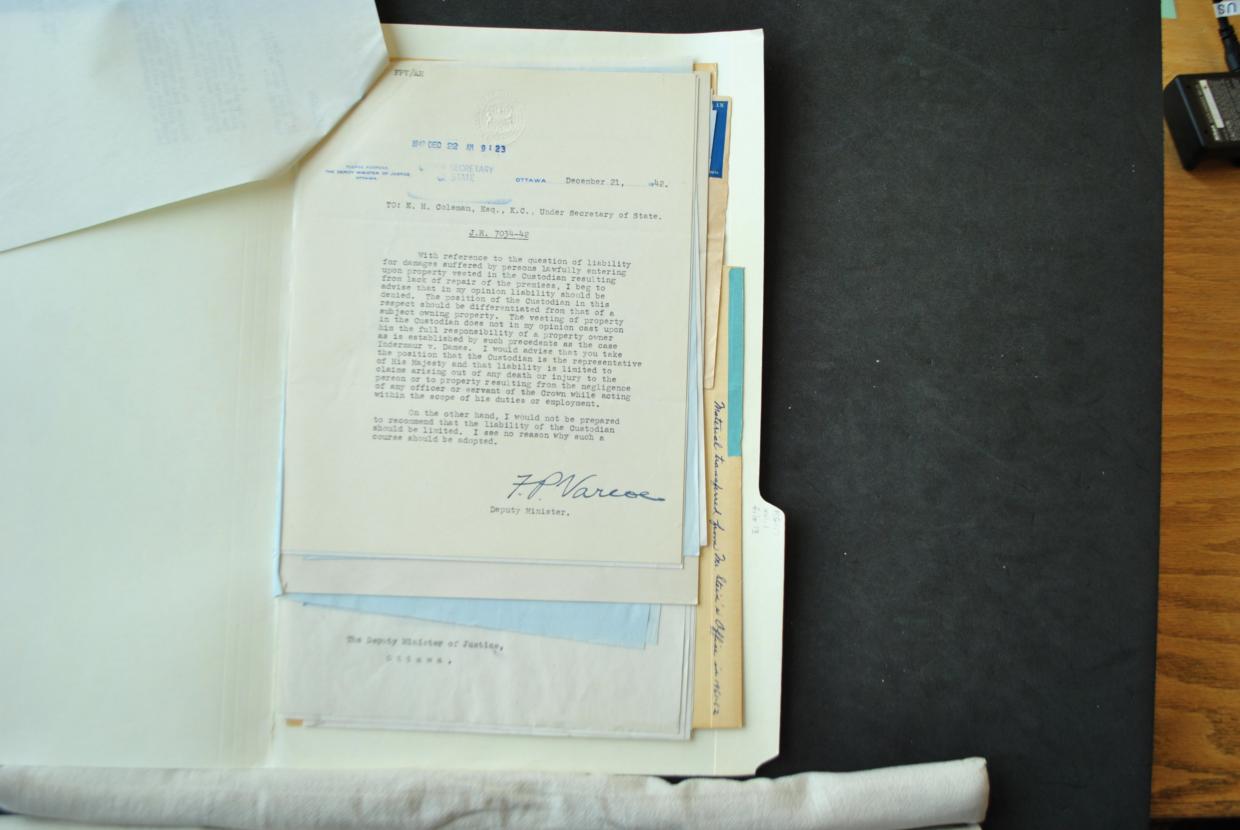
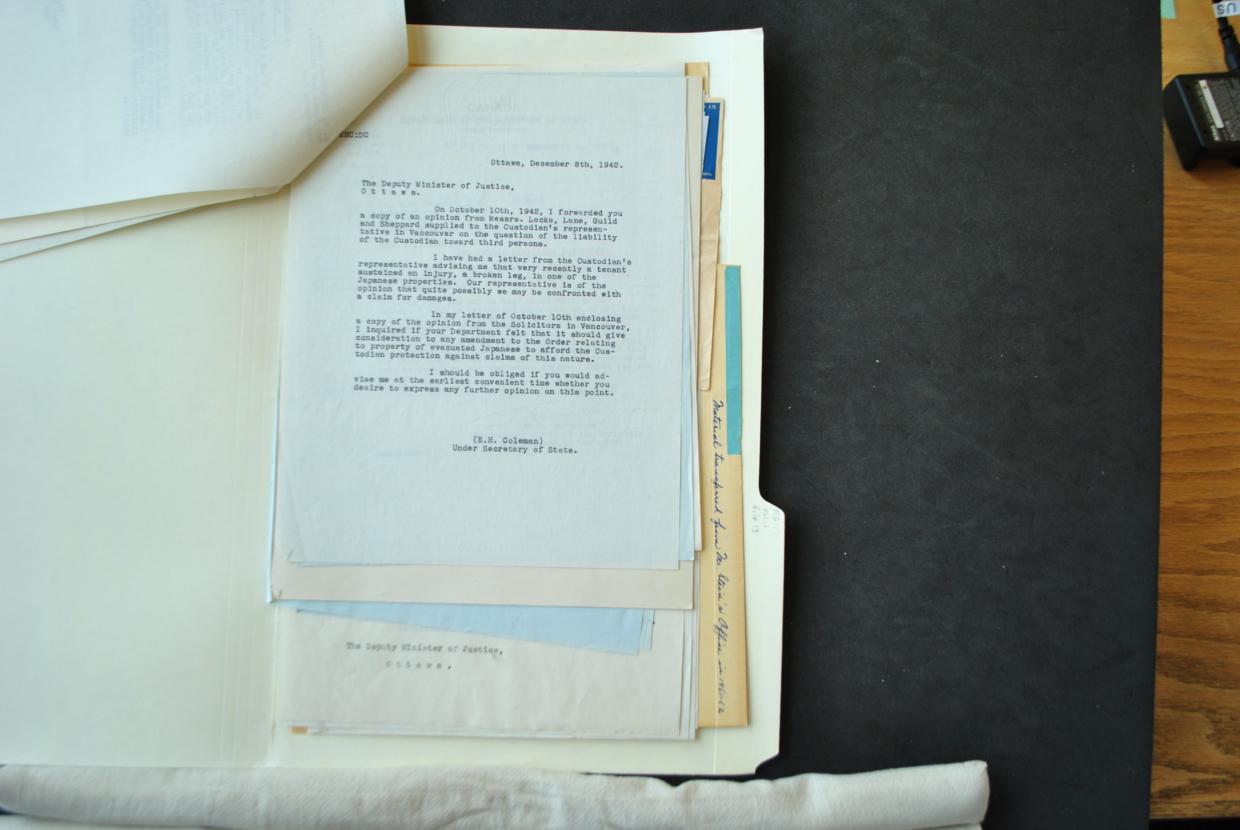
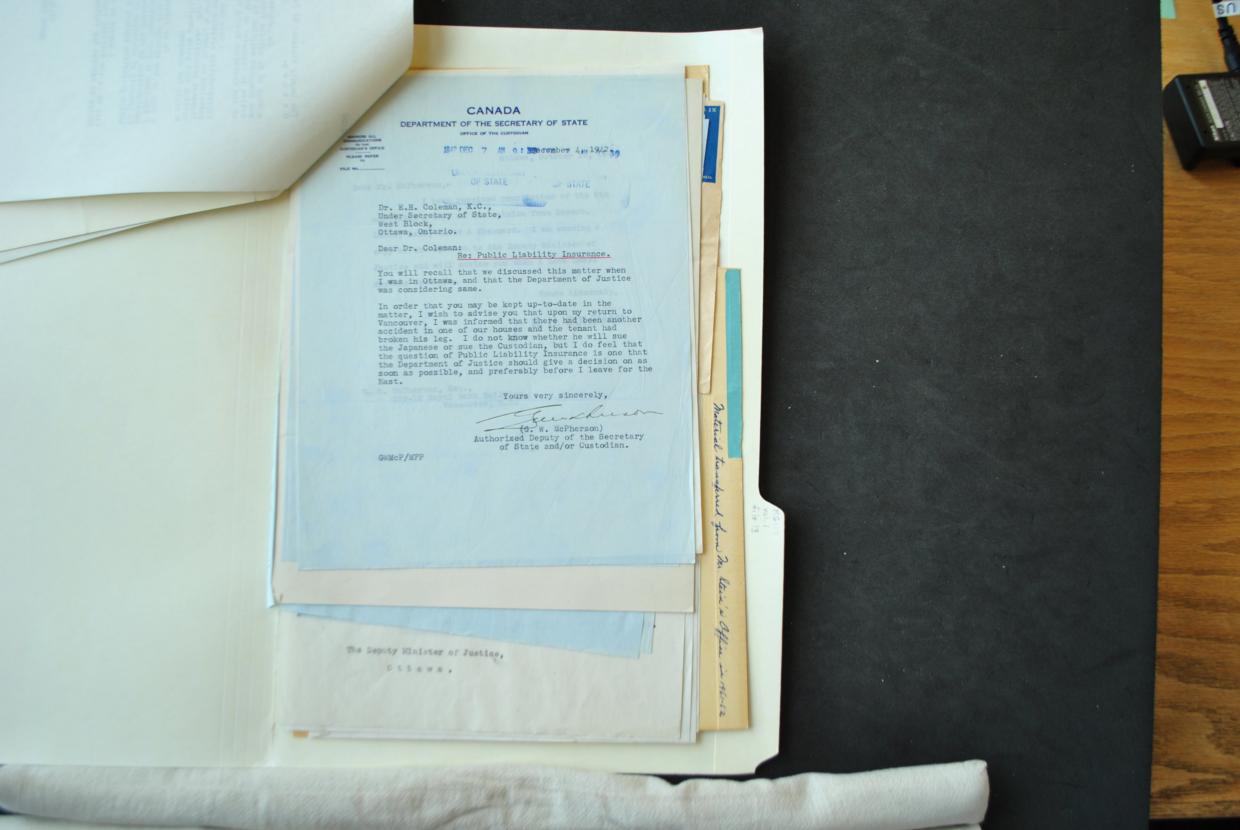


