No. J. R. 134451 152189 REGISTRY

Department of Justice POUR CONSERVATION SELECTIVE

Date OCTOBER 14th, 1947.

LA DIVISION HISPORTONE DES A P.C.

REMARKS: JUSTICE From SUBJECT: EXPENSES OF JAPANESE CLAIMS COMMISSION. CROSS REFERENCE: Charged to_

134451 (13) 152189 Japanese Property Claims Commission allowance to Commissioner

a war copy of a Minute of a Meeting of tee of the Privy Council, approved by His Excellency Governor General on the 22 January 1948 Privy Council The Committee of the Privy Council have had before them a report, dated 20th January, 1948, from the Secretary of State, submitting: SEAL That by Order in Council P.C. 1810 of July 18, 1947, the Henourable Mr. Justice Henry Irvine Bird was appointed Commissioner pursuant to the Inquiries Act, Chapter Ninetynine of the Revised Statutes of Canada, 1927, to inquire into the claims, described in the aforesaid Order in Council, as amended, of persons of the Japanese race who were resident in Canada on the date of the aforesaid Order in Council; Canada That the Commissioner has reported that more than thirteen hundred claimants have now filed claims for hearing by the Commissioner and that by reason of the fact that the claimants reside in different parts of Canada it will be necessary to hold sessions of the Commission at various places across Canada; That it is in the interests of justice that hearings of the Commission be expedited and by virtue of Subsection 2 of Section 11 of the Inquiries Act, the Commissioner proposes to authorize and depute the following qualified persons to inquire into and hear the testimony of the claimants in person and of witnesses on their behalf other than those called to give expert or technical evidence at sessions of the Commission at the following places: Kamloops, British Columbia - His Honour Judge J. Ross Archibald. Vernon, British Columbia - His Honour Judge J. Ross Archibald, and His Honour Judge McLeod Munro Colquhoun. Grand Forks, British Columbia - His Honour Judge McLeod Munro Colquhoun. Nelson, British Columbia - His Honour Judge Eric Dawson. Lethbridge, Alberta - His Honour Judge Elmor Best Feir. Winnipeg, Manitoba - His Honour Judge A. Gordon Buckingham. Toronto, Ontario - His Honour Judge Moore Armstrong Miller. The Committee, therefore, on the recommendation of the Secretary of State, advise that, pursuant to Subsection 3 of Section 11 of the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada, 1927, the persons so authorized and deputed be authorized to exercise the same powers which the Commissioner has to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry. A.D.P. Heeney Clerk of the Privy Council. The Right Honourable the Minister of Justice.

Certified to be a true copy of a Minute of a Meeting of the Committee

of the Privy Council, approved by His Excellency the Governor



General on the 17 September 1947

The Committee of the Privy Council have had before them a report dated lith September, 1947, from the Secretary of State, stating that, after further consideration of the Order in Council P.C 1810, 18th July, 1947, providing for an inquiry into property claims of Japanese persons evacuated from the coast of British Columbia as a war measure, he is of opinion that the terms of reference should be expressed in terms in line with the Fourth Report of the Standing Committee of the House of Commons on Public Accounts, which Report dealt with the general administration and liquidation of property owned by Japanese evacuees and was concurred in by the House of Commons.

The Committee, therefore, on the recommendation of the Secretary of State, advise that the terms of reference contained in the Order in Council P C. 1810 aforesaid be amended:

- 1. By striking out paragraphs (a) and (b) of Clause numbered 1 and substituting the following:
 - "(a) that real and personal property vested in the Custodian pursuant to the above mentioned Orders was disposed of by the Custodian for less than the fair market value thereof at the time of sale resulting in loss to the Claimants equal to the difference between the amounts received from the sale and the fair market value aforesaid; and
 - (b) that personal property vested in the Custodian pursuant to the above mentioned Orders was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen: provided that no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property."
- 2. By striking out the words "for failure of the Custodian to exercise reasonable care" from Clause numbered 2.

Clerk of the Privy Council

extra copy as requested. JUDGES' TRAVELLING ALLOWANCES

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the purpose of attending the Courts specified, and that my actual moving or transportation expenses in connection with the same are correctly stated and do not include any charge for meals, hotel or other cost of living.

P.C. 516/3040

PRIVY COUNCIL

Certified to be a true copy of a Minute of a

Meeting of the Treasury Board, approved by

His Excellency the Governor General in

Council, on the 1st Aug., 1947.

CANADA

SECRETARY OF STATE

The Board recommend that authority be granted for payments, as detailed hereunder, to the Honourable Mr. Justice Henry Irving Bird of the Court of Appeal of British Columbia, while acting as a Commissioner to investigate and report in respect to claims by persons of the Japanese race in relation to their property:

- (1) Actual living expenses while absent from his home in connection with his duties, for which the usual detailed accounts will be submitted.
- (2) An allowance at the rate of \$25.00 per day covering the days when it is necessary for the Commissioner, in the performance of his duties under the Commission, to be absent from the Province of British Columbia.
- (3) Actual out-of-pocket transportation expenses when travelling in the performance of his duties, for which the usual detailed accounts will be submitted.

(Signed) A.D.P. Heeney, Clerk of the Privy Council.

The Honourable, The Secretary of State.

134451 (6) 152189 Japanece Property Claimo Commission Crown Counsel

REID, ALLEN, HUNTER & CAMPBELL

Barristers & Solicitors

38 King Street West Telephone Elgin 3141

Room 506, Royal Bank Building, Vancouver, B.C.

13th September 1948.

The Deputy Minister of Justice, Justice Building, OTTAWA.

Attention: Mr. R.A. Olmsted

Dear Sir:

Ref. 152189-2 Japanese Property Claims Commission

As mentioned earlier, in conversation at Ottawa, I have found it necessary to obtain stenographic services and accordingly I have engaged Mrs. Betty Russell Plummer at \$140 per month.

It is contemplated her services will be required until the end of June 1949.

Yours very truly,

(Sgd.) John W.G. Hunter

JWGH/BP

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Yours very truly,

(Sgd.) John W.G. Hunter

JWGH/BP

OTTAWA, March 23, 1948.

MEMORANDUM FOR THE CHIEF TREASURY OFFICER, DEPARTMENT OF JUSTICE:

Japanese Property Claims Commission Vote 507 Main Estimates 1947-48.

Herewith are statements and accompanying vouchers covering expenditures incurred by the Commission during the month of February, 1948:

ADVANCES:

November 15/47 - Cheque #8738 - Mr. Justice Bird \$ 2,000.00 January 13/48 - Cheque #11095 " " " 7,163.00 6,000.00 \$15,163.00

EXPENDITURES:

Cancelled cheques numbered 57 to 73 inclusive together with vouchers are herewith attached: vouchers numbered 81 to 101 inclusive are attached, but cheques are outstanding; viz., cheques #74 to #94 inclusive. Outstanding cheques shown on previous statements are also enclosed; viz., #15, #29, #30, #32, #35, #35, #36, #38, #41, #45, #48, #51 to #56.

Bank statement of account for the month of February, 1948, is also attached.

(Sgd.) G.L. Hardy

(G. L. Hardy)
Departmental Accountant
Department of Justice.

Enclosures.

STAFF

A. WATSON. Secretary.

Salary: \$250.00 per month and travelling expenses.

Duties: Attending sessions of Commission, receiving and recording exhibits, etc., correspondence, lists of claimants, notifications, Transportation, Hotels, Commission disbursements.

T.P. HORROBIN, Reporter.

Salary: \$10.00 per day on basis of 6 days per week while attending sessions of Commission.

Thirty-five cents per folio for transcript consisting of 1 original and 4 copies.

Travelling expenses.

<u>Duties:</u> Attending sessions of Commission and recording in shorthand all proceedings necessary for transcript. Dictating shorthand notes to typist.

