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BY HAND

Ottawa, 14th February, 1942

SECRET

CONFIDENTIAL

My dear Prime Minister,-

I am receiving repeated representations from British Columbia in regard to our Pacific Coast defences. I feel, not being a member of the War Committee, I am not exactly sufficiently conversant with what is transpiring, although the Ministers separately have been very courteous in giving me the necessary information.

This is a question in which I have a definite personal responsibility and I would, therefore, ask that either I might attend a session of the War Committee to discuss this issue or that the issue might be discussed at a full meeting of Council.

My definite impressions are, after having information in regard to what has been done, that the preparations on the Pacific Coast are entirely inadequate. I was privileged to see a secret memorandum from the Minister of National Defence for Air yesterday, and I think their preparations are entirely inadequate.

I was also given confidential information by the Minister of National Defence two weeks ago, and I do feel that their preparations are entirely inadequate.

In regard to the Navy - apart from our Coastal fortifications and one or two minor vessels, as far as my information goes, we have no protection of any kind, although it was a definite and cardinal feature of our Naval policy before the war that half of our Naval Forces would be in the Atlantic and half in the Pacific.

I feel, in regard to the military situation, that we should have at least two mobile divisions on the Pacific Coast. Under the old National Defence scheme before the war, it was always intended to have two mobile divisions in Canada, to be ready at any threatened point.

It is my considered judgment, after the events of the last few days, that we should not send any more troops overseas until we have adequate defence for our own coast.

I feel that as the Minister from British Columbia I must share some of this responsibility in a very definite way and that is why I am troubling you with this personal letter.

Yours sincerely,

The Right Honourable W. L. Mackenzie King,
Prime Minister of Canada,
O t t a w a.

C O P Y

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SECRET

Ottawa, 14 January, 1942.

My dear Prime Minister,-

In regard to the position of Solicitor General, I beg to enclose memorandum prepared by my secretary this morning which deals with the situation historically. In addition to this, I had a conference with Mr. McLarty this afternoon, and would suggest the following additions to the duties which previously were allotted to the Solicitor General:-

1. The whole problem of internment.

2. Control and evacuation of enemy aliens in protected areas in Canada. (I just discussed this situation with the Minister of Justice in reference to the decision of Council yesterday, and not, of course, referring at all to the possibility of creating a new post of Solicitor General, and he seems very worried about taking over these new duties. I rather gathered that he will ask the Minister of National Defence at Council tomorrow to take them over in his stead, so that he would feel relieved, I am sure, to have these duties allotted to the Solicitor General.

3. Civil Defence - Air Raid Precautions. This, as you know, is becoming an increasingly contentious problem in Canada. It has been under this Department since the outbreak of war and it is becoming tremendously enlarged as a result of new war developments. It is partly a problem of medical preparation and very largely a problem of legal construction, and I personally feel that as a result of lack of cooperation by many municipalities and their repeated requests to spend our money without our control, that the day may come when we must take over the whole situation as a national problem.

That, of course, would be entirely a matter of legal construction as to how far, under the War Measures Act we can override civil rights and the policing rights of provinces and municipalities.

However, it is a very large and substantial branch of the service now. This Department is expanding rapidly in other directions, as is inevitable, and I am quite willing that this should be taken over.

4. Censorship (apart from the Post Office).

Mr. McLarty agrees to hand over the press censorship and I understand that Mr. Thorson would be glad to get rid of his branches of censorship. On this, of course, Mr Thorson himself should be consulted

C O P Y

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I further understand that Mr. Thorson is very anxious to get rid of other branches of his department but I could not confer with him, as my discussions with yourself were confidential.

These duties would form a very substantial department and would be entirely different from the rather shadowy duties which he had before. These should be added to the previous duties.

My I respectfully suggest that the Minister of Justice should be consulted before any of his jurisdiction is removed. Possibly, also, Mr. Cardin and Senator Dandurand should be consulted, if it is your intention to make Mr Vien Solicitor General. I think that, with the new and enlarged responsibilities of the suggested department, they would be inclined to agree.

This memorandum was rather hurriedly prepared but it is the best we could do in the time at our disposal.

If you wish to discuss it with me, I shall be home after 7 p.m. tonight.

Yours sincerely,

C O P Y

January 14, 1942.

MEMORANDUM TO; Mr Mackenzie.

The position of Solicitor General was created by Statute in 1888.

The Act was proclaimed in 1892 when the first appointment was made.

The Act defines the duties as follows:

"shall assist the Minister of Justice in the counsel work of the Department of Justice and shall be charged with such other duties as are at any time assigned to him by the Governor in Council."

Discussions in Committee of Supply, in a number of years and also when the salary of the office was increased, mention precisely two specific duties of the Solicitor General and no others, excepting a general statement that the Solicitor General assists the Minister of Justice in many ways.