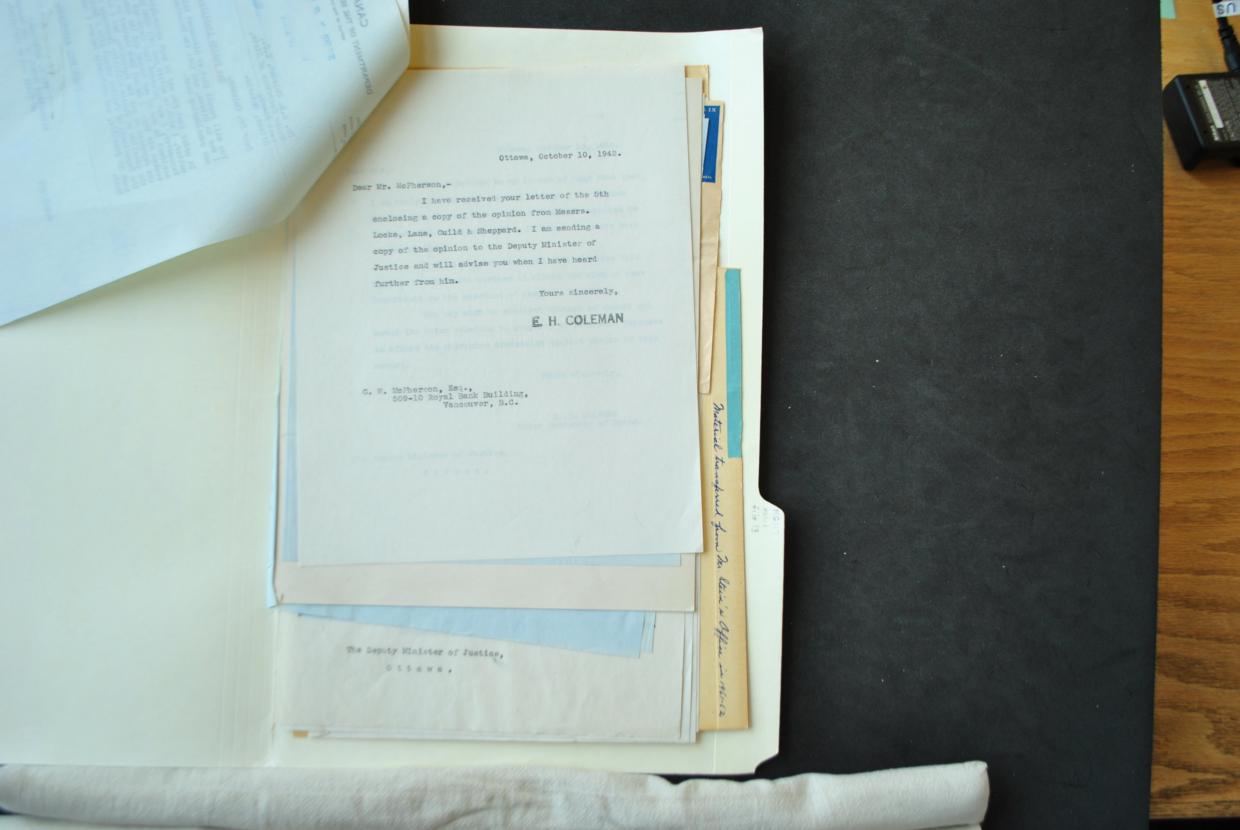
Ottawa, December 22, 1942. AIR MAIL G. W. McPherson, Esq., 506 Royal Bank Building, VANCOUVER, B.C. I am enclosing for your information a copy of an opinion given by the Deputy Minister of Justice con-cerning the question of the liability of the Custodian for damages suffered by persons lawfully entering upon property wested in the Custodian, resulting from lack of repair of the premises. We are bound by the opinion of the Department of Justice and, therefore, we must repudiate liability if any claim should be presented. If, in consequence of the repudiation, action should be taken, we shall of course look to the Department of Justice to defend the action. E. H. Coleman Under Secretary of State and Deputy Custodian. The Deputy Minister of Justice, ottawa.

