

REVISED
REGULATIONS RESPECTING

TRADING WITH THE ENEMY

(1943)

(P.C. 8526)

Address all correspondence to:

THE CUSTODIAN,

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA

OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1943

CONFIDENTIAL MEMORANDUM (for office use only)

Re: Revised Regulations Respecting
Trading with the Enemy (1943)

By Order in Council P.C. 8526, dated Saturday, November 13, 1943, the Consolidated Regulations were cancelled and the above revision brought into effect. There are practically no changes insofar as the order of and the numbering of the sections are concerned and, while there have been many minor changes, the following sections are specifically brought to your attention:

1. Regulation 1 (d)iv

The definition of "enemy" has been clarified insofar as companies incorporated in enemy or proscribed territory are concerned and under this amendment all such companies, regardless of share ownership or where their head offices may be located or transferred to, are enemies.

2. Regulation 1 (i)

The definition of "property" has been amended and a specific reference made to "patents, copyrights, trade marks, designs or any interest therein". The Custodian has always contended that the definition of property in the Consolidated Regulations did include such property but this amendment has been made to definitely settle the point so there can be no dispute that such property has vested under Regulation 21.

3. Regulation 7

The old Regulation 7 has been consolidated into Regulation 8 and the new Regulation 7 deals with the prohibition of actions.

4. Regulation 17

In drafting the Revision the necessary changes were made in Regulations 8 and 12 to take care of the provisions of Regulation 17 and there has been substituted for the previous Regulation 17, a new Regulation providing for the giving of notice to the Custodian where notice is required to be given to a person who has become an enemy.

5. Regulation 21

This Regulation has been amended and careful consideration should be given to the 3rd and 4th sections of this Regulation.

6. Regulation 23

This deals with real estate and has been clarified by specifically setting out a proper description of the Custodian in all matters relating to title and the same remarks apply to Regulation 24 dealing with patents, copyrights, trade marks or designs.

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7. Regulation 27

This Regulation which deals with actions in the Exchequer Court has been amended to permit the Custodian taking action in any superior court of record and persons may now take action after ninety days against the Custodian in the Exchequer Court, provided such person is not an enemy.

8. Regulation 36

Has been amended to clarify the position of the Custodian with reference to the collection of monies due him.

9. Regulation 37

Has been amended to clarify the question of transferring securities into the name of the Custodian and the method of describing the Custodian is specifically set out.

10. Regulation 44

This Regulation deals with fees for services rendered and has been amended to clarify the Custodian's position with regard to such fees and in considering this Regulation you should also refer to Regulation 69 which prohibits any action to recover monies paid to or received or detained by the Custodian.

11. Regulation 51

Has been amended by the addition of a subsection expressly excepting life insurance policies and annuity contracts from the effect of the Regulation.

12. Regulation 68

Regulation 68 of the old Regulations has been omitted since it does not appear to be applicable at the present time and in its place a Regulation referring to the application of Regulations 21 and 44 of the Revision has been inserted.

The marginal notes have, of course, been revised and, as you know, such notes have no effect on the legal interpretation of the respective sections.

An index has been included in the pamphlet as has an appendix. It is felt that the appendix will be useful since it contains an alphabetical list of the countries to which the Regulations have been applied but this list is not necessarily complete since the Regulations automatically apply to any territory that is occupied by the enemy. In addition to this, copies of all Orders-in-Council affecting the application of the Regulations insofar as proscribed territories are concerned, are included.

Forms previously used are being revised in the light of the new Regulations and the revised forms will be supplied in due course. Pending receipt of these revised forms all forms must be approved by the undersigned.

December 2, 1943.

G. W. McPherson
Executive Assistant

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P.C. 8526
PRIVY COUNCIL, CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 13th day of November, 1943.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council on the recommendation of the Secretary of State, concurred in by the Minister of Finance, and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order as follows:

1. The Consolidated Regulations Respecting Trading with the Enemy (1939), established by Order in Council (P.C. 3959) of 21st August, 1940, as amended, are hereby cancelled.
2. The attached Revised Regulations Respecting Trading with the Enemy (1943) are hereby made and established in substitution of the Regulations hereby cancelled.

A. D. P. HEENEY,
Clerk of the Privy Council.

The Honourable
The Secretary of State.

REVISED REGULATIONS RESPECTING TRADING WITH THE ENEMY (1943)

