF COMPANIES

April 6th, 1954.

Per bh

0

Yours faithfully,

NORRIS & CUMMING

Per:

they have obviously suffered. If you feel that it would be better for me to have an account, I am enclosing a short memorandum and I have left the fee blank. I will be happy to leave it to you to fill in any sum that you think proper. For what it is worth, my own inclination would be not to have it exceed \$100.00."

JS/PK If you are agreeable will you please send me a cheque for \$100.00 so that I can send it to Mr. Osborne.

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

MEMORANDUM

TO Messrs. Norris & Cumming,
Barristers & Solicitors,
Bank of Nova Scotia Bldg.,
602 W. Hastings St.,
Vancouver 2, B.C.

1728
RECEIVED

APR 6 1954

T. G. NORRIS

Per PIR

RE: Nikka Fisheries Ltd.

I am returning herein form 17 of the above Company and
would ask you to kindly complete items marked 3 and 4.

PARLIAMENT BUILDINGS, VICTORIA, B.C.

Apr. 5th/54

....., 19.....

Encl.

REGISTRAR OF COMPANIES

Per hh

0

Yours faithfully,
NORRIS & CUMMING
Per: [Signature]

JS/PK If you are agreeable will you please send me
a cheque for \$100.00 so that I can send it to Mr.
Osborne.

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

To

Gordon, Morris & Cumming
Barristers and Solicitors
Bank of Nova Scotia
602 Hastings Street
Vancouver 2, B.C.

No 52508A
OFFICE OF REGISTRAR OF
COMPANIES
Received 25c. Search Fee
VICTORIA, B.C.

1729 52507A
OFFICE OF REGISTRAR OF
COMPANIES
Received 25c. Search Fee
VICTORIA, B.C.

RE:

Deep Bay Logging Company Limited

2nd April, 1954

The Registrar of Companies,
Parliament Buildings,
Victoria, B.C.

to advise that the above Company was struck off the register
and dissolved on the 18th of June, 1952.

Dear Sir:

Herewith receipt for 50¢ covering search fee
herein.
Re: Deep Bay Logging Company Limited.

We acknowledge with thanks receipt of your memo-
randum dated March 29th advising us that this Company
was struck off the register and dissolved on the 18th
of June, 1952.

When we wrote to you on March 25th we enquired
as to particulars of certain shares held by Mr. Manji
Ushizawa in the year 1940 and possibly in 1941. If
you still have the annual reports on file for this
Company would you kindly search the reports for the
years 1940 and 1941 and advise us whether or not Mr.
Manji Ushizawa appears as registered owner of 100
shares, or of any shares, and if possible, particulars
as to the assignment of such shares.

The receipt for the search fee herein is dated
March 31st and numbered 52508A and 52507A.

Yours faithfully,
NORRIS & CUMMING
Per: [Signature]

JS/PK If you are agreeable will you please send me
a cheque for \$100.00 so that I can send it to Mr.
Osborne.

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

F. GORDON GOWLING, O.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

To

Messrs. Norris & Cun
Barristers and Solicitors
Bank of Nova Scotia
602 Hastings Street
VANCOUVER 2, B.C.

Nº 52508 A

OFFICE OF REGISTRAR OF
COMPANIES

Received 25c. Search Fee

VICTORIA, B.C.

Nº 52507 A

OFFICE OF REGISTRAR OF
COMPANIES

Received 25c. Search Fee

VICTORIA, B.C.

RE:

Deep Bay Logging Company Limited

In reply to your letter of March 25th, I wish to advise that the above Company was struck off the register and dissolved on the 18th of June, 1952.

Herewith receipt for 50¢ covering search fee herein.

PARLIAMENT BUILDINGS, VICTORIA, B.C.

March 29th, 1954

REGISTRAR OF COMPANIES

PER bh

to help them rather than add to the financial loss that is they have obviously suffered. However, if you feel that it would be better for me to submit an account, I am enclosing a short memorandum and I have left the fee blank. I will be happy to leave it to you to fill in any sum that you think proper. For what it is worth, my own inclination would be not to have it exceed \$100.00."

If you are agreeable will you please send me a cheque for \$100.00 so that I can send it to Mr. Osborne.

A copy of this letter is being sent to our counsel.

1736A - Kageitsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

F. GORDON GOWLING, O.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

- 2 -

E. Kagetsu Esq.

31st March, 1954.

Mr. Osborne also writes that the Under-Secretary of State feels that the matter has been brought to a conclusion and that the Departmental Officials are irritated because they think that Mr. Osborne, who wishes to avoid finality, made these remarks merely so that I could tell you what the attitude of the Department was.

Dear Mr. Kagetsu:

I will be glad to hear from you at your convenience.

Re: Japanese Claims.

Mr. Osborne wrote to me about his services to you and asked me about his account. I told him that my experience of you throughout the years had been that you were always anxious to pay just obligations and that I had always found you most honourable in that respect. He was somewhat worried because of the unhappy outcome of the proceedings.

I have now received a letter from him in which he makes the following statement:-

"I am quite sure that both Mr. Kagetsu and his son would be willing and anxious to pay any account. My reason for saying that I did not wish to submit one is inspired entirely by my feeling that they have been unfairly treated in the result and I would personally like to help them rather than add to the financial loss that they have obviously suffered. However, if you feel that it would be better for me to submit an account, I am enclosing a short memorandum and I have left the fee blank. I will be happy to leave it to you to fill in any sum that you think proper. For what it is worth, my own inclination would be not to have it exceed \$100.00."

If you are agreeable will you please send me a cheque for \$100.00 so that I can send it to Mr. Osborne.

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

- 2 -

E. Kagetsu Esq.

Gowling, MacTavish, Osborne
& Henderson,
Barristers & Solicitors,
88 Metcalfe Street,
Ottawa, Canada.

Mr. Osborne also writes that the Under-Secretary of State feels that the matter must be brought to a conclusion and that the Departmental Officials are irritated because they think that Mr. Kagetsu Junior, wishes to avoid finality.

Mr. Osborne made these remarks merely so that I could tell you what the attitude of the Department was.

I will be glad to hear from you at your convenience.

On Friday, February 12, we had a conference with the Secretary of State. I was accompanied by Mr. Kagetsu, Sr., Mr. Kagetsu, Jr. and Mr. MacInnis. The Secretary of State had with him the Under Secretary of State and Mr. Wright of the Customs' office. We were received in a very friendly way and given an opportunity to make our submission in favour of reconsideration both of the Commissioner's award and the Bill of Costs. Of course, there was no time to develop anything like a full argument on the merits of the case or to review in detail the grounds for holding that the Commissioner had erred. We were able to draw particular attention to the glaring discrepancy between the volume of timber accepted by the Commissioner and the actual volume as disclosed by cuttings subsequent to the Hearing. The Secretary of State indicated that he was not prepared to review the evidence himself and that no useful purpose would be served by an examination of it at this time.

After I had presented the main submission, Mr. MacInnis expressed the view that the case ought to be reconsidered on grounds

case.

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

C O P Y

Colonel T.G. Norris, Q.C. February 15th 1954.

Gowling, MacTavish, Osborne
& Henderson,
Barristers & Solicitors,
88 Metcalfe Street,
Ottawa 4. Canada.

AIR MAIL

Colonel T.G. Norris, Q.C.,
Messrs. Norris & Cumming,
Barristers & C.,
602 Hastings St. W.,
Vancouver, 2, B. C.

Dear Colonel Norris,

Re: Kagetsu Case.

On Friday, February 12, we had a conference with the Secretary of State. I was accompanied by Mr. Kagetsu, Sr., Mr. Kagetsu, Jr. and Mr. MacInnis. The Secretary of State had with him the Under Secretary of State and Mr. Wright of the Custodian's office. We were received in a very friendly way and given an opportunity to make our submission in favour of reconsideration both of the Commissioner's award and the Bill of Costs. Of course, there was no time to develop anything like a full argument on the merits of the case or to review in detail the grounds for holding that the Commissioner had erred. We were able to draw particular attention to the glaring discrepancy between the volume of timber accepted by the Commissioner and the actual volume as disclosed by cuttings subsequent to the Hearing. The Secretary of State indicated that he was not prepared to review the evidence himself and that no useful purpose would be served by an examination of it at this time.

After I had presented the main submission, Mr. MacInnis expressed the view that the case ought to be reconsidered on grounds

case.

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

COUNSEL

- 2 -

Colonel T.G. Norris, Q.C. February 15th 1954.

of public policy and Mr. Kagetsu, Jr. pointed out that the award had never been accepted and that the case should be regarded as still open for further study.

The Secretary of State then said that he was ready to indicate his own point of view immediately. He told us that he was in no circumstances prepared to consider re-examination of this particular case but that if we wished, he would take up with his colleagues the possibility of reopening all of the Japanese claims. He said that he would submit that question to the Cabinet but that he was not saying that he would advocate it. He left me rather clearly of the opinion that there is little likelihood of the Cabinet consenting to reopen all of the Japanese cases. This raised a somewhat delicate point. I think that you will agree that we would be in a relatively stronger position if this particular case could be considered by itself without becoming involved in re-examination of the claims of all of the dispossessed Japanese. We rather put our submission in a form which would support that course of action. On the other hand, the Secretary of State made it perfectly plain that we either had to ask him to review the whole situation or he would not take the matter up with the Cabinet at all. In the circumstances, we had no alternative but to ask him to request his colleagues for authority to restudy all of the Japanese claims in whatever manner might be deemed appropriate.

With respect to costs, the Secretary of State held out no prospect of being able to recover more than the 5% of the

176A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

Colonel T.G. Norris, Q.C. February 15, 1954

total award offered in Mr. Wright's letter of July 10, 1952. Even on this point, he seemed to have some doubt as to whether either he or his predecessor could authorize the payment of that amount as Secretary of State. However, he said that if this could not be done, he would ask for the necessary authority from the Cabinet and he apparently anticipated that it would be granted.

As you have probably gathered, my expectation is that we will ultimately receive the 5% by way of costs but that our submission for an increase on that amount and for a review of the Commissioner's award will be rejected.

I will advise you of all further developments. I am, of course, sending a copy of this letter to Mr. Kagetsu. We have at least the satisfaction of knowing that the problem has been considered by the Minister together with his senior advisers and that the client's claim will be discussed at Cabinet level.

With kindest personal regards,

Yours very truly,

"John Osborne"

JCO:MJH

A copy of this letter is being sent to our client.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

- 2 -

E. Kagetsu Esq.

31st March, 1954.

Mr. Osborne also writes 31st March, 1954
Secretary of State feels that the matter must be
brought to a conclusion and that the Departmental
E. Kagetsu Esq., irritated because they think that
8 Mountview Avenue, wishes to avoid finality.
Toronto, Ont.

Mr. Osborne made these remarks merely so
that I could tell you what the attitude of the
Department was.
Dear Mr. Kagetsu:

I will be glad to Re: Japanese Claims. at your
convenience.

Mr. Osborne wrote to me about his services
to you and asked me about his account. I told him
that my experience of you throughout the years had
been that you were always anxious to pay just oblig-
ations and that I had always found you most honourable
in that respect. He was somewhat worried because
of the unhappy outcome of the proceedings.

I have now received a letter from him in
which he makes the following statement:-

"I am quite sure that both Mr. Kagetsu and
his son would be willing and anxious to pay any account.
My reason for saying that I did not wish to submit one
is inspired entirely by my feeling that they have been
unfairly treated in the result and I would personally like
to help them rather than add to the financial loss that
they have obviously suffered. However, if you feel
that it would be better for me to submit an account,
I am enclosing a short memorandum and I have left the
fee blank. I will be happy to leave it to you to
fill in any sum that you think proper. For what it
is worth, my own inclination would be not to have it
exceed \$100.00."

If you are agreeable will you please send me
a cheque for \$100.00 so that I can send it to Mr.
Osborne.

case.

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

- 2 -

Kagetsu Esq.

31st March, 1954.

Mr. Osborne also writes that the Under-Secretary of State feels that the matter must be brought to a conclusion and that the Departmental Officials are irritated because they think that Mr. Kagetsu Junior, wishes to avoid finality.

Mr. Osborne made these remarks merely so that I could tell you what the attitude of the Department was.

I will be glad to hear from you at your convenience.

March 23.

I appreciate your kindness in writing. Yours faithfully,

I am afraid that my recent correspondence may have sounded as though I am annoyed with Mr. Kagetsu, Jr. The fact is that my relations with both father and son have been perfectly pleasant but I have been concerned that the attitude of the latter is irritating to the Departmental Officials and is not likely to produce any favourable result. I know that the Under Secretary of State feels that the matter must be brought to a conclusion and I think that it is clear that Mr. Kagetsu, Jr. wants to avoid any finality. Naturally, I would not like the Custodian or his Senior Officials to think that I am counselling additional delay.

