

CANADA / JUDGMENT

Iwasaki v. R.

[1970] SCR 437**COURT**

Supreme Court of Canada

DECIDED

17 February 1970

Source: decisions.scc-csc.ca · Research copy typeset by Esheria. Not court-issued or certified.

Iwasaki v. R. Collection Supreme Court Judgments Date 1970-02-17 Report

[1970] SCR 437 Judges Fauteux, Joseph Honoré G rald; Martland, Ronald; Judson, Wilfred; Ritchie, Roland Almon; Hall, Emmett Matthew On appeal from Canada Subjects State Decision Content Supreme Court of Canada Iwasaki v. R., [1970] S.C.R. 437 Date: 1970-02-17 Torazo Iwasaki Appellant; and Her Majesty the Queen Respondent. 1970: February 13, 16, 17; 1970: February 17. Present: Fauteux, Martland, Judson, Ritchie and Hall JJ. ON APPEAL FROM THE EXCHEQUER COURT OF CANADA Crown—War measures—Custodian of Enemy Property—Sale of property belonging to Japanese evacuated pursuant to orders in council—Petition of right claiming return of property or damages—Whether orders in council void for vagueness—Release given by person evacuated—War Measures Act, R.S.C. 1927, c. 206, s. 3. During the Second World War, orders in council made under the War Measures Act were passed requiring every person of the Japanese race to leave a protected area in British Columbia and vesting their properties with the Custodian of Enemy Property. The appellant, who was naturalized in 1951, was born in Japan of Japanese parents. In 1945, the Custodian sold for \$5,250 the land owned in British Columbia by the appellant who had been evacuated. Subsequently, the land was revalued and the appellant was paid a further amount of \$6,750 upon giving the Crown and the Custodian a release. The Exchequer Court dismissed the appellant's petition of right for the return of the land or damages. It was held that the appellant was not entitled to the relief, that the orders in council were not void for vagueness and that the release was a bar to the claim. The appellant appealed to this Court. Held: The appeal should be dismissed. APPEAL from a judgment of Sheppard J. of the Exchequer Court of Canada[1], rejecting a petition of right. Appeal dismissed. J.R. MacLeod and C. Sturrock, for the appellant. C.R.O. Munro, Q.C., for the respondent. At the conclusion of the argument of counsel for both parties, the following judgment was delivered: FAUTEUX J. (orally for the Court)—We are all of the opinion that the appeal fails. The property in question in these proceedings became vested in the Custodian by legislative action. He had the power to sell and he did sell. The adequacy of the price obtained was reviewed by the Bird Commission. The first price was \$5,250. The Commission was of the opinion that the value at the date of sale was \$12,000, and recommended payment of the difference—\$6,750. The sum actually paid, which

included some other items, was \$8,083.50 and the petitioner gave a complete release. He has no cause of action. The appeal is dismissed with costs. Appeal dismissed with costs. Solicitors for the appellant: MacLeod & Small, Vancouver. Solicitor for the respondent: D.S. Maxwell, Ottawa.

[1] [1969] 1 Ex. C.R. 281.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/4988/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/iwasaki-v-r-1970>

Prepared on 26 October 2026 · Esheria