1. For the purpose of these Regulations, the following expressions shall be construed so that—

- (a) "Person" shall extend to and include persons and bodies of persons, incorporated (wherever incorporated) and unincorporated, such as firms, clubs, companies and municipal authorities, and, as well, trustees, executors and administrators and also a State or the government of a State. Person.
- (b) "Enemy territory" means any area which is under the sovereignty of, or in the occupation of, a State or Sovereign for the time being at war with His Majesty. Enemy Territory.
- (c) "Proscribed territory" means any area in respect of which the Governor in Council, by reason of real or apprehended hostilities or otherwise, has ordered the protective custody of property of persons residing in that area or the regulating of trade with such persons, or both. Proscribed Territory.
- (d) "Enemy" shall extend to and include— Enemy.
 - (i) Any State, or Sovereign of a State, at war with His Majesty;
 - (ii) Any person who resides within enemy territory or proscribed territory;
 - (iii) Any person who carries on business within enemy territory or proscribed territory;
 - (iv) Any person acting as agent or otherwise on behalf of an enemy, or under the control of an enemy;
 - (v) Any person or body of persons constituted or incorporated within, or under the laws of, a State at war with His Majesty or a State the territory of which is occupied by an enemy or is proscribed territory;
 - (vi) Any person with whom trading is, for the time being, prohibited by these Regulations or by statute or proclamation by His Majesty or by the common law;
 - (vii) Any person who under the common law is deemed to be an enemy;
 - (viii) Any person who is declared by the Governor in Council to be an enemy;
 - (ix) Any person who has been detained under the Defence of Canada Regulations, during the period of such detention; and
 - (x) Any person who has been interned or detained under the authority of the Government of a State allied or associated with His Majesty or whose property within the territory of such State has been treated by that State as enemy property:

Provided, however, that "enemy" shall not include any person by reason only that he is an enemy subject, and provided further that the Governor in Council shall have power to declare any person not to be an enemy who would otherwise be considered an enemy under these Regulations.

Enemy Subject.

(e) "Enemy subject" extends to and includes a person wherever resident, who is a subject or citizen of a State or Sovereign for the time being at war with His Majesty.

Enemy Currency.

(f) "Enemy currency" means any notes or coins which circulate as currency in any area under the sovereignty of a State or Sovereign with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty, and includes any notes or coins declared by an order of the Minister of Finance to be enemy currency.

Securities.

(g) "Securities" shall extend to and include stock, shares, annuities, bonds, debentures, debenture stock, certificates of indebtedness, trust receipts or other obligations or rights, whether registered or in bearer form, issued by or on behalf of any Government, municipal or other authority, society or association, or any corporation or company, whether the issuer is in Canada or not and whether the place of registration or the situs of the certificates or other instruments representing the securities is in Canada or not.

Dividends, interest or share of profits.

(h) "Dividends, interest or share of profits" shall extend to and include—

(i) Any dividends, bonus or interest (whether payable within Canada or not) in respect of any security or other obligation;

(ii) Any interest in respect of any loan made to a person for the purpose of carrying on business, and any profits of such a business; and

(iii) Where a person is carrying on any business on behalf of an enemy, any sum which, had a state of war not existed, would have been transmissible to the enemy by way of profits from that business.

Property.

(i) "Property" shall extend to and include all real and personal property and all rights and interests therein whether legal or equitable; and without restricting the generality of the foregoing, "property" shall include securities, dividends, interest or share of profits, debts, credits, accounts, patents, copyrights, trade marks, designs or any interest therein and choses in action.

Enemy Property.

(j) "Enemy Property" means property belonging to an enemy at or subsequent to the commencement of the present war.

Commencement of the present war

(k) "Commencement of the present war" shall mean, as respects any enemy, the first day on which a state of war existed between His Majesty and the country in which that enemy resides or carries on business, or the first day upon which such a person became an enemy.

Secretary of State.

(l) "Secretary of State" shall mean the Secretary of State of Canada.

(m) "Proclamation" or "Proclamation by His Majesty" and like expressions shall mean, proclamation by His Majesty the King acting by and with the advice of the Government of Canada. Proclamation.

(n) Words importing the masculine gender include females and corporations. ✓

2. (1) Any person who trades or attempts to trade, or directly or indirectly offers or proposes or agrees to trade, or has since the commencement of the present war traded, attempted or directly or indirectly offered or proposed or agreed to trade, with an enemy, shall be guilty of the offence of trading with the enemy. Offence of Trading with enemy.

(2) In any proceedings for the offence of trading with the enemy, the fact that any document has been despatched addressed to a person in enemy territory or proscribed territory shall be prima facie proof, as against any person who was a party to the despatch of the document, that the person to whom the document was despatched was an enemy. Prima facie proof.

3. Without restricting the generality of the terms of the immediately preceding Regulation, it is declared that the following matters constitute trading with the enemy within the meaning of these Regulations— Trading with the enemy.

(a) Entering into any transaction or doing any act which was at the time of the transaction or act prohibited by or under any proclamation issued by His Majesty, for the time being in force, dealing with trading with the enemy or which at common law or by statute or under any orders or regulations constitutes the offence of trading with the enemy;

(b) Entering into any transaction or doing any act with, to, or on behalf of, or for the benefit of any person after the issue of any Order in Council or proclamation by His Majesty declaring that such person is by reason of his enemy nationality or enemy association a person with whom trading is prohibited;

(c) Dealing, or attempting, offering, proposing or agreeing, whether directly or indirectly, to deal with any property which is in the hands or custody of the person so dealing, attempting, offering, proposing or agreeing, or over which he has any claim or control, for the purpose of enabling an enemy to obtain money or credit thereon or thereby;

(d) Aiding or abetting any person, whether or not such person is in Canada, to enter into, negotiate, or complete any transaction or do any act which, if effected or done in Canada by such person, would constitute the offence of trading with the enemy;

(e) Knowingly paying, discharging or satisfying any chose in action, coupon, security or obligation to which Section (1) of Regulation 4 hereof applies;

(f) Knowingly discharging any bill of exchange or promissory note to which Section (2) of Regulation 4 hereof applies;

(g) Purchasing enemy currency;

(h) Having any commercial, financial or other intercourse, transactions or dealings with, or for the benefit of, an enemy;

- (i) Attempting to do anything which, under these Regulations, is to be treated as trading with the enemy:

Provided that any transaction or act permitted by or under any proclamation or otherwise or by the Secretary of State, or other competent authority, shall not be deemed to be trading with the enemy.