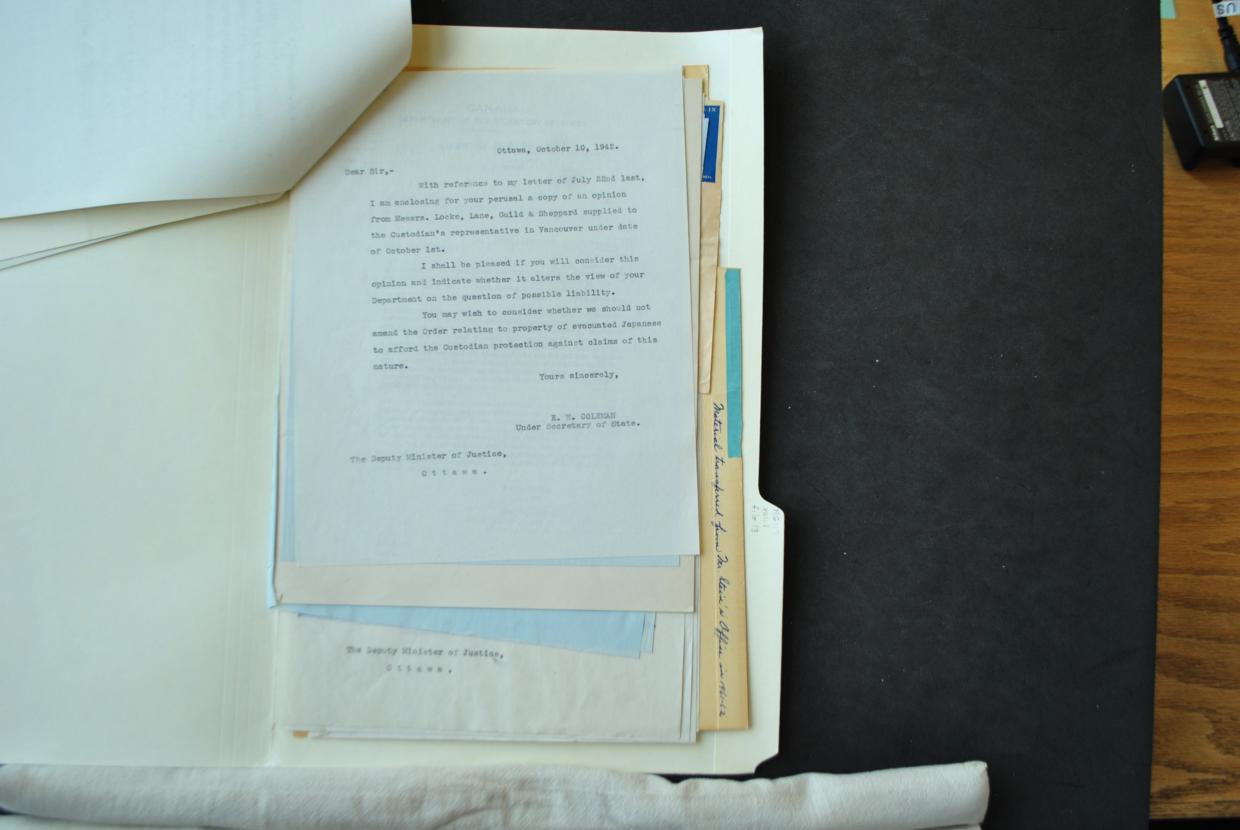


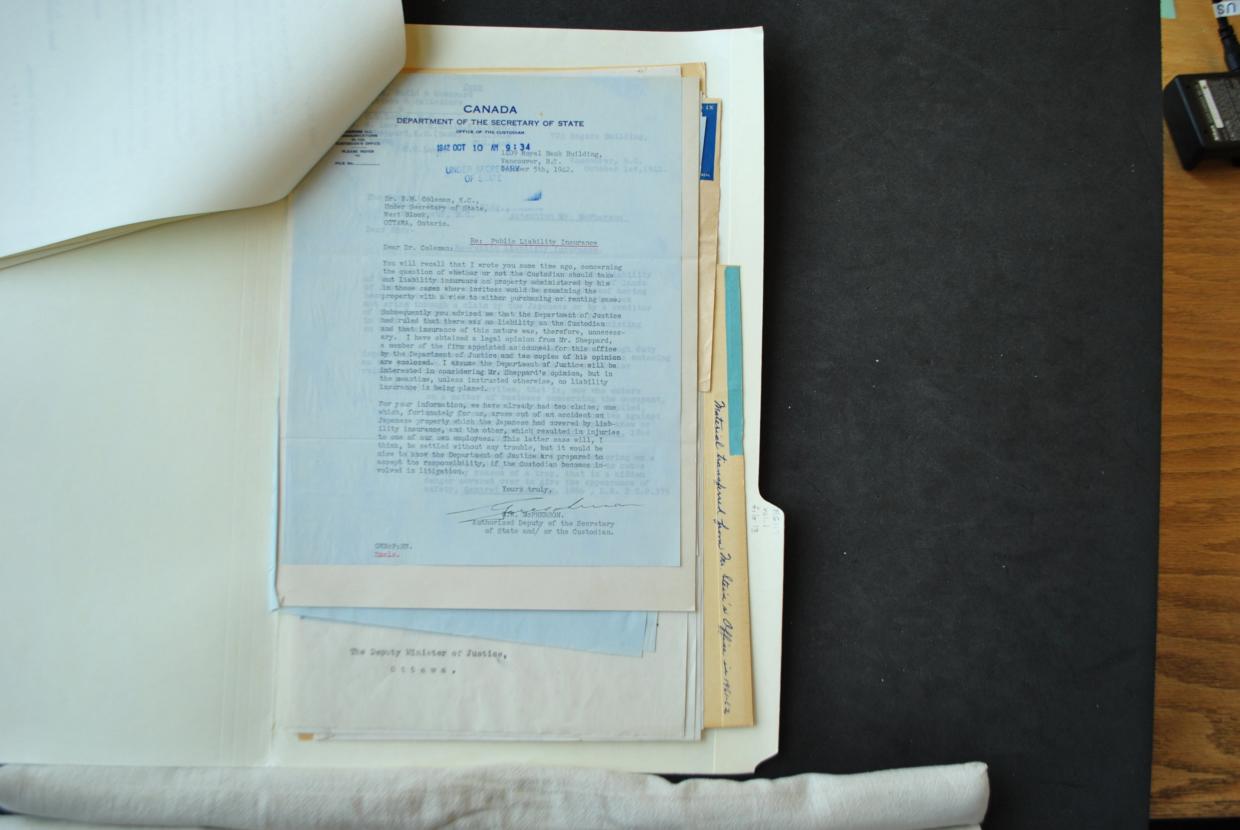
Ottawa, December 16, 1942. G. W. McPherson, Esq., 506 Royal Bank Building, Vancouver, B.C. re Custodian's liability for accident actions. I had a telephone message from a legal officer in the Department of Justice yesterday advising me that the Department was reviewing, in the light of Mr. Sheppard's opinion, the departmental ruling previously given. The officer who has cherge of the matter told me that he had discussed it with the Deputy Minister, Mr. Varcoe, and that Mr. Varcoe had undertaken to take it up with the Minister of Justice. The purpose of the telephone call was to assure me that the matter had not been overlooked but that it was under consideration by the heads of the Department. Department. For your confidential information, I rather gather that unanimity had not yet been reached among the Law Officers as to the correctness of either opinion. This, I surmise, is the reason why it was felt the views of the Minister, himself a lawyer of great distinction, might be obtained. E. H. Coleman Under Secretary of State and Deputy Custodian. The Deputy Minister of Justice, ottewa.