I am quite sure that both Mr. Kagetsu and his son would be willing and anxious to pay any account. My reason for saying that I did not wish to submit one is inspired entirely by my feeling that they have been unfairly treated in the result and I would personally like to help them rather than add to the financial loss that they have obviously suffered. However, if

A copy of this letter is being sent to our counsel.

1766A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781
CABLE, HERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE
R. DIGBY VIETS
D. B. MacDOUGALL
PAUL P. HEWITT

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL.D.

88 METCALFE STREET

OTTAWA, 4,
CANADA

March 29, 1954

RECEIVED

MAR 31 1954

T. G. NORRIS

Per PL

Colonel T.G. Norris, Q.C.,
Messrs. Norris & Cumming,
Barristers &c.,
602 Hastings St. W.,
Vancouver 2, B.C.

Dear Colonel Norris,

Re Mr. E. Kagetsu

Thank you very much, indeed, for your letter of
March 23.

I appreciate your kindness in writing as you have.

I am afraid that my recent correspondence may have
sounded as though I am annoyed with Mr. Kagetsu, Jr. The fact
is that my relations with both father and son have been per-
fectly pleasant but I have been concerned that the attitude of
the latter is irritating to the Departmental Officials and is
not likely to produce any favourable result. I know that the
Under Secretary of State feels that the matter must be brought
to a conclusion and I think that it is clear that Mr. Kagetsu,
Jr. wants to avoid any finality. Naturally, I would not like
the Custodian or his Senior Officials to think that I am coun-
selling additional delay.

I am quite sure that both Mr. Kagetsu and his son
would be willing and anxious to pay any account. My reason for
saying that I did not wish to submit one is inspired entirely
by my feeling that they have been unfairly treated in the result
and I would personally like to help them rather than add to the
financial loss that they have obviously suffered. However, if

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MAC TAVISH, Q.C.

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

COUNSEL

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

Colonel T.G. Norris, Q.C. -2- March 29, 1954

you feel that it would be better for me to submit an account,
I am enclosing a short memorandum and I have left the fee blank.
I will be happy to leave it to you to fill in any sum that you
think proper. For what it is worth, my own inclination would
be not to have it exceed \$100.00. //

With kindest personal regards,

Yours very truly,

John Edgar

JCO:MJH
Encl.

A copy of this letter is being sent to

176A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MAC TAVISH, Q.C.
ROBERT M. FOWLER
JAMES C. OSBORNE

BARRISTERS & SOLICITORS

COUNSEL

TELEPHONE 2-1781

1726A - Kagetsu - Japanese Property (1934)

March 23, 1954.

March 25th, 1954.

Mr. T.G. Barran, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B.C.

Registrar of Companies,
Dear Mr. Parliament Buildings,
Victoria, B. C.

Thank you for yours of 18th and 19th instant. I will acknowledge receipt of eight share certificates which were so good as to serve as evidence for the Deep Bay Logging Company.

Will you kindly search the Annual Report of the above-named Company for the year 1940 or possibly 1941 to ascertain whether or not Mr. Manji Ushizawa is registered as a shareholder to the extent of 100 shares.

In the event that he does appear on the register would you kindly advise us of the numbers of the shares he held and if possible any particulars as to assignment.

I am surprised that the Government would ask one to sign a document, containing the sum of .50¢ to cover your search in this matter.

I wish now to ask of you another request, that of writing to the B.C. Provincial Secretary or whoever the right party may be, to look up Deep Bay Logging Company for the year 1940 (possibly 1941). A Mr. Manji Ushizawa at one time held 100 shares which he transferred to his going to Japan where he still resides. The records of the company apparently still show him as a shareholder. The Custodian's office are prepared to accept our contention upon aducing satisfactory evidence. Per: *[Signature]* Unfortunately among the certificates now in my possession I found his name nowhere. Yet, I have every reason to believe that the transfer was registered in Victoria. I have always found the records of the B.C. Provincial Secretary to be very helpful.

I have found the copy of the transcript and apologize for my oversight. As you noted I have not the exhibits.

Stewart's one share I believe is being ignored by Custodians. I may be that it is.

Best regards to all,

Sincerely yours
E. KAGETSU
[Signature]

A copy of this letter is being sent to our Council.

28-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MAC TAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE

BARRISTERS & SOLICITORS

COUNSEL

TELEPHONE 2-1781

CABLE ADDRESS
"USTEGAK"

RECEIVED

MAR 25 1954

E. KAGETSU
8 MOUNTVIEW AVENUE
TORONTO 9, CANADA

TELEPHONES
MURRAY 5023
ORCHARD 7571

March 23, 1954.

Per YK

Mr. T.G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B.C. Osborne Esq.,
c/o Messrs. Gowing, MacTavish

Dear Mr. Norris:

Thank you for yours of 18th and 19th instant. This will acknowledge receipt of eight share certificates which you were so good as to send so promptly.

Dear John:

Regarding yours of 18th instant, we took full note of contents. It is now clear that your purpose fully justified your choice. You have done your best so that we feel very grateful for everything that you have done. Far be it for us to criticize your actions on hindsight.

The Government has sent us affidavits of release to sign, requesting prompt attention. These I do not intend to sign before the matter of distribution of awards is settled. I am surprised that the Government would ask one to sign a document, contents of which are still under dispute, and to ask for quick action under such circumstances.

I wish now to ask of you another request, that of writing to the B.C. Provincial Secretary or whoever the right party may be, to look up Deep Bay Logging register of shareholders for the year 1940 (possibly 1941). A Mr. Manji USHIZAWA at one time held 100 shares which I purchased from him just prior to his going to Japan where he still resides. The records of the company apparently still show him as a shareholder. The Custodian's office are prepared to accept our contention upon aducing satisfactory evidence. Unfortunately among the certificates now in my possession I find his name nowhere. Yet, I have every reason to believe that the transfer was registered in Victoria.

I have found the copy of the transcript and appologize for my oversight. As you noted I have not the exhibits.

Stewart's one share I believe is being ignored by Custodians.

Best regards to all,

Sincerely yours
E. KAGETSU
Mr. (Kagetsu)

Mar 25
write Reg
of Co.

A copy of this letter is being sent to our Council.

1726A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MAC TAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON

BARRISTERS & SOLICITORS

COUNSEL

TELEPHONE 2-1781

- 2 -

John C. Osborne Esq.

23rd March, 1954

but I do think that you should
in this as in any other matter which you receive
from this office.

23rd March, 1954

Kind personal regards.
John C. Osborne Esq.,
c/o Messrs. Gowling, MacTavish
and Henderson,
Barristers & Solicitors,
88 Metcalfe Street,
Ottawa, 4, Ont.

Yours very truly,

Dear John:

Re: Kagetsu.

I have before me your letters of March 16th
and March 18th. I am sorry that you have had so much
trouble with this matter. I think, however, that your
letter of March 18th should convince Mr. Kagetsu that
there is nothing to be gained by trying to press the
matter further.

I have no knowledge of the so-called Evacuation
Losses Compensation Committee referred to in your
letter. It must be a body that has been set up in Toronto.

I have forwarded to Mr. Kagetsu all the share
certificates in the Deep Bay Logging Co. Ltd.

I note what you say in your letter of March
16th about your account. I know that Mr. Kagetsu
Junior has probably been difficult but he has the
impatience of youth and I am quite sure that in his
heart he appreciates the difficult task on which you
were engaged. My dealings throughout the years have
always been with Mr. Kagetsu Senior and Mr. Kagetsu
Junior came into the picture only during the sitting
of the Bird Commission. I have always found Mr.
Kagetsu most honourable and anxious to pay any money
which was properly payable by him and while I appreciate
your very generous offer with reference to your account
I think that you should send me an account for the
services rendered and I will take it up with Mr. Kagetsu
Senior. It may be that after I write him I will
suggest that it be adjusted in some way as to the amount,

A copy of this letter is being sent to

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

TELEPHONE 2-1781

GOWLING, Q.C., LL.D.
MAC TAVISH, Q.C.
OSBORNE
HENDERSON

COUNSEL

JOH
GOR

- 2 -

John C. Osborne Esq.

23rd March, 1954

but I do think that you should render an account
in this as in any other matter which you receive
from this office.

Kind personal regards.

Yours very truly,

Colonel T.B. Harris
Hastings St. W.
Vancouver 2, B.C.

Dear Colonel Harris:

I am enclosing herewith a copy of a letter
received from Mr. Wright of the Custodian's Office
a copy of Mr. Kagetsu's letter referred to therein
and a copy of my letter to Mr. Kagetsu of to-day's date.

Yours very truly,

TGN:PK

A copy of this letter is being sent to

1736A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON

BARRISTERS & SOLICITORS

COUNSEL

TELEPHONE 2-1781

GOWLING, MacTAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
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DAVID WATSON
E. PETER NEWCOMBE
R. DIGBY VIETS
D. B. MacDOUGALL
PAUL P. HEWITT

BARRISTERS & SOLICITORS

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL. D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA, 4,
CANADA

RECEIVED

MAR 20 1954

T. G. NORRIS

Per P.13

March 18, 1954.

Colonel T.G. Norris, Q.C.,
Messrs. Norris & Cumming,
602 Hastings St. W.,
Vancouver 2, B.C.

Dear Colonel Norris:

I am enclosing herewith a copy of a letter that I have received from Mr. Wright of the Custodian's Office dated March 17, a copy of Mr. Kagetsu's letter referred to therein dated March 15 and a copy of my letter to Mr. Kagetsu of to-day's date.

Yours very truly,

John W. Cumming

JCO:BAW
Encl.

A copy of this letter is being sent to

176A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MAC TAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON

BARRISTERS & SOLICITORS

COUNSEL

TELEPHONE 2-1781

C
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Y

LETTERHEAD

OF

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

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

March 17th, 1954.

Attention: Mr. Osborne.

Messrs. Gowling, MacTavish, Osborne & Henderson,
Barristers, Solicitors,
88 Metcalfe Street,
Ottawa 4, Ontario.

Dear Sirs:

Re: E. Kagetsu and
Deep Bay Logging Company Limited.

I enclose, for your information, copy of a letter dated 15th instant received from H. Kagetsu.

You are aware that a letter dated 12th instant was sent to the Under Secretary of State by Mr. Kagetsu, wherein he agreed to accept the award herein and \$2,587.50 additional with respect to expenses.

You will recall that during the meeting in my office last Thursday, Mr. Kagetsu undertook to surrender certain duly endorsed certificates of stock and establish that he was entitled to the full amount of the award.

I have received specific instructions from the Deputy Custodian to complete this matter and secure unconditional releases. To this end I enclose two copies of draft of the type of releases we will require to have signed prior to payment. The forms were drawn prior to the meeting referred to and will need to be amended as to stock ownership if the evidence referred to is produced.

Will you be kind enough to take such steps as are necessary to close this matter without delay.

Yours very truly,

"K. W. Wright"

K. W. Wright,

Chairman, Administration Board
and Chief Counsel.

KWW/G
Encls.

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON

BARRISTERS & SOLICITORS

COUNSEL

TELEPHONE 2-1781

COPY/MP

8 Mountview Avenue.
Toronto, Ont.
March 15, 1954.

The Custodian's Office
Department of the Secretary of State
7 O'Connor Street
Ottawa 4, Canada.

Attn: Mr. Wright

Dear Sirs:

Re: Deep Bay Logging etc.

Mr. Legault's memorandum of March 10th has now been examined by us. As we agreed on March 11th, the best approach both for your office and ourselves seems to be to hold matters in abeyance until we can show that all shares of both Deep Bay Logging Co. and Kagetsu Co. Ltd. are held by Eikichi Kagetsu.

Be that as it may, I wish to draw your attention to the fact that both Ushizawa and Maikawa were not and are not enemy aliens but naturalized Canadian citizens, which no doubt you have means of verifying. Both happened to be residing temporarily in Japan during the war.

Furthermore, please be advised that the standing timber and the logged-over lands were in part the outright property of Eikichi Kagetsu, which if necessary we can prove. It is most regretful that from the very beginning the Custodians made no effort to make this distinction. In short, among the many parcels of timber and land the records now in your office will show that all property at Fanny Bay (Deep Bay) were not held entirely by the Company. Consider for example the stumpage dues the Company was regularly paying to Eikichi Kagetsu. I am afraid the wide gap between your views and ours has often hinged on crucial facts such as the above.

Consequently, you will find that the felled and bucked timber came off of blocks (timber parcels) wholly owned by Eikichi Kagetsu. Some of this timber had been "yarded & swung" so that the "cold-decked piles" may or may not have been on the original blocks.

Some of the costliest of the logging equipment also can be shown to have been the outright property, personally of the claimant. Ledger will show rentals paid to owner to mention but one source of evidence.

You can see therefore, to apportion the award will be arduous and these complications are being pointed out to you now because we feel both parties might avoid unnecessary work.

We will proceed then to gather evidence to show that Eikichi Kagetsu should be the recipient to all the awards.

No doubt you have been advised by the Under Secretary of State that the claimant has agreed to accept the Government's offer of settlement, with protest and without prejudice to the case.