G. HAMBLETON, Reporter.

Salary: \$10.00 per day on basis of 6 days per week while attending sessions of Commission.

Thirty-five cents per folio for transcript consisting of 1 original and 4 copies.

Travelling expenses.

<u>Duties:</u> Attending sessions of Commission and recording in shorthand all proceedings necessary for transcript. Dictating shorthand notes to typist.

G.N.R. UPTON, Interpreter.

Salary: \$200.00 per month and travelling expenses.

Duties: General duties of an interpreter from Japanese to English language, attending all sessions of Commission.

STAFF, Cont'd.

D.J. HANDFORD, Interpreter.

Salary: \$200.00 per month and travelling expenses.

<u>Duties</u>: General duties of an interpreter from Japanese to English language, attending all sessions of Commission.

(Miss) C. SAINAS, Typist.

Salary: \$150.00 per month and travelling expenses.

<u>Duties</u>: Typing transcript for all reporters and correspondence for Commissioner, Secretary, and other members of Commission staff.

Miss) V.J. WHITE, Stenographer.

Salary: \$135.00 per month.

Duties:

Stenographer and typist at main office in Vancouver. Typing lists of claimants, notifications,
and acknowledgments, correspondence, attending to
filing of transcript, exhibits, for Commissioner's
file. Attending to duties of main office in
Vancouver during absence of Commissioner and
Secretary.

P.C. 516/3040

PRIVY COUNCIL

Gertified to be a true copy of a Minute of a

Heeting of the Treasury Board, approved by

His Excellency the Governor General in

Gouncil, on the 1st Aug., 1947.

CANADA

SECRETARY OF STATE

The Board recommend that authority be granted for payments, as detailed hereunder, to the Honourable Mr. Justice Henry Irving Bird of the Court of Appeal of British Columbia, while acting as a Commissioner to investigate and report in respect to claims by persons of the Japanese race in relation to their property:

- (1) Actual living expenses while absent from his home in connection with his duties, for which the usual detailed accounts will be submitted.
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- (5) Actual out-of-pocket transportation expenses when travelling in the performance of his duties, for which the usual detailed accounts will be submitted.

(Signed) A.D.P. Heeney, Clerk of the Privy Council.

The Honourable, The Secretary of State. Mr. A. Watson Secretary, Fo Japanese Claims Commission.

Court House Vancouver :

DEPARTMENT OF JUSTICE

ORDER IN COUNCIL P.C. 1810 dated 18th. July 1947 as amended by ORDER IN COUNCIL P.C. 3737 dated 17th. September 1947

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of State, representing:

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27,1942, it was provided that all property situated in any protected area of British Columbia belonging to any person of the Japanese race (except fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to an Order of the Minister of Justice or which was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area was unable to take with him, should be vested in and subject to the control and management of the Custodian as defined in the Regulations Respecting Trading with the Enemy,

That by Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property;

That by Order in Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order in Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian;

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that in respect of such disposition of their property they have suffered pecuniary loss; and

That it is deemed advisable to appoint a Commissioner under Part 1 of the Inquiries Act to investigate the said claims and to make recommendations with respect thereto.

The Committee, therefore, on the recommendation of the Secretary of State, advise:

That the Honourable Mr. Justice Henry Irvine B ird be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese

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race who are resident in Canada at the date of this Order, namely -

- (a) that real and personal property vested in the Custodian pursuant to the above mentioned Orders was disposed of by the Custodian for less than the fair market value thereof at the time of sale resulting in loss to the Claimants equal to the difference between the amounts received from the sale and the fair market value aforesaid; and
- (b) that personal property vested in the Custodian pursuant to the above mentioned Orders was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen; provided that no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property.
- That the Commissioner shall examine into each claim and make a report to the Governor in Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion would fairly and reasonably compensate the claimant.
- That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by statutory declaration and filed in the office of the Custodian at Vancouver, British Columbia.
- 4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.
- 5. That the expenses of and incidental to the said inquiry be paid out of money appropriated by Parliament.

A.D.P. Heeney Clerk of the Privy Council. ORDER IN COUNCIL P.C. 1810 dated 18th. July 1947 as amended by ORDER IN COUNCIL P.C. 3737 dated 17th. September 1947

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of State, representing:

8.

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That by Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property;

That by Order in Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order in Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian;

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that in respect of such disposition of their property they have suffered pecuniary loss; and

That it is deemed advisable to appoint a Commissioner under Part 1 of the Inquiries Act to investigate the said claims and to make recommendations with respect thereso.

The Committee, therefore, on the recommendation of the Secretary of State, advise:

1. That the Honourable Mr. Justice Henry Irvine B ird be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese

.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion would fairly and reasonably compensate the claimant.

3. That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by statutory declaration and filed in the office of the Custodian at Vancouver, British Columbia.

That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.

That the expenses of and incidental to the said inquiry be paid out of money appropriated by Parliament.

> A.D.P. Heeney Clerk of the Privy Council.

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SIGNATURE

12 7 1 1979 DATE



REID, ALLEN, HUNTER & CAMPBELL

Barristers & Solicitors

38 King Street West Telephone Elgin 3141

Room 506, Royal Bank Building, Vancouver, B.C.

13th September 1948.

The Deputy Minister of Justice, Justice Building, OTTAWA.

Attention: Mr. R.A. Olmsted

Dear Sir:

Ref. 152189-2 Japanese Property Claims Commission

As mentioned earlier, in conversation at Ottawa, I have found it necessary to obtain stenographic services and accordingly I have engaged Mrs. Betty Russell Plummer at \$140 per month.

It is contemplated her services will be required until the end of June 1949.

Yours very truly,

(Sgd.) John W.G. Hunter

JWGH/BP

DEPARTMENT OF JUSTICE



MEMORANDUM

him Hardy

A Puich as Secretary to a Sub- (Joseph On!)

Commission, effective from the 5th day of

Deform 1948, at a salary of \$200

per month for the duration of that

Because

DATED at Vancouver B.C. this 27th day of

August, 1948.

GOMMISSIONER.

Address - A. SMITH, 134 Hopedale Ave., Toronto 6. Ont.

I HEREBY CERTIFY that I have employed K. D. Zeans as Secretary to a Sub-(winning Man).
Commission, effective from the 12 day of
2ept: 1948, at a salary of \$ 200
per month. for the dunation of that survious
DATED at Vancouver B.C. this 27 day of
August, 1948.
// 4/ 9 / 199

COMMISSIONER.

Address - K.D.Deans,
Court House,
Winnipeg, Man.

(miss)	I HEREBY CERTIFY that I have employed as a Sub- Lille Thomas as Secretary to a Sub- Lething the.
	Commission, effective from the 2 day of
	august. 1948, at a salary of \$ 200 -
	per month: for the duration of that DATED at Vancouver B.C. this 27th day of
	August, 1948. COMMISSIONER.

Address - Miss Lillie Thomas 15 Victoria Mansions, Lembridge, Alberta. W. J. Dinglow as Secretary to a Sub-(Melson Melson Melson

Address - W.J.Sturgeon, Court House, Nelson B.C. I HEREBY CERFIFY that I have employed

L-a-Dodds as Secretary to a Sub-Grand Jorks Mb)

commission, effective from the 25th day

of May 1948, at aslaw of \$150- [Dr IIIo]

allowance

duration of Ihal Secriou.

DATED at Vancouver B.C. this 27th day of

August, 1948.

COMMISSIONER.

Address - L.A. Dodd, Greenwood, B.C. I HEREBY CERTIFY that I have employed

J. R. Colley as Secretary to a Sub-(hamloofs bl)

Commission, effective from the 6th day

of May 1948, at a salery of \$/00 for the allowance

per duration of the second.

DATED at Vancouver B.C. this 27th day of

August, 1948.

COMMISSIONER.