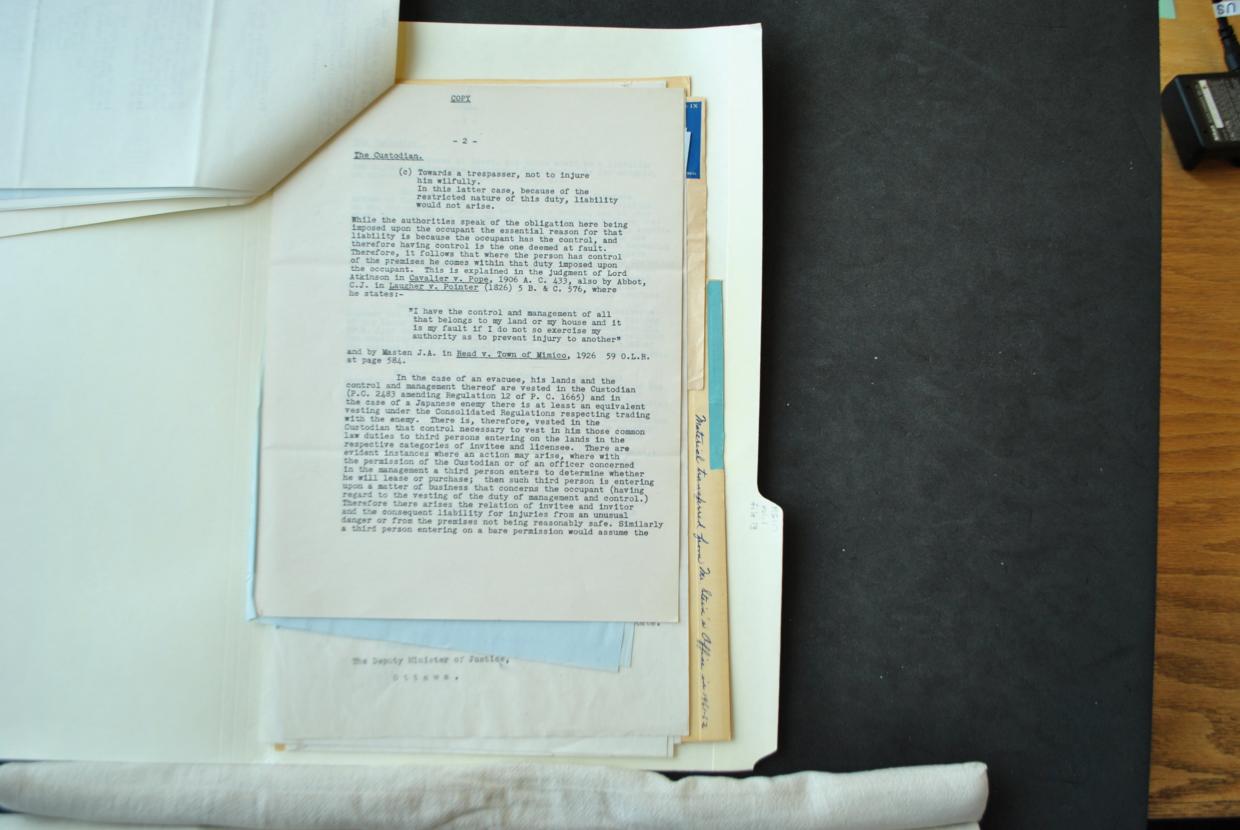


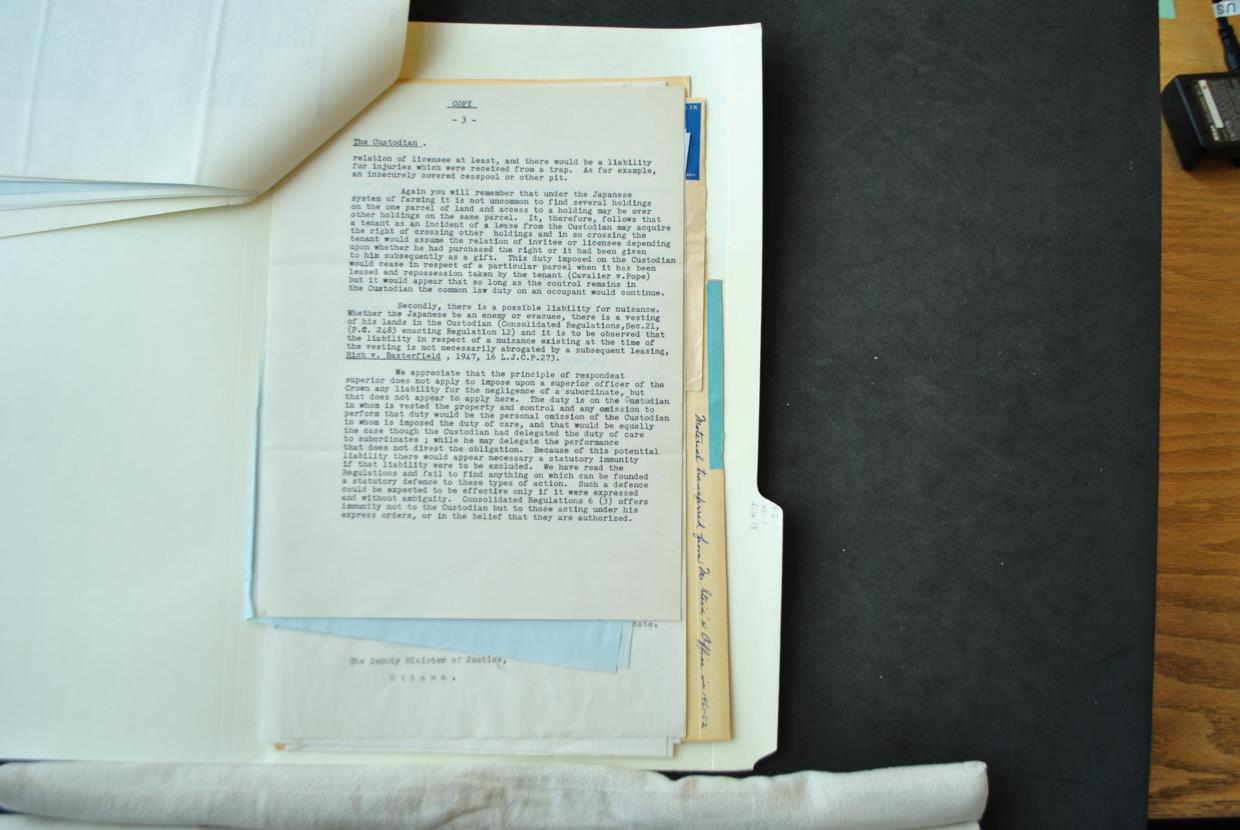


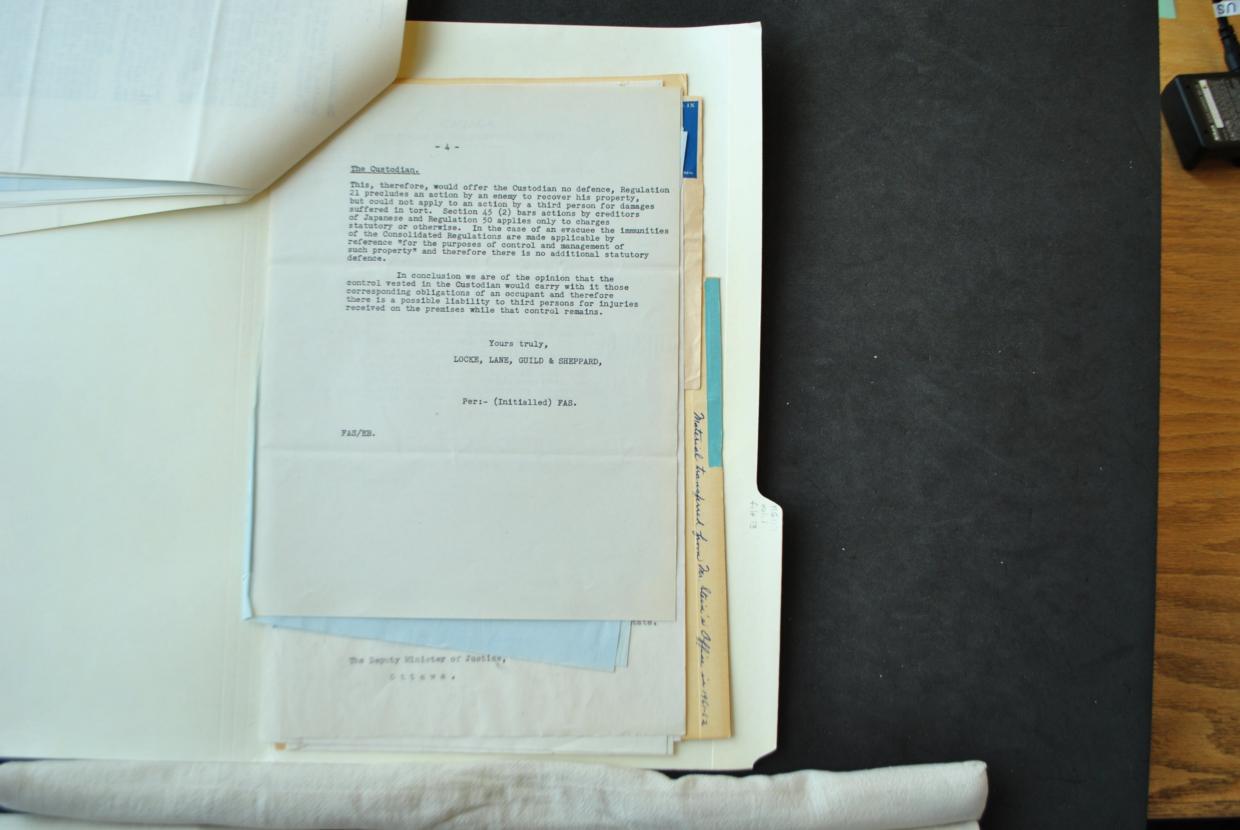


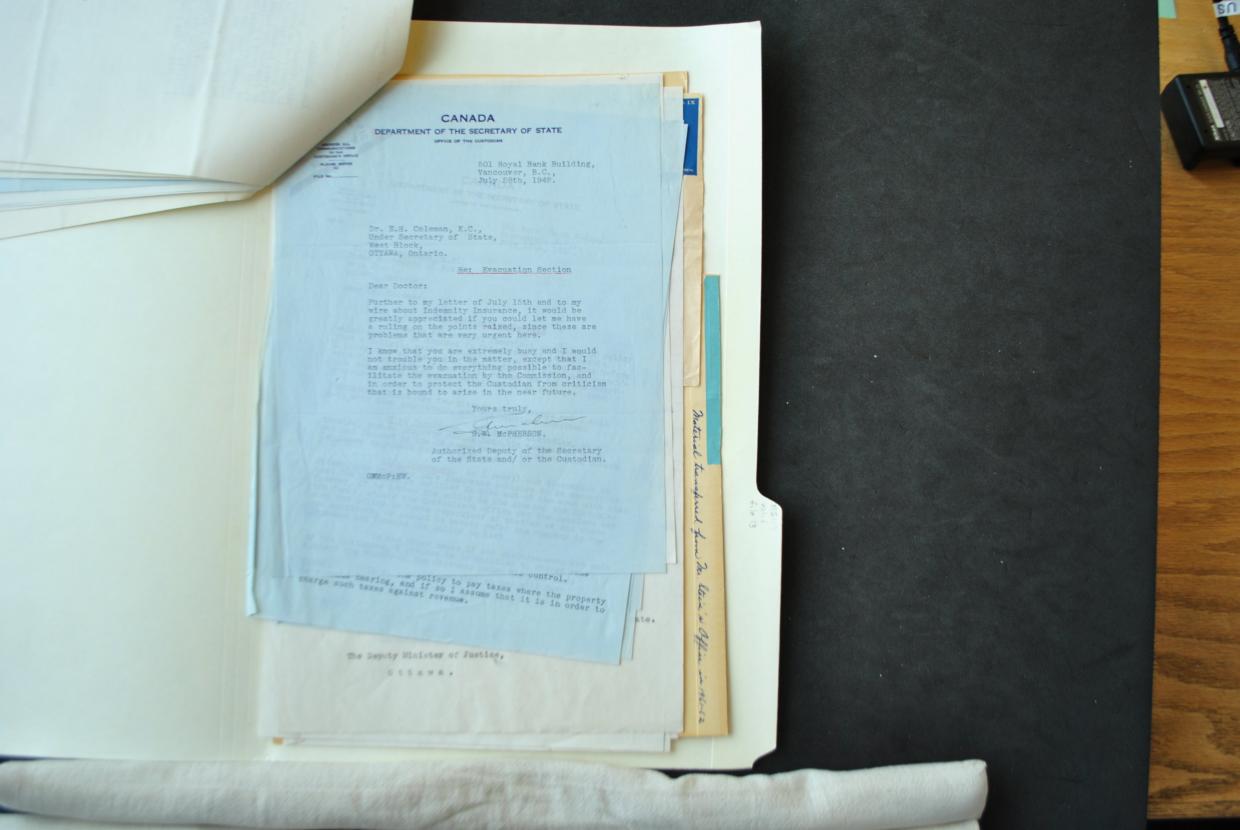
wild & Sheppard
s & Solicitors Cocke, K.C. ane C.K.Guild, K.C. (Man.) ppard, K.C. (Sask) K.L. Yule 703 Rogers Building, S.C. Lane C.C. Locke Vancouver, B.C. October 1st,1942. The Custodian,
509-10 Royal Bank Bldg.,
Vancouver, B.C.

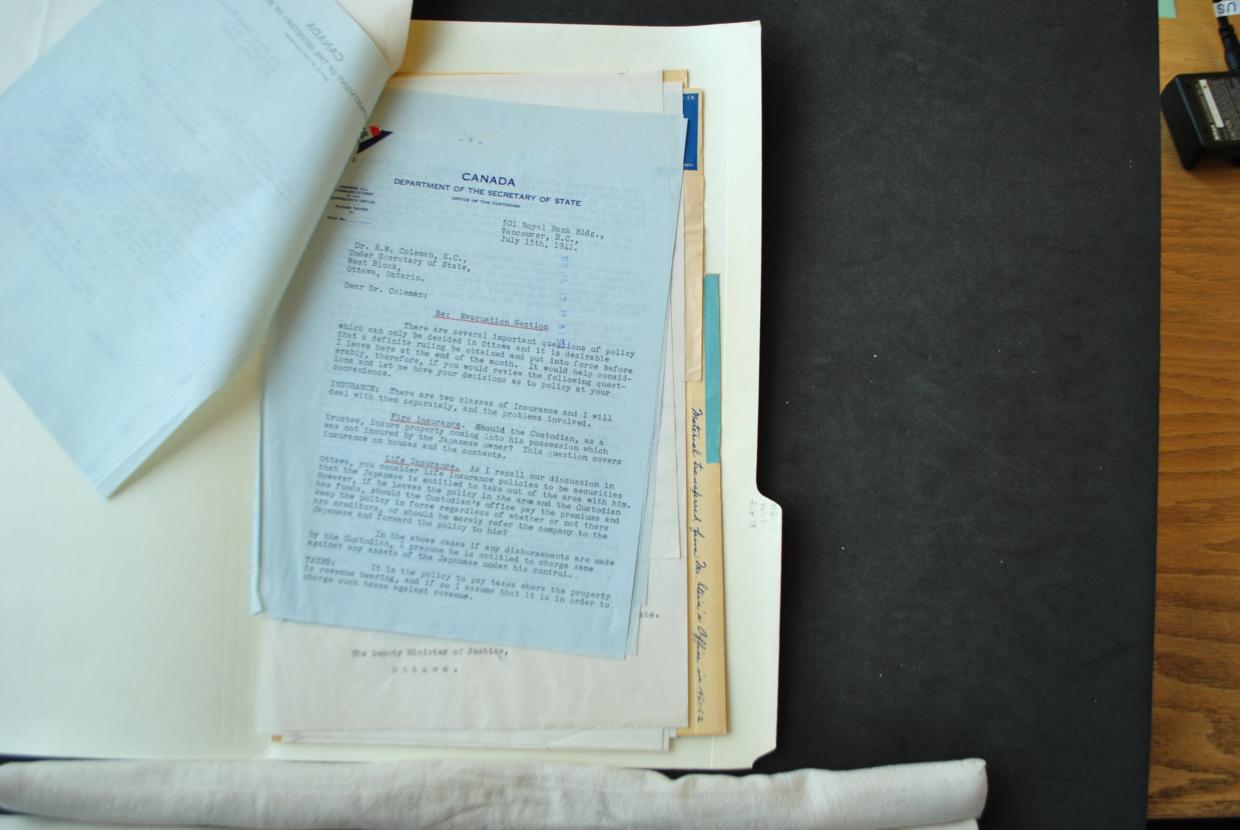
Attention Mr. McPherson Re-Public Liability Insurance. We have your enquiry as to the liability of Japanese and the control and management thereof having not arise through a claim by the Japanese or by a creditor in that Japanese but rather a claim by third persons on that Japanese but rather a claim by third persons on the premises. Firstly, liability may arise through duty on the premises. That duty varies with the particular relation to the person entering as follows:-(a) towards an invitee, that is, one who enters on a matter of business concerning the occupant, and on whose invitation, express or implied, there is a duty to protect such invitee against unusual dangers of which the occupant knew or ought to have known, Indermaur v. Dames, 1866 material (b) Towards a licensee, that is, one entering on a bare permission, who has a duty not to cause injury by reason of a trap, that is a hidden danger covered over to give the appearance of safety, Gautret v. Egerton, 1866, L.R. 2 C.P.375 The Deputy Minister of Justice, ottews.

