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HIDAKA, KUNIO - TORONTO CLAIMANTS COMMITTEE

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PLEASE RETAIN
ORIGINAL ORDER

KHP
File 2
KHP

67 Rose Avenue,
Toronto, Ontario,

September 12, 1950.

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

Dear Mr. Tanaka:

We are enclosing a copy of a letter sent to the Custodian protesting against a section of the form marked "RELEASE" which states that the claimant agrees to make no further claims on the Custodian.

It should not be necessary for us to point out the seriousness of such an agreement to any member of your executive. We know that your organization has gone on record at National Conferences and in meetings that you will pursue the matter of economic losses of evacuation until satisfactory compensation has been received.

You will also realize that the Custodian in securing these agreements from claimants by making them a condition of payment, in effect, will be placing an insurmountable barrier in the way of further action on economic losses.

We are therefore asking you to join us in this protest and make every attempt to have all sections of your organization take part in the effort to have the "RELEASE" revised.

Yours very truly,

TORONTO CLAIMANTS COMMITTEE,

Per:
S. Takachima, Chairman.

STATEMENT TO PRESS

It has come to the attention of the Co-operative Committee that a group of Toronto claimants calling themselves the Toronto Claimants' Committee has issued a statement in the Continental Times stating that it is protesting to the Government against the form of the release which the Custodian requires to be signed before awards are paid.

The Co-operative Committee wishes to make it clear to all claimants that the so called Toronto Claimants' Committee is acting without consultation with the Co-operative Committee and has no authority whatsoever from it.

The claimants have retained the Co-operative Committee to represent them, and advice and representations from other groups, acting independently, are only likely to cause confusion.

The Co-operative Committee has carefully considered the form of release, and after legal advice, has come to the conclusion that, in nearly all cases, the form is not objectionable and no harm will come to the interests of claimants by signing it. Where claimants have some legal claim against the Custodian apart from the awards, the release should not be signed before consultation with Counsel representing the Co-operative Committee.

94 Homewood Ave., Apt. 28,
Toronto 5, Ont.
Sept. 23, 1950.

M. K. Boos.
Secretary,
Co-operative Committee.

C O P Y

KHP

Miss Margaret Boos, Secretary,
Co-operative Committee on Japanese Canadians,
Toronto, Ontario.

Dear Miss Boos:

We have been advised by our representatives that the Co-operative Committee is of the view that its work on evacuation losses should terminate with the payment of awards for claims filed with the royal commission on evacuation losses. We understand, moreover, that the Committee is of the opinion that additional representations to the government, if any, regarding economic losses should be made by the National JCCA alone.

As the representatives of Toronto claimants, we feel that we must question the advisability of pursuing such a policy. We state our reasons as follows:

- (1) Although the Co-operative Committee at the present time divides evacuation losses into two distinct categories, namely, those coming within the terms of reference of the Bird Inquiry, and those not covered by the Inquiry; these two groups were considered as part and parcel of one strategy when economic losses were first investigated by the JCED and the JCCA and brought before the Co-operative Committee.
- (2) When the terms of reference of the royal commission were announced in their final form, a large number of persons in Toronto still considered them too exclusive, and advocated a complete boycott. Mr. Brewin, however, argued at that time in favour of filing claims on the contention that the findings of the royal commission could be used as "concrete proof of loss" when making subsequent representations to the government in order to have the terms of inquiry extended to cover forced sales, depreciation before sale by the Custodian, etc. It was on this advice, directed through the National JCCA, that these persons decided to submit their claims to the royal commission, despite the inadequate coverage of the inquiry.
- (3) Now that the government, in agreeing to pay the losses recommended by the royal commission, recognizes the "concrete proof of loss", every effort should be made to follow the course of action on which a large number of evacuees have been depending by carrying out the original plan of strategy. To do otherwise would be highly unfair; it would mean that the Co-operative Committee had first influenced a group of people to accept the terms of reference conditionally, then had abandoned them merely because a portion of the group were about to receive some compensation, without having fulfilled the condition.

- (4) Despite the fact that the Co-operative Committee may consider the losses of evacuees outside the terms of reference as a separate issue, it is apparent that the government does not share this view. Insofar as the government is concerned, they are trying to end the whole matter of economic losses with the payment of awards recommended by the royal commission.

There remains, however, an almost inescapable duty on the part of the Co-operative Committee and the National JCCA to see that all evacuation losses are fully compensated. They owe a duty to the evacuees, who, while realizing that their losses were outside the terms of reference of the Bird Inquiry, nevertheless, went along with the advice of the counsel of the Co-operative Committee, in order to conform with the plan of strategy described above.

We wish, therefore, to recommend that the Co-operative Committee do everything possible to see that the issue of evacuation losses is not closed with the payment of awards announced by the government. In order that this be done effectively, vigorous representations should now be made to the government, on the basis of the losses disclosed by the Bird Inquiry and accepted by the government, to provide the means whereby all economic losses arising out of the evacuation may be thoroughly investigated.

As the Toronto Claimants Committee, we are fully aware of the views of evacuees whose losses were excluded from the inquiry, should the Co-operative Committee decide to discontinue its work on economic losses. As a committee having representation on the Co-operative Committee, and as claimants under the Bird Inquiry, we have some responsibility to see that these evacuees are also compensated for their economic losses.

We would appreciate a reply from the Co-operative Committee with a statement of their decision and course of action.

Yours very truly,

Toronto Claimants Committee,

Per: S. Takashima

(Draft Letter to Claimants as prepared by the sub-Committee which met on Tuesday,
July 5, 1949. Members present: Rev. K. Shimizu

Mr. T. Umezuki
Mr. R. Obata
Mr. Y. Hyodo
Mr. G. Tanaka (Chairman).)

KHP

NATIONAL JCCA,
84 Gerrard St. E.,
Toronto 2, Ontario.

Dear Claimants:

Under date of April 16, you received a letter from the Co-operative Committee on Japanese Canadians advising you that an offer of over-all settlement was received in connection with your property losses claims and that for the reasons stated therein it was recommended that the proposals of settlement be accepted. The Japanese Canadian Citizens Association, having considered this matter from all angles, felt that there was, unfortunately, no alternative under the present inquiry but to recommend acceptance to claimants. It was never intended, however, that any acceptance of the proposals should be considered as an end of our complaints respecting property losses claims. It has been reported to us that a great majority of claimants who replied to the Co-operative Committee agreed, under strong protest, with their recommendation for acceptance.

It might be pointed out that a large number of claimants, especially in the Toronto area, took strong objection to the proposals of settlement. A Toronto meeting of claimants requested the Co-operative Committee, through its general counsel, to advise the Dominion Government and the Commission that the proposal was not acceptable and that further efforts should be made for a revision of the percentages. The points raised in favour of rejection were as follows:

1. The claimants could interpret this as a first offer. It is their opinion that it is open for further negotiations under the over-all settlement proposal. (This is now considered impractical in view of the recent National JCCA delegation's interview with the Commissioner).
2. In view of the fact that the Government has requested such secrecy on this matter some would interpret that as being a step by the Government to settle the question of evacuation claims without individual hearings at a minimum possible compensation.
3. In view of the fact that a claimant has made a truthful claim, acceptance of the Government's totally inadequate proposal would be an outright admission that his claims were not truthful.
4. Some claimants felt that the way the Co-operative Committee letter was written left no alternative but to accept.
5. The offer included certain inducements which are not within "the terms of reference" (such as, the return of commissions to claimants in the form of small percentage awards in the Government's proposal which originally were charged against the sale of claimants' property by the Custodian, etc.) and which claimants' counsel advised claimants might lose should they refuse and insist on individual hearings of claims by the Commission.
6. Under the terms of reference, the claimants are entitled to receive the fair market value but percentage increases do not produce an increase anywhere near the fair market value."

The present position, however, is that, insofar as the Royal Commission is concerned, the Commissioner is aware that the majority of claimants who replied to the Co-operative Committee have accepted his offer of settlement under protest. In view of the recent National JCCA delegation's interview with the Commissioner, it is not likely that much more can be achieved by the claimants by pursuing the matter with the Royal Commission. In addition to this, we have been advised by the Commissioner himself that, as it was indicated to us before, it had been his intention to proceed on the basis of his

offer whether the claimants accepted his proposals for over-all settlement or not.

In the light of the above, the J.C.C.A. is proceeding along the following lines:

1. Efforts are being continued to have the Commission and the Government raise the percentages for all claims.
2. The Dominion Government are being advised that while a number of claimants have accepted the proposals of the Commissioner, they did so under strong protest and only because it was intimated to them that this was merely an indication by the Commissioner of what his final recommendations will be and that insofar as the present Royal Commission was concerned acceptance or rejection would make no difference to the findings.
3. The Dominion Government will also be requested to enlarge the terms of reference of the Royal Commission to cover all losses suffered by the claimants as the claimants feel that the suggested figures in no wise cover these losses. At the time the Government will be advised that the JCCA as an organization will back the claimants to the full in their claims for restitution and will press for full compensation. In other words, we will notify the Government that any finding by the Commission such as that proposed will not be considered the end of this matter and that they may be well advised to make proper restitution at this time if they wish to avoid continued dissatisfaction.

As the JCCA is ready and willing to continue to assist you in any way possible to obtain justice for the evacuation losses suffered by Japanese Canadians, we would appreciate your comments on any of the questions raised in this letter.

We especially wish to know whether you feel greatly dissatisfied with the Commission's settlement proposal and desire the JCCA to make a vigorous appeal to the Government for a more just claims' restitution and to carry out a public campaign in support of this action.

During the past two years, the JCCA has expended several thousands of dollars in the upkeep of the National JCCA Office in the periods devoted to Claims work, the preparation of Claims briefs and other claims material while a very great deal of voluntary time was given to assist claimants by the hundreds of JCCA workers in all the Provinces.