Address - J.R.Colley, Court House, Kamloops B.C. I HEREBY CERTIFY that I have employed

J. J. Marron as Secretary to a Sub-(Nework)

Commission, effective from the 2121 day

of afrel 1948, at esclery of \$ 50 —

allowance for the dunalism of their Secretary.

DATED at Vancouver B.C. this 27 day of

August, 1948.

COMMISSIONER.

Address - T.J.Marrion, Court House, Vernon B.C. MRS.LUCIE HANDFORD as an Interpreter to the

Commission, effective from the first day

of fine 1948, at a salary of \$200

per month. will Course 31 for certification of the second and th

COMMISSIONER.

Address- Mrs.Lucie Handford, 4038 West 18th Ave. Vancouver B.C. MRS. IRENE C. SMITH as an Interpreter to the Commission, effective from the 15 h day of 1948, at a salary of \$200 per month while so employed from 15. Sepi 48.

DATED at Vancouver B.C. this 27 day of August, 1948.

COMMISSIONER.

Address - Mrs.Irene C.Smith, 108 Windsor Road W. North Vancouver B.C. I HEREBY CERTIFY that I have employed A. G. VEITCH, Court Reporter, Court House, Toronto, Ontario, as Reporter, effective from May 3rd 1948, at fees, transcript rates and travelling expenses previously advised for Reporters, and only while actually employed by the Commission or Sub-Commissions.

DATED at Vancouver, B.C., this 31st day of August, 1948.

I HEREBY CERTIFY that I have employed MARK PEARCE, Court Reporter, Court House, Fort William, Ontario, as Reporter, effective from April 21st 1948, at fees, transcript rates and travelling expenses previously advised for Reporters, and only While actually employed by the Commission or Sub-Commissions.

DATED at Vancouver B.C. this 31st day of August 1948.

I HEREBY CERTIFY THAT I have employed H. M. LANGFIELD, Court Reporter, Court House, Regina, Saskatchewan, as Reporter, effective from April 12th 1948, at fees, transcript rates and travelling expenses previously advised for Reporters, and only while actually employed by the Commission or Sub-Commissions.

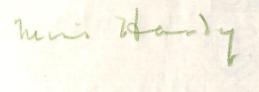
DATED at Vancouver, B.C., this 31st day of August, 1948.

I HEREBY CERTIFY that I have employed S. R. HOWARD, Court Reporter, Court House, Lethbridge, Alberta, as Reporter, effective from March 22nd 1948, at fees, transcript rates and travelling expenses previously advised for Reporters, and only while actually employed by the Commission or Sub-Commissions.

DATED at Vancouver, B.C. this 31st day of August, 1948.

DEPARTMENT OF JUSTICE

MEMORANDUM



MD/7

P.C. 189/3888

Privy Council Canada Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 1st September, 1948.

SECRETARY OF STATE

The Board recommend that Order in Council of January 22, 1948, P.C. 243, respecting appointment of a Commission to inquire into claims of persons of the Japanese race resident in Canada, be amended to provide for payment to all Deputy Commissioners of actual out-of-pocket, transportation and living expenses incurred while absent from their respective residences in connection with their duties, for which the usual detailed accounts will be submitted, together with a transportation allowance of eight cents per mile when travelling by personally-owned motor vehicle, effective from the date of commencement of duties in each case.

"A. D. P. Heeney"
Clerk of the Privy Council.

The Honourable the Secretary of State.

of the Committee of the Privy Council, approved by

His Excellency the Governor General on the

9 August 1948.

The Committee of the Privy Council have had before them a report dated 6th July, 1948 from the Secretary of State, representing:

That by Order in Council P.C. 1810 of July 18, 1947, as amended by Orders in Council P.C. 3737 of September 17, 1947, and P.C. 243 of January 22, 1948, the Honourable Mr. Justice Henry Irvine Bird was appointed Commissioner pursuant to the Inquiries Act, R.S.C. 1927, chapter 99, to inquire into the claims, described in the Order in Council, as amended, of persons of the Japanese race resident in Canada on the date of the said Order in Council;

That by Order in Council P.C. 243, pursuant to subsection (2) of section 11 of the Inquiries Act, the designation of certain qualified persons therein named, authorized and deputed by the Commissioner to inquire into and hear the testimony of the claimants in person and of witnesses on their behalf, other than those called to give expert or technical evidence, at sessions of the Commission at the places therein described, was approved;

That the Commissioner has authorized and deputed the additional qualified persons for the aforesaid purposes at the following places:

Nelson, British Columbia - His Honour Judge Harry Wilfrid Colgan

Toronto, Ontario

- His Honour Judge John Arthurs McGibbon

Lethbridge, Alberta

- His Honour Judge Roy
Manning Edmanson (in the place
and stead of His Honour Judge
Elmer Best Feir who is unable
to act) and
His Honour Judge Luke
Hannon Stack.

The Committee, on the recommendation of the Secretary of State, advise that said Order in Council P.C. 243 be amended by deleting the name of His Honour Judge Elmer Best Feir of Lethbridge, Alberta, and adding the names of the above mentioned qualified persons as Deputy Commissioners with all incidental powers.

> (Sgd) A.D.P. Heeney Clerk of the Privy Council.

The Honourable the Minister of Justice.

of the Committee of the Privy Council, approved by
His Excellency the Governor General on the
9 August 1948.

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Toronto, Ontario

- His Honour Judge John Arthurs McGibbon

Lethbridge, Alberta

- His Honour Judge Roy
Manning Edmanson (in the place
and stead of His Honour Judge
Elmer Best Feir who is unable
to act) and
His Honour Judge Luke
Hannon Stack.

The Committee, on the recommendation of the Secretary of State, advise that said Order in Council P.C. 243 be amended by deleting the name of His Honour Judge Elmer Best Feir of Lethbridge, Alberta, and adding the names of the above mentioned qualified persons as Deputy Commissioners with all incidental powers.

(Sgd) A.D.P. Heeney Clerk of the Privy Council.

The Honourable the Minister of Justice.

OTTAMA, July 6, 1948.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to

That by Order in Council P.C. 1810 of
July 18, 1947, as amended by Orders in Council P.C.
3737 of September 17, 1947, and P.C. 245 of January 22,
1948, the Honourable Mr. Justice Henry Irvine Bird
was appointed Commissioner pursuant to the Inquiries
Act. R.S.C. 1927, chapter 99, to inquire into the
claims, described in the Order in Council, as amended,
of persons of the Japanese race resident in Canada on
the date of the said Order in Council.

That by Order in Council P.C. 245, pursuant to subsection (2) of section II of the Inquiries Act, the designation of certain qualified persons therein named, authorized and deputed by the Counissioner to inquire into and hear the testimony of the claimants in person and of witnesses on their behalf, other than those called to give expert or technical evidence, at sessions of the Counission at the places therein described, was approved.

That the Commissioner has authorized and deputed the additional qualified persons for the aforesaid purposes at the following places:

Nelson, British Columbia - His Honour Judge

Harry Wilfrid Colgan

Toronto, Ontario

- His Honour Judge John Arthurs McGibbon

Lothbridge, Alberta

- His Honour Judge Roy

Manning Edmanson (in the place
and stead of His Honour Judge

Elmer Best Feir who is unable
to act) and

His Honour Judge Luke Hannen

Stack.

That the said Deputy Commissioners will incur transportation and living expenses in the exercise of their duties while conducting sessions in places other than their places of residence.

of The Judges Act, 1946, being chapter 56 of the statutes of 1946, Your Excellency in Gouncil may fix the transportation expenses and living allowances to be received by the said judges while acting as such Deputy Commissioners, in addition to their judicial salaries.