The two duties repeatedly mentioned as pertaining to the office of Solicitor General are:

1. Administration of the Ticket of Leave Act, viz. advising the Governor General upon the exercise of clemency.
2. Acting as counsel for the Government in litigation, both by actual appearance in court and by participation in the preparation of cases for court.

Reference in debate indicate that the original theory behind the creation of the office of Solicitor General was that he would take trials and thereby save the Government large sums in legal fees.

The following citations from Hansard may be of interest:

1915 - Volume II - p. 1735:

The Honourable C.J. Doherty, Minister of Justice said that the Solicitor General reviewed applications for clemency, acted as counsel in court and in the preparation of cases for court. He said also that the Solicitor General assumed some executive duties for the Minister.

1932-3 - Volume IV - p. 3560;

The Honourable Hugh Guthrie, Minister of Justice said:

" The work of the Solicitor General has enormously increased since administration of the Ticket of Leave Act was placed in his Department."

1931 - Volume I - P. 958:

The Honourable Hugh Guthrie, Minister of Justice said:

" The Solicitor General is taking many Government brief. The former Solicitor General did a tremendous amount of work in the courts and saved the country a great deal of money."

P. 959

" The burden cast upon the Solicitor General today in respect of the Ticket of Leave Act is becoming a heavy one."

Note:

In several places emphasis is laid upon the fact that the Solicitor General is an Officer of the Department of Justice and may be assigned any duties by the Minister of Justice. There is no indication that this situation changed when the Solicitor General was made a Privy Councillor and a member of the Cabinet. His salary was voted as a part of the estimates of the Department of Justice, and there is no indication that he had a separate Department, excepting to the extent that he had his own secretaries.

The Solicitor General's Act, as originally passed, contained a provision that the Solicitor General could be a member of Parliament, notwithstanding the House of Commons and Senate Act.

The revised Statutes of 1906 and 1927 have omitted these provisions and the Solicitor General's Act merely defines the duties. Since it is a fact that since 1906 Solicitors General have been Members of Parliament, I assume that the provisions of the House of Commons and Senate Act have been dealt with in some other way, but this should probably be verified by a solicitor.

C O P Y

Ottawa, April 14, 1942.

My dear Colleague,-

In connection with the evacuation of the Japanese from the protected area on the Pacific Coast, several hundred Japanese berry farmers are being compelled to abandon their properties. For the most part, these are well developed properties with good dwellings on them. They are providing a living, in each case, for a Japanese family.

The berry industry is an important part of British Columbia's agricultural life. During the war, in particular, large quantities of jam and processed berries have been required for Great Britain.

The abandonment of these farms raises a problem of the conservation of the continuity of production in the berry industry.

The British Columbia Security Commission has no authority to deal with the properties, excepting such items as motor vehicles and radios which are ordered confiscated. The Custodian of Enemy Alien Property has no authority to touch these properties unless and until they have been actually abandoned. In practice, the Japanese are endeavouring to lease and sell, often at sacrifice prices. The canneries and market agencies are greatly concerned, lest there be little or no crop on the Japanese farms this year, which will seriously disturb the whole economy of the Fraser Valley.

I am impressed with the thought that these excellent small farms would be most suitable establishments for soldier settlers under the pending Veterans' Land Act. This Act will confer upon the Director, when he is appointed, the right to buy farms and hold them for prospective settlers. He has authority to enter into agreements for leasing such properties, in order that they may be conserved and developed during any interregnum between their purchase and the arrival of a prospective soldier settler.

Unfortunately there is no prospect of the Veterans' Land Act becoming law in time for the Director appointed thereunder to deal with these properties. It seems unfortunate, however, that the opportunity should be missed.

I should appreciate your considering the advisability of an Order in Council under the War Measures Act, authorizing the administrator of the Soldier Settlement Act, or some other appropriate official, to step in at once and buy any of these Japanese farms that commend themselves as suitable for soldier settlers. They can be administered meantime exactly as the Director under the Veterans' Land Act would administer them and can be turned over to him when he is appointed. The submission to Council can follow the language of the Veterans' Land Bill with respect to the powers which it would be necessary to confer upon the official selected for this purpose.

The Honourable T.A. Crerar, M.P.,
Minister of Mines and Resources,
Ottawa, Ontario.

The Custodian's representative in Vancouver is already in touch with a committee of white farmers and cannery men who know the properties intimately and who have already brought in a number of white farmers to take over some of the properties. They are of the opinion that they could obtain a suitable number of tenants to maintain these properties, pending their disposal to soldier settlers.

The vital consideration in this proposal is that we act immediately; otherwise the properties will have been disposed of in various unsatisfactory ways and the opportunity to develop sound soldier settlement in that area will be lost.

I should be glad to be associated with you in a joint submission to Council, and I may say that we have in the Department, in connection with our A.R.P. organization, Mr. H.G. Eakins, who is one of the two or three best informed men in British Columbia with respect to the berry industry.

Yours sincerely,

(sgd) Ian A. Mackenzie.