A copy of this letter is being sent to our counsel.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

WLING, Q.C., LL.D.
TAVISH, Q.C.
WLER
ORNE

BARRISTERS & SOLICITORS

COUNSEL

TELEPHONE 2-1781

COPY

-2-

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

COUNSEL

100 KING STREET WEST, TORONTO, CANADA

TELEPHONE 2-1781
CABLE: HENDERSON

With regard to our several standing accounts, Mr. Legault has kindly consented to sending us a complete reproduced statement. We wish therefore to reserve our comments until receipt of the statements. March 18, 1954.

Sincerely yours,

"H. Kagetsu."

H. Kagetsu.

H. Kagetsu, Esq.,
2 Bayview Ave.,
Toronto 9, Ontario.

c.c. Mr. J. C. Osborne

I am enclosing herewith a copy of a letter that I have received from Mr. Wright of the Canadian's Office dated March 17 and I am also enclosing the two copies of the draft of the type of releases that he has sent to me. You will find Mr. Wright's letter self-explanatory and will particularly note that he has specifically asked that such steps that are necessary to close this matter be taken without delay.

Since you are in direct communication with the Canadian's Office you will, no doubt, wish to respond to Mr. Wright's letter yourself.

Yours very truly,

"John C. Osborne"

JCO:RAM
Encl.

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON

BARRISTERS & SOLICITORS

COUNSEL

TELEPHONE 2-1781

COPY

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA 4,
CANADA

March 18, 1954.

E. GORDON GOWLING, Q.C.
DUNCAN K. MacTAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
JOHN CAMPBELL VIETS
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE

E. Kagetsu, Esq.,
8 Mountview Ave.,
Toronto 9, Ontario.

Dear Mr. Kagetsu:

I am enclosing herewith a copy of a letter that I have received from Mr. Wright of the Custodian's Office dated March 17 and I am also enclosing the two copies of the draft of the type of releases that he has sent to me. You will find Mr. Wright's letter self-explanatory and you will particularly note that he has specifically asked that such steps that are necessary to close this matter be taken without delay.

Since you are in direct communication with the Custodian's Office you will, no doubt, wish to respond to Mr. Wright's letter yourself.

Yours very truly,

"John C. Osborne"

JCO:BAW
Encl.

1726A - Kagetsu - Japanese Property (1954)

E. Kagetsu

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.
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PAUL P. HEWITT

BARRISTERS & SOLICITORS

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL. D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA, 4,
CANADA

RECEIVED

MAR 18 1954

March 16, 1954.

T. G. NORRIS

Per PR

Colonel T.G. Norris, Q.C.,
Messrs. Norris & Cumming,
602 Hastings St. W.,
Vancouver 2, B.C.

Dear Colonel Norris,

Re: Kagetsu

I had a further conference with Messrs. Kagetsu, Senior and Junior, last Thursday at which time we attended on Mr. Wright and one of the other Officials in the Custodian's Office. Mr. Wright agreed to make available for Mr. Kagetsu's inspection whatever files the Department possesses with respect to the state of the accounts insofar as they bear on the sale of the various properties in question. Mr. Kagetsu has been invited to review such files with the appropriate Official in the Custodian's Office so that he can satisfy himself that everything is in order from that standpoint. It may not be possible to complete this work in less than two or three weeks' time because the Official who must supervise it will be away during the next two weeks. In any event, there is no reason to suppose that there is anything wrong with the accounts themselves and they do not have any bearing on the award made by the Bird Commission. Mr. Kagetsu, Jr. was inclined to think that he would like to have an extension of time within which they might accept or reject the

1726A - Kagetsu - Japanese Property (1934)

E. Kagetsu

28-14

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

Colonel T.G. Norris, Q.C., -2- March 16, 1954

Crown's offer embodied in Mr. Stein's letter of February 25, a copy of which I sent to you with my letter of February 27. Mr. Wright indicated that an extension would not be granted and I told Mr. Kagetsu that I felt quite sure, from what the Under Secretary had said, that an application for extension would neither be entertained nor useful if it were granted. The problem has been considered at Cabinet level and the Under Secretary has made it abundantly plain to me that in no circumstances will there be an increase in the Bird award or in the offer of \$2,587.50 with respect to expenses. As I anticipated, it is quite obvious that Mr. Kagetsu, Jr. is anxious to pursue the controversy further, perhaps through the so-called Evacuation Losses Compensation Committee. Apparently, it was on behalf of that Committee (of which I have no knowledge) that Mr. Kagetsu, Jr. wrote to the Secretary of State directly as I reported to you in my letter of March 9. The vital point is that unless acceptance were made of the Crown's offer by March 15, it is quite likely that the compensation for expenses would have been withdrawn and Mr. Wright even suggested that possibly the right to the Bird award would also be withdrawn. I doubt whether the Crown would go so far as to attempt to exclude Kagetsu's right to the award but the compensation for expenses is another matter.

In any event, when I left Mr. Kagetsu, Sr. and Mr. Kagetsu, Jr. on Thursday they had not made up their minds what to do about the situation. On Friday, Mr. Kagetsu, Jr. telephoned to me and told me that he had written to Mr. Stein accepting the offer. A copy of the letter to Mr. Stein dated March 12 has now been received by me. I am not

1726A - Kagetsu - Japanese Property (1934)

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

Colonel T.G. Norris, Q.C., -3- March 16, 1954.

sure whether a copy has gone to you and I am, therefore, enclosing such a copy herewith. I thought that I would like to explain the circumstances in which it was written and you will readily appreciate that I would not have recommended the form that was adopted. I am not sure whether it constitutes acceptance of the kind required by the Under Secretary's letter of February 25 but for that the client must accept the responsibility.

I am also enclosing herewith for your information a Statement which was handed to both Mr. Kagetsu and myself. Apparently, there are discrepancies in the records of Deep Bay Logging Co. Ltd. and as a result, for example, it is not clear whether E. Kagetsu owns three thousand, eight hundred and fifty-three shares or three thousand, nine hundred and fifty shares. The Statment has, therefore, been made up on the basis of alternative assumptions. If situation "A" exists, then various amounts are applicable and if situation "B" exists, different amounts would be involved. Actually, the discrepancies do not make a great deal of difference in the long run. I understand that Mr. Kagetsu will discuss this phase of the problem further with Officials in the Custodian's Office with a view to reaching the correct and final result. In addition, I should mention that Mr. Kagetsu, Sr. claims that he purchased the shares which the company's records indicate stand in the names of such persons as T. Kagetsu, S. Kikuchi, et cetera. Mr. H. Kagetsu indicated that you are familiar with the situation in this respect and he will very likely be consulting with you.

As I have mentioned in earlier correspondence, I have the

1726A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

Colonel T.G. Norris, Q.C., -4- March 16, 1954

greatest sympathy for the plight of the Kagetsus but I do not think that the present attitude of Mr. Kagetsu, Jr. is either wise or helpful.

I would like to be able to report to you that our negotiations in Ottawa achieved really satisfactory results and I am sorry we have, in fact, obtained only a relatively small amount. At the same time, the situation has been improved to some extent because you will remember that initially the payment of any amount for expenses would not be entertained. The offer to pay \$2,587.50 under this heading represents a gain, even if it is a minor one.

I am sorry to trouble you with such a long letter but the dissatisfaction that Mr. Kagetsu naturally feels has led me to explain the situation to you in some detail.

Quite a while ago you were kind enough to suggest that I should submit an account in connection with this problem. I did not do so at that time because I had in mind making the account depend on the outcome of our negotiations.

I have no desire to add to Mr. Kagetsu's burdens and, indeed, I am glad to have had an opportunity of doing what I could to rectify an unfortunate situation. Accordingly, I do not intend to render any account and I am going to close my file subject to the possibility that there may be some other way in which I can still be of assistance to the client.

With kindest personal regards,

Yours very truly,

John Osborne

JCO:BAW
Encl.

1726A - Kagetsu - Japanese Property (1934)

C
O
P
Y

8 Mountview Avenue,
Toronto 9, Ontario,
March 12th, 1954.

Mr. C. Stein, Q.C.,
Under Secretary of State,
Deputy Custodian,
Department of the Secretary of State,
OTTAWA, Canada.

Sir:

With respect to claim No. 1388 this is to comply with the letter, dated February 25th, 1954, from your office, to Mr. C. Osborne.

Whereas a request for extension of the date of reply (March 15, 1954) has been rejected by your Department;

And whereas the reply to a request, to the Minister of Justice to make available a tribunal to assess new evidence, has not yet been received (On March 6 the Secretary of State was advised of such request by the Evacuation Losses Compensation Committee);

And whereas your Department has declared that failure to accept the Government's offer, within the specified time will result in complete withdrawal of all awards, including that recommended by the Bird Commission;

And whereas the volume of timber actually logged has already, far exceeded the volume allowed by the Bird Commission;

I hereby agree to accept, with protest and without any prejudice to this claim, the following;

- (1) The sum of Fifty-two Thousand Two Hundred Thirty-Three and 75/100 dollars (\$52,233.75); being the aggregate of the excess of Mr. Justice Bird's estimates of fair market value over the sale price; and being about 11% of the claim submitted:
- (2) The sum of Two Thousand Five Hundred Eighty-Seven and 50/100 dollars (\$2,587.50); being less than 5% of item (1); as an award to defray about

1726A - Kageitsu - Japanese Property (1934)

8% of the expenses incurred in preparing my claim and presenting same before the Bird Commission:

(3) Nil for the many thousands of dollars I have had to pay for forced liquidation and control (accounting) costs:

(4) Nil for substantial losses in other forms, monetary and otherwise, through no fault of my own:

The foregoing being the Government's offer of full and final settlement.

Further, this letter is written with the full understanding between the Government and myself that the contents herein will have no bearing whatsoever on my (our) accounts with the Custodian (more specifically known as file Nos. 12787; 13524; 15722; 12787 & 13524) or on any other monies that may already be forthcoming to me from the Government.

I submit this letter, with the greatest of respect to all.

Sincerely yours,

"E. Kagetsu"

Eikichi Kagetsu.

c.c. Mr. John C. Osborne

1726A - Kagetsu - Japanese Property (1934)

1726A - Kagetsu - Japanese Property (1934)

Ottawa, March 10, 1954.

MEMORANDUM FOR THE CHAIRMAN,
ADMINISTRATION BOARD AND CHIEF COUNSEL.

Re: Deep Bay Logging Co. Ltd.

"I therefore recommend payment to the claimants the sum of \$51,750.00, being the aggregate of the excess of the estimates here made fair market from the sale price, summarized as follows:

Block 195	\$18,000.00
Deep Bay	7,500.00
Deep Bay felled and bucked	8,000.00
5,500 acres immature timber	8,250.00
40 buildings, Deep Bay	1,000.00
Railway	1,000.00
Logging equipment	8,000.00
	<u>\$51,750.00</u>

To this amount should be added (the sum of \$483.75 being) the aggregate of the overall recommendations in respect of the dwelling and motor car.

H. I. Bird,
Commissioner."

March 24, 1950.