The undersigned therefore has the honour to recommend that Your Excollency in Council do approve the amendment of Order in Council P.C. 243 by deleting the name of His Honour Judge Elmer Best Feir of Lethbridge, Alberta, and adding the names of the above mentioned qualified persons as Deputy Counissioners with all incidental powers.

The undersigned further recommends that

Your Excellency in Council do approve payment, effective

from the date of commencement of duties in each case
and upon submission of detailed expense accounts, to
all qualified persons designated as Deputy Commissioners

20000

of all notual out-of-pooket, transportation and living expenses incurred while acting as Deputy Cormissioners and absent from their respective places of residence, together with an allowance of 8 cents per mile when travelling by personal motor vehicle.

Respectfully submitted,

Secretary of State.

July 13th,

48.

MEMORANDUM FOR

CHIEF TREASURY OFFICER:

Re: Japanese Property Claims Commission

Treasury Board Minutes T. 352426 B. and T. 354548 B., dated April 23rd, 1948 and June 4th, 1948 respectively, approved payments of \$40,000 from Vote 94, Demobilization and Reconversion Estimates, 1948-49, to provide for these expenses, subject, however, to re-imbursement from Supplementary Estimates 1948-49.

Will you please have the necessary steps taken to effect this re-imbursement, provision having been made by Vote 723, Supplementary Estimates, 1948-49.

Accountant
Department of Justice.

DEPARTMENT OF JUSTICE



July 12, 1948

MISS HARDY:

152189-1

Herewith, for your information, copy of a letter from the Comptroller of the Treasury, dated July 9, 1948.

R. A. O.

DEPARTMENT OF FINANCE

Ottawa, July 9, 1948.

R. A. Olmsted, Esq., Law Branch, Department of Justice, Ottawa, Ontario.

Dear Mr. Olmsted,

This will confirm the understanding reached in our conversation this morning in connection with accounts arising out of the Commission on Japanese Claims.

Immediate arrangements are being made whereby an advance will be made to the Commission on your requisition at the commencement of each month for the estimated amount required to cover the monthly expenditure, and these advances will continue to be made each month, as long as they are required.

At the same time I am arranging with Mr. F.G. Coburn, our Regional Administrator located at Vancouver, to take immediate steps to set up a procedure whereby someone from his office will review the vouchers before the return is sent to Ottawa so as to ensure as far as possible that the return when it is received at Ottawa will not have to go back for some correction. At the same time he will be instructed to bring to bear whatever pressure is necessary to have the Secretary complete the missing vouchers so that the expenditures that are made will be fully and properly accounted for.

Yours very truly,

"B. J. MCINTYRE

Comptroller of the Treasury.

EXTRACT from the minutes of a meeting of the Honourable the Treasury Board, held at Ottawa, on the FOURTH day of JUNE, 1948.

C.

Т. 354548 В.

JUSTICE

\$20,000 from Vote 94, Demobilization and Reconversion Estimates, 1948-49, to provide for the expenses of the Commission of Inquiry into Japanese Property Claims, appointed by Order in Council P.C. 3737 of September 17, 1947, subject to submission of an item for inclusion in the Supplementary Estimates, 1948-49.

R. B. Bryce
For Secretary.
"D.N."

OTTAWA, May 28, 1948.

TO THE HONOURABLE

THE TREASURY BOARD:

The undersigned begs to report that on April 23, 1948, (T. 352426 B.) Treasury Board approved of payment of an amount of \$20,000 from Vote 94, Demobilization and Reconversion Estimates, 1948-49 to provide for the expenses of the Commission of Inquiry into Japanese Property Claims:

That it was considered this amount would meet expenses incurred in April and cover advances for the month of May:

That it is now necessary to apply for further funds to meet expenses during the month of June:

That in addition to payments for expenses of Commission Staff and Government Counsel, it is anticipated that further payments will have to be met in June to cover expenses of Sub-Commissioners who have held hearings at various points in British Columbia; as well as payments to additional Crown Counsel appearing at these hearings.

The undersigned therefore recommends that there be made available a further sum of \$20,000 to meet these expenses of the Commission, and that authority be granted for this additional payment from the above-mentioned Vote 94, subject to re-imbursement from Supplementary Estimates, 1948-49.

Respectfully submitted,

(Sp) JA. 26

May 28th, 1948

MEMORANDUM FOR MISS HARDY:

Re: Japanese Claims Commission-

I am informed that Mr. Justice Bird has telephoned the Deputy Minister of Justice requesting a further Commission advance - presumably the usual monthly advance (for June) of \$6,000.00. I also understand that, pending Parliamentary approval of departmental estimates, a transfer of funds by way of loan is necessary and that the present funds available approximate \$2500.00.

In the event that you wish to apply for an additional transfer to cover June advances and payments I would point out the following:

As above noted the Commission advance should be for the usual amount of \$6,000.00. Mr. Hunter's May accounts may also be expected shortly and as you are aware his monthly account usually exceeds the monthly advance made to him by approximately \$1500.00. In addition, I understand that hearings have taken place at various points in British Columbia before the several Sub-Commissioners there. In some cases the Sub-Commissioners themselves will be entitled to living and travelling expenses which will probably total some four months at approximately \$15.00 a day, i.e. \$1800.00. Crown counsel at these hearings may also be submitting accounts which again will probably aggregate four months at approximately \$75.00 a day, i.e. \$9,000.00. I would accordingly suggest that further funds of \$15,000.00 or \$20,000.00 may be required for June.

In the meantime, out of the funds available, may I have a cheque for \$2,000.00 by way of partial advance to the Commission for June, 1948, payable to Mr. Justice Bird.

Attached to the file cover is a letter from the Secretary of the Commission in answer to the various questions you sent him with respect to previous accountings. No doubt you will wish to consider the adequacy of the explanations given by him before the matter is taken up with the Deputy Minister.

STAFF

Read 23/48

A. WATSON, Secretary.

Salary: \$250.00 per month and travelling expenses.

Duties: Attending sessions of Commission, receiving and recording exhibits, etc., correspondence, lists of claimants, notifications, Transportation, Hotels, Commission disbursements.

T.P. HORROBIN, Reporter.

Salary: \$10.00 per day on basis of 6 days per week while attending sessions of Commission.

Thirty-five cents per folio for transcript consisting of 1 original and 4 copies.

Travelling expenses.

Duties: Attending sessions of Commission and recording in shorthand all proceedings necessary for transcript. Dictating shorthand notes to typist.

G. HAMBLETON, Reporter.

Salary: \$10.00 per day on basis of 6 days per week while attending sessions of Commission.

Thirty-five cents per folio for transcript consisting of 1 original and 4 copies.

Travelling expenses.

Duties: Attending sessions of Commission and recording in shorthand all proceedings necessary for transcript. Dictating shorthand notes to typist.

G.N.R. UPTON, Interpreter.

Salary: \$200.00 per month and travelling expenses.

Duties: General duties of an interpreter from Japanese to English language, attending all sessions of Commission.

STAFF. Cont'd.

D.J. HANDFORD. Interpreter.

Salary: \$200.00 per month and travelling expenses.

Duties: General duties of an interpreter from Japanese to English language, attending all sessions of

Commission.

(Miss) C. SAINAS, Typist.

Salary: \$150.00 per month and travelling expenses.

Duties: Typing transcript for all reporters and correspondence for Commissioner, Secretary, and other

members of Commission staff.

Miss) V.J. WHITE, Stenographer,

Salary: \$135.00 per month.

Duties: Stenographer and typist at main office in Vancouver. Typing lists of claimants, notifications, and acknowledgments, correspondence, attending to filing of transcript, exhibits, for Commissioner's

file. Attending to duties of main office in Vancouver during absence of Commissioner and

Secretary.

EXTRACT from the minutes of a meeting of the Honourable the Treasury Board, held at Ottawa, on the TWENTY-THIRD day of APRIL, 1948.

L.C.