The JCCA is ready to continue unabated the work on behalf of claimants and has already planned the following steps:

1. Present a brief to the Government and members of Parliament which will disclose
 - (a) the basic complaints of claimants to the Commission's settlement proposal with a strong appeal for just restitution,
 - (b) seeking a broadening of the terms of reference to include all claims.
2. Seek a delegation interview with the Government in representation on behalf of all claimants and present the aforementioned brief.
3. Carry out a campaign for public support for justice and full restitution for evacuation losses claims.

As the National JCCA operating funds are now totally depleted and, in order to carry on the aforementioned work, fairly large expenditures will be involved, it is now absolutely necessary for the National JCCA to appeal directly to claimants for financial support.

In view of these circumstances, we desire to know whether you are willing to consent to an appropriation from the Co-operative Committee Claims Funds being made to the National JCCA in order to finance the claims work outlined on behalf of claimants.

May we hear from you with regard to all the questions raised in this letter.

Sincerely yours,

DRAFT LETTER ONLY

Dear Claimant:

Under date of April 16, you received a letter from the Co-operative Committee on Japanese Canadians advising you that an offer of over-all settlement was received in connection with your property losses claims and that for the reasons stated therein it was recommended that the proposals of settlement be accepted. The Japanese Canadian Citizens Association, having considered this matter from all angles, felt that there was, unfortunately, no alternative under the present inquiry but to recommend acceptance to claimants. It was never intended, however, that any acceptance of the proposals should be considered as an end of our complaints respecting losses arising out of evacuation. It has been reported to us that a great majority of claimants who replied to the Co-operative Committee agreed under strong protest, with their recommendation for acceptance.

It might be pointed out that a large number of claimants, especially in the Toronto area, took strong objection to the proposals of settlement. A Toronto meeting of claimants requested the Co-operative Committee, through its general counsel, to advise the Dominion Government and the Commission that the proposal was not acceptable and that pressure should be brought to bear for a revision of the proposals. The points raised in favour of rejection were as follows:

- "1. The claimants could interpret this as a first offer. It is their opinion that it is open for further negotiations under the over-all settlement proposal.
2. In view of the fact that the Government has requested such secrecy on this matter some would interpret that as being a step by the Government to settle the question of evacuation claims without individual hearings at a minimum possible compensation.
3. In view of the fact that a claimant has made a truthful claim, acceptance of the Government's totally inadequate proposal would be an outright admission that his claims were not truthful.
4. Some claimants felt that the way the Co-operative Committee letter was written brought pressure upon them to sign for acceptance.
5. The offer was to try to stay in line with "the terms of reference" but inducements outside the terms were included in this present offer and we were told (by Counsel) we would risk losing this.
6. Under the terms of reference, the claimants are entitled to receive the fair market value but percentage increases are nowhere near the fair market value."

The present position, however, is that, insofar as the Royal Commission is concerned, the Commissioner is aware that the majority of claimants who replied to the Co-operative Committee have accepted his offer of settlement under protest, and it is not likely that much more can be achieved by the claimants by pursuing the matter with the Royal Commission. In addition to this, we have been advised by the Commissioner himself that, as it was indicated to us before, it had been his intention to proceed on the basis of his offer whether the claimants accepted his proposals for over-all settlement or not.

In the light of the above, the J.C.C.A. is proceeding along the following lines:

1. Efforts are being continued to have the Commission and the Government raise the percentages for all classes.
2. The Dominion Government are being advised that while a number of claimants have accepted the proposals of the Commissioner, they did so under strong protest and only because it was intimated to them that this was merely an indication by the Commissioner of what his final recommendations will be and that insofar as the present Royal Commission was concerned acceptance or rejection would make no difference to the findings. (The Dominion Government will therefore be requested to enlarge the terms of reference of the Royal Commission to cover all losses suffered by the claimants as the claimants feel that the suggested figures are entirely unsatisfactory. At the time the Government will be advised that the JCCA as an organization will back the claimants to the full in their claims for restitution and will press for full compensation. In other words, we will notify the Government that any finding by the Commission such as that proposed will not be considered the end of this matter and that they may be well advised to make proper restitution at this time if they wish to avoid continued dissatisfaction.

As the JCCA is ready and willing to assist you in any way possible to obtain justice for the evacuation losses suffered by Japanese Canadians, we would appreciate your comments on any of the questions raised above. If it is your wish to make a further direct representation to the Co-operative Committee on the question of settlement, this should be done immediately. This letter is being forwarded to you through the Prov. Chapt. of the JCCA and is this whole matter of settlement is still under discussion, without prejudice, it should not be made public.

STATEMENT FROM THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

In view of the dissatisfaction expressed by spokesmen for a group of Toronto Claimants on Saturday, February 4th, the Co-operative Committee on Japanese Canadians feels it advisable to make the following statement:

1. At each stage the Committee has carefully considered any question affecting the interests of Claimants who retained it and unanimous decisions have finally been reached after full discussion of matters involved.
2. Throughout the proceedings the Committee has worked in close co-operation with the National JCCA and its representatives across Canada and, in particular, with its National Executive Secretary who has been of great assistance. Representing the National JCCA, George Tanaka and Roger Obata have been active members of the Committee and have agreed with all decisions made.
3. This Committee has full confidence in the legal counsel retained to represent Claimants and is of the opinion that the most effective services possible have been rendered - in particular, by Mr. R. J. McMaster of Vancouver, who has had the major responsibility for presenting cases of Claimants to the Commissioner.
4. Some objection has recently been expressed to the method of procedure adopted by the Commissioner; namely, the fixing of percentages in respect to various categories and the hearing of special cases where special evidence was available. This Committee is convinced that this procedure which was adopted was definitely in the interest of Claimants, although some of the percentages fixed were not satisfactory to Claimants' counsel. In such cases, Counsel made every effort to have percentages raised, but final decision rested with the Commissioner.

All Claimants were consulted by letter, and of those expressing their opinions by letter, or at meetings, an overwhelming majority approved of the method proposed.

5. Claimants with special claims have repeatedly been invited to get in touch with Counsel, and many have done so.

6. Findings of the Commissioner may be reported shortly. This Committee will urge the Government to implement his findings by prompt payment, with interest on all claims from the date of sale. In addition, it will press for special consideration of claims outside the terms of reference which for this reason were rejected by the Commissioner.

7. With regard to specific requests made through the National JCCA:

(a) Re Representation - It was suggested that additional representatives of Claimants be added to the Co-operative Committee. At its meeting on January 20th, it was agreed that such would be welcome, provided that they be appointed by and represent the National JCCA.

(b) Re Further Costs - Claimants were assessed 1% of their claims and most of them have made this payment. A further 1% has been paid by a considerable number. We hope no additional assessment will be necessary.

The balance of expenses will be paid on a percentage basis out of claims allowed, in accordance with retainers signed by each claimant represented by the Committee. It is not possible to determine exactly how much will be required from successful claimants for this purpose.

All expenses and legal fees will be submitted to independent counsel for checking. In addition, a statement by the Committee's auditors for the period, Sept. 1st, 1947, to August 31st, 1948, has been submitted: audited statements for the period from Sept. 1st, 1948, to August 31st, 1949, will be made available this month.

CO-OPERATIVE COMMITTEE ON JAPANESE
CANADIANS,

per: REV. J. M. FINLAY, Chairman.

February 7, 1950.

File 2
KNP

STATEMENT ISSUED BY THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

FOLLOWING THE ANNOUNCEMENT OF THE PRIVY COUNCIL DECISION DEC. 2, 1946

The Privy Council has decided that, in the emergency of war, the Government has the legal power to exile Canadian citizens for such reasons as seem good to it.

The sweeping nature of this power requires that the Parliament and people of Canada should be vigilant in seeing that it is not abused.

To provide for mass deportation on racial grounds would indeed be a grave abuse of this extraordinary power. The Privy Council has made it clear that this power of exile was conferred by Parliament solely for the emergency of war. The War is now over. All the Japanese Canadians who wish to do so have left for Japan. The Japanese have been established throughout Canada and are making a substantial contribution by their labour and skill to various communities across the country. The hard feelings of war time have died down.

We now call upon the Government in the altered circumstances since the orders were passed, to announce that the policy of forcible deportation has been abandoned, that remaining restrictions on Japanese Canadians are to be removed and that full compensation will be made for the grievous property losses that they have sustained through no fault of their own.

The Co-operative Committee and the many citizens across Canada who have joined with them in opposing the policy of deportation will not relax their efforts to secure justice for Japanese Canadians. We will seek an interview with the Prime Minister at the earliest possible moment.

COPY

File 2
KNP

COPY

May 8, 1949.

Miss Margaret Boos, Secretary,
The Co-operative Committee on Japanese Canadians,
67 Riverdale Avenue,
Toronto 6, Ontario.

Dear Miss Boos:

We, the undersigned claimants, have given very careful consideration to the proposal of the Dominion Government and the Commissioner, Mr. Justice Bird, for the settlement of Japanese Evacuation Claims.

We regret very much that the proposed percentage increases on the Custodian's selling price are insufficient and we must, therefore, consider the proposal unacceptable.

We request that the Co-operative Committee have its general counsel advise the Dominion Government and the Commissioner of our decision and press for a revision of the proposal.

<u>NAME</u>	<u>ADDRESS</u>
F. G. Mizutani	152 Collier St.
K. Shibuya	84 Vanderhoof Ave.
K. Kobayashi	114 Alcorn Ave.
H. Hirowatari	1883 Gerrard St. E.
I. Ueda	1 Hunter St.
T. Tsurui	1 Hunter St.
C. Hiraki	166 Mulock Ave.
Yeda Shin	159 Gerrard St. E.
Edward Shigeichi Sano	283 Dundas St. E.
G. Hanada	247 Lansdowne Ave.
S. Z. Shin	159 Gerrard St. E.
S. Takashima	67 Rose Ave.
I. Orida	c-o Jens Pedersen, RR#1, Oakville
T. Gumi	329 Clinton St.
R. Tsuji (?)	30 Mitchell Ave. (?)
K. Yagi	c-o Mr. Dunwoody, Oakville
G. K. Wake	142 Jane St. (?)
Z. Teramoto	RR#2, Norval
G. Nakamachi	8 Greenlaw Ave.
C. Kawamoto	318 Markham St.
B. Fujino	333 Brock Ave.
G. Nakamura	115 Grange Ave.
M. Nishida	269 Coleridge St. (?)
A. Masuhara	365 King St. W.
C. Sumi	1 Wales Ave.
S. Sasaki	c-o Walter E. Calvert, Brampton
Mrs. Hisa Takiguchi	357 Ossington Ave.
Kunio Hidaka	506 Jarvis St.
K. Nishimoto	161 Major St.
K. Takahashi	234 Cottingham St.