The records of the Deep Bay Logging Co. Ltd. show that the shares of this company were owned by persons of the Japanese race, as follows:

	"A"	"B"
EIKICHI KAGETSU	3,853 shares	3,950 shares
KAGETSU & CO. LTD.	500 "	500 "
Tsurataro KAGETSU	200 "	200 "
Sadanori KIKUCHI	200 "	200 "
Sawaichi IRIZAWA	50 "	50 "
Manji USHIZAWA (Enemy)	100 "	100 "
TOTAL NUMBER OF SHARES	<u>4,903</u>	<u>5,000</u>

The records of Kagetsu & Co. Ltd. show that the shares of this company were also owned by persons of the Japanese race, as follows:

Eikichi KAGETSU	530 shares
Tomekichi MAIKAWA (Enemy)	<u>70 "</u>
TOTAL NUMBER OF SHARES	<u>600</u>

- 2 -

The amount of \$51,750.00 is, therefore, payable as follows:

Eikichi KAGETSU (re Block 195 - personally owned)			\$18,000.00
"A"			
(Eikichi KAGETSU	3,853 shares	x \$6.8835	\$26,522.30
(KAGETSU & CO. LTD.	500 "	x 6.8835	3,441.75
Deep Bay (Tsurataro KAGETSU	200 "	x 6.8835	1,376.70
Logging Co. (Sadamori KIKUCHI	200 "	x 6.8835	1,376.70
Ltd. (Sawaichi IRIZAWA	50 "	x 6.8835	344.20
(Manji USHIZAWA	100 "	x 6.8835	688.35
TOTAL NUMBER OF SHARES	4,903	x 6.8835	<u>\$33,750.00</u>

"B"			
(Eikichi KAGETSU	3,950 shares	x \$6.75	\$26,662.50
(KAGETSU & CO. LTD.	500 "	x 6.75	3,375.00
Deep Bay (Tsurataro KAGETSU	200 "	x 6.75	1,350.00
Logging Co. (Sadanori KIKUCHO	200 "	x 6.75	1,350.00
Ltd. (Sawaichi IRIZAWA	50 "	x 6.75	337.50
(Manji USHIZAWA	100 "	x 6.75	675.00
TOTAL NUMBER OF SHARES	5,000	x 6.75	<u>\$33,750.00</u>

The distribution of the amount of \$3,441.75 due to KAGETSU & CO. LTD., according to Item "A", is as follows:

"A"			
Eikichi KAGETSU	530 shares	x \$5.7362	\$ 3,040.20
Tomokichi MAIKAWA	70 "	x 5.7362	401.55
TOTAL NUMBER OF SHARES	600	x 5.7362	<u>\$ 3,441.75</u>

The distribution of the amount of \$3,375.00 due to KAGETSU & CO. LTD., according to Item "B", is as follows:

"B"			
Eikichi KAGETSU	530 shares	x \$5.625	\$ 2,981.25
Tomokichi MAIKAWA	70 "	x 5.625	393.75
TOTAL NUMBER OF SHARES	600	x 5.625	<u>\$ 3,375.00</u>

Hereunder is a breakdown of the share payable to Mr. Eikichi KAGETSU, according to Item "A" -

"A"			
Block 195 (personally owned)			\$18,000.00
Deep Bay Logging Co. Ltd.	3,853 shares	x \$6.8835	26,522.30
His interest in KAGETSU & CO. LTD.	530 "	x \$5.7362	3,040.20
TOTAL			<u>\$47,562.50</u>

1726A - Kagetsu - Japanese Property (1934)

"B"

Hereunder is a breakdown of the share payable to Mr. Eikichi KAGETSU, according to Item "B" -

Block 195 (personally Owned)		\$18,000.00
Deep Bay Logging Co. Ltd.	3,950 shares x \$6.75	26,662.50
His interest in KAGETSU & CO. LTD.	530 " x \$5.625	2,981.25
	TOTAL	<u>\$47,643.75</u>

The file of the Deep Bay Logging Co. Ltd. discloses that Mr. Manji USHIZAWA, holding 100 shares of Deep Bay Logging Co. Ltd. is a Japanese national who left for Japan in 1939. Prior to his departure he transferred his share holdings into the name of Mrs. E. Kagetsu. Such transfer was never presented to the company, nor recorded on the company's books.

The file of Kagetsu & Co. Ltd. discloses that Tomekichi MAIKAWA, holder of 70 shares in this company, is a Japanese national residing in Japan.

Since Manji USHIZAWA and Tomekichi MAIKAWA are Japanese nationals, their award is subject to Article 14 of the Peace Treaty with Japan.

"L. Legault"

L. Legault.

File No.
LL/EMM.

1766A - Kagetsu - Japanese Property (1934)

GOWLING, MacTAVISH, OSBORNE & HENDERSON

E. GORDON GOWLING, Q. C., LL. D.
DUNCAN K. MacTAVISH, Q. C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE
R. DIGBY VIETS
D. B. MacDOUGALL
PAUL P. HEWITT

BARRISTERS & SOLICITORS

COUNSEL

LEONARD W. BROCKINGTON, Q. C., LL. D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA, 4,
CANADA

MAR 12 1954

T. G. NORRIS

March 9, 1954

Per ER

Colonel T.G.Norris, Q.C.,
Messrs. Norris & Cumming,
Barristers &c.,
602 Hastings St. W.,
Vancouver 2, B.C.

Dear Colonel Norris,

Re Kagetsu

Thank you for your letter of March 1.

I am enclosing herewith a copy of a letter to Mr. E.
Kagetsu which I think you will find self-explanatory.

His recent correspondence indicates to me that he is
under the impression that he can accept the Crown's offer and
continue the fight. Frankly, I am a little apprehensive about
the possibility of accepting the Crown's offer and then being
expected somehow to pursue the Government further. My apprehen-
sion is increased by the fact that I understand that Mr. H.
Kagetsu has written to the Secretary of State directly since
being advised of the Crown's offer and he is apparently purpor-
ting to be acting on behalf of or in co-operation with a Japanese
Citizens Committee. Mr. Kagetsu has not advised me of this action
and the information that I have received with respect to it should,
perhaps, be regarded as confidential.

The foregoing observations account for the remarks
that I have made in my letter of yesterday's date to Mr. E.
Kagetsu. If the Crown's offer is to be accepted, I would like
him to sign the acceptance and then I will feel that my work has
been completed.

bitterness. This is said out of frankness, not

We have asked that the award for \$2,587.50 be channeled
through you.

Best regards to all,

Sincerely yours,

E. Kagetsu
E. Kagetsu

1726A - Kagetsu - Japanese Property (1954)

28-14

1726A - Kagetsu - Japanese Property (1934)

GOWLING, MACTAVISH, OSBORNE & HENDERSON

Colonel T.G. Norris, Q.C. -2- March 9, 1954

I need not tell you that I am anxious to assist you in any way that is possible and I fully sympathize with Mr. Kagetsu's misfortunes. If you feel that there is some further way in which I can help that will not involve me in embarrassment with the Government, please do not hesitate to let me know.

Yours very truly,

John B. Osborne

JCO:MJH
Encl.

bitterness. This is said out of frankness, not

We have asked that the award for \$2,587.50 be channeled through you.

Best regards to all,

Sincerely yours,

E. Kagetsu
E. Kagetsu

28-14

COPY

GOWLING, MACTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

E. GORDON GOWLING, Q.C.
DUNCAN K. MACTAVISH, Q.C.
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G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA 4,
CANADA

March 8, 1954

E. Kagetsu, Esq.,
8 Mountview Avenue,
Toronto 9, Ontario.

Dear Mr. Kagetsu,

I acknowledge receipt of your letter of March 1 to which was attached a copy of your letter of the same date to Colonel Norris and I also acknowledge receipt of a copy of Mr. H. Kagetsu's letter to Colonel Norris of March 4.

I am very glad to know that you are coming to Ottawa and I assume that you will plan to do so before March 15. I think that it will be best to have you sign a letter accepting or rejecting the Crown's offer within the time limited for doing so. We can prepare a suitable letter when you are here. I assume that your signature will be satisfactory for this purpose and that your acceptance will bind yourself personally as well as the other claimants.

I can quite understand your desire to take no step without hearing from Colonel Norris. No doubt, you will hear from him shortly.

I do not see how there is anything further that I can do for you after you have decided to accept or reject the Crown's offer. I am mentioning this because I do not want to find myself, for example, in the position of having accepted the Crown's offer in full and final settlement and then pursuing the matter further. It is very clearly my understanding that we must bring this mat-

...this is said out of frankness, not bitterness.

We have asked that the award for \$2,587.50 be channeled through you.

Best regards to all,

Sincerely yours,

E. Kagetsu
E. Kagetsu

1726A - Kagetsu - Japanese Property (1954)

26-14

COPY

GOWLING, MACTAVISH, OSBORNE & HENDERSON
E. Kagetsu, Esq. -2- March 8, 1954

ter to a definite conclusion so far as the Department is concerned one way or the other.

I will look forward to receiving your instructions.

Yours very truly,

"John G. Osborne"

JCO: MJH

cc Colonel T.G. Norris, Q.C.

P.S.--Since dictating the above, I have received your letter of March 6 and a copy of Colonel Norris' letter to you of March 5.

I do not know whether there would be any advantage in accompanying you when you see Mr. Wright but there might be and because I will be out of the city on March 10, I have taken the liberty of making an appointment with Mr. Wright at his office in Ottawa for 10:30 a.m. on March 11. If this is not satisfactory to you, would you please telephone my secretary and she can change the proposed time of the meeting.

"JCO"

...of our worthy opponents. This is said out of frankness, not bitterness.

We have asked that the award for \$2,587.50 be channeled through you.

Best regards to all,

Sincerely yours,

E. Kagetsu
E. Kagetsu

1726A - Kagetsu - Japanese Property (1954)

26-14

1726A - Kagetsu - Japanese Property (1934)

E. Kagetsu Esq.

19th March, 1954

If you wish me to approach Mr. Stewart with reference to endorsing the share certificate, please instruct me and return the certificate to me. My recollection is that while I said that Mr. Stewart merely held the certificate on my half, at the time he maintained that the certificate was in the REGISTER.

E. Kagetsu Esq.,
8 Mountview Avenue,
Toronto, Ont.

Dear Mr. Kagetsu: please acknowledge receipt of the enclosed.

With reference to your letter of March 15th I now enclose to you the following share certificates in Deep Bay Logging Company Limited: February 21st, 1952.

Share certificate No.1 in the name of Carl M. Stewart.

Share certificate No.9 in the name of S. Kikuchi.

Share certificate No.10 in the name of S. Irizawa.

Share certificate No.11 in the name of T. Kagetsu.

Share certificate No.12 in the name of E.K.Y Minato.

Share certificate No.14 in the name of E. Kagetsu.

Share certificate No. 15 in the name of S. Irizawa

Share certificate No.16 in the name of K. Sato.

It is noted that the share certificate in the name of Carl M. Stewart has not been endorsed.

this is no reflection on Mr. Osborne and certainly not on you. We are only cognizant of what appears to have been smart politics on the part of our worthy opponents. This is said out of frankness, not bitterness.

We have asked that the award for \$2,587.50 be channeled through you.

Best regards to all,

Sincerely yours,

E. Kagetsu
E. Kagetsu

26-14

19th March, 1954

Will you please acknowledge receipt of the enclosed.

as to The transcripts were forwarded to you and you backnowledged receipt of them by letter dated March 01st, 1952.

Yours faithfully,

E. Kagetsu

1726A - Kagetsu - Japanese Property (1934)

- 2 - 8 Mountview Avenue,
Toronto, Ont.
March 18, 1954.

E. Kagetsu Esq.

18th March, 1954

Mr. E. Kagetsu Esq.,
8 Mountview Avenue,
Toronto, Ont.

I am quite sure that he would be 18th March, 1954 to
admit that perhaps his tactics were, visiting the
matter now, not the right tactics (if such is the
E. Kagetsu Esq., was instructed to act it seemed
8 Mountview Avenue, that he was the person who could
Toronto, Ont. interests best.

Again let me say how sorry I am that things
Dear Mr. Kagetsu: they have for you.

Please I have your letter of March 15th
enclosing copy of a letter which you have sent to
the Under Secretary of State with reference to
your claim. I will have the share certificates
sent to you and at the same time you will be advised
as to the transcript and exhibits. I have an idea,
but I am not sure, that they went forward to Mr.
Osborne.

I note what you say about Mr. Osborne's
position. I directed you to Mr. Osborne particularly
because I thought that at the stage which it had
reached, your claim should be handled by someone who
was persona grata with the Government. Mr. Osborne
is a lawyer of the highest integrity and I am quite
sure that he would not allow any consideration to
stand in the way of his duty to you in connection
with your claim.

As you will remember I put forward everything
that could be put forward on your behalf as force-
fully as I could and of course, would have been quite
willing to have made a driving presentation of your
case to the Under Secretary of State had I thought
that that was the best way of handling it. Mr.
Osborne's methods may not have been those which you
expected and certainly would not be those which you
would normally expect from a Counsel who was out to
make things as difficult as he could for the Depart-
ment. The matter had gone beyond the stage when a
fighting case would bring results. The stage was
that of negotiation and I was hopeful that in Mr.
Osborne you would have someone who could accomplish
results that my efforts did not accomplish. I am

this is no reflection on Mr. Osborne and certainly not on you. We
are only cognizant of what appears to have been smart politics on
the part of our worthy opponents. This is said out of frankness, not
bitterness.

We have asked that the award for \$2,587.50 be channeled
through you.

Best regards to all,

Sincerely yours,

E. Kagetsu
E. Kagetsu

26-14

1726A - Kagetsu - Japanese Property (1934)

- 2 - 3 Mountview Avenue,
Toronto, Ont.
March 15, 1954.

E. Kagetsu Esq.

18th March, 1954

quite sure that he would be the first person to
admit that perhaps his tactics were, viewing the
matter now, not the right tactics (if such is the
case) but when he was instructed to act it seemed
to be clear to me that he was the person who could
serve your interests best.

Re: Kagetsu Claims

Again let me say how sorry I am that things
have turned out as they have for you.

Please give my best wishes to the members
of your family.

Yours very truly,

It is important, now, that we prove that Bikichi Kagetsu
owns all shares of both the Deep Bay Logging Co. and Kagetsu Co. Ltd.
The matter now at hand is the division of the award to shareholders.
Failing complete ownership will result in the tedious task of proving
Bikichi Kagetsu's outright ownership of certain of the blocks of timber
certain of the logged-over lands, all of the felled and bucked timber,
and certain of the logging equipment. Will you therefore, please
send to the above address the share certificates in your safekeeping?

TGN:PK the copy of transcript and exhibits, have you got
them or has Mr. Osborne?