T. 352426 B.

JUSTICE

The Board approve payment of the amount of \$20,000 from Vote 94, Demobilization and Reconversion

Estimates, 1948-49 to provide for the expenses of the Commission of Inquiry into Japanese Property Claims, appointed by Order in Council P.C. 3737 of September 17, 1947, subject to the submission of an item for inclusion in the Supplementary Estimates, 1948-49.

(Sgd.) R. B. Bryce For Secretary. APRIL 2nd, 1948.

oners are appointed. I suggest be

MEMORANDUM FOR THE DEPUTY MINISTER:

iere it sign affects the mil Japanese Claims Commission

1. Financing of Commission for 1948 fiscal year.

As you are aware Commission costs in the past have been paid out of money transferred from Finance Vote 507 (Appropriation Act No. 5 1947) for miscellaneous and unforeseen expenses.

Miss Hardy has suggested that I prepare a statement covering the anticipated costs for the new fiscal year to be applied for in the Supplementary Estimates of this Department. This statement is attached. If you approve of it I shall hand a copy to Miss Hardy for the purpose of preparing the necessary supplementary estimates.

Appointment of Deputy Commissioners at Lethbridge and Toronto.

In his letters of March 15th and March 23rd the Commissioner advised that the Vancouver office of the Custodian cannot prepare for any hearings before Deputy Commissioners east of British Columbia until next September. The Commissioner also suggests that two deputies be appointed at Lethbridge and Toronto - (322 claims at Lethbridge, 249 claims at Toronto).

You will recall that Judge Feir was appointed for Lethbridge and later advised that both he and Judge Sissons were fully occupied on a provincial enquiry which was expected to last through April. You then wrote to Judge Edmanson and Judge Stack of Calgary who accepted. The Commissioner has also discussed the proposed hearings with the two Calgary judges. In view of the postponment of the sessions until September, you may consider it advisable to let Judge Feir's appointment stand and to enquire whether Judge Sissons could also act rather than to bring the Calgary judges to Lethbridge. I have drafted letters to both Judge Feir and Judge Sissons to this effect and a letter to the Commissioner concerning this proposal. The two Calgary judges could be advised later whether their services are required. were fully occupied on a provincial enquiry which was expected services are required.

Judge Miller has been appointed for Toronto. May I have your instructions, please, as to an additional judge to chare the September hearings there.

Considerate and that this encountent be similar to the

As soon as the various judges are selected it will be necessary to amend P.C. 243 of January 22nd, 1948, setting out the list of Deputy Commissioners. At that time it could also be amended to include Judge Colgan who is to share the Nelson hearings which will start on June 1st. Jenuary Stad 1948 shich guts one the names of the baputs

visions of the apolish dudor to Commoil providing for Mo. ...
Commissioner's resummention, i.e. actual living expenses and second out of popular transportation expenses for which is actual decision engines will be admitted. I would suggest the commission to make such the admitted. I would suggest this commission to make such the attack of the commission in the application in the application in the application in the application in the application.

It is not altogether clear whether the Commissioner contemplates consecutive or simultaneous sessions at places where two Deputy Commissioners are appointed. I suggest he should be asked to clarify this since it also affects the number of assistant Government Counsel required. Mr. Hunter might also be advised to contact Government Counsel outside British Columbia concerning the postponed hearings and make whatever arrangements with them he considers necessary.

3. Assistant Counsel at Toronto September hearings.

Mr. Godfrey of Toronto has declined amployment at the remuneration offered (\$60.00 per day plus expenses). Have you anyone else in mind or do you wish me to ask the Minister's office to nominate another counsel?

4. Accommodation for Commission sessions at Montreal.

The Commissioner has requested that accomodation be arranged for the hearings in Montreal which will commence there on June 1st and are expected to last two or three weeks. As suggested by you I discussed this matter with Mr. Forsyth who recommended that enquiries be made of the Sheriff's officers of the Superior Court in Montreal for this purpose. I also telephoned Mr. Belleau, Deputy Registrar of the Exchequer Court (who arranges for sittings of that Court in Montreal) and he stated that he makes arrangements through Lucien Laberge, Deputy Sheriff of the District of Montreal. Attached is a draft letter to Mr. Laberge enquiring whether a court room will be available for the Commission as above requested.

5. Travelling and living expenses of Deputy Commissioner.

Commissioner for all of Kamloops and part of Vernon) enquired whether he would receive a travelling and living allowance as in ordinary court work. He also asked whether it should be put on a separate expense account. A similar request was received from Judge Colquhoun (appointed for part of Vernon and all of Grand Forks). I suggest that travelling and living allowances for these Judges while acting as Deputy Commissioners do not come under the allowances provided for in Section 20 of the Judges Act 1946 Stat. Ch. 56. Section 20 provides for allowances inter alia to County Court judges when they attend "as such judge in court or chambers" other than their place of residence. I have discussed this with Mr. Helson and understand that the Department has held the view that this only applies to their regular judicial duties. Under Section 37 of the Act "except as provided in subsection three of this section, no judge shall receive any remuneration in addition to his judicial salary for acting as commissioner..." Subsection 3 provides for payment of "such moving or transportation expenses and living allowance as the Governor in Council...may fix by general or special order".

I submit that an amendment is required to P.C. 243 of January 22nd 1948 which sets out the names of the Deputy Commissioners and that this amendment be similar to the provisions of the special Order in Council providing for the Commissioner's remuneration, i.e. actual living expenses and actual out of pocket transportation expenses for which the usual detailed accounts will be submitted. I would suggest that this amendment be made when the other amendment with respect to changes in the appointees is required.

In the meantime I suggest that both Judges be advised that provision will be made not for a per diem allowance but

for actual living and travelling expenses incurred by them and that their accounts in this connection are to be kept quite distinct from those relating to their ordinary judicial duties.

6. Summary:

- (a) Attached is a statement covering the estimated costs of the Commission for the 1948 fiscal year.
- (b) Attached are the following draft letters:
- i. Letter to Judge Feir asking whether he can act at Lethbridge in September.
- ii. Letter to Judge Sissons asking whether he can act at Lethbridge in September.
- iii. Letter to the Commissioner suggesting that Lethbridge judges may be appointed rather than Calgary judges for the Lethbridge hearings and asking whether the sittings are to be consecutive or simultaneous.
- iv. Letter to Mr. Hunter asking him to make the necessary arrangements with counsel at Lethbridge and Winnipeg in view of the change of sittings.
- v. Letter to the Deputy Sheriff, Montreal, enquiring whether accommodation will be available for the Commission there.
- vi. Letter to Judge Archibald advising as to travelling and living expenses.
- vii. Letter to Judge Colquboun advising as to living and travelling expenses.
 - (c) May I have your instructions, please, on the following points:
- 1. Whether you have any counsel in mind for Toronto or if the Minister's office should be asked for an appointment in this connection.
- 2. The name of another judge to share the Toronto September hearings.

66,6

94 m. Es.

APRIL 2nd, 1948

ESTIMATES RE: JAPANESE CLAIMS COMMISSION FOR 1948 FISCAL YEAR - THE FOLLOWING AMOUNTS ARE BASED UPON PAST COSTS AND THE PROBABLE FUTURE REQUIREMENTS OF THE COMMISSION.

ITEM 1 - EXPENSES AND SALARIES OF COMMISSION STAFF.

These include the living and travelling expenses and the salaries of interpreters, reporters and the Secretary of the Commission staff, and the living and travelling expenses of the Commissioner-

\$6,000.00 per month - 12 months - total... \$72,000.00

ITEM 2 - SALARY AND EXPENSES OF PRINCIPAL GOVERN-MENT COUNSEL, JOHN W.G. HUNTER.