NAME

T. Mineoka
 U. Ohoi
 J. T. Oki
 N. Otsuki per S. Otsuki
 Kaizo Kamachi
 Y. Matsugu
 N. Kishimoto
 K. Yano
 Hyosaku Iwasaki
 Frank Omura
 Rikizo Yoneyama
 Genkyu Iwama
 Naoichi Karatsu
 S. Nishimura
 T. Nasu
 S. Sugamori
 E. Kitagawa
 Y. Hakoda
 M. Nasu
 R. Obata
 T. Mio

ADDRESS

90 DeGrassi St.
 517 Brock Ave.
 346 Merton St.
 210 Gainsborough Rd.
 6 Henry St.
 503 Perth Ave.
 502 Clinton St.
 79 Victor Ave.
 137 Winchester St.
 859 Shaw St.
 235 Belgravia Ave.
 133 Beverley St.
 2 Moutray St.
 136 Grange Ave.
 136 Grange Ave.
 27 Rusholme Park Cres.
 20 Crewe Ave.
 189 Elm Ave.
 30 Carling Ave.
 346 Merton St.
 102 Centre Ave.

7122
KHP

REPORT OF CLAIMANTS MEETING OF FRIDAY, OCT. 27TH

Toronto claimants at a meeting on Friday, Oct. 27th, unanimously passed a motion expressing disappointment in the failure of representatives of the National Executive Committee of the JCCA to show up, despite the friendly invitation extended to them by the ~~Exec~~ Claimants Committee to debate the question of evacuation losses.

The meeting also went on record to urge the JCCA to reopen the claims question with a view to ~~getting~~ securing full compensation for all evacuation losses.

S. Takashima, chairman of the Toronto Claimants Committee, gave a detailed report on the committee's work since its inception at the end of 1949. He stated that the committee was formed following a decision reached at a JCCA meeting that it would be advisable to set up the means whereby claimants could express their views. An election was subsequently held, with ballots distributed to all claimants in the Toronto area.

The claimants' chairman reported that 30 committee meetings were held since the work of the committee began, and at the first meeting the committee agreed that its objectives were to work with the Co-operative Committee and do everything possible which was in the best interests of claimants. He reported that despite ~~the~~ efforts to carry out a program which would benefit claimants, the co-operation of the JCCA and the Co-operative Committee was not always forthcoming.

T. Mineoka, secretary of the Claimants Committee, gave a careful analysis of the policy adopted by the committee to show that each step agreed to by committee members was not only to serve the best interests of claimants exclusively, but of all evacuees. They realized that certain actions taken by the Co-operative Committee and agreed to by the JCCA would only eliminate the possibilities of pressing for further claims.

During the open discussion period, claimants expressed their support of the actions and policies of their committee.

File 2
KMP

STATEMENT FROM TORONTO CLAIMANTS COMMITTEE ON CUSTODIANS RELEASE

The RELEASE which the Custodian is asking claimants to sign has one paragraph which is found objectionable. It is the 6th paragraph which begins "NOW THIS INDENTURE WITNESSETH", and states that the indenture witnesses that the claimant releases the Government from all claims whatsoever.

In order to delete this objectionable condition, it is respectfully suggested that all words in the paragraph after "from" in the 3rd line be struck out and be replaced by the words "payment of the sum of _____ dollars."

The paragraph, as revised, will therefore read: "NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian the Releasor hereby releases His Majesty the King in Right of Canada and the Custodian from payment of the sum of _____ dollars."

-30-

Issued by Toronto Claimants Committee
67 Rose Avenue Toronto

November 1, 1950.

File 2 KHP

TORONTO CHAPTER J.C.C.A.

April 21st, 1949.

Dear Claimant:

Re: Emergency Claims Meeting

On Friday, April 29th, there will be a meeting of all Toronto Claimants to discuss the recent property claim proposal introduced by the Commissioner. This meeting will be held at the Church of all Nations at 8:00 p.m. sharp.

As we will have to reach a definite decision regarding this government proposal, we wish to stress the importance of your presence at this meeting.

Yours very truly,

TORONTO J.C.C.A.
Property Claims Sub-Committee.

K. Tanaka Pres.

Per: *K.*

四月二十一日
席を御願ひ致し
催しますから皆様
いて重要なる
損害賠償提議
教会に於てオタ
八時からオール
来る四月二十九日
損害賠償要求者

ト市
賠償

File 2 Tort Claims
K. H. H. Paper

EXCERPTS FROM SPEECH BY DONALD FLEMING M.P. (EGLINGTON)
IN THE HOUSE OF COMMONS APRIL 14 1947

During the course of the debate on the second reading of the Revised Regulations Regarding Trading with the Enemy Act (Bill 22)

Mr. Fleming quoted from the reports of the auditors of the accounts of the Custodian of Enemy Property and from the report of Mr. Mathieu, Assistant Deputy Custodian, dated January 15, 1947.

1. From the report of Price, Waterhouse & Co., auditors, for period Dec. 11, 1941 to Dec. 31, 1946 (Proceedings House of Commons, April 14, 1947, p. 2094)

"Personal effects and chattels of enemy persons, including the balance of fishing boats and gear turned over by the Fishing Vessels Disposal Committee, have not generally been recorded on the books of the Vancouver office except in the files of the individuals. We did not examine these files in detail but we are informed that, with a few minor exceptions, all personal effects and chattels have been disposed of and the proceeds accounted for in the financial records of the Vancouver office."

"Fees of the controller and liquidator have been paid out of the funds of the Vancouver office against collections of a corresponding account received from the controller and liquidator out of the controlled companies' funds. We are informed that there are about thirty companies not yet liquidated, still under the control of Messrs. P. S. Ross & Sons. Our examination did not extend to the accounts of the controlled companies nor did we endeavour

to obtain direct confirmation from the controller and liquidator, of amounts remitted to the Vancouver office of the Custodian.

"In submitting this report we would point out that our work was mainly concerned with an examination of the books of the enemy section of the Vancouver office of the Custodian and a general review of the accounting methods employed. We did not examine all the numerous files maintained for individuals, and therefore, we are unable to state definitely that all assets vested in the Custodian have been entered in the books."

2. From the Price, Waterhouse & Co. report of Dec. 31, 1943

"We would advise you that no attempt was made to verify the securities listed as shareholders' securities. This matter was discussed with the assistant deputy custodian who stated that he was satisfied that reasonable control was being maintained over these securities through close checking at the times that dividends are received. This, of course, does not apply to non-dividend paying stocks, which actually are small in number and value as compared to the whole."

3. From the report of P. S. Ross & Sons, auditors, dated Jan. 20, 1943

"We understand that many requests have been received from evacuees to have shipped to them at their present address certain articles which, in some cases, have necessitated the unpacking of a carton or other container in order to locate the particular thing or things requested.

We were also informed that storage places have on a number of occasions been broken into and containers ransacked, and as a result the belongings of one evacuee mixed with those of another, thus destroying means

of identification of ownership with the office records.

"We are informed that in the near future the chattels then on hand will be sold by public auction. This would appear to be desirable so as to relieve the custodian's office of the responsibility of maintaining safe custody of numerous articles of little value, many of which, it could be seen by inspection, would rapidly deteriorate and probably become worthless if kept for a protracted period of time."

4. From the report of Mr. Mathieu, assistant deputy custodian, dated January 15, 1947 (page 39 of the report)

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

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

"At the time the property was handed over to us in December, 1945, Mr. K. W. Wright, counsel to the custodian, and Mr. F. G. Shears, director of our Vancouver office, inspected these premises with Mr. Baeschlin, representing the Swiss government. Every piece of plumbing had been removed, light fixtures and switches had been disconnected and taken away and even leaded glass doors and windows

had been taken from their frames and were missing. This had occurred in one of the best districts of Vancouver and according to representatives of both the Spanish and Swiss authorities, the house had been broken into time after time even although it was boarded up after each depredation.

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

"It may be of interest to record that a building on East Hastings Street, registered in the name of a Japanese association and which certain Japanese had filled with chattels, was left by them in the care of Messrs. Norris & McLennan. Upon request for the shipment, through the Security Commission, of some of the contents of this building, we requested Mr. McLennan to accompany one of our staff to the building for the purpose of selecting the goods required for shipment. Finding it impossible to open the front door, access was made through a rear entrance when it was discovered that thieves had entered by the front door and had then barred it from the inside with planks. The place had been ransacked, lids of boxes torn off and the entire contents scattered over the floor. "

5. "The Workers' and Farmers' Publishing Association, Limited"

"At the time the company was declared illegal, an inventory was prepared of all machinery and tools.

"The valuator's employed by the agents for the custodian appraised these at \$9,811. The equipment so valued was advertised for sale by tender, and sold, for \$9,696.46.

"Later, representations were made to the Custodian, as a result of which the Honourable Paul Martin in January, 1946, directed Mr. K. W. Wright to make an investigation, resulting in an additional compensation of \$20,000 being allowed."

Questions - March 13, 1950

File 2 Trust Claims
K. H. L. Paper

1. How many claims were filed, amount claimed, amount of proposed awards under the over-all settlement plan, for the various categories?
2. How many special cases were considered in the three categories, i.e. Vancouver real estate, Fraser Valley Farms, other non-Vancouver urban and rural properties? What total increases did each category obtain?
3. What difference in awards would have resulted had the Commissioner allowed for the change in fair market value resulting from the evacuation?
4. Do you think that there is a possibility of the Government considering further compensation for evacuation losses other than under the present Commission?
5. Is there still time for consideration of special cases?
6. How many cases were evaluated in:
 - (a) Vancouver real estate
 - (b) Fraser Valley properties
 - (c) Other urban and rural?
7. If a sampling method was used in valuations, how were the cases selected? Were they representative as to locality, price range, type and condition of building, etc.?
8. Can you give the names of the owners of the cases used in the sampling, in all three categories, and the valuations by both the Custodian's and the Co-operative Committee's valuers?
9. What were the total valuations for each of the above three categories:
 - (a) by Custodian's valuers
 - (b) by Co-operative Committee's valuers?
 What were the final figures accepted by the Commissioner?