As you probably know already, the Evacuation Losses
Compensation Committee of local Citizens have request the Minister
of Justice to make available a tribunal. I am rather hopeful of
the outcome as the reply is now long overdue.

This is not necessarily to Mr. Osborne's discredit but
his chairmanship of Trade-Marks and Patents Committee and his
intimacy with high government personnel we feel has put both Mr.
Osborne and ourselves at a disadvantage. The former no doubt must
have a sense of obligation or responsibility to the Dept. of the
Secretary of State as well as to us, which is an impossible
situation. We have the highest regard for him and our sympathies
are his, for his finding himself in such a dilemma. We do not suggest
that the outcome of this case would have been different, had it
been otherwise, for we are sure he has done his best to keep his
balance. During moments of weakness, however, who wouldn't choose
government against a temporary client? We again emphasize that
this is no reflection on Mr. Osborne and certainly not on you. We
are only cognizant of what appears to have been smart politics on
the part of our worthy opponents. This is said out of frankness, not
bitterness.

We have asked that the award for \$2,587.50 be channeled
through you.

Best regards to all,

Sincerely yours,

E. Kagetsu
E. Kagetsu

26-14

8 Mountview Avenue,
Toronto, Ont.
March 15, 1954.

Mr. T.G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B.C.

Confidential

Dear Mr. Norris:

Re: Kagetsu Claims

Please find enclosed a copy of our letter, agreeing to accept the Government's offer, with protest and without prejudice. As you know there was little else we could do. We were in Mr. Wright's office on March 11th where we felt pressure of coercion, as suggested in enclosed letter, this was despite presence of our counsel.

From your and Mr. Osborne's remarks, we fully appreciate that the battle for more compensation through legal channels is now over. It was indeed good of you to suggest talking to Mr. Brewin but at this point, having talked with him in the past, we rather doubt that there would be anything to gain.

It is important, now, that we prove that Eikichi Kagetsu owns all shares of both the Deep Bay Logging Co. and Kagetsu Co. Ltd. The matter now at hand is the division of the award to shareholders. Failing complete ownership will result in the tedious task of proving Eikichi Kagetsu's outright ownership of certain of the blocks of timber, certain of the logged-over lands, all of the felled and bucked timber, and certain of the logging equipment. Will you therefore, please send to the above address the share certificates in your safekeeping?

As for the copy of transcript and exhibits, have you got them or has Mr. Osborne?

As you probably know already, the Evacuation Losses Compensation Committee of local Citizens have request the Minister of Justice to make available a tribunal. I am rather hopeful of the outcome as the reply is now long overdue.

This is not necessarily to Mr. Osborne's discredit but his chairmanship of Trade-Marks and Patents Committee and his intimacy with high government personnel we feel has put both Mr. Osborne and ourselves at a disadvantage. The former no doubt must have a sense of obligation or responsibility to the Dept. of the Secretary of State as well as to us, which is an impossible situation. We have the highest regard for him and our sympathies are his, for his finding himself in such a dilemma. We do not suggest that the outcome of this case would have been different, had it been otherwise, for we are sure he has done his best to keep his balance. During moments of weakness, however, who wouldn't choose the Government against a temporary client? We again emphasize that this is no reflection on Mr. Osborne and certainly not on you. We are only cognizant of what appears to have been smart politics on the part of our worthy opponents. This is said out of frankness, not bitterness.

We have asked that the award for \$2,587.50 be channeled through you.

Best regards to all,

Sincerely yours,

E. Kagetsu
E. Kagetsu

1726A - Kagetsu - Japanese Property (1954)

C O P Y

-2-

8 Mountview Avenue,
Toronto, Ont.

March 12, 1954.

standing between the Government and myself. The contents herein will have no bearing whatsoever, on my (our) accounts with the Custodian (more specifically known as File Nos. 12787, 13524, 15722, 12787 & 13524) or on any other monies that may already be forthcoming to me from the Government.

Mr. C. Stein, Q.C.,
The Under Secretary of State,
Ottawa, Canada.

Sir:

With respect to Claim No. 1388, this is to comply with the letter, dated February 25th, 1954, from your office to Mr. J.C. Osborne.

Whereas a request for extension of the date of reply (March 15, 1954) has been rejected by your Department: and whereas the reply to a request, to the Minister of Justice to make available a tribunal to assess new evidence, has not yet been received (on March 6th, the Secretary of State was advised of such request by the Evacuation Losses Compensation Committee): and whereas your Department has declared that failure to accept the Government's offer within the specified date, will result in complete withdrawal of all awards, including that recommended by the Bird Commission: and whereas the volume of timber actually logged has already, far exceeded the volume allowed by the Bird Commission: I hereby agree to accept, with protest and without any prejudice to this claim, the following:-

- 1) The sum of Fifty-two Thousand, Two Hundred Thirty-Three and 75/100 dollars (\$52,233.75), being the aggregate of the excess of Mr. Justice Bird's estimates of fair market value over the sale price, and being about 11% of the claim submitted:
- 2) The sum of Two Thousand, Five Hundred, Eighty-seven and 50/100 dollars (\$2,587.50), being less than 5% of item 1); as an award to defray about 8% of the expenses incurred in preparing my claim and presenting same before the Bird Commission:
- 3) Nil for the many thousands of dollars I have had to pay for forced liquidation and control (accounting) costs:
- 4) Nil for the substantial losses in other forms, monetary and otherwise, through no fault of my own:

the foregoing being the Government's offer of full and final settlement.

Further, this letter is written with the full under-

1726A - Kagetsu - Japanese Property (1934)

26-14

-2-

standing between the Government and myself, that the contents herein will have no bearing whatsoever, on my (our) accounts with the Custodian (more specifically known as File Nos. 12787, 13524, 15722, 12787 & 13524) or on any other monies that may already be forthcoming to me from the Government.

I submit this letter, with the greatest of respect to all.

Sincerely yours,

(Signed)

Eikichi Kagetsu

c.c. Mr. John C. Osborne.

Yours faithfully,
Eikichi Kagetsu

cc. Mr. Osborne.

1726A - Kagetsu - Japanese Property (1934)

26-14

1726A - Kagetsu - Japanese Property (1934)

8th March, 1954

H. Kagetsu Esq.,
8 Mountview Avenue,
Toronto, 9,
Ontario.

Dear Mr. Kagetsu: Re: Japanese Claims.

I have your letter of March 4th. Frankly, I do not know what more can be done in connection with this matter. I presume you have talked it over with Mr. MacInnis; it does seem totally unreasonable that the Government should put you out of business and thereafter find against you on the ground that your business was not a going concern.

However, it seems to me that you have exhausted all your avenues of appeal and a decision has been made. If I thought that I could help you in any way further I would do so, but I must say that I am entirely at a loss as to what further might be done.

If you wish to discuss the matter with Mr. Brewin, who is familiar with the whole question, I am quite sure that Mr. Osborne would have no objection. Certainly at this distance it would not be fair to you for me to hold out any hope that there was any further possibility of redress, no matter how deeply I feel that a grave injustice has been done.

Yours faithfully,

[Handwritten signature]

c.c. Mr. John C. Osborne.

TGN:PK
c.c. Mr. Osborne.

c.c. Mr. T. G. Morris

Yours truly,

8 Mountview Avenue,
Toronto 9, Ont.
March 4, 1954.

Mr. T.G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B.C.

Dear Mr. Norris:

The Government Scale Records are so significant that had it been an ordinary case in the civil courts I feel the case would be reopened. But, the Government rejects the evidence on the patently irrelevant grounds that our business was not a going concern, a matter which in itself conflicts with Bird's finding.

The refusal for review is denying an appeal, which is tantamount to denying a means to justice. Such denial can only be founded on:-

- a) The defendant of a case has powers of a tribunal in assessing the validity or significance of new evidence.
- b) The false premise that one judicial mind is infallible.
- c) The object of the Government was not full and just compensation but merely a token ex gratia adjustment for losses.

This is a slur not only on the rights of a minority group, but on the intelligence of all good Canadians.

Cannot one legally demand an arbitrator or a tribunal to examine the significance, not so much of the entire case, but first of all the new evidence?

Yours sincerely,

H. Kagetsu

c.c Mr. John C. Osborne.

RECEIVED

MAR 6 1954

T. G. NORRIS

Per 113

1726A - Kagetsu - Japanese Property (1934)

C.C. MR. T. G. NORRIS

1954 MAR 11

26-14

1726A - Kagetsu - Japanese Property (1934)

E. KAGETSU
8 MOUNTVIEW AVENUE
TORONTO, CANADA

TELEPHONE
MURRAY 2-8422
DUNDAS 7-1231

March 1, 1954
5th March, 1954

E. Kagetsu Esq.,
8 Mountview Avenue,
Toronto, 9,
Ontario.

Dear Mr. Kagetsu:

Enclosed I have your letter of March 1st enclosing copy of your letter of the same date to Mr. Osborne. Frankly, I do not know what more you can do at the present time with the Government. I have no further thoughts which would be of any particular use to you in addition to those which I have already put forward to Mr. Osborne and to Mr. McInnes. I am more sorry than I can tell you about the whole matter and particularly that such a situation could have developed in this country. There seems to be so little that I can do at this distance to help you. I do hope that, as you say, you will be most careful to avoid anything like a persecution complex. Throughout our lives all of us have suffered injustice in one way or another in greater or less degree. The best course is to close out the past, salvage what you can and try and look to the future and to what may be accomplished by yourself or your children.

There are many people in this Province who will remember your excellent record throughout the years in business and in a public way, and there is no doubt about it that you have many friends who feel that you have not been treated fairly, but you should not allow this feeling to embitter you or the members of your family for the future.

Kind regards.

Yours sincerely,

E. Kagetsu

TGN:PK
c.c. Mr. Osborne.

CABLE ADDRESS
"USTEGAK"

E. KAGETSU
8 MOUNTVIEW AVENUE
TORONTO 9, CANADA

TELEPHONES
MURRAY 5023
ORCHARD 7571

MAR 3 1954

T. G. NORRIS

March 1, 1954.

Per PK

Mr. T.G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
VANCOUVER 2, B.C.

Dear Mr. Norris:

Enclosed please find my comments to Mr. Osborne.
I will be happy to hear your views on the matter.

The copy of my last letter to Mr. Osborne, outlined
briefly the financial picture, other than the award itself.
Above all I think the charges for liquidation and control
is a matter to be pursued. The precedent has more than once
been set in the Government agreeing to correction. (We
have witnesses.) Mr. Brewin no doubt can give us specific
cases.

As for the Stewart and the Lymour Sawmill matters
our arguments may not be so convincing although the unfairness
is every bit remarkable.

To deaf ears, the matter of interest on capital
may be better left unsaid although this is just another
unfairness on their part.

As for the accounts themselves, I anticipate
little trouble. It has more to do with explanations from
the accountant and their paying me what is due.

With regard to Bird's award have you any
further thoughts, Mr. Norris?

Please rest assured that I have not developed
any persecution complex although it is small wonder that
I haven't after the treatment that I have received. I know
you are fully aware, Mr. Norris, that the issues I raise
are bona fide and only the more glaring ones are mentioned.

c.c. Mr. John Osborne

Yours truly,

E. Kagetsu

The copy of the transcript of the hearing, exhibits,
etc. I assume are in your care. You no doubt will preserve them,
or perhaps allow me to do so.

c.c. Mr. T. G. Norris

Yours truly,

E. Kagetsu

1726A - Kagetsu - Japanese Property (1954)

26-14

CABLE ADDRESS
"USTEGAK"

E. KAGETSU
8 MOUNTVIEW AVENUE
TORONTO 9, CANADA

TELEPHONES
MURRAY 5023
ORCHARD 7571

1st March, 1954
March 1, 1954.

Mr. John C. Osborne, Esq.,
Gowling, MacTavish, Osborne
& Henderson, Solicitors,
88 Metcalfe Street,
OTTAWA 4, CAN. Ottawa, 4, Ont.

Dear Mr. Osborne: John: Re: Kagetsu.

Am in receipt of your letter of 27th ultimo together with enclosures and have noted contents therein. I have a copy of a letter which you have sent to Mr. Kagetsu.

Under the circumstances, my position is to make the best settlement possible with the Government. I think they leave me no other choice. To have refused me or any of the claimants access to appeal is tantamount to having refused us course of justice and based entirely on the premise that one judicial mind is infallible.

Mr. Pickersgill has taken the noble stand that all cases will be treated the same whether or not they have already been closed. I am going to try to hold him to that statement. I have the backing of Japanese Canadian citizen groups, not to mention other forms of friendly support.

As to the legal aspect which has now come to a climax my behavior will be entirely contingent on Mr. Norris' advice. I wish to wait until I hear from him. Then, forthwith I propose to go to Ottawa but before so doing I will take up your offer to arrange an appointment likely with Mr. Wright.

At the moment, ^{I would say} without the benefit of Mr. Norris' comments, the offer of \$2,587.50 for expenses will have to be accepted, I am afraid.