Mr. Hunter's salary at \$75.00 per day and his travelling and living expenses for full time duties average \$2,500.00 per month -12 months - - - total... 30,000.00

ITEM 3 - SALARIES AND EXPENSES OF ASSISTANT GOVERNMENT COUNSEL.

It is anticmpated that Assistant Government Counsel will be required as follows:

Vernon (1), Kamloops (1), Nelson (1),
Grand Forks (1), Lethbridge (2),
Winnipeg (1), Toronto (2), i.e. a
total of 9 assistants.
The Commissioner has found that approximately 30 claims can be heard each
week. As applied to the number of
claims this will mean that each assistant's services will be required for
approximately one month. Each will be
paid at the rate of \$50.00 or \$60.00
per day plus expenses of say \$10.00
per day, hence estimate 9x30x\$70.00 -total... 18,900.00

ITEM 4 - EXPENSES OF EXPERT WITNESSES.

The Commissioner will hear expert evidence, particularly with respect to sales of land, commencing Sept. 1st in Vancouver. Competent expert valuators in expropriation cases charge approximately \$100.00 per day in Court. I suggest that a safe estimate would be an additional expense of \$100.00 a day for a period of over 6 months, say 200 days, -total. 20,000

.

ITEM 5 - ALLOWANCE TO COMMISSIONER

Under P.C. 16/3040 of August 1st
1947, the Commissioner is authorized to receive an allowance of
\$25.00 per day for each day his
duties require him to be absent from
B.C. His sessions east of B.C.
commenced around April 1st and are
expected to last until late June,
say approximately 100 days - total... \$ 2,500.00

ITEM 6 - LIVING AND TRAVELLING EXPENSES OF DEPUTY COMMISSIONERS.

At least three and probably five County Court Judges will be conducting hearings away from their place of residence. They will sit for approximately a month. Their living and travelling expenses will probably average \$20.00 per day - 5x30x\$20.00 - total...

FINAL TOTAL ...

\$ 146,400.00

3,000.00

go.a.

approved "

March 25th, 1948

MEMORANDUM FOR MISS HARDY:

152,189 Re: Japanese Claims Commission.

- 1. Mr. Hunter, principal Government Counsel has submitted his account for February, 1948 at \$2,413.43. This has been taxed at the amount rendered. As you are aware Mr. Hunter was given an advance of \$1,000.00 for February. May I, therefore, have a cheque payable to John W.G. Hunter for the balance owing for February, 1948, of \$1,413.43
- 2. Mr. Donald S. McTavish of Salmon Arm, B.C. has been appointed a counsel to assist at the Commission hearings in Vernon, B.C. He has rendered his account, dated March 2nd in the amount of \$217.75. His account has been taxed as rendered. May I have a cheque payable to Donald S. McTavish for \$217.75.
- Mr. Harold W. McInnes of Penticton, B.C. has been appointed a counsel to assist at the Commission hearings in Grand Forks, B.C. He has rendered his account, dated March 5th, in the amount of \$340.05. His account has been taxed as rendered. May I have a cheque payable to Harold W. McInnes for \$340.05.

4. The advance was sent to the Commission on March 9th. covering February and March. The Commissioner has indicated however that a further advance will be required. May I have a cheque please for \$ 000.00 payable to Mr. Justice H. I. Bird on behalf of the Commission as an additional advance for march 1948

JAPANESE PROPERTY CLAIMS COMMISSION

SESSIONS - MR. JUSTICE H.I.BIRD

		Tentative Schedule				
KAMLOOPS	-	FEBRUARY	9	to	13.	
VERNON	-	11.	16	12	27.	
GRAND FORKS	-	MARCH	1	10:	5.	
NELSON	4	lt.	8	117	19.	
LETHBRIDGE	-	Th.	22	11:	April	6.
MOOSE JAW	-	APRIL	7	Û	9.	
WINNIPEG	-	lt.	12	12:	20.	
FORT WILLIAM	-	tr .	21	11	30.	
TORONTO	#	MAY	3	th	28.	
MONTREAL	_	JUNE	1	11	15.	



Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 22 January 1948

Privy Council

The Committee of the Privy Council have had before them a report, dated 20th January, 1948, from the Secretary of State, submitting:

SEAL

That by Order in Council P.C. 1810 of July 18, 1947, the Honourable Mr. Justice Henry Irvine Bird was appointed Canada Commissioner pursuant to the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the claims, described in the aforesaid Order in Council, as amended, of persons of the Japanese race who were resident in Canada on the date of the aforesaid Order in Council. Canada on the date of the aforesaid Order in Council;

> That the Commissioner has reported that more than thirteen hundred claimants have now filed claims for hearing by the Commissioner and that by reason of the fact that the claimants reside in different parts of Canada it will be necessary to hold sessions of the Commission at various places across Canada;

That it is in the interests of justice that hearings of the Commission be expedited and by virtue of Subsection 2 of Section 11 of the Inquiries Act, the Commissioner proposes to authorize and depute the following qualified persons to inquire into and hear the testimony of the claimants in person and of witnesses on their behalf other than those called to give expert or technical evidence at sessions of the Commission at the following places:

Kamloops, British Columbia - His Honour Judge J. Ross Archibald.

Vernon, British Columbia - His Honour Judge J. Ross Archibald, and His Honour Judge McLeod Munro Colquhoun.

Grand Forks, British Columbia - His Honour Judge McLeod Munro Colquhoun.

Nelson, British Columbia - His Honour Judge Eric Dawson. Lethbridge, Alberta - His Honour Judge Elmor Best Feir.

Winnipeg, Manitoba - His Honour Judge A. Gordon Buckingham.

Toronto, Ontario - His Honour Judge Moore Armstrong Miller.

The Committee, therefore, on the recommendation of the Secretary of State, advise that, pursuant to Subsection 3 of Section 11 of the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada, 1927, the persons so authorized and deputed be authorized to exercise the same powers which the Commissioner has to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.

A.D.P. Heeney

Clerk of the Privy Council.

The Right Honourable the Minister of Justice.

January 10, 1948

MEMORANDUM FOR MISS HARDY:

134451

152,189 Re: Japanese Claims Commission.

Attached is Mr. Hunter's account for December 1947 taxed at the amount rendered, \$1306.91. This exceeds his advance for December by \$306.91. May I have a cheque please payable to him for \$1306.91 representing the balance of \$306.91 owing for December 1947 and a new advance of \$1,000.00 for January 1948.

As you are aware Mr. Justice Bird was here a few days ago and discussed the finances of the Commission with Mr. Varcoe and with Treasury officers of this Department. He will require future monthly advances of \$6,000.00 rather than \$2,000.00. He will also shortly render accounts relative to the December advance. In the meantime the Commission expenses have exceeded that advance by \$1163.00 and the Judge has requested an advance for January 1948 of \$7163.00. May I have a cheque for that amount please payable to Mr. Justice H.I. Bird.



January 6, 1948

MEMORANDUM:

Re: Japanese Claims

It is understood that Mr. Justice Bird will receive living and travel allowances in British Columbia as if he were functioning as a judge. Outside of British Columbia he will receive his actual out of pocket expenses for travel and living, plus \$25.00 per diem. The Commissioner will render his accounts on this basis and is satisfied to do so.

F. P. V.

Inquire Into Jap **Property Claims**

Complaints Of Canadian-Japanese Citizens Will Be Probed By Commission

VANCOUVER, Dec. 2 (CP) - Canada tomorrow opens her official investigation into complaints by her Japanese citizens that their property rights were abused during the Second World War.

In a Vancouver court room, Mr. Justice Henry I. Bird of the British Columbia court of appeal will formally open the record of Canada's Japanese property claims commission.

Before it is completed, details of "at least 1,000" complaints entered by Japanese-Canadians from the west coast to Montreal will have been entered and property to a total value of "well over \$3,000,000" will have been discussed.

will have been discussed.