1050-1100 claims	\$ millions	claimed, including Cust's selling price
	4.48	gross sales
	1.66	recovery
	.84	
	2.50	total recovery
	2.8	net claim
total recovery = 55% of claim + Cust's selling price		
recovery	= 50%	
gross sales		
recovery	= .84	= 30%
net claim	2.8	

File 2
KHP

HERMAN, MOSES & HERMAN
BARRISTERS AND SOLICITORS

LOUIS HERMAN, K.C.
AUBREY MOSES
CARL J. HERMAN
PERCY BERGART

TELEPHONE ADELAIDE 5101
100 ADELAIDE ST. W.
TORONTO 1, CANADA

October 28, 1950.

S. Takeashima, Toronto (formerly Toronto)
Mr. Tanaka, 67 Rose Ave.
Japanese Canadian Citizen Association,
84 Gerrard Street East,
Toronto, Ontario.

Dear Sir:

Pursuant to your request for information with respect to the release which you have been requested to sign by the custodian may we say the following.

In the first instance you have no legal claim at all with respect to these monies inasmuch as you have no legal claim you cannot sign it away. The only effect that your signature can ~~have~~ is on public opinion.

If you have a choice of signing or not signing something which is meaningless I would suggest not signing. If you must sign a release I would suggest releasing the custodian for the sum you have received only.

Yours faithfully,

CJH/EP

15
FOLDER NO.

TORONTO CLAIMANTS COMMITTEE PROTESTS CUSTODIAN'S RELEASE FORM

Claimants are advised by the Toronto Claimants Committee to withhold signing the Custodian's "Release" form because of an objectionable section which states that, in consideration of the payment received, the claimant agrees to release the Government and the Custodian from all further claims in respect of all real and personal property.

By agreeing to such a condition, the claimant will bar himself from making further claims for economic losses suffered as a result of the Government's actions during the evacuation. No action can be taken on other claims.

Protests against the "Release" were sent by the Claimants Committee to the Custodian and a request was made that the form be revised to serve only as a receipt. The Committee therefore considers it inadvisable to sign the "Release" before a reply is received from the Custodian.

The objectionable section reads as follows:

"in consideration of the premises and the sum so paid by the Custodian, the Releasor (claimant) hereby releases His Majesty The King in the Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal estate of the Releasor 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 Releasor's property or in respect of any of the matters above recited."

In the letter of protest the Claimants Committee stated their opinion that it was not compulsory for claimants to sign the form in order to receive payment. Furthermore, they said: "As it now reads, it appears that the purpose of the "Release" is to secure from the property owner, in return for the payment, an agreement to make no further claims. Should you make such an agreement a condition of payment, we protest in the strongest way against your attempt to secure the agreement by payment of monies which are long over-due, and which are rightfully owed to us."

File 2
KNP

67 Rose Avenue,
Toronto, Ontario,

September 12, 1950.

Miss Margaret Boos, Secretary,
Cooperative Committee on Japanese Canadians,
94 Homewood Avenue,
Toronto, Ontario.

Dear Sir:

We are enclosing a copy of a letter sent to the Custodian which protests against the content of the last paragraph of the form marked "RELEASE" which secures from the property owner an agreement to make no further claims on the Custodian.

In writing to your committee, we have in mind the position of the Cooperative Committee during the past several years on the economic losses of the evacuation. We also know that members of the committee are sufficiently well-informed of the circumstances to realize that present payments are far short of the losses suffered as a result of the forced movement.

It is unnecessary for us to remind you that should a property owner sign the "RELEASE" in its present form, it will prove an effective barrier against any further action which may be taken for more adequate compensation for economic losses.

We therefore ask you to join us in pressing for a revision of the form in order to have the objectionable parts removed.

Yours very truly,

TORONTO CLAIMANTS COMMITTEE,

Per:
S. Takashima, Chairman.

The Custodian,
Department of the Secretary of State,
Victoria Building,
7 O'Connor Street,
Ottawa, Canada.

67 Ross Avenue,
Toronto, Ontario,

September 12, 1950.

Dear Sir:

Our attention has been drawn to the form marked "RELEASE" which is to be sent to persons of Japanese ancestry who did not receive the fair market price for their property and who are to receive an award in the amount recommended by the Royal Commission.

After giving careful study to the content of the "RELEASE" we are of the opinion that, in order to receive payment, it is not compulsory for property owners to agree to make no further claims, nor are they required to sign the "RELEASE" in its present form.

As it now reads, it appears that the purpose of the "RELEASE" is to secure from the property owner, in return for the payment, an agreement to make no further claims. Should you make such an agreement a condition of payment, we protest in the strongest way against your attempt to secure the agreement by payment of monies which are long over-due and which are rightfully owed to us.

In order to remove the objectionable part of the "RELEASE" we request that the form be revised to serve only as a receipt, and that the paragraph beginning "NOW THIS INDENTURE WITNESSETH" be revised by deleting all words after "witnesseth" and by substituting the words "that the above stated sum has been received."

Furthermore, will you please inform us of your position, in the event that a property owner should refuse to sign the "RELEASE" as it now reads but make his own revision according to the above request.

Yours very truly,

TORONTO CLAIMANTS COMMITTEE,

Per:
D. Takashima, Chairman.

EXCERPT FROM CUSTODIAN'S RELEASE

"NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian the Releasor hereby releases His Majesty The King in the Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal estate of the Releasor 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 Releasor's property or in respect of any of the matters above recited."

KH Paper

TEXT OF LETTER TO CLAIMANTS

Claimants' Committee, Toronto

The Co-operative Committee sent you a letter, dated April 16, 1949, concerning the over-all settlement proposed by Commissioner Bird and asked you to state whether or not it was acceptable to you. On the basis of the information contained in the letter and other representations, a large number of claimants stated that they would accept the offer. Despite this fact, we have no doubt that you shared our feelings and were far from satisfied with the offer.

Since that time, claimants resident in Toronto and District have carefully analysed all the material factors to the best of our ability, with a view to finding means which will improve the proposed settlement of claims. Although we have been studying the various approaches for some months, we have not previously had occasion to submit our plans to you for your considered judgment.

In December, 1949, following a proposal from the National Executive Committee of the JCCA, that representatives of claimants work with them on claims matters, a general meeting of Toronto and District claimants was called, and at the second meeting a representative committee of claimants was elected by ballot.

At the meetings, claimants expressed the need for organizations of claimants on a national scale to protect their interests, but in view of the exigencies of time - the report of the Commissioner was expected in a few weeks - organization on a national scale was withheld and active organization was localized in Toronto. Despite our restricted basis of geographical representation, because we share the same position and are faced with identical problems as other Japanese Canadians in other parts of Canada, we sincerely hope that the program of activity proposed in this letter will prove satisfactory to you and will be endorsed by claimants in all parts of Canada. We also ask for your co-operation and advice in order to make our program representative of your interests and desires in every possible respect.

As previously stated, we have been informed that Commissioner Bird is to present his report to the Government within a few weeks. We are also informed that despite our claims which totalled \$6 millions, the Commissioner is stating that he found losses to total a mere \$925 thousands. This is the outcome of the scheme referred to claimants for their acceptance. A majority of you claimants, when pressed to accept this scheme, expressed agreement despite its unsatisfactory nature, and with protest. On the basis of the information given to you at that time, we claimants in Toronto and District have given the matter further study over an extended period and have decided at meetings, by resolution, that we are unalterably opposed to accepting this inadequate amount without further efforts for higher and more just compensation.

An announcement of the Commissioner's findings will be made by the Government after the report is received. At that time, it is proposed that we claimants make use of every means within our power to gain public support in a campaign for better terms of settlement. It should be borne in mind that this is our last opportunity to place our case before the Canadian public, and unless the true facts and circumstances of the evacuation are made known to the public at this time, the story will never be told and the success of any further public action will be forever barred. The rights and safety of minorities will be less secure in Canada without our forceful voice against racial discrimination. And it may also be stated that, regardless of the outcome of the campaign, should the Government flout all public opinion and remain adamant, we shall not receive less than the \$925 thousand offer.

With all these relevant facts in mind, and after full discussion, a meeting of Toronto and District claimants, held on January 15, 1950, reached two very important conclusions. They are:

- (1) Commissioner Bird's investigation was not fair by any standards. Claimants therefore demand the full amount of their original claims.
- (2) After investigation on even an inadequate basis of goods sold by the Custodian alone, losses amounting to \$925 thousands were found. This is positive proof that total losses are substantially higher and warrant a further program to compensate for general economic losses.

Following from these two conclusions, and after extensive discussion with the National JCCA, we have decided to undertake a further campaign on claims. The methods proposed in the campaign are as follows:

- (1) Draw up a brief on evacuation losses and state our position on the Commissioner's report.
- (2) Publish pamphlet for mass distribution describing all facts and circumstances of evacuation.
- (3) Gain support of newspapers and periodical press and have them publish news stories and articles.
- (4) Use radio time in support of campaign.
- (5) Arrange delegation to interview M.P.'s and Cabinet Ministers in Ottawa.
- (6) Enlist support of organizations - Ukrainian, Jewish, Civil Liberties, etc.
- (7) Enlist support of churches and religious organizations.
- (8) Contact local Japanese Canadian organizations, have them wire and write M.P.'s and Government.
- (9) Work through JCCA chapters, have them contact mayors, municipal councils, and other local officials, request them to wire their support to M.P.'s and Government.

The cost of such a campaign is estimated at \$5 thousands. It is proposed that the Claimants Committee be empowered to borrow this amount initially to be paid back later by claimants on a pro rata basis from final awards.