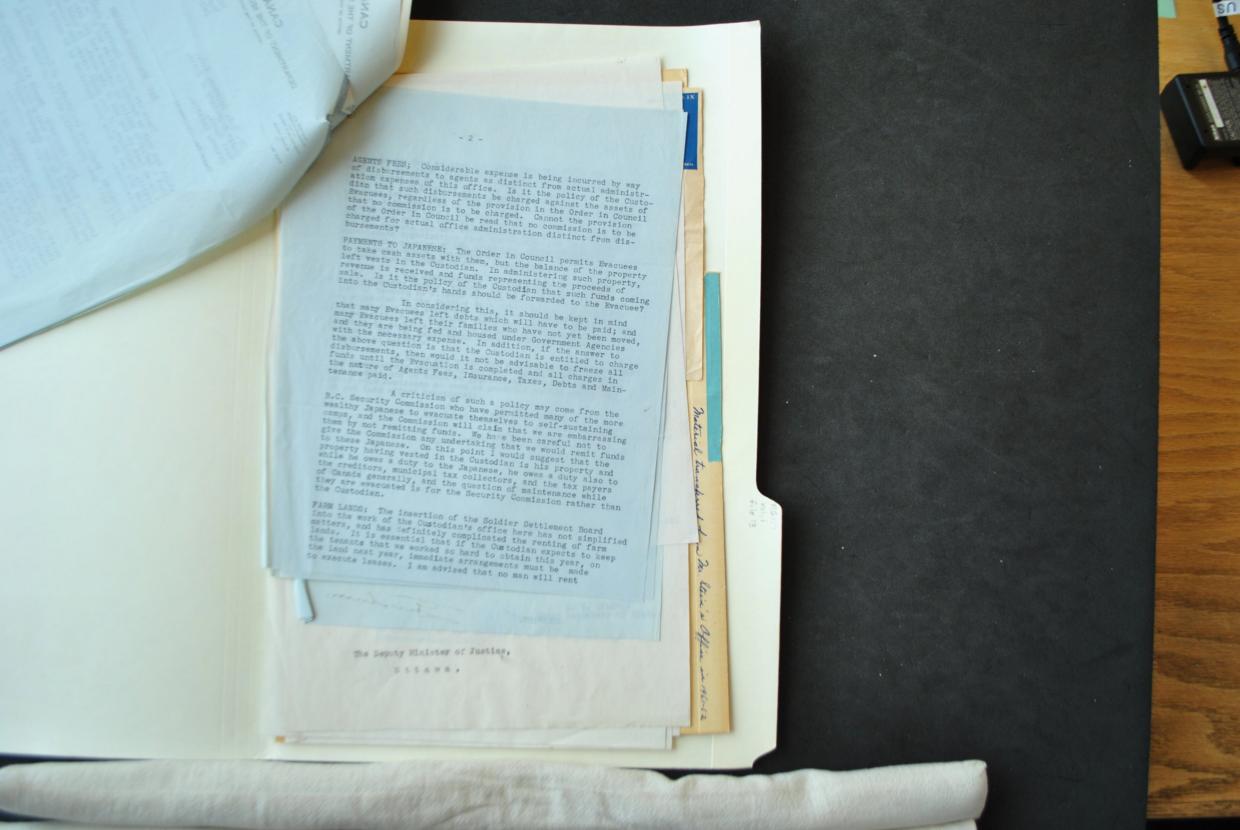


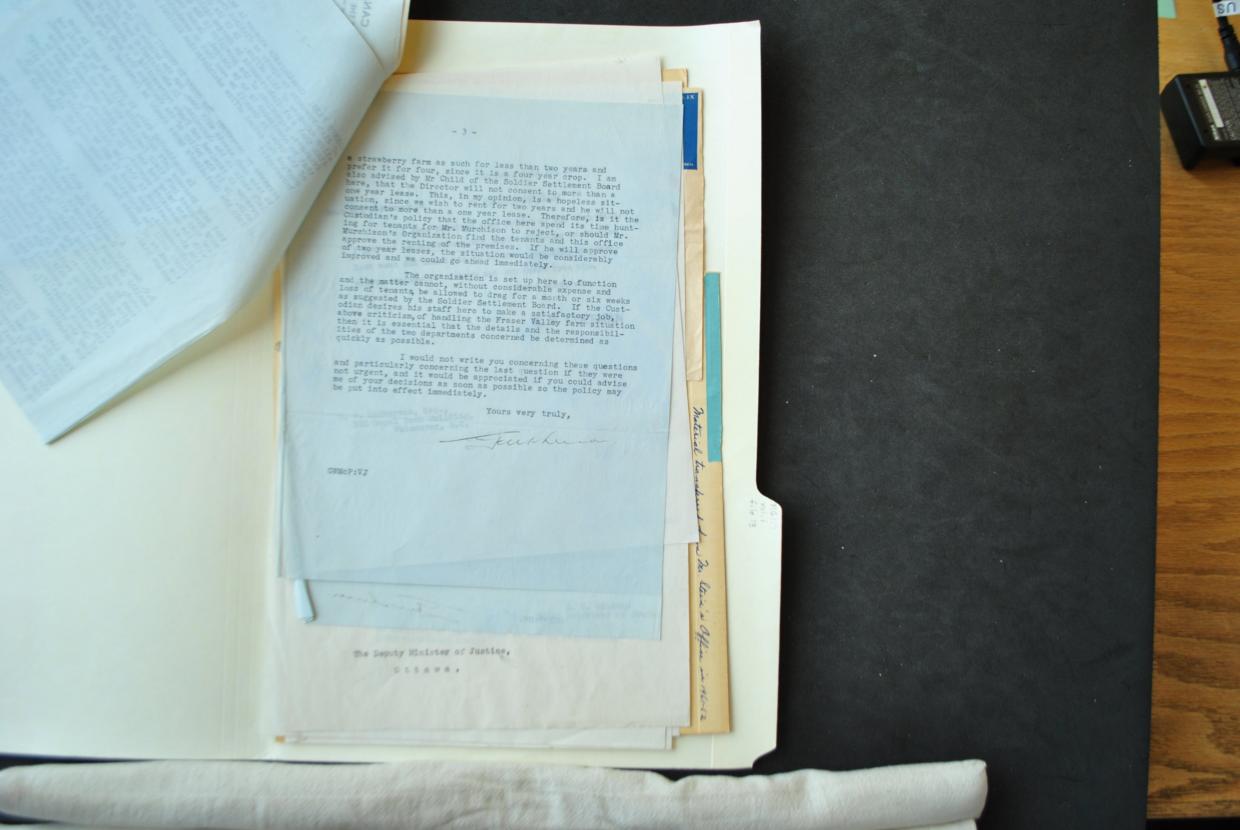


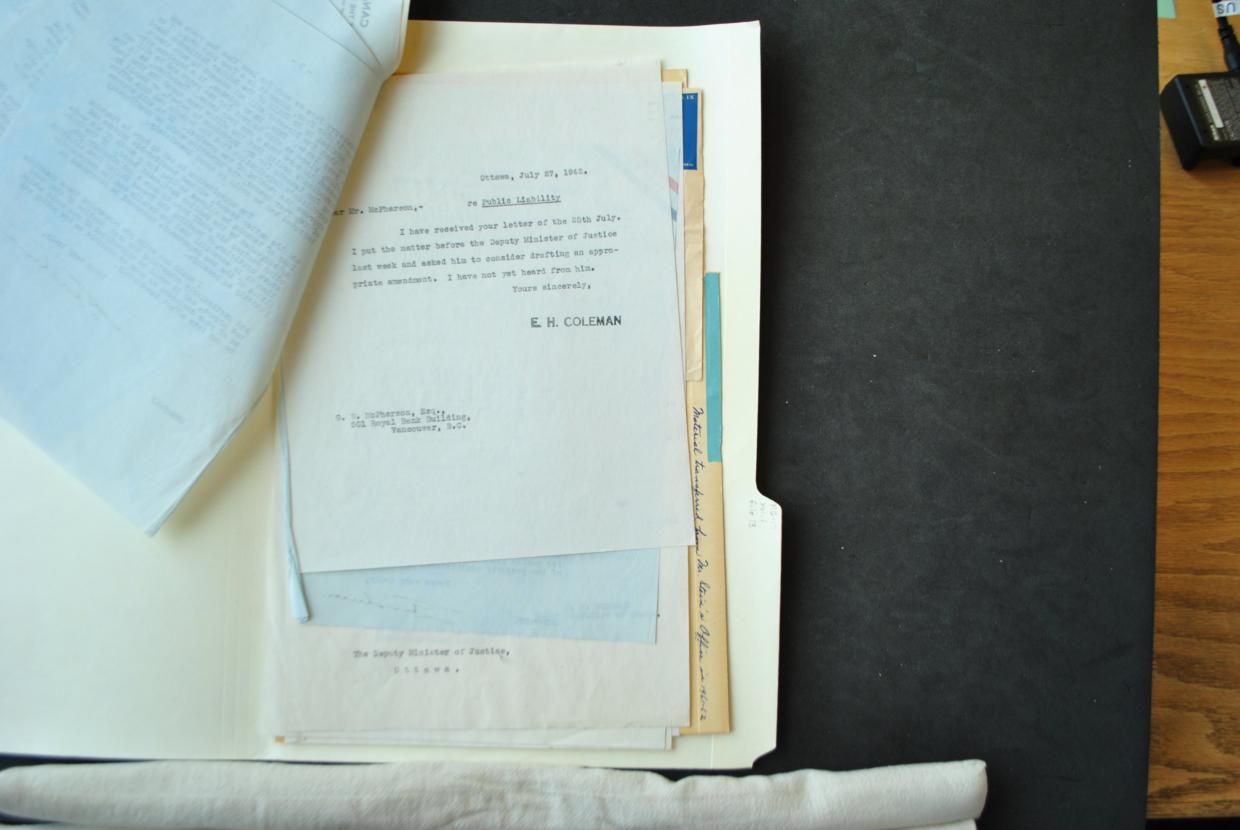


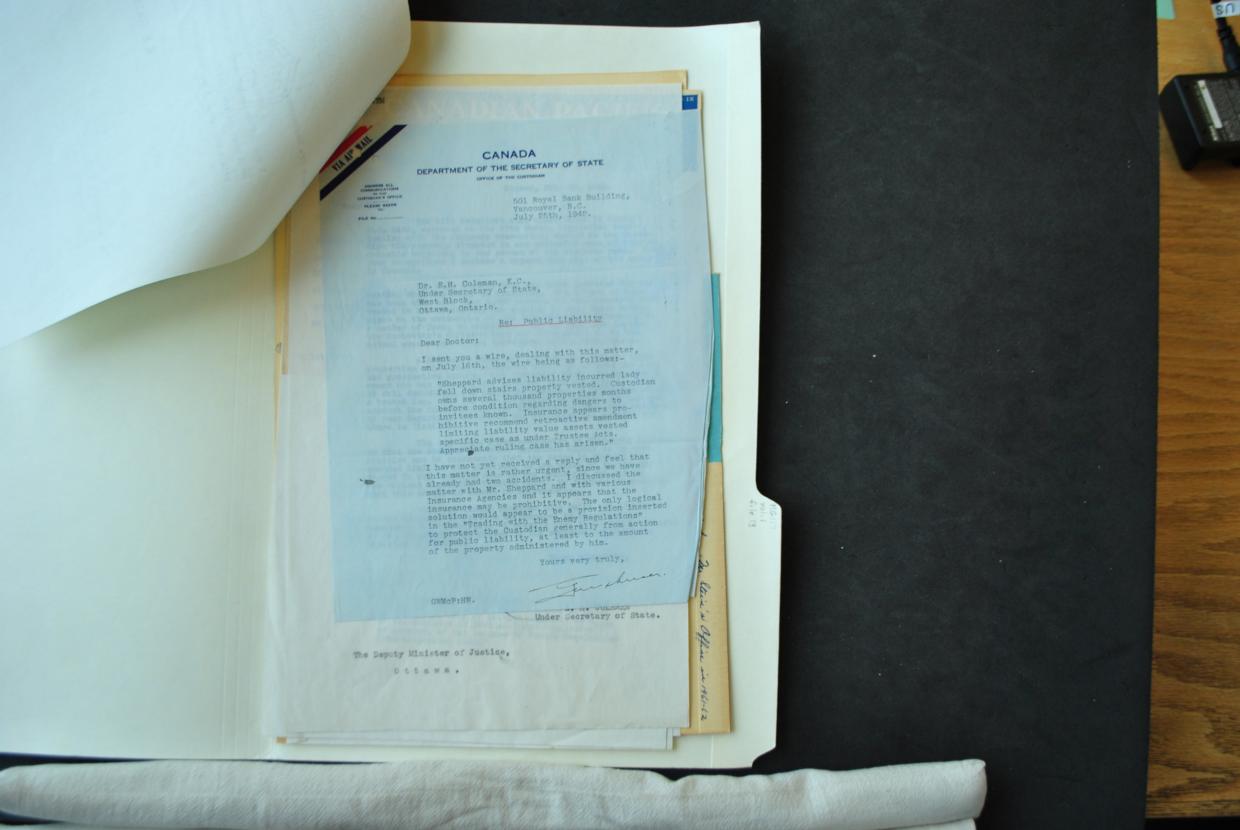


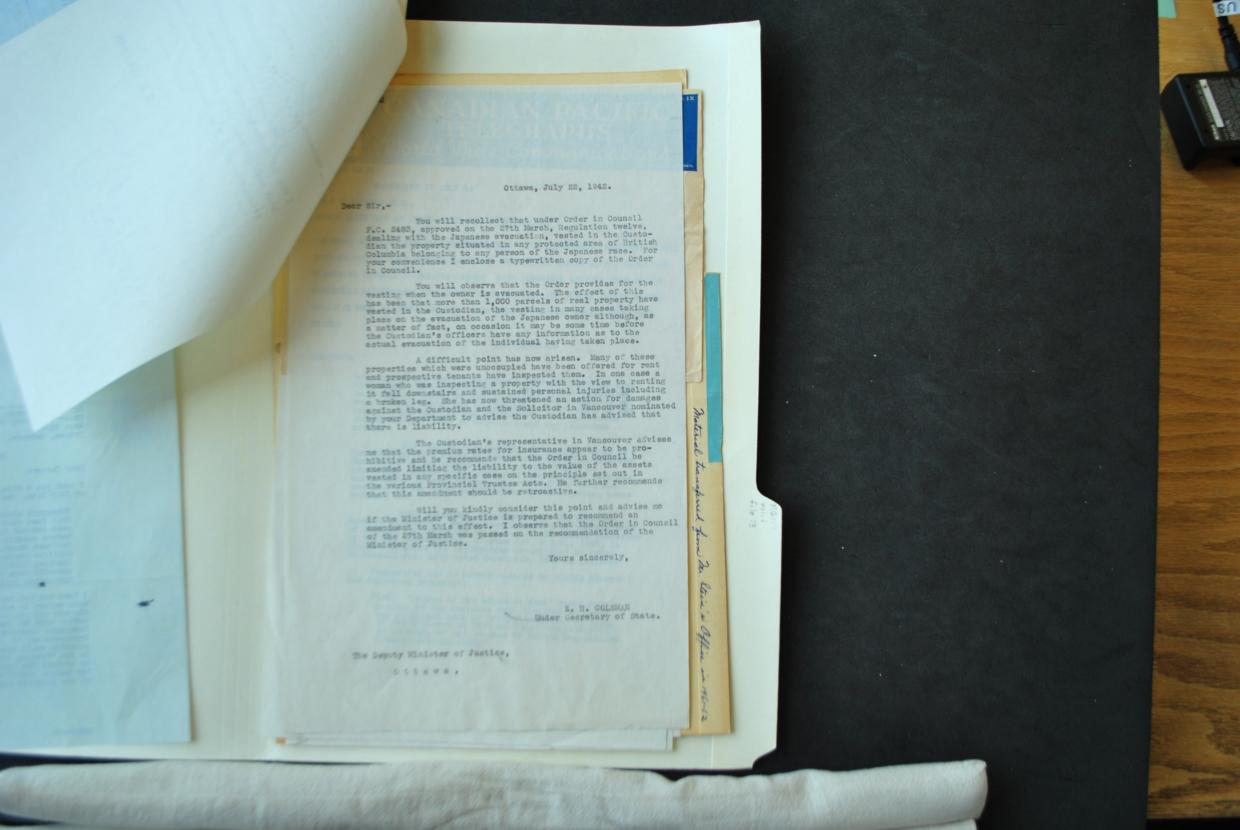


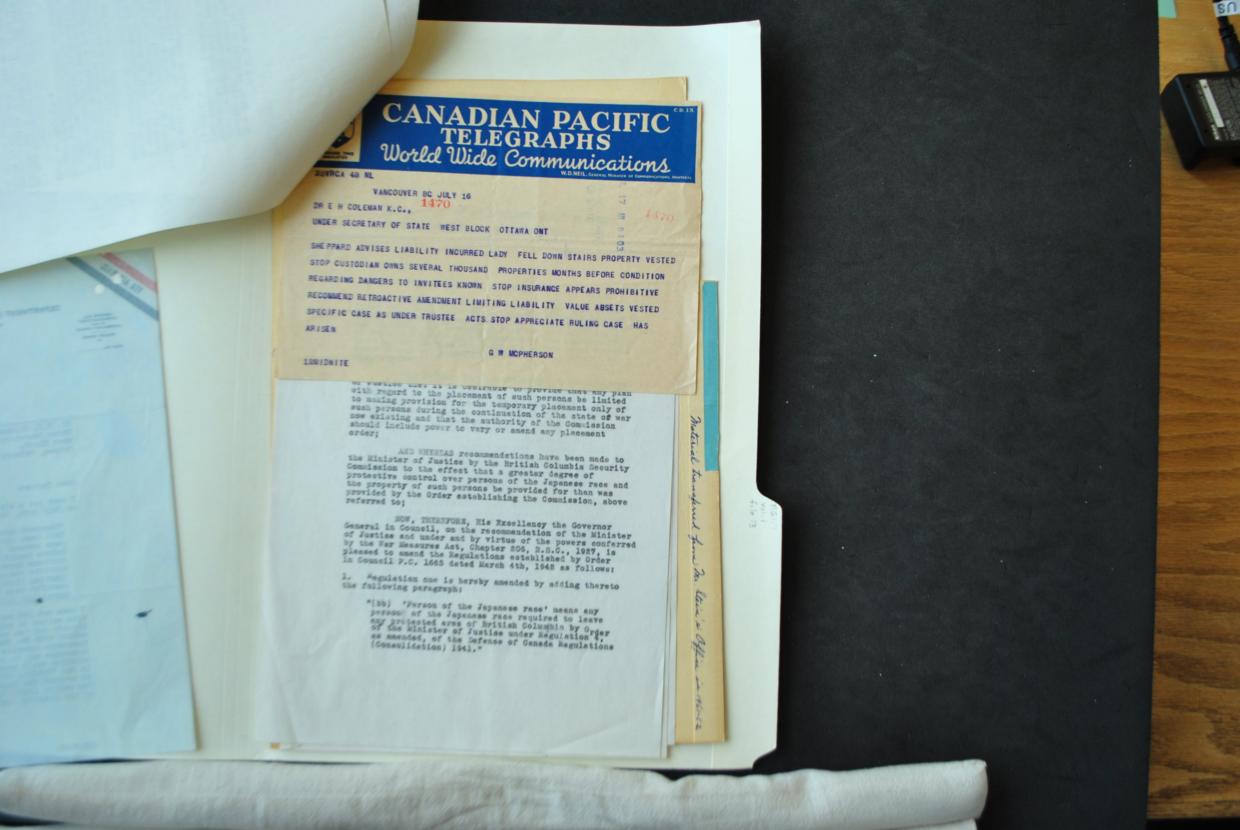












CODY P.C. 2483. PRIVY COUNCIL AT THE GOVERNMENT HOUSE AT OTTAWA FRIDAY, the 27th day of MARCH, 1942. PRESENT: HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL: WHEREAS BY Order in Council P.C. 1665 dated was established for the purpose of planning, supervising and directing the evacuation from the protected areas of British Golumbia of all persons of the Japanese race and for such purpose was empowered to determine amongst other things all matters relative to the placement of AND WHIREAS it is represented to the Minister of Justice that it is desirable to provide that any plan with regard to the placement of such persons be limited to making provision for the temporary placement only of such persons during the continuation of the state of war now existing and that the authority of the Commission should include power to very or amend any placement AND WHEREAS recommendations have been made to commission to the effect that a greater degree of protective control over persons of the Japanese race and provided by the Order establishing the Commission, above referred to: HOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fustice and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, R.S.C., 1927, is pleased to smend the Regulations established by Order in Council P.C. 1665 dated March 4th, 1942 as follows: Asgulation one is hereby amended by adding thereto the following paragraph; "(bb) 'Person of the Japanese race' means any person of the Japanese race required to leave any protected area of British Columbia by Order of the Minister of Justice under Regulation 4 as amended, of the Defence of Ganada Regulations (Consolidation) 1941."