The Commission will sit in Vancouver, Kamloops and Nelson, B, C., Lethbridge, Alta, Moose Jaw, Sask., Winnipeg, Toronto and Montreal. Having heard evidence concerning all the claims, which the Commission expects to reach a total of 3,000 as new ones arrive at a rate of 50 to 100 daily, Mr. Justice Bird will return with counsel to Vancouver for the final sittings and to consider his report

will return with counsel to vancouver for the final sittings and to
consider his report.

The claims all concern property
evacuated when the Japanese were
obliged to leave coastal areas for
the interior after the Pearl Harbor
attack, Dec. 7 1941.

The dominion government orderin-council banning them from the
coast, never repealed, still applies.
It affects all Japanese except those
who served during the war in the
armed forces. Almost 300 claims
come from citzens still in British
Columbia and 30 from the Kamloops area will be the first heard,
probably next Monday.

Most of the property through one
Government agency or another, has
been disposed of to a non-Japanese
citizens and, it is alleged, at prices
much below their normal market
value.

T. G. Norris of Vancouver will

value.
T. G. Norris of Vancouver will represent many of the claimants while the Japanese-Canadian Committee for Democracy, intrumental

in pressing for the royal commission, is to be represented by Andrew Brewin of Toronto and R. J. McMaster of Vancouver.

Col. John W. G. Hunter of Toronto has been retained as counsel for the dominion government. Commission Secretary is Alexander Watson of Vancouver and Victoria, a former banker.

The original Nov. 30 deadline for the submission of claims has been extended by the commissioner to Dec. 31 for Japanese now in British Columbia and to Jan. 15 for those elsewhere in Canada.

Statements of claim are flooding the commission offices in response. Mr. Justice Bird, 55 years old, is a bencher with a quarter-century of legal experience. Called to the bar when 20, at the time believed one of the youngest lawyers ever to practise in British history, he was appointed to the Supreme Court of British Columbia in 1942 and promoted two years later to the court of appeal. Statements of claim are flooding of appeal.

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DEPARTMENT OF JUSTICE



Nov. 5, 1947.

Miss Hardy:

I have made an extra copy of this letter for your file.

W. R. J.

152189

November 5,

47.

Attention: Mr. Richardson

Re: Treasury Board Minute T. 340550 B. Justice

The above Treasury Board Minute was passed pursuant to a Report to Council made by the Minister of Justice on October 15th last. The reference in the Report and the Minute to Order in Council P.C. 3737 of September 17, 1947 should have been a reference to Order in Council P.C. 1810 dated July 18, 1947 as amended by Order in Council P.C. 3737.

I have to refer to my conversation with Mr. Richardson and to request that a correcting note be placed on the Treasury Board Minute in question.

W. R. Jackett

Asst. Deputy Minister.

The Secretary, Treasury Board, East Block, OTTAWA, Canada.



EXTRACT from the minutes of a meeting of the Honourable the Treasury Board, held at Ottawa, on the TWENTY-THIRD day of OCTOBER, 1947.

C.

T. 340550 B.

JUSTICE

\$50,000 from Vote 507, Demobilization and Reconversion Estimates, 1947-48, to provide for the expenses of the Commission of Inquiry into Japanese Claims appointed by Order in Council P.C. 3737 of September 17, 1947.

(Sgd.) R.B. Bryce for Secretary.

P.C.1810 dated July 18/47 as amended by Order in Council September 9th, 1947.

Dear Er. Brewin:

I have given consideration to the representations made by you with respect to the operation of Order-in-Council P.C. 1810 of July 18th, 1947, relating to compensating persons of the Japanese race whose property was vested in the Custodian.

Tour observations were directed to two points namely:-

- (1) you contended that the provision for compensating persons of the Japanese race
 made by the Order-in-Council is inadequate
 in that it should provide in express terms
 that full compensation should be made for
 all loss sustained by a person of the
 Japanese race by reason of his evacuation
 from the protected area during the war, or
 - (2) that, in the event that it was not considered possible to make provision to this effect, the provision for compensation contained in the Order-in-Council should not be based upon the failure of the Custodian to exercise reasonable care in the disposition of the property and that there should be merely one test, namely: Was the property disposed of for its fair market value.

you will appreciate that throughout the war it was necessary for the Government to take measures directly effecting the activities of, it is safe to say, every person in Canada.

P. A. Brewin, Esq.,
Messrs. Mason, Cameron & Brewin,
Barristers,
372 Bay Street,
TORONTO, Ontario.

These measures related to the use and disposition of property, the carrying on of businesses, employment and service in the forces. They involved, in the case of almost every individual, the sustaining of loss directly or indirectly through the sacrifice of some benefit, either personal advancement or loss of profits. It must be recognized that these are the inevitable consequences of war and that it is impossible to calculate the loss or to compensate for it. The adoption of the principle of compensation for all loss suffered by individuals resulting from action taken by the Government in the conduct of the war is not practicable. Similarly, it is not possible to select any one group of those who sustained such loss and to provide compensation for them on these terms without to that extent discriminating against others sustaining analogous losses. I regret, therefore, that it would not appear proper for the Government to consider adoption of your proposal in this connection.

With reference to your second observation, it appears to me that the provisions contained in the Order-in-Council are a practical method of giving effect to the principle that you advocate. The Order-in-Council provides for the appointment of a Royal Commissioner "to enquire into the following claims of persons of "Japanese race who are resident in Canada at the date of "this Order, namely -

- "(a) that by reason of the failure of the Custodian to exercise reasonable care in the disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by the Custodian for such property was less than the market value thereof at the time of such disposition; and
- "(b) that by reason of the failure of the Custodian to exercise reasonable care in the management of personal property, such property was lost, destroyed or stolen but no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the Custodian, appointed by the owner of the property."

in the disposition of any particular piece of property, by which I understand to be meant if he acted as a reasonable and prudent man of business endeavouring to make a businesslike and proper disposition of the property, then it does not appear to me that there are grounds for compensation. It may be that in a number of cases, in the opinion of the individual concerned, the Custodian did not receive the fair market value of the property. In fact, however, the amount he realized, if he exercised reasonable care in the manner I have indicated, is the amount that he was able to obtain in the market when acting in accordance with reasonable business methods. In such cases it appears to me that the test of fair market value has been given effect to.

on the other hand, if the Custodian has in any particular case adopted a course that departs from the ordinary course that a prudent business man would have adopted and it is contended that he has realized less than the fair market value of the property, it would appear to me that the Commissioner will require to be satisfied that in the circumstances of that case the course adopted was that which a reasonable business man would have adopted, and if he is not satisfied to that effect and that the market value was obtained, compensation will be payable.

In the view of the Government the Order-in-Council provides a practical test as to whether every effort was made to deal justly with the evacuated persons and in many cases avoids the difficult and sometimes theoretical problems that would arise if provision were made for applying the test of fair market value in all cases.

Vision for a person of the Japanese race to obtain the market value of his property either through sale or by reason of sale and compensation and by providing compensation for the loss of or injury to personal property, the Order-in-Council gives effect, to a great extent and insofar as it is practicable, to the first principle

....

mentioned by you. It protects such a person from loss by reason of the evacuation, where it is practicable to calculate the loss. Moreover it is consistent with and gives effect to the principles that apply with regard to all other residents of Canada whose property was taken for war purposes.

In the circumstances, I am satisfied that the Order-in-Council makes satisfactory provision for the fair treatment of persons of the Japanese race and that it is not necessary to recommend to the Government that it be amended to give effect to the principles advocated by you.

Yours truly,

DEPARTMENT OF JUSTICE MEMORANDUM
Jan/4/48
Mass Hardy
Re Japanese
Claims Commission. attached are 6 copies of P. C 316/3040. JDa. DEPARTMENT OF JUSTICE MEMORANDUM My. Vorcae Mirs Haray

DEPARTMENT OF JUSTICE



MEMORANDUM

14.1.48

MR. AFFLECK

Re; Japanese Claims Commission.