Because we are unable to initiate this campaign without being certain that it is in accordance with your desires, and merits your wholehearted support, we request that you state whether you approve of the following points of our proposed program:

Specifically

- (1) The two decisions of Toronto claimants, expressed at ^{our} ~~their~~ meeting of January 15th, stated above.
- (2) Our plans to make strenuous demands on the Government to improve the terms of settlement.
- (3) The methods we propose in our public campaign.

Please give the matters outlined in this letter your careful consideration and study, and advise us of your approval or disapproval at the earliest possible date.

As claimants, you will agree with us that this is a matter of utmost importance and we await your reply before deciding to undertake this campaign. We are unable to perform effective work unless we know that ~~you have~~ given us a mandate. Your replies may be written in either Japanese or English, and should it be possible, we request that you reply within the next two weeks. Should we not hear from you, we shall judge that you concur in our plans and that you have given hearty endorsement.

On the other hand, should you disagree with us, we shall be very pleased to have your reasons in order that we may give careful consideration to the defects in our plan, and where necessary we shall then have an opportunity to revise our program in accordance with the opinions of the main body of claimants across Canada.

We would also urge you to form a Claimants Committee in your local area. A step of this kind will improve communication between us and will greatly facilitate our work to our mutual advantage. Through such an organization, we can be assured of more effective coordination and cooperation. When your committee is formed, please advise us of the names of your chairman and secretary, and their addresses.

In the future, should it be necessary for us in Toronto to contact individual claimants and local committees on every occasion about each detail of program and policy, we shall find that the distance between us in space will hamper our work and we shall be powerless to cope with emergencies. We therefore request that you give us sufficient authority to act on your behalf as your representatives on matters concerning claims on a national scale, that is, within the range of the general policy outlined in this letter.

Again we request an early reply.

Senji Takashima, Chairman,
Claimants Committee, Toronto,
67 Rose Avenue.

File 2
K. Healy Papers

Miss Margaret Boos, Secretary,
Co-operative Committee on Japanese Canadians,
Toronto, Ontario.

Dear Miss Boos:

We have been advised by our representatives that the Co-operative Committee is of the view that its work on evacuation losses should terminate with the payment of awards for claims filed with the royal commission on evacuation losses. We understand, moreover, that the Committee is of the opinion that additional representations to the government, if any, regarding economic losses should be made by the National JCCA alone.

As the representatives of Toronto claimants, we feel that we must question the advisability of pursuing such a policy. We state our reasons as follows:

- (1) Although the Co-operative Committee at the present time divides evacuation losses into two distinct categories, namely, those coming within the terms of reference of the Bird Inquiry, and those not covered by the Inquiry; these two groups were considered as part and parcel of one strategy when economic losses were first investigated by the JCCD and the JCCA and brought before the Co-operative Committee.
- (2) When the terms of reference of the royal commission were announced in their final form, a large number of persons in Toronto still considered them too exclusive, and advocated a complete boycott. Mr. Brewin, however, argued at that time in favour of filing claims on the contention that the findings of the royal commission could be used as "concrete proof of loss" when making subsequent representations to the government in order to have the terms of inquiry extended to cover forced sales, depreciation before sale by the Custodian, etc. It was on this advice, directed through the National JCCA, that these persons decided to submit their claims to the royal commission, despite the inadequate coverage of the inquiry.
- (3) Now that the government, in agreeing to pay the losses recommended by the royal commission, recognizes the "concrete proof of loss", every effort should be made to follow the course of action on which a large number of evacuees have been depending by carrying out the original plan of strategy. To do otherwise would be highly unfair; it would mean that the Co-operative Committee had first influenced a group of people to accept the terms of reference conditionally, then had abandoned them merely because a portion of the group were about to receive some compensation, without having fulfilled the condition.

(4) Despite the fact that the Co-operative Committee may consider the losses of evacuees outside the terms of reference as a separate issue, it is apparent that the government does not share this view. Insofar as the government is concerned, they are trying to end the whole matter of economic losses with the payment of awards recommended by the royal commission.

There remains, however, an almost inescapable duty on the part of the Co-operative Committee and the National JCCA to see that all evacuation losses are fully compensated. They owe a duty to the evacuees, who, while realizing that their losses were outside the terms of reference of the Bird Inquiry, nevertheless, went along with the advice of the counsel of the Co-operative Committee, in order to conform with the plan of strategy described above.

We wish, therefore, to recommend that the Co-operative Committee do everything possible to see that the issue of evacuation losses is not closed with the payment of awards announced by the government. In order that this be done effectively, vigorous representations should now be made to the government on the basis of the losses disclosed by the Bird Inquiry and accepted by the government, to provide the means whereby all economic losses arising out of the evacuation may be thoroughly investigated.

As the Toronto Claimants Committee, we are fully aware of the views of evacuees whose losses were excluded from the inquiry, should the Co-operative Committee decide to discontinue its work on economic losses. As a committee having representation on the Co-operative Committee, and as claimants under the Bird Inquiry, we have some responsibility to see that these evacuees are also compensated for their economic losses.

We would appreciate a reply from the Co-operative Committee with a statement of their decision and course of action.

Yours very truly,

Toronto Claimants Committee,

Per:

Statement Issued By Toronto Claimants Committee,
Per: Senji Takashima, Chairman,
67 Rose Avenue, Toronto.

Nov. 13, 1950.

DEBATE THE ISSUE OF EVACUATION LOSSES AND LET THE PUBLIC DECIDE

The statement issued by the executive secretary of the JCCA regarding the invitation from the Toronto Claimants Committee to debate the national executive committee's actions on evacuation losses fails to state that the committee is willing to explain their position at a public meeting, as would be expected from any person or group with public responsibilities, but chooses to evade the central issue by use of more than the usual quota of falsehoods.

Although misrepresentations are now expected as chronic, for only by use of such methods can the executive secretary and the national executive committee attempt to justify their actions, when the very liberal quota is exceeded and persistent attempts are made to mislead the public, then a stern reply is in order.

This reply is directed to two purposes: (a) to once again call upon the national executive committee to debate their position before the public for a full and accurate disclosure of all the circumstances and have the public decide upon the truth for themselves; and (b) to make it clear that no criticism has ever been directed by the Toronto Claimants Committee at the JCCA as a national organization, for the correct position of the organization is plainly stated in national conference reports as committed to a program of full compensation for evacuation losses. Our criticism is confined to the actions and statements of the executive secretary and the executive committee because they have without authority disregarded and violated the policy of the National JCCA as agreed to in conference, and have acted contrary to the expressed desires and ~~instructions~~ of claimants.

In the executive secretary's statement a deliberate attempt is made to propagate the false notion that the Toronto Claimants Committee is self-appointed and without status of any kind except for themselves. It is a very sad and pitiful

File 2
KHP

15
FOLDER NO.

state of affairs when a person is unable to recognise a plain and obvious fact regarding the bona fides of the Toronto Claimants Committee, and it is indeed the height of insolence to think that a statement so far from the truth would not cast serious reflection on the writer himself. It is known to all persons who have taken an interest in claims matters that the Toronto Claimants Committee was elected as a result of a ballot distributed to all claimants in the Toronto area, and that this method of election was agreed to as most appropriate at a meeting called by the JCCA.

All persons elected to the committee were therefore claimants, and almost without exception they were persons who had been prominent in industry and commerce, fisheries and agriculture, and the general community life of Japanese Canadian society for the past 20 and 30 years. The committee is composed of the following persons: Roger Obata, Shosaku Ozawa, Senji Takashima, Tomokichi Ito, Tsuguo Mineoka, Toshiki Sumi, Kunio Hidaka, Nihei Otsuki, Kosaburo Takahashi and Zentaro Shin.

Any person who is familiar with Japanese Canadian affairs will readily see that organizational work for these persons is no new undertaking. Throughout the years they were among the leaders of their communities and business enterprises, and were persons tried and tested and found to measure up to the difficult tasks faced in the past by Japanese Canadians.

It should also be stated that the source of responsibility and authority of the Toronto Claimants Committee is different from appointed or self-appointed bodies like the JCCA national executive committee or the Co-operative Committee. Members of the Claimants Committee hold office not by personal choice nor because some friend arbitrarily placed him on the committee, but only by virtue of the election by claimants. The Claimants Committee has at all times, therefore, been responsible to the general body of claimants in Toronto and have referred problems back to them at general meetings, called on proper notice, for further instruction, sanction or modification of proposed policy.

Recently, the committee functions along thoroughly democratic lines, it has welcomed persons to general meetings who were known to advocate views different from those of the committee. It should be added that on every occasion, after full discussion, the position taken by the committee on various issues has been upheld. Furthermore, no complaint has been received by the committee from any claimant in the Toronto area that its views were not representative, but added encouragement has been received in message of support from claimants in all parts of Canada.

The invitation to debate the actions of the JOCA national executive committee was in keeping with this previous practice of having a full disclosure of all relevant facts pertaining to matters at issue, and it was thought that this could be most satisfactorily accomplished by having speakers from the JOCA committee itself appear, rather than rely on second hand information from another party. Had this been done, all Toronto claimants and the Japanese Canadian public would have had an opportunity to make their own decision on the issue for themselves.

As in the past, had the debate taken place, it is likely that claimants would again have endorsed the position taken by their committee. This would have put the lie to the contention of certain JOCA committee members that their views are those of claimants - and in order to avoid this embarrassment which would make it necessary for them to repudiate their own past actions, they chose to avoid meeting their obligations and failed to appear.

Had the executive committee been loyal to National JOCA policy their actions would be defensible, and they could meet any challenge from any quarter at any time. Instead, as seen by the executive secretary's statement, they have chosen a ^{deliberate} reprehensible road and are hiding behind a smoke screen from whence they prate in self-righteous and pompous tones about "unethical actions", violation of "simple rules of courtesy" - when the arrogant actions of certain of their members belie the contempt which they hold for claimants and reflect only on themselves. Concretely

and specifically, the ~~and~~ and vulgar behavior overtly displayed toward claimants in repeated instances, if disclosed, would be shocking to all "right-minded" persons.

