

Privy
Council
(Crest)

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 18 July 1947

Canada

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 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 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.

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 Custodian to exercise reasonable care.
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.
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