The paragraph in my last letter to which you refer was merely my attempt to show that I will accept both your and Mr. Norris' legal guidance, and that I have every faith in your discretion of legal matters.

I am taking due note of the deadline of March 15th.

The copy of the transcript of the Bird Hearing, exhibits, etc. I assume are in your care. You no doubt will preserve them, or perhaps allow me to do so.

c.c. Mr. T. G. Norris

Yours truly, E. Kagetsu

1726A - Kagetsu - Japanese Property (1954)

1766A - Kagetsu - Japanese Property (1954)

GOWLING, MACTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

GORDON GOWLING, K.C.
DUNCAN K. MACTAVISH, K.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
JOHN CAMPBELL WILTS
G. PERLEY ROBERTSON
DAVID WATSON
E. EYER NEWCOMBE

COUNSEL

LEONARD W. BROCKINGTON, K.C., LL.D.

TELEPHONE 2-1781
CABLE HERSON

88 METCALFE STREET
OTTAWA 4,
CANADA

AIR MAIL

1st March, 1954

MAR 1 1954

Colonel J.C. Osborne Esq.,
Messrs. Messrs. Gowling, MacTavish, Osborne
Barris and Henderson,
Barristers & Solicitors,
88 Metcalfe Street,
Ottawa, 4, Ont.

Dear Colonel Morris:

Dear John: Re: Kagetsu.

I understand that you have received a copy of Mr.

I have your letter of February 27th with
reference to this matter and enclosing copy of a
letter which you have sent to Mr. Kagetsu.

Frankly, I have no knowledge of the state of the ac-

I do not know if there is anything further
that I can suggest in connection with this matter;
you seem to have the situation well in hand and I
suggest that you simply follow Mr. Kagetsu's instruc-
tions.

best for him to come to Ottawa and discuss them with Mr.

While I think that there has been grave
injustice in this matter, Kagetsu's position is such
that I do not see how he can continue the battle
further. I am enclosing herewith a copy of a letter that I

have received from the Under Sec. Yours very truly, is in
the terms that we anticipated.

I have written to Mr. Kagetsu in accordance with the
copy enclosed herewith. I will, of course, be very glad to
follow TGN/PKer instructions are given to me with respect to
the acceptance or rejection of the offer but it is important
that our clients should realize that they must now make a
final decision. I do not think that there is any way in which
they can accept the offer and continue to press additional de-
mands. Failure to accept the offer within the time limited may

GOWLING, MACTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

E. GORDON GOWLING, K.C.
DUNCAN K. MACTAVISH, K.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
JOHN CAMPBELL VIETS
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE

COUNSEL

LEONARD W. BROCKINGTON, K.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA 4,
CANADA

AIR MAIL

RECEIVED

February 27, 1954.

MAR 1 1954

Colonel T. G. Norris, Q.C.,
Messrs. Norris & Cumming,
Barristers &c.,
602 Hastings St. W.,
Vancouver 2, B.C.

T. G. NORRIS

Per PK

Dear Colonel Norris:

I understand that you have received a copy of Mr. Kagetsu's letter to me of February 25.

Frankly, I have no knowledge of the state of the accounting between the Custodian's office and Mr. Kagetsu. If there are problems in this connection, I think that it will be best for him to come to Ottawa and discuss them with Mr. Wright or who ever else may be the appropriate official.

I am enclosing herewith a copy of a letter that I have received from the Under Secretary of State which is in the terms that we anticipated.

I have written to Mr. Kagetsu in accordance with the copy enclosed herewith. I will, of course, be very glad to follow whatever instructions are given to me with respect to the acceptance or rejection of the offer but it is important that our clients should realize that they must now make a final decision. I do not think that there is any way in which they can accept the offer and continue to press additional demands. Failure to accept the offer within the time limited may

1726A - Kagetsu - Japanese Property (1934)

28-14

1726A - Kagetsu - Japanese Property (1934)

COPY

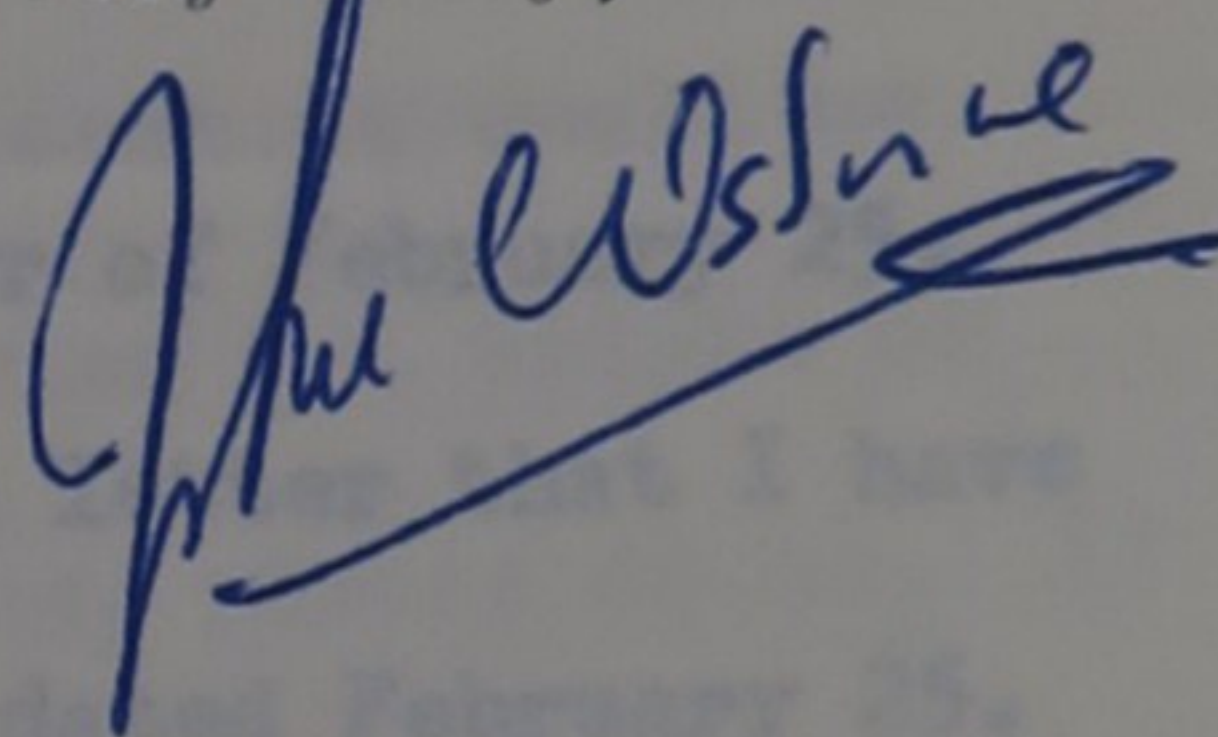
GOWLING, MACTAVISH, OSBORNE & HENDERSON

Colonel T. G. Norris, Q.C., -2- February 27, 1954

result in withdrawal of the offer of \$2,587.50.

Perhaps you will feel that it might be helpful for you to write to Mr. Kagetsu at this stage and I would very much like to have the benefit of your comments.

Yours very truly,



JCO:BAW

Encl.

cc E. Kagetsu, Esq.

Secretary of State on or before Monday, March 15, 1954.

I would like to have your instructions to accept the amount of \$2,587.50 for the expenses of presentation of the claim to the Third Commission together with payment of the amount of the award itself in full and final settlement.

Of course, it should be understood that if you agree to accept the amounts mentioned above, that will put an end to the case so far as the Government is concerned and I do not think that there will be any prospect of obtaining an additional amount in the future. I am not entirely clear as to the significance of the third last paragraph in your letter of February 25. I can appreciate your desire to fight against what has every appearance of being an injustice but I do not want you to be under any misapprehension as to the effect of accepting the offer that has been made by the Government.

COPY

GOWLING, MACTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA 4,
CANADA

February 27, 1954.

ARDON GOWLING, Q.C.
CAN K. MACTAVISH, Q.C.
ERT M. FOWLER
N C. OSBORNE
ARDON F. HENDERSON
NALD C. MERRIAM
JRIAN T. HEWITT
JHN CAMPBELL VIETS
PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE

RECEIVED

MAR 1 1954

T. G. NORRIS

Per 812

E. Kagetsu, Esq.,
8 Mountview Ave.,
Toronto 9, Ontario.

Dear Mr. Kagetsu:

I acknowledge receipt of your letter of February 25.

I am enclosing herewith a copy of a letter that I have received from the Under Secretary of State dated February 25.

You will observe that we must file our reply with the Secretary of State on or before Monday, March 15, 1954.

I would like to have your instructions to accept the amount of \$2,587.50 for the expenses of presentation of the claim to the Bird Commission together with payment of the amount of the award itself in full and final settlement.

Of course, it should be understood that if you agree to accept the amounts mentioned above, that will put an end to the case so far as the Government is concerned and I do not think that there will be any prospect of obtaining an additional amount in the future. I am not entirely clear as to the significance of the third last paragraph in your letter of February 25.

I can appreciate your desire to fight against what has every appearance of being an injustice but I do not want you to be under any misapprehension as to the effect of accepting the offer that has been made by the Government.

1726A - Kagetsu - Japanese Property (1934)

26-14

COPY

GOWLING, MACTAVISH, OSBORNE & HENDERSON

E. Kagetsu, Esq., -2- February 27, 1954

I am sending a copy of this letter to Colonel Norris and he may wish to make some comment.

I will look forward to hearing from you just as promptly as possible.

I am not familiar with the accounts that are discussed in your letter of February 25. If you feel that it would be helpful for you to come to Ottawa and interview Mr. Wright or some other official in the Custodian's office, please do so. If you would like me to make an appointment for that purpose, you might perhaps telephone to me. On the whole, I believe that it would be worthwhile for you to see someone in the Custodian's office before final acceptance of the Government's offer is given. I am naturally anxious that you should be completely satisfied that everything has been done to achieve the best settlement on your behalf.

Yours very truly,

"John C. Osborne"

JCO:BAW
Encl.

cc: Colonel Norris.

1726A - Kagetsu - Japanese Property (1934)

C
O
P
Y

LETTERHEAD

OF

DEPARTMENT OF THE SECRETARY OF STATE
OF CANADA

CS/MD

RECEIVED

MAR 1 1954

T. G. NORRIS

Per YR

Ottawa, February 25, 1954.

Dear Mr. Osborne;

Re: Claim of E. Kagetsu with respect to Deep Bay
Logging Co. Ltd.

With reference to the conference held in the office of the Secretary of State on the 12th instant, I am now instructed to advise you that the Government's decision is that these claims, including that of Mr. Kagetsu, are not to be reopened, i.e. the awards of Mr. Justice Bird are not to be reviewed. However, I am instructed to advise you further that the Government has authorized the Secretary of State to extend the offer made by his predecessor to your client of an amount of \$2,587.50 for the expenses of presentation of the claim to the Bird Commission, this in full and final settlement (upon payment also, of course, of the amount of the award itself), provided the offer is accepted within a reasonable time.

You will recall that you and I tentatively agreed that two weeks would be ample time for you to secure and make known to me the answer of your client. I am now authorized by the Secretary of State to give you until Monday, March 15, 1954, to advise me of your client's reply.

Yours sincerely,

"C. Stein"

C. Stein,
Under Secretary of State
and Deputy Custodian.

Mr. J. C. Osborne,
Barrister,
88 Metcalfe Street,
Ottawa, Ontario.

1726A - Kagetsu - Japanese Property (1934)

28-14

COPY

Feb. 25/54

Dear Mr. Norris:-

Thank you very much for your interest and letters. I am trying to arouse public interest so that Mr. Pickersgills and colleagues may act favourably.

RECEIVED

FEB 26 1954

T. G. NORRIS

Per VR

E. Kagetsu

acceptance of awards would not prejudice these matters, they being of a moral nature. Therefore, I am completely in accord with the period you asserted. I gather the Under Secretary rather is taking for granted the Cabinet's stand to be negative

May I bring to your notice the following with regard to my accounts with the Custodian:-

File No. 12787 (E. Kagetsu) It appears \$1,366.02, balance credit at December 1942 is yet forthcoming. Subsequent accounts, however, seem settled.

File No. 13524 (Deep Bay Logging) A credit balance is still due to me. I have all the stocks.

File No. 15722 (Kagetsu & CO) About \$6,000 credit balance remains. Please request distribution to shareholders, I hold most of stocks.

File No. 12787 & 13524 (E.K & Deep Bay) As of 1947 Deep Bay owes me \$1,237.30. This sum is not to be debited from File 13524 as credit entries are not shown in latter. In other words, this is an account in itself, the balance to be paid me by the Custodians on same basis as File No. 12787 (at top).

I estimate about nine thousand dollars is due to me from all the above.