There is an English saying that patriotism is the last refuge of the scoundrel. In this case we believe there is a parallel - with "courtesy" substituted for "patriotism".

Revised at meeting

DEBATE THE ISSUE OF EVACUATION LOSSES AND LET THE PUBLIC DECIDE

A statement recently issued by the executive secretary of the JCCA regarding the invitation from the Toronto Claimants Committee to debate the actions of the National Executive Committee on evacuation losses contains more than the usual quota of false statements. Although inaccuracies are now regarded as general from that source in his efforts to justify his actions, when the very liberal quota is exceeded and false statements are not only repeated despite corrections but are amplified and exaggerated, a reply is called for, primarily for that person's own good to show him that most persons disapprove of deliberate falsehoods and object to being fooled, and secondly, in order to show that the JCCA in its policies regarding evacuation losses, as laid down in National Conferences, is not implicated by the actions of this person. We hasten to state that no unfavourable reflection should be cast on the JCCA as a national organization for its position is clearly and unequivocally stated in their National Conference reports.

In the executive secretary's statement he attempts to propagate the false idea that the Toronto Claimants Committee is self-appointed and without standing of any kind except for themselves. He has used qualifying phrases such as "so-called" and "who call themselves", when referring to the Claimants Committee. It is a very sad and serious state of affairs indeed in that person's mental health when he is incapable of recognising and accepting a plain and obvious fact regarding the bona fides of the Toronto Claimants Committee. It is known to all persons who have taken an interest in claims matters that the committee was elected as a result of a ballot distributed to all claimants in the Toronto Area, and that this method of election was agreed to as the most appropriate method for selecting claimants' representatives at a meeting called by the JCCA.

All persons elected to the committee were claimants and almost without exception they were persons who have been prominent in industry and commerce, fisheries and agriculture, and the community life of Japanese Canadian society for the past twenty and thirty years. The committee is composed of the following persons:

Organizational work for these persons is no new venture. Throughout the years they have been the leaders of communities and business enterprises, and have been tried and tested and found to measure up to the difficult tasks faced by Japanese Canadians in the past. Beside these persons, the executive secretary does not deserve to be dignified by being called a pip-squeek.

These persons who comprise the Toronto Claimants Committee are not self-appointed as were members of the JCCA Executive Committee, nor the Co-operative Committee for that matter, but hold office only by virtue of the election by claimants. They have on every occasion referred problems back to general meetings of claimants, called after proper notice, for further instruction, sanction or modification of proposed policy. The committee has at all times functioned along thoroughly democratic lines and has welcomed persons who were known to advocate views which varied with those of the committee to address general meetings of claimants - and it should be stated that on every occasion, after full discussion, the position of the committee has been upheld.

JCCA
The invitation to debate the actions of the Executive Committee was in line with this previous practice of having a full disclosure of all relevant facts pertaining to evacuation losses, and this could be most satisfactorily accomplished by ^{having} speakers from the JCCA Executive Committee ~~in~~ itself appear, rather than a second hand statement from another party - and then all Toronto claimants and the Japanese Canadian public could decide for themselves.

As they have in the past, should a debate have taken place, it is likely that claimants would have again endorsed the position taken by their committee.

This would have put the lie to the claim of certain JCCA executive committee members that they represent the views of claimants - and to avoid this and have their position rejected by claimants, which embarrassment/~~would~~ would demand a change of policy to conform with the views

of the Toronto Claimants Committee, they chose not to participate. It should be plain to them that their present policy is illegal and contrary to the policy of their own National Conference and their previously stated intentions.

Instead of debating their position on evacuation losses and taking a public stand, the JCCA National Executive Committee is ~~setting~~ violating the instructions given to them by the National Conference and is making no attempt to

Instead of debating their position on evacuation losses which they are under obligation to do if their position is defensible

Instead of debating their position on evacuation losses which they are obliged to do if they consider their actions defensible, the JCCA National Executive Committee has chosen to hide behind a smoke screen and in self-righteous and pompous tones prate about "unethical action" and violation of "simple rules of courtesy", when the ^{insulting} the/actions of a certain of their members belie the contempt in which they hold claimants. Concretely and specifically, through repeated instances, the high-handed, arbitrary and callous attitude and the derogatory manner which has been overtly displayed toward claimants, would be shocking to all "right-minded persons".

There is an English saying that patriotism is the last refuge of the scoundrel - in this instance we believe that a parallel exists, with "courtesy" being substituted for "patriotism".

COPY FOR KUNIO HIDAKA

File 2
Toronto
Claimants
K. Hidaka Papers

94 Homewood Ave., Apt. 28,
Toronto 5, Ontario,
November 30th, 1950.

Mr. S. Takashima,
Chairman,
Toronto Claimants Committee,
67 Rose Ave.,
Toronto, Ont.

Dear Mr. Takashima:

Your letter of November 13th, setting forth the reasons why your Committee decided it could not comply with our request for the resignation of its members who have been acting on our Committee, was read and the situation which has developed discussed at our meeting held November 22nd.

There was unanimous agreement that no additional conference is necessary at this time, nor was the action finally taken dependent on the recommendation of the National J.C.C.A.

I was instructed to advise your Toronto Claimants Committee, and the persons involved, that we have found it necessary to terminate our relationship with its three members who have been acting on our Co-operative Committee. The motion reads as follows: "That the relationship of these Toronto Claimants Committee members (K. Hidaka, R. Obata and S. Takashima) to our Committee be now terminated, and that we so inform them and the Toronto Claimants Committee".

Will you please, therefore, inform the membership of your organization of the action taken. Copies of this letter will be sent to the individuals concerned.

Sincerely,

MKB.
cc- K. Hidaka
- R. Obata

Margaret K. Boos,

SECRETARY.

Folder No.

VB

contempt in which ~~the~~ claimants are held by
the Executive Secretary. ~~Not only that,~~ that is

not all - The manner in which the entire issue of
evacuation losses has been handled, indicated incredibly

and specifically through ~~repeated~~ repeated instances,
has shown the high handed, arbitrary and callous attitude of

the Executive Secretary when considering matters
of policy - and the ~~contemptuous~~ derogatory attitude he has

orderly displayed toward ~~is that~~ would be shocking
to ~~all~~ claimants ~~is that~~ "right-minded persons."

The Los Angeles Claims Committee is concerned only with
removing losses of evacuation. It now appears that as a result
of serious mistakes made by the G-operations Committee and
the J.C.C.P. ~~by upholding a~~ despite the warnings of claimants and their representatives
the road to further ~~action~~ action on evacuation losses has been ~~blocked~~ ~~closed~~
~~as though by~~ ~~as though by~~ as effectively any ~~bar~~ ~~bar~~

done by subterfuge - and the issue is to be closed. The G-ops
+ the J.C.C.P. have yet to answer for their statement in 1947
that ~~the present claims~~ ~~present claims~~ were only the beginning and a means for

A statement recently issued by the executive secretary of the JCCA regarding the invitation from the Toronto Claimants Committee to debate the actions of the National Executive Committee on execution focuses contains more than the usual quota of false statements.

Although in ~~accusations~~ ~~statements~~ in previous statements have been ~~characteristic~~ tolerated as characteristic.

Of that individual, when the liberal quota has been exceeded and the false statements are not only repeated but exaggerated a reply is called

for primarily for those persons own good, and

to show that the JCCA is not so much implicated, the

~~Organization~~ JCCA ~~should~~ ~~otherwise would~~

and no should be

have unfavorable reflection cast upon it as a result of these statements.

and serious

It is a very sad state of affairs, indeed in that person's mental health

when a ~~person~~ is incapable of recognizing and accepting

a plain and obvious fact regarding the bona fides of The Toronto Claimants Committee. It is known to all persons

who have ~~been~~ taken an interest in claims matters that the Committee was elected as a result of a ballot distributed to

all claimants in the Toronto area, and that this method was agreed to as the most appropriate method of selecting claimants representatives at a meeting called by the J.C.C.A.

All persons elected to the Committee were claimants and almost without exception were persons who have been prominent in ^{industry and commerce, fisheries and} ~~the~~ ^{business, agricultural and} generally

~~of~~ ^{the} community life of Japanese Canadian Society for the past 20 and 30 years. The Committee is composed of the following persons:

*The Co-operative Committee
and the Japanese J.C.C.A.
and are with the Committee
The Committee deals
with women's issues*

not by self appointment as is the case with other committees
These persons held office only by virtue of the election and they have on every occasion refined matters ^{by general meetings} back to general meetings of claimants ^{called on paper with instructions} for action and information. The Committee itself has at all times functioned along thoroughly democratic lines and has welcomed persons who were known & advocated views which varied with those of the Committee & address general meetings of claimants - and, on every occasion after full discussion the position of the Committee has been upheld.

And knowing that their ^{illegal} stand ~~could not~~ ^{JCA} which is ~~totally~~
contrary to the policy of their ^{own} National Conference and
their ^{publicly} expressed intentions was unjustifiable - They
chose not to appear. Instead, ~~they have chosen~~ ~~to~~

~~be silent~~ They chose to hide behind a smoke screen and
pretend in self righteous and pompous tones ^{prattle}
about "unethical action" and ^{violation of} simple rules of courtesy.

There is an English saying that patriotism is the
last refuge of the scoundrel - we believe that
a parallel exists here where ~~the~~ "country" is substituted
for "patriotism" -

278 items
Number of items

into CCD Survey started Nov. 1946 -

Sent out 650 forms - covered 1800 people -
Out of 200 returns -

estimated value -	\$ 1,400,000
owed for -	351,000
Loss	<u>\$ 1,031,000</u>

National loss Survey -	of 549 claims -	Losses were -
1,376 forms returned		74.3% sold by Custodian
		18.4 owners sale
		7.3 special committee

Page 13 of Conference Report - Always knew the intention of

Japanese conditions that economic losses were a direct result of
the war machine orders and not through any lack of care by
the Custodian in the sale of the properties

Review at meeting with Ministers in Aug. 1947 -
Page 14 - all losses from expropriation

Page 22 - material from Commission can be used for further representations

12
D 1,434 persons filed Claims for 2,420 sales, ⁱⁿ loss \$2,000,000
alleged.
Amendment, reduced this total

D 7,086 parcels of real & personal property were sold by Cust. for \$2,571,456

D 102 claims withdrawn by claimant or rejected by Commissioner.