Please let me have three or four copies of P.C.316/3040 dated August 1/47 respecting payments to Mr. Justice Bird as commissioner.

G.L.H.

Friday
25
October

Certified to be a true copy of a Minute of a Meeting of the Committee

of the Privy Council, approved by His Excellency the Governor

General on the 17th September, 1947.



The Committee of the Privy Council have had before them a report dated 11th September, 1947, from the Secretary of State, stating that, after further consideration of the Order in Council P.C. 1810, 18th July, 1947, providing for an inquiry into property claims of Japanese persons evacuated from the coast of British Columbia as a war measure, he is of opinion that the terms of reference should be expressed in terms in line with the Fourth Report of the Standing Committee of the House of Commons on Public Accounts, which Report dealt with the general administration and liquidation of property owned by Japanese evacuees and was concurred in by the House of Commons.

The Committee, therefore, on the recommendation of the Secretary of State, advise that the terms of reference contained in the Order in Council P.C. 1810 aforesaid be amended:

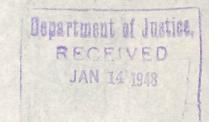
- 1. By striking out paragraph (a) and (b) of Clause numbered 1 and substituting the following:
 - "(a) that real and personal property vested in the Custodian pursuant to the above mentioned Orders was disposed of by the Custodian for less than the fair market value thereof at the time of sale resulting in loss to the Claimants equal to the difference between the amounts received from the sale and the fair market value aforesaid; and
 - (b) that personal property vested in the Custodian pursuant to the above mentioned Orders was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen; provided that no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property."
- 2. By striking out the words "for failure of the Custodian to exercise reasonable care" from Clause numbered 2.

ast Clerk of the Privy Council

CANADA

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 1st August, 1947

SECRETARY OF STATE



The Board recommend that authority be granted for payments, as detailed hereunder, to the Honourable Mr. Justice Henry Irving Bird of the Court of Appeal of British Columbia, while acting as a Commissioner to investigate and report in respect to claims by persons of the Japanese race in relation to their property:

- (1) Actual living expenses while absent from his home in connection with his duties, for which the usual detailed accounts will be submitted.
- (2) An allowance at the rate of \$25.00 per day covering the days when it is necessary for the Commissioner, in the performance of his duties under the Commission, to be absent from the Province of British Columbia.
- (3) Actual out-of-pocket transportation expenses when travelling in the performance of his duties, for which the usual detailed accounts will be submitted.

ast Clerk of the Privy Council.

134451 ORDER IN COUNCIL P.C. 1810 dated 18th. July 1947 as amended by ORDER IN COUNCIL P.C. 3737 dated 17th. September 1947

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of State, representing:

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27,1942, it was provided that all property situated in any protected area of British Columbia belonging to any person of the Japanese race (except fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to an Order of the Minister of Justice or which was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area was unable to take with him, should be vested in and subject to the control and management of the Gustodian as and subject to the control and management of the Custodian as defined in the Regulations Respecting Trading with the Enemy,

That by Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property;

That by Order in Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order in Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian. the Custodian;

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that in respect of such disposition of their property they have suffered pecuniary loss; and

That it is deemed advisable to appoint a Commissioner under Part 1 of the Inquiries Act to investigate the said claims and to make recommendations with respect thereso.

The Committee, therefore, on the recommendation of the Secretary of State, advise:

That the Honourable Mr. Justice Henry Irvine B ird be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of page 25 the Japanese. inquire into the following claims of persons of the Japanese

race who are resident in Canada at the date of this Order, namely -

- (a) that real and personal property vested in the Custodian pursuant to the above mentioned Orders was disposed of by the Custodian for less than the fair market value thereof at the time of sale resulting in loss to the Claimants equal to the difference between the amounts received from the sale and the fair market value aforesaid; and
- (b) that personal property vested in the Custodian pursuant to the above mentioned Orders was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen; provided that no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property.
- 2. That the Commissioner shall examine into each claim and make a report to the Governor in Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion would fairly and reasonably compensate the claimant.
- 3. That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by statutory declaration and filed in the office of the Custodian at Vancouver, British Columbia.
- That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.
- 5. That the expenses of and incidental to the said inquiry be paid out of money appropriated by Parliament.

A.D.P. Heeney Clerk of the Privy Council. P.C. 316/3040

PRIVY COUNCIL

Certified to be a true copy of a Minute of a

Meeting of the Treasury Board, approved by

His Excellency the Governor General in

Council, on the 1st Aug., 1947.

CANADA

SECRETARY OF STATE

The Board recommend that authority be granted for payments, as detailed hereunder, to the Honourable Mr. Justice Henry Irving Bird of the Court of Appeal of British Columbia, while acting as a Commissioner to investigate and report in respect to claims by persons of the Japanese race in relation to their property:

- (1) Actual living expenses while absent from his home in connection with his duties, for which the usual detailed accounts will be submitted.
- (2) An allowance at the rate of \$25.00 per day covering the days when it is necessary for the Commissioner, in the performance of his duties under the Commission, to be absent from the Province of British Columbia.
- (3) Actual out-of-pocket transportation expenses when travelling in the performance of his duties, for which the usual detailed accounts will be submitted.

(Signed) A.D.P. Heeney,
Clerk of the Privy Council.

The Honourable, The Secretary of State. Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 18th July, 1947.

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of State, representing:

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27, 1942, it was provided that all property situated in any protected area of British Columbia belonging to any person of the Japanese race (except fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to an Order of the Minister of Justice or which was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area was unable to take with him, should be vested in and subject to the control and management of the Custodian as defined in the Regulations Respecting Trading with the Enemy,

That be Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property;

That by Order in Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order in Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian;

That pursuant to the above mentioned Orders real and personal propert of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that in respect of such disposition of their property the have suffered pecuniary loss and

That it is deemed advisable to appoint a Commissioner under Pirt I of the Inquiries Act to investigate the said claims and to make recommendations with respect thereto

The Committee, therefore, on the recommendation of the Secretary of State, advise:

- 1. That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese race who are resident in Canada at the date of this Order, namely -
 - (a) that be reason of the failure of the Custodian to exercise reasonable care in the disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by the Custodian for such property was less than the market value thereof at the time of such disposition; and
 - (b) that by reason of the failure of the Custodian to exercise reasonable care in the management of personal property, such property was lost, destroyed or stolen but no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the Custodian, appointed by the owner of the property.
- 2. That the Commissioner shall examine into each claim and make a report to the Governor in Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion would fairly and reasonably compensate the claimant for failure of the Dustodian to exercise reasonable care.
- That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by statutory declaration and filed in the Office of the Custodian at Vanccuver, British Columbia.
- 4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.
- 5. That the expenses of and incidental to the said inquiry be paid out of money appropriated by Parliament.

Clork of the Privy Council.

The Committee, therefore, on the recommendation of the Secretary of State, advise:

- That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese race who are resident in Canada at the date of this Order, namely -
 - (a) that real and personal property vested in the Custodian pursuant to the above mentioned Orders was disposed of by the Custodian for less than the fair market value thereof at the time of sale resulting in loss to the claimants equal to the difference between the amounts received from the sale and the fair market value aforesaid: and
 - (b) that personal property tested in the Custo-dian pursuant to the above mentioned Orders was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen: provided that no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the Custodian, appointed by the owner of the property.

setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion would fairly and reasonably compensate the claimant for failure of the Dustodian to exercise reasonable care.

- That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by statutory declaration and filed in the Office of the Custodian at Vancouver, British Columbia.
- 4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.
- 5. That the expenses of and incidental to the said inquiry be paid out of money appropriated by Parliament.

A. D. P. Heeney Clerk of the Privy Council.