The Custodians have been good enough to send me statements when requested. However, they have not been contiguous and are somewhat piece-meal. Therefore, in settling I must insist on a complete statement itemized from the first date of the accounts to the last.

I have abstracted from the above accounts items which total over \$20,000. I lack full data but most of these point to unfairness, in that liquidation was forced upon me and yet the costs are borne by me. If the government willed the

1726A - Kagetsu - Japanese Property (1954)

26-14

COPY

CABLE ADDRESS
"USTEGAK"

E. KAGETSU
8 MOUNTVIEW AVENUE
TORONTO 9, CANADA

TELEPHONES
MURRAY 5023
ORCHARD 7571

Page 2. Mr. John Osborne

February 25, 1954.

liquidation, they should pay the costs. I think it is a matter to Mr. John Osborne, Gowling, MacTavish, Osborne & Henderson, 88 Metcalfe Street, OTTAWA, CANADA. I am told that those that have been found the government co-operative. An aggregate of close to 33,000 debited to my account. Some debtors have paid C.M. Stewart. The latter with claiming to have our power-of-attorney. The Government has responded to Stewart's pressure without consulting me.

Dear Mr. Osborne:

Thank you for information regarding the two week time limit. The Secretary of State made it plain that acceptance of awards would not prejudice these matters, they being of a moral nature. Therefore, I am completely in accord with the period you asserted. I gather the Under Secretary rather is taking for granted the Cabinet's stand to be negative.

May I bring to your notice the following with regard to my accounts with the Custodian:-

File No. 12787 (E. Kagetsu) It appears \$1,366.02, balance credit at December 1942 is yet forthcoming. Subsequent accounts, however, seem settled.

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I estimate about nine thousand dollars is due to me from all the above.

The Custodians have been good enough to send me statements when requested. However, they have not been contiguous and are somewhat piece-meal. Therefore, in settling, I must insist on a complete statement itemized from the first date of the accounts to the last.

I have abstracted from the above accounts items which total over \$20,000. I lack full data but most of these point to unfairness, in that liquidation was forced upon me and yet the costs are borne by me. If the government willed the

1726A - Kagetsu - Japanese Property (1954)

COPY

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8 MOUNTVIEW AVENUE
TORONTO 9, CANADA

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MURRAY 5023
ORCHARD 7571

Page 2..Mr. John Osborne

liquidation, they should pay the costs. I think it is a matter to be brought to their attention. I rather think that this is a case of inadvertence as I am told that those that have contested this aspect found the government co-operative.

There is an aggregate of close to \$3,000 debited to my accounts for sums debtors have paid C.M. Stewart. The latter withheld these funds claiming to have our power-of-attorney. The Custodians responded to Stewart's pressure without consulting me. That power-of-attorney was in fact invalid.

There is also the matter of the Lynneux Sawmill bankruptcy from which I lost close to \$9,000 as mortgagee. The Custodians were responsible for collection of mortgages.

We make no mention of the interest on capital lost through all these years. This is sizable in itself.

Mr. Osborne, we leave it to you to settle with the government the best you can.

As for myself, I am going to try to fight this kind of blatant injustice through whatever channels that fortune may provide.

The Hon. John Pickersgill should be commended for his sympathies. The spark of hope there is dim but not yet completely out.

Yours sincerely,

E. Kagetsu

Encl.

c.c. Mr. T.G. Norris, R.C.

See Separate Sheet

Grand Total

\$20,305.16

1726A - Kagetsu - Japanese Property (1984)

26-14

COPY

1726A - Kageitsu - Japanese Property (1934)

FORCED LIQUIDATION
DISBURSEMENTS CHARGED TO DEEP BAY LOGGING CO.

(From P.S. Ross & Sons File 13524 or Exhibit 45 of Claim #1388)

From May 31/42 to March 31/46

Commission for Sale of Deep Bay Machinery	\$219.77
Watchman's Wages	7085.14
Telephone	457.20
Car & Truck Storage	130.09
Auditor's Fee	25.00
Expenses for Handling Material	1000.00
Appraisals	550.00
Advertising	284.41
Controller's Fees	4384.21
Retainer	1250.00
Legal Fees-Locke, Lane, Guild, Sheppard	831.28
Safekeeping Charges	37.90
June 13/46 Liquidating Service	575.33
Sept. 5/47 Examination of Fanny Bay	150.00
Oct. 3/47 Advertising Equipment	27.68
Jan. 8/48 P.S. Ross & Sons-Wind-up affairs	290.25
Jan. 29/49 Meeting and Filing Expenses	11.00
	<u>\$17,309.26</u>

DISBURSEMENTS CHARGED TO KAGETSU & CO.

(From P.S. Ross & Sons File 15722)

Apr 19/45 Investigation Fee	50.00
Transferred to Liquidator Jan 24/46	1112.06
P.S. Ross & Sons Nov. 26/46	225.00
Jan. 8/48 P.S. Ross & Sons	100.00
Jan. 29/49 General Meeting & Filing	11.00
	<u>\$1,498.06</u>

DISBURSEMENTS CHARGED TO EIKICHI KAGETSU

See Separate Sheet

\$1,497.84

Grand Total

\$20,305.16

COPY

HENDERSON

TELEPHONE 2-1781
CABLE HENDERSON
100 METCALFE STREET
OTTAWA 4,
CANADA
August 12, 1954.

DISBURSEMENTS

from

FORCED LIQUIDATION -- CHARGED TO

EIKICHI KAGETSU

(From Summary Statement from the Custodian)
FILE NO 12787

Feb. - Aug. 1943	Land Registry Office	\$ 8.50
Sept. 1, 1943	Legal Fee - Locke	331.40
Sept. 2, 1943	Examining and Advertising Bk. 195	452.29
Nov. 18, 1943	P.S. Ross & Sons re sale of Bk. 195	650.00
Aug. 9 & 11/44	North Van. Property disposal	19.00
Oct. 11/44	Fee for services re affairs	20.00
Oct. 15/47	Charges for shipping bonds	16.65

\$ 1,497.84

1726A - Kagetsu - Japanese Property (1934)

COPY

GOWLING, MAC TAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MAC TAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE
R. DIGBY VIETS
D. B. MACDOUGALL
PAUL P. HEWITT

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA 4,
CANADA

February 22, 1954.

RECEIVED

FEB 25 1954

T. G. NORRIS

Per

E. Kagetsu, Esq.,
8 Mountview Ave.,
Toronto, Ontario.

Dear Mr. Kagetsu:

The Under Secretary of State telephoned me and asked what we would regard as a reasonable time limit within which you would be required to accept whatever offer the Crown finally makes. No indication was given as to the nature of the offer itself. I told the Under Secretary that it is my understanding that you wish to bring the matter to a conclusion as promptly as possible. I, therefore, told him that I am sure that a two-week period will be adequate and we will probably not even require that much time. Apparently, two weeks will be quite satisfactory to the Crown and I feel sure that you will agree with the answer that I gave to the Under Secretary.

A copy of this letter is being sent to Colonel Norris.

Yours very truly,

"John C. Osborne"

JCO:BAW

cc: Colonel T.G. Norris, Q.C.

1766A - Kagetsu - Japanese Property (1954)

26-14

1726A - Kagetsu - Japanese Property (1934)

18th February, 1954

A. Kagetsu Esq.,
8 Mountview Avenue, M.P.,
Toronto, 9, Ontario.
Ottawa,
Ontario.

Dear Sir:

Dear Mr. I enclose herewith copy of a letter which
I have to-day sent to Mr. Osborne in answer to his
letter of February 15th, which is self-explanatory.

I hope that you and yours are all well.
letter dated February 15th received from Mr. John
C. Osborne Kind regards. of my reply of to-day's date.

Yours faithfully,

GL

TGN/PK
Enc.

18th February, 1954

John C. Osborne Esq.,

Messrs. Gowing, MacTavish,

Angus MacInnis Esq., M.P.,
House of Commons,
Ottawa,
Ontario.

Dear Mr. MacInnis:-

Re: Kagetsu Case.

I enclose for your information copy of a letter dated February 15th received from Mr. John C. Osborne, and a copy of my reply of to-day's date.

The difficulty about trying a re-examination of the Kagetsu claim to any re-examination of the claims of the other Japanese is that this course involves unreasonable delay and expense. All the claims, with the exception I think of the Kagetsu claim and the claim of one other, are small claims involving small farms or house properties. Speaking generally the small claims were assessed on a reasonably fair basis. Kagetsu's award was so unreasonable that it appeared that he was being forced to pay a substantial part of the other claims.

My recollection is that of the two large claims, Kagetsu's claim was considerably larger than the other one.

TGN/PK

There does not seem to be the slightest logic in suggesting that it should be a term of the review of the Kagetsu claim that all the other claims should also be reviewed. They were paid on a different basis and, so far as I know, there has been no complaint

1726A - Kagetsu - Japanese Property (1934)

GOVLING, MAC TAVISH, OSBORNE & HENDERSON
BARRISTERS & SOLICITORS
John C. Osborne Esq.
18th February, 1954
OTTAWA 4

in connection with them. 18th February, 1954.

John C. Osborne Esq.,
More there is to be done.

Messrs. Govling, MacTavish,
Osborne & Henderson, I regards,
Barristers & Solicitors,
88 Metcalfe Street,
Ottawa, 4, Ontario. Yours very truly,

De r John:

Re Kagetsu Case

I have your letter of February 15th and thank you for the report on your conference with the Secretary of State. I think that you have done all that could be done.

The difficulty about tying a re-examination of the Kagetsu claim to any re-examination of the claims of the other Japanese is that this course involves unreasonable time and expense. All the claims, with the exception I think of the Kagetsu claim and the claim of one other, were small claims involving small farms or house properties. Speaking generally the small claims were assessed on a reasonably fair basis. Kagetsu's award was so unreasonable that it appeared that he was being forced to pay a substantial part of the other claims.

My recollection is that of the two large claims, Kagetsu's claim was considerably larger than the other one.

There does not seem to be the slightest logic in suggesting that it should be a term of the review of the Kagetsu claim that all the other claims should also be reviewed. They were paid on a different basis and, so far as I know, there has been no complaint

the evidence himself and that no useful purpose would be served by an examination of it at this time.

After I had presented the main submission, Mr. Macdonald expressed the view that the case ought to be reconsidered on grounds

John C. Osborne Esq.

18th February, 1954

OTTAWA 4,
CANADA

in connection with them.

February 18, 1954

At the present time I do not know what more there is to be done.

Colonel T.C. Morris, Esq.
Messrs. Morris & Co.
Barristers & Solicitors
602 Hastings St. W.
Vancouver 2, B.C.

Kind personal regards,

Yours very truly,

Dear Colonel Morris,

On Friday, February 12, we had a conference with the Secretary of State. I was accompanied by Mr. Kagetsu, Sr., Mr. Kagetsu, Jr. and Mr. MacLinnis. The Secretary of State had with him the Under Secretary of State and Mr. Wright of the Canadian's office. We were received in a very friendly way and given an opportunity to make our submission in favour of reconsideration both of the Commissioner's award and the Bill of Costs. Of course, there was no time to develop anything like a full argument on the merits of the case or to review in detail the grounds for holding that the Commissioner had erred. We were able to draw particular attention to the glaring discrepancy between the ^{TGN/PK} volume of timber accepted by the Commissioner and the actual volume as disclosed by cuttings subsequent to the Hearing. The Secretary of State indicated that he was not prepared to review the evidence himself and that no useful purpose would be served by an examination of it at this time.

After I had presented the main submission, Mr. MacLinnis expressed the view that the case ought to be reconsidered on grounds

1726A - Kagetsu - Japanese Property (1954)

GOWLING, MACTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

E. GORDON GOWLING, K.C.
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COUNSEL

LEONARD W. BROCKINGTON, K.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA 4,
CANADA

AIR MAIL

February 15, 1954

Colonel T.G. Norris, Q.C.,
Messrs. Norris & Cumming,
Barristers &c.,
602 Hastings St. W.,
Vancouver 2, B.C.

RECEIVED

FEB 18 1954

T. G. NORRIS

Per PK

Dear Colonel Norris,

Re Kagetsu Case.

On Friday, February 12, we had a conference with the Secretary of State. I was accompanied by Mr. Kagetsu, Sr., Mr. Kagetsu, Jr. and Mr. MacInnis. The Secretary of State had with him the Under Secretary of State and Mr. Wright of the Custodian's office. We were received in a very friendly way and given an opportunity to make our submission in favour of reconsideration both of the Commissioner's award and the Bill of Costs. Of course, there was no time to develop anything like a full argument on the merits of the case or to review in detail the grounds for holding that the Commissioner had erred. We were able to draw particular attention to the glaring discrepancy between the volume of timber accepted by the Commissioner and the actual volume as disclosed by cuttings subsequent to the Hearing. The Secretary of State indicated that he was not prepared to review the evidence himself and that no useful purpose would be served by an examination of it at this time.