D Receipts of \$1,000,000 were collected and credited to account of owner

, Greater known real property sales

471 parcels of real property - offered for sale - July 19 - Oct 4, 1943

all sold after 5 years

1943 sold -	173 parcels -	36.7%
1944	210 "	44.6%
1945	52	
1946	39	
1947	2	
	<hr/>	

6) Paid 5% Commission + expense of \$12.50

7) Recommended payment of aggregate deductions.

① 378 rural properties offered May - June, 1944

1944 -	232 parcels sold -	61.4%
1945 -	92 "	24.3
1946 -	52 "	13.8
1947 -	2 "	

② Director paid 5% Commission on $\frac{1}{2}$ of properties + 12.50 expense \$1

③ Greater expenses 23 parcels for re-value + re-advertising.

④ Appraisers with outstanding qualifications, as however not available, nor with same intimate knowledge of property.

⑤ Rural Committee, largely from Traver Valley, could not exercise own judgment

⑥ " " Adopted appraisers price.

⑦ " Here Government Council proposes an overall award of 15 per cent. of the sale price, whereas Council for the demandants would accept 20 per cent. ~~There is~~ - - -

" Taking into account the factors set out above, it is my conclusion that justice will be done to the owners of properties in this group by a recommendation of 10 per cent of the selling price + " plus Commission.

3. Truse Valley VCA Lands

③ 507 claims for total of \$1,838,162.

② from 572 parcels of real property, — claims on 89.51%
in Truse Valley

① VLA Transaction involved 741 parcels of farm & residential land
concluded during May June 1943.

④ VCA offers in negotiations were founded on valuations of SSB valuations
during the 6 months following May 1st, 1942.

⑤ "These appraisers were men of long experience in the service of the SSB,
each of whom had special qualifications for such work."

⑥ "None of the appraisal reports prepared by these valuers was made available
to the advisory committee until the closing stages of the negotiations with
the advisory committee, when the D.V.L.A. produced SSB Reports
on 17 parcels for comparison with valuations recently made of the
same parcels by three members of the Advisory Committee."

Committee aggregate valuation exceeded SSB by 53 per cent.

Committee = \$43,100 SSB \$28,232.

VLA initial offer was \$750,000

⑦ — Committee therefore rejected VLA current offer of \$25,000 for 769 parcels.

⑧ — VLA director wrote to Custodian on May 29 1943 stating \$50,000
as final offer — otherwise not interested. Final Advisory
Committee then recommended acceptance on June 14, 1943.

4th 1944
(19) Items referred to 74 for \$ 792, 265.22.
Advisory Committee letter to Antioch, recommending acceptance."

(20) "That while the appraisal of 17 farms made by this Committee were in excess of the appraisals of the Soldier Settlement Board of Canada, it was realized that present valuations were ~~exceeded~~ above & variations and do not represent ordinary land values as in normal times."

"(a) That the present offer is for cash and can therefore be reasonably expected to be less than the appraised value, in view of the interest which may accrue by divestment of the purchase funds."

(b) Advanced the effective date of sale from June 14, 1943 to Jan. 1, 1944.

(c) Credited VCA with 2% of agreed price as consideration for each settlement - Together cost owners \$41,000.

(2) Re - SSB appraisals

- valuations are not inconsistent - each appraiser was engaged by the SSB prior to ~~and~~ through the depression period, and was ~~therefore~~ therefore influenced by that experience.
- Valuations reflect agricultural value only - no consideration appears to have been given to alternate uses
- Consideration was seldom given to prevailing market prices of comparable lands in the immediate vicinity.
- no allowance was made for fruit trees, berry plants, etc. or other growing crops.
- value of dwellings and other farm buildings situated on the land was discounted to a level which the appraiser considered that the return operator could afford to use or maintain from income derived from the farm.

✓ (13) During period of 6-12 months between SSB appraisal

& VLA transaction - market value increased 10%
appraised by SSB, with known difficulties of

(14) of 43 parcels land sold by the Centex in the title, 2, two

sold in 1942 & 1943 at 60 + 33% respectively in excess of
VLA price.

15 parcels sold in 1944 at 101.5 percent above VLA price.

From June, 1943, to 1944 from valley prices rose 12 to 20

per cent - reasonable to assume maximum increase

of 20% - and on this basis Centex's selling price

of 15 parcels in 1944 will show approximately 80 per

cent in excess of SSB appraisals.

(15) Remaining 26 parcels sold in 1943 and 1944 at higher prices, substantially

in excess of SSB valuations "but in my judgment are

significant only in that the prices realized show that a market

was available in these years for such lands at very substantially

higher prices than Soldex Brothers Board valuations, notwithstanding

that the properties mentioned had been vacant or in the occupation of

tenants.

(16) 11 parcels of land sold by owners in May, June, July, 1942 - August

of \$17,250 - VLA final offer was \$10,846 or approximately 60%

less

6. Dan Fred Clement in 1943 made survey of 351 parcels of land in all municipalities or 47% of 741 parcels included in VLA transaction.

- (a) Based valuation on physical examination of lands in 1948
- (b) production figures for substantial number of same parcels from Co-operatives
- (c) economic study of Dept of Agric Ec. UBC.

Clement Report -

(Based on) Agricultural value of these properties at the time of appraisal by (production) SSB lies between 182 - 184% of value placed thereon. (Direct appraisals, agricultural value of these parcels exceeds (no production figures) the SSB valuation by 79.6% (within 3.5% of other valuation)

Market value exceeded agricultural value.

(18) Studies based on sales recorded at Land Registry Office

Maple Ridge - June, 1943
167 parcels to VLA at 36.39% below assessed value
82 comparable parcels; March 1 - Sept 30, 1943, at aggregate price of 49.2% above assessed value -
(135% above current selling price).

Survey
68 parcels VLA at 28.27% below assessed value
276 private sales (March - Sept. 1943) - 41.7% above assessed
(100 percent above current selling price)

9

Mission Village

15 parcels in a new Village - off-farm employment available to occupants giving residential as well as agricultural value.

15 VLA orders - 51.46% below assessed value -
40 private orders - 54.9% above assessed value -
(219% above Curtodanis selling price).

Increase of VLA prices

Maplebridge	-	136.01%
Delta	-	116.96%
Richmond	-	73.43%
Sunny	-	113.37%
Mission Village	-	86.37%
Mission Village	-	212%

\$52,115 - \$44,000 through change of date and
\$11,115 (\$5 per parcel) for conveyancing - payable

19

20 - recommended 80% -

8) Fishing Vessels See

① Custodian sold 201 vessels.

109 ^{vessel} Owners claimed \$1,60,432 for ~~the~~ ^{the} claim for

3) 75 vessels sold by Custodian for sum of \$38,504.15 - \$85,572

27 sold by J. F. V.D.C.

7 vessels + crews not in possession of Custodian sold by him

181 vessels and 20 discovered later vested in Custodian (201 vessels)

Evidence of Japanese documents relative to the vessels sold by the Custodian shows that more than 80% of the hulls were over 10 years old, of which 45 per cent were 15 years or older, and 30 per cent were over 20 years old. 60 p.c. of the engines were 10 years old, and 26 per cent of the engines over 20 years old. Philippines (except what called by Govt) evidence is to the effect that fishing vessels of the class under consideration have little value after 15 years.

④ Rejected Claims - ^{sums}

27 J. F. V.D.C. vessels, rejected

7 declared but did not come into Custodian possession - rejected

⑤ Expenses - watchmen's services, wharfage, appraisers' fees + insurance - Calculated at 13.5 p.c. of aggregate price which Custodian charged to owners and deducted from sale price -

✓

© Wilson Bros. Transaction

(a) Wilson Bros. had possession ^{of} 57 vessels, later resold in the Custodian - exercised option on 25 vessels, title was made by the Custodian. 13.5% deducted & credited to owner's account.

(b) Custodian subsequently agreed to sell 26 remaining vessels to Wilson Bros. at 10% below appraisal and deduction of 13.5% applied

⑦ Damage Compensation

Purchasers got \$1,080.62 damage compensation from owners through Custodian, Inc.

⑧ Recommendations - for depreciation

10% on Wilson Bros. sales plus 13.5% deduction and additional 10% on 26 vessels of 2nd lot.
15% for 24 vessels sold to individual purchasers + 13.5% deduction

(10) Nets and Fishing Gear

① 173 Claimants - losses - 17 \$ 148,958.91 -

② In May 7, 1942, \$48,000 in nets were sold by Tucker, many with consent of owners.

③ Between May - Oct., 1942 - nets appraised and inventory was made of 3700 nets.

④ Recommend.

25% of selling price.

⑤ Property Classified:

1. Property sold by Claimant
 2. Property left by Claimant with an agent appointed by him.
 3. Property shipped to owner.
 4. Property abandoned as worthless.
 5. Property of which the Custodian had no record at any time until the claim was filed.
 6. Property needed by the Custodian but now missing.
 7. Property declared but not found by the Custodian.
- 1-5 rejected - 6-7 included.

⑥ Missing property - probable selling price have same ratio to claimant as goods sold - add 25 percent.
(in each case -)

17

⑦ "I am not prepared to accept the claimants value of such missing goods, since it appears that the claim for goods actually sold, in my opinion, was excessive to the extent of approximately 25 per cent. . . ."

If all goods were missing, applied over-all ratio for like property, add 25 per cent.

2) Motor Vehicles

① 428 vehicles Trucks & Motor cars seized

② 352 vehicles sold in 1942
60 in 1943

balance prior to 1947

③ Claims for 154 vehicles (36 p.c.) for sum of \$109,660.62.

④ Models - 1926 - 42 - of which 25 p.c. were less than 5 yrs.

⑤ 71 better vehicles were sold to various Dominion & Provincial Government Departments

⑥ All earlier sales were made at appraisal or quarter price.

⑦ Cars unsold at appraisal price were sold at 15 to 20 p.c. less, or at auction.

⑧ Underrealized 54.45% of aggregate claim
62.77% " " " " " "

⑨ Comparison of dealer and Red Book prices of 60 cars, of the types, year and models sold by the Custodian, disclose that the very great majority of Custodian sales were made at prices less than dealer and Red Book prices. On only 7 of the 60 sales is the Custodian price greater. On 53 sales

3) The Custodian price falls from 5 to 75 per cent below dealer and Red Book prices. An average 30-35% lower.

(12) "Upon consideration of all the evidence, and taking into account the fact that vehicles sold by the Custodian were sold 'as is', I have reached the conclusion - not without some hesitating - that the fair market value, in 1942 exceeded the price realized by the Custodian by 25 per cent thereof."

(11) Recommended 25%

14) Personal Property Exchange of Vehicles, Fishing
Boats & Other Vessels, Nets & Gear.

Claims total - \$975,501.87 - personal property

~~total~~ Claims for property sold by Custodian - \$521,162.02
other claims - \$454,339.85

3) Articles selected for sale by tender were first appraised by qualified persons and subsequently offered for sale.

advertised

4) Goods also sold to tenants of goods on premises held under lease.

5) 260 auction sales held at 20 different Centres over 3 years.

6) more than \$90,000 by auction, \$94,000 by tender
of goods sold by auction

7) Expenses of 23.2% deducted from sale price.

8) Expenses of 12% deducted from tender sale price.

9) Fair market price on sales to tenants & by tender but
6.8% to auction.

10) Total on sales by auction = $23.2 + 6.8 = 30\%$.

(a) Sub by tender add 12% deduction

12) \$454,339.85 in claims for personal property - not

1) sold - Classed as follows:

- ① Chattel property declared, but not found.
- ② " " needed and now missing.
- ③ " " included in real property sales.
- ④ " " abandoned by Custodian.
- ⑤ " " of which the Custodian had no record at any time.
- ⑥ " " sold by a claimant.
- ⑦ " " kept with claimant's agent.
- ⑧ " " shipped to claimant.
- ⑨ " " now in storage.

⑩ Good-will

⑪ Business

⑫ Insurance premiums

⑬ Accounts receivable

⑭ Buildings located on lands of another.

2) claims on 4 - 8 rejected outright

3) classes 1 & 2 - Custodian's sales of personal property averaged somewhat less than 40% of claimant's valuations

4) On missing goods - ^{applying} ratio of Custodian's selling price to sum claimed by claimant, ~~applied~~ add 6.8%.

16

Group 3 - sold as pictures but not included in appraisal. apply ratio; add 6.8%

16 Group 4 - ~~8 - rejected~~, Custodian - no
Group 4 Claims for goods abandoned by claimant rejected
award.

17 Claims for goods not declared by claimant rejected
Group 5 aggregate exceeds \$70,000.

18 Group 6 + 7 - Claims for goods left with owners of lost
rejected (claimant) & received - rejected

19 Group 8 - goods shipped by Custodian & received - rejected.

20 Group 9 - goods in storage - rejected.
+ going Concern value
for goodwill \$31,816,
- 13 claims, aggregate \$31,816,

21 Group 10 + 11 - Goodwill
10 Claims for \$118,235 sale of business operations.
- rejected - except where sold as going concern.

22 Group 12 - Insurance - rejected

23 Group 13 - accounts receivable rejected.

24 Group 14 - buildings or property not owned by claimant -
rejected.

1,434 persons filed claims of various types of real and personal property, such as:—

real property used for residential, for business purposes

household effects;

agricultural tools and equipment;

stocks in trade and trade fixtures;

fishing vessels, gear and nets;

motor cars and trucks

Valuation of all sales made by the Custodian, and of all claims filed for hearing before the Commission, disclose that 3,086 parcels of real and personal property were sold by the Custodian for the aggregate sum of \$2,591,456.

Claims were filed for hearing at the hearing in relation to 2420 such sales, wherein aggregate losses in excess of \$2,000,000 are alleged to have been sustained. Amendments to the claims forms filed subsequently, made at the request of various claimants, resulted in a substantial reduction of the total sum claimed.

102 claims were subsequently withdrawn by the claimant or his representatives, or were rejected by order of the Commissioner, as not allowed under the terms of reference.

claims may conveniently be dealt with in this report under the following categories: -

1. Real property situated in the Greater Vancouver Area.
2. Real property situated in urban and rural areas of British Columbia, other than that included in classifications numbered 1 and 3.
3. Farm and other properties sold to the District, Veterans Land Act.
4. Motor cars and trucks.
5. Fishing nets and fishing gear.
6. Fishing vessels and boat gear.
7. Miscellaneous personal property, other than that included in categories numbered 4, 5 and 6.

Various questions were raised by Council during the early sessions of the Commission, relative to interpretation of the terms of reference. After hearing argument from all Council concerned, I made the following rulings:

1. The fair market value of personal property is to be determined as at the time of the sale, loss, destruction or theft thereof.
2. The fair market value of real property is to be determined as at the date of consummation of the sale thereof.
3. Claims in respect of personal property, arising from loss, destruction or theft occurring at any time subsequent to the vesting of such property in the Custodian are held to fall within the terms of reference, notwithstanding that physical possession of such property had not been taken by the Custodian prior to the loss, destruction or theft thereof.
4. That any diminution in market value caused by destruction of property occurring between the date of vesting thereof in the Custodian and the date of sale or loss, destruction or theft, shall not be taken into account, but the fair market value of such property as at the date of sale, or loss, destruction or theft shall govern.

Claims relating to losses in respect of the sale of fishing vessels sold or disposed of by authority of the Japanese Fishing Vessels Disposal Committee prior to the month of August 1942 do not fall within the terms of reference, since such sales were not made by or under the authority of the Custodian.

6. Claims arising from loss alleged to have been procured through failure of the Custodian to collect accounts receivable payable to a claimant do not fall within the terms of reference.

7. No claim shall be entertained in respect of the alleged value of good-will of a business or business premises, unless it be established that the Custodian sold the business or business premises as a going concern.

8. That the term "fair market value" found in the terms of reference is then used in the sense that the same term has been interpreted in authoritative decisions of the Courts in Canada and England in expropriation cases; that for present purposes the same meaning will be assigned to the term; and the tests applied in such cases for determination of "fair market value" will be applied to property, the subject of claims now under consideration.

On March 10th 1948, the Custodian enlisted the assistance of a group of Authorized Trustees in Bankruptcy and of licensed Real Estate Agents, to administer estate property, comprising virtually all such trustees and agents carrying on business in the protected areas of British Columbia.

Investigations were immediately undertaken by the Custodian, with the assistance of the persons so appointed and reports subsequently were made by them to the office of the Director. Thereafter, real property holdings were severally allocated to a specific agent for administration; businesses were wound up by the various trustees; and stocks of goods and merchandise were disposed of by them on their advice. Chattel property, when not considered to be safely stored in the former home of

Revenue, was removed to sundry warehouses for protection.

Rentals of \$600,000 were collected and credited to accounts of evasive owners and ultimately distributed to them.

Page 14 - I am satisfied on the evidence adduced before me that the very serious task imposed upon the Director of the Custodian's Office at Vancouver, under the guidance and with the assistance of the Advisory Committee, was competently performed, with due regard to the interest of the owners of such property, notwithstanding that the task had to be performed in an atmosphere of public hysteria induced by war. The fact that I have found that in certain respects fair market value was not realized on sales made by the Custodian in no sense reflects upon the work of the Custodian's organization. On the contrary, the evidence brought out in this inquiry strongly supports the conclusion that this organization, in spite of the magnitude of the responsibilities imposed on it, has substantially succeeded in administering and subsequently selling property of deceased persons with due regard to the owners' interest.

Page 15+ - Central enquiry -

Page 18 - Liquidation of Real Property -

joint

So the meetings were discontinued. A general meeting of claimants ~~was held~~ held in the Spring of this year endorsed the position of their Co-operative and gave their mandate for representation.

in order to have claimants represented on that body. After a conference which of two sessions

it was agreed that claimants would be accepted. ~~At~~

~~the~~ ~~Co-operative~~ ~~Co-operative~~

~~Early~~

Soon after joining the Co-operative Committee it became apparent to claimants representatives in order to serve the best interests of claimants ~~that~~ their close attention to all business

transacted by the Co-op. Com. would be required.

If the best interest of claimants was to be in order to gain a clear and ~~definite~~ ~~understanding~~ understanding of the situation, Members of the Claimants Committee

made repeated requests for information on claimants a number of

months ~~which would~~ without which no

clear ~~understanding~~ of the situation in order to gain a

clear understanding of the situation, but such ~~described~~ ~~information~~ was refused outright or ~~stated~~ as

not available by the Co-operative Committee.

Despite ~~this position~~ the fact that they have been retained by claimants. The Cooperative Committee has not acted in ~~evolution~~ ~~its~~ ^{violation} of this position and engaged with claimants' Committee, but ^{but} ~~their own arbitrary choice~~ have wisely and blindly pursued a ~~course of~~ ^{policy} which ~~only leads to a complete blocking of~~

~~Advances of support for further~~
~~economic policy~~
which ^{has} step by step ~~has~~ progressively eliminated the means whereby Japanese-Canadians may

have pressed for complete compensation for the economic losses of evacuation. And in all these actions the National Executive Committee stands idly by, ~~that~~ in the role of collaborator and puppet, ~~without~~ not only without protest, but as willing

accomplices. The inherent weakness of the JCCA was ~~exposed~~ ^{exposed} the inherent weakness of Mr. Takashima.

~~At a time when~~ The JCCA ~~has~~ sent a brief to the Prime Minister asking for compensation for additional losses, it exposes its own lack of good faith. But at the same time agrees to have claimants sign releases which ~~the claimants~~ ^{an agreement not to make} ~~even~~ any further claims whatsoever. He stated that the work of the Claimants in attempting to "get the object..."