After I had presented the main submission, Mr. MacInnis expressed the view that the case ought to be reconsidered on grounds

1766A - Kagetsu - Japanese Property (1954)

26-14

GOWLING, MACTAVISH, OSBORNE & HENDERSON
Colonel T.G. Norris, Q.C. -2- February 15, 1954

of public policy and Mr. Kagetsu, Jr. pointed out that the award had never been accepted and that the case should be regarded as still open for further study.

The Secretary of State then said that he was ready to indicate his own point of view immediately. He told us that he was in no circumstances prepared to consider re-examination of this particular case but that if we wished, he would take up with his colleagues the possibility of reopening all of the Japanese claims. He said that he would submit that question to the Cabinet but that he was not saying that he would advocate it. He left me rather clearly of the opinion that there is little likelihood of the Cabinet consenting to reopen all of the Japanese cases. This raised a somewhat delicate point. I think that you will agree that we would be in a relatively stronger position if this particular case could be considered by itself without becoming involved in a re-examination of the claims of all of the dispossessed Japanese. We rather put our submission in a form which would support that course of action. On the other hand, the Secretary of State made it perfectly plain that we either had to ask him to review the whole situation or he would not take the matter up with the Cabinet at all. In the circumstances, we had no alternative but to ask him to request his colleagues for authority to restudy all of the Japanese claims in whatever manner might be deemed appropriate.

With respect to costs, the Secretary of State held out no prospect of being able to recover more than the 5% of the

1726A - Kagetsu - Japanese Property (1934)

GOWLING, MACTAVISH, OSBORNE & HENDERSON
Colonel T.G. Norris, Q.C. -3- February 15, 1954

total award offered in Mr. Wright's letter of July 10, 1952.
Even on this point, he seemed to have some doubt as to whether
either he or his predecessor could authorize the payment of
that amount as Secretary of State. However, he said that if
this could not be done, he would ask for the necessary autho-
rity from the Cabinet and he apparently anticipated that it
would be granted.

As you have probably gathered, my expectation is
that we will ultimately receive the 5% by way of costs but that
our submission for an increase on that amount and for a review
of the Commissioner's award will be rejected.

I will advise you of all further developments. I am,
of course, sending a copy of this letter to Mr. Kagetsu. We
have at least the satisfaction of knowing that the problem has
been considered by the Minister together with his senior advi-
sers and that the client's claim will be discussed at Cabinet
level.

With kindest personal regards,

Yours very truly,

John Osborne

JCO:MJH

1726A - Kagetsu - Japanese Property (1934)



House of Commons
Canada

OTTAWA
February 11, 1954

RECEIVED

FEB 13 1954

T. G. NORRIS

Per

Mr. T. G. Norris, Q.C.
Bank of Nova Scotia Building
602 Hastings Street West
Vancouver, B.C.

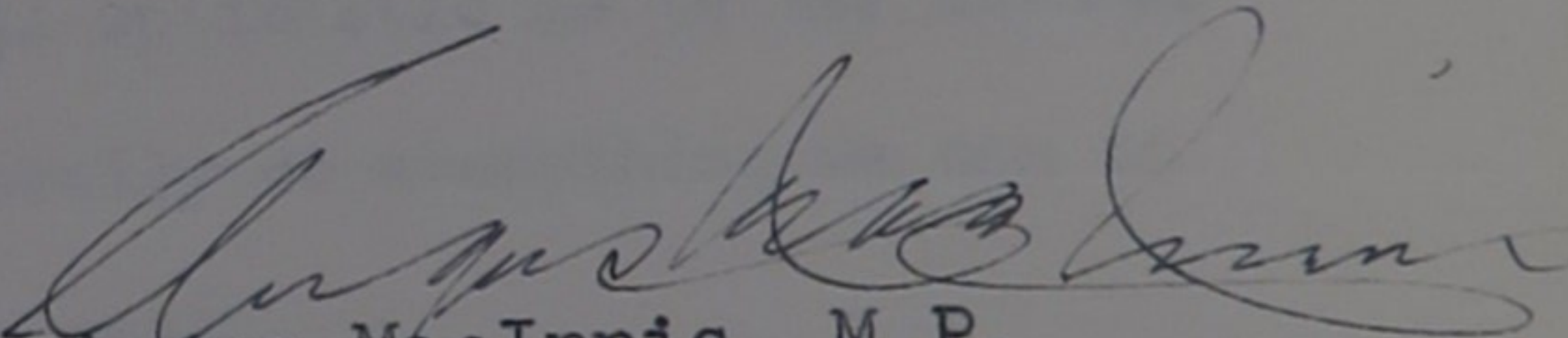
Re: Kagetsu Claim

Dear Mr. Norris:

Yours of February 3rd in connection
with the above claim has been received.

I had a telephone call from Mr.
Osborne advising me that a meeting has been
arranged for himself, Mr. Kagetsu and myself
with the Secretary of State.

Yours sincerely,


Angus MacInnis, M.P.
Vancouver-Kingsway

AMac:meg

Encl.

1726A - Kagetsu - Japanese Property (1934)

26-14

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL. D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA, 4,
CANADA

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE
R. DIGBY VIETS
D. B. MacDOUGALL
PAUL P. HEWITT

February 9, 1954

Colonel T.G. Norris, Q.C.,
Messrs. Norris & Cumming,
Barristers &c.,
602 Hastings St. W.,
Vancouver 2, B.C.

Dear Colonel Norris,

Re Kagetsu

I have arranged for a meeting with the Minister in connection with Mr. Kagetsu's problems. It is proposed that Mr. Kagetsu, Mr. MacInnis and myself will attend and the Minister will have with him the Under Secretary of State and Mr. Wright of the Custodian's office.

Frankly, I am not at all optimistic as to the outcome of the interview but we will naturally do everything we can to press the merits of Mr. Kagetsu's case.

I will report to you as soon as there is any significant development.

I am enclosing a copy of a letter that I have to-day written to Mr. Kagetsu.

Yours very truly,

John C. Cumming

JCO:MJH
Encl.

RECEIVED
FEB 11 1954
T. G. NORRIS

1726A - Kagetsu - Japanese Property (1934)

26-14

COPY

GOWLING, MACTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA 4,
CANADA

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VID WATSON
PETER NEWCOMBE

February 9, 1954

RECEIVED
FEB 11 1954
T. G. NORRIS

E. Kagetsu, Esq.,
8 Mountview Avenue,
Toronto 9, Ontario.

Dear Mr. Kagetsu,

The Under Secretary of State has telephoned me to say that the Minister would prefer to meet us at ten-fifteen on the morning of Friday, February 12 instead of at eleven o'clock as originally planned. Mr. MacInnis is prepared to attend at the earlier time and I have wired you as per confirmation enclosed herewith.

I would like to have an opportunity of discussing the situation with you before we go to the Minister's office and I will, therefore, appreciate it if you could attend at my office at nine-fifteen next Friday morning.

Yours very truly,

JCO:MJH
Encl.

"John C. Osborne"

1726A - Kagetsu - Japanese Property (1934)

26-14

1726A - Kagetsu - Japanese Property (1934)

726/1/1

February 3rd, 1954.
February 3rd, 1954.

John C. Osborne, Esq.,
c/o Messrs. Gowling, MacTavish, Osborne
& Henderson,
Barristers & Solicitors,
88 Metcalfe Street,
OTTAWA 4, Canada.

Dear John:-

Re: Kagetsu

I enclose herewith a copy of a letter dated
February 1st received by me from Mr. Kagetsu.

Perhaps you will reply to Mr. Kagetsu and
if necessary, get in touch with Mr. MacInnis.

Kind regards,

get in touch with him.

Yours sincerely,

Yours very truly,

TGN:em
Encl.

TGN:em
Encl.

(BLIND) CC: sent to

Angus MacInnis, Esq., M.P.,
House of Commons,
OTTAWA, Canada.

"E. Kagetsu"

1726/1

E. KAGETSU

8 Mountview Avenue
TORONTO 9, Canada

February 3rd, 1954. 1, 1954.

Mr. T. G. Morris, C.C.
Hon. Angus MacInnis, Esq., M.P.,
602 House of Commons, West,
Van OTTAWA, Canada.

Dear Mr. MacInnis:-

Re: Kagetsu

I enclose herewith copy of a letter dated February 1st received by me from Kagetsu and a copy of my letter of today's date to Mr. Osborne. From this I have concluded that Mr. Osborne has no intention of settling the matter. I believe that you were going to

get in touch with him. On the other hand, he has repeatedly assured us of every. Yours very truly, or, without Mr. Osborne's lead, all I could do was wait.

As you know, a substantial amount involved means a heavy monthly load to me in the way of interest to the bank for loans outstanding.

TGN:em
Encl.

Mr. Osborne's attitude seemingly indicates that my matter has very gloomy prospects as far as a better award is concerned. That being the case, I would very much appreciate your instructing Mr. Osborne to proceed forthwith to settle with the government. All these lagging years have really cost me dearly so will you ask him for prompt action?

Yours very truly,

"E. Kagetsu"

C
O
P
Y

E. KAGETSU

8 Mountview Avenue
TORONTO 9, Canada

February 1, 1954.

Mr. T. G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B. C.

Dear Mr. Norris:

How are things with you?

I wrote to Mr. Osborne last November 6th and again on January 14th asking him to follow up your idea by arranging a meeting. Strangely I have had no response to either letter. From this I have concluded that Mr. Osborne has completely lost interest in this matter.

Mr. MacInnis, on the other hand, has repeatedly assured us of every assistance. However, without Mr. Osborne's lead, all I could do was wait.

As you know, the substantial amount involved means a heavy monthly load to me in the way of interest to the bank for loans outstanding.

Mr. Osborne's attitude seemingly indicates that my matter has very gloomy prospects as far as a better award is concerned. That being the case, I would very much appreciate your instructing Mr. Osborne to proceed forthwith to settle with the government. All these lagging years have really cost me dearly so will you ask him for prompt action?

Yours very truly,

"E. Kagetsu"

1726A - Kagetsu - Japanese Property (1954)

1726A - Kagetsu - Japanese Property (1934)

1726/1.

February 3rd, 1954.

E. Kagetsu, Esq.,
8 Mountview Avenue,
TORONTO 9, Ontario.

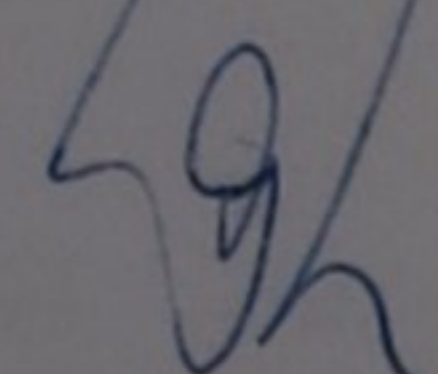
Dear Mr. Kagetsu:-

I have your letter of February 1st.
I have sent a copy of your letter to Mr. Osborne
and have asked him to look after the matter.

I have also written to Mr. MacInnis.
I understood that they were going to be getting
together in Ottawa.

I hope that things are going well
with you.

Yours very truly,



TGN:em

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

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LEONARD W. BROCKINGTON, Q.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA, 4,
CANADA

February 2, 1954

Colonel T.G. Norris, Q.C.,
Messrs. Norris & Cumming,
Barristers &c.,
602 Hastings St. W.,
Vancouver 2, B.C.

Dear Colonel Norris,

Re Kagetsu

I have been speaking recently with both the Under Secretary of State and Mr. MacInnis in connection with this problem and I have asked the Under Secretary to arrange for a meeting with the Minister. We anticipate that we will be given an opportunity to attend before him within the next two weeks and I will report to you after our conference has taken place.

Yours very truly,

John Osborne

JCO:MJH

1726A - Kagetsu - Japanese Property (1954)

26-14

CABLE ADDRESS
"USTEGAK"

E. KAGETSU
8 MOUNTVIEW AVENUE
TORONTO 9, CANADA

TELEPHONES
MURRAY 5023
ORCHARD 7571

*Kagetsu re
Japanese Claims*

February 1, 1954.

Mr. T. G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B.C.

Dear Mr. Norris:

How are things with you?

I wrote to Mr. Osborne last November 6th and again on January 14th asking him to follow up your idea by arranging a meeting. Strangely I have had no response to either letter. From this I have concluded that Mr. Osborne has completely lost interest in this matter.

Mr. MacInnis, on the other hand, has repeatedly assured us of every assistance. However, without Mr. Osborne's lead, all I could do was wait.

As you know, the substantial amount involved means a heavy monthly load to me in the way of interest to the bank for loans outstanding.

Mr. Osborne's attitude seemingly indicates that my matter has very gloomy prospects as far as a better award is concerned. That being the case, I would very much appreciate your instructing Mr. Osborne to proceed forthwith to settle with the government. All these lagging years have really cost me dearly so will you ask him for prompt action?

Yours very truly,

E. Kagetsu

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FEB 3 1954

T. G. NORRIS
for

17268 - Kagetsu - Japanese Property (1954)

28-14