Assignment
of chose in
action, etc.

4. (1) No person shall by virtue of an assignment of any chose in action, or delivery of any coupon or security transferable by delivery, or transfer of any other obligation, made in his favour by or on behalf of an enemy, have any rights or remedies against the person liable to pay, discharge or satisfy the chose in action, coupon, security or obligation, unless he proves that the assignment, delivery or transfer was made by leave of the Secretary of State or was made before the commencement of the present war.

Negotiation or
transfer of
bill or note.

(2) No person shall by virtue of any negotiation or transfer of a bill of exchange or promissory note made in his favour by or on behalf of an enemy, have any rights or remedies against any party to the instrument, unless he proves that the negotiation or transfer was made before the commencement of the present war for valuable consideration: Provided that this section shall not apply where a licence has been duly granted exempting the particular transaction from the provisions of these Regulations.

(3) Nothing in this Regulation shall be construed as validating any assignment, delivery or transfer which would be invalid apart from this Regulation or as applying to securities within the meaning of Regulation 5 hereof.

Transfer of
securities.

5. (1) No transfers made on or after the commencement of the present war by or on behalf of an enemy of any securities shall confer on the transferee any rights or remedies in respect thereof, unless the transfer be made by leave of the Secretary of State; and no person by whom the securities were issued or are managed or any other person shall, except as hereinafter appears, take any cognizance of or otherwise act upon any notice of such a transfer.

(2) No entry shall hereafter be made in any register or branch register or other book kept by any company incorporated by or under the authority of the Parliament of Canada or the legislature of any Province of Canada whether or not such register or branch register or other book is kept within Canada, or by any other company which has within Canada any register or branch register or other book, of any transfer of any securities therein registered, inscribed or standing in the name of an enemy except by leave of the Secretary of State.

(3) The provisions of this Regulation shall apply to all transfers regardless of the nationality of the transferee, the place of transfer, the location of the certificates or the situs of the registry where such securities may be registered.

(4) No share warrants payable to bearer shall be issued during the continuance of the present war in respect of any securities registered in the name of an enemy.

(5) Any violation of any provision of this Regulation shall be an offence under these Regulations.

6. (1) The Secretary of State is hereby appointed to receive, hold, manage, release, dispose of and otherwise deal with all property which is reported to him, received or controlled by him or vested in him under or by virtue of these Regulations, and he is hereafter referred to as "the Custodian".

(2) Any power or duty conferred or imposed by or under these regulations upon the Secretary of State or the Custodian may be delegated by him to such person or persons as he thinks proper.

(3) The Custodian may establish and maintain such office or offices as he thinks proper for the administration of these Regulations and such other matters as may be delegated to him and may attach thereto such officers, clerks and advisers as he selects and they shall be paid such remuneration as the Custodian determines.

(4) For the purposes of the Canada Evidence Act, the Custodian's office shall be deemed to be a department of the Government of Canada of which the Custodian is the head.

7. (1) No person has any rights or remedies and no action lies or may be brought against any person in respect of:

- an act or omission that was required by the Secretary of State or Custodian;
- an act or omission that the person acting in good faith reasonably believed to have been required by these regulations or any regulations heretofore in force with respect to trading with the enemy or enemy property; or
- property transferred, delivered or paid to the Secretary of State or Custodian or pursuant to his direction either before or after these regulations came into force.

(2) No person shall bring, take or continue against an enemy in any court in Canada an action or other proceeding of any kind whatsoever unless such person has obtained the written consent of the Custodian.

8. (1) Where it appears to the Secretary of State—

- That there is reasonable ground for suspecting that an offence under any of these Regulations has been or is about to be committed by any person;
- That one of the partners in a firm has, at any time since the commencement of the present war, been an enemy or enemy subject or was, immediately prior to the present war, a subject or citizen of a sovereign or state which has become an enemy;
- That one-third or more of the issued share capital of a company was, at any time since the commencement of the present war, issued to or held by enemies or enemy subjects or was, immediately prior to the present war, issued to or held by subjects or citizens of sovereigns or states which have become enemies;
- That one-third or more of the directorate of a company, at any time since the commencement of the present war, consisted of persons who were enemies or enemy subjects or,

immediately prior to the present war, consisted of persons who were subjects or citizens of sovereigns or states which have become enemies;

- (e) That a person was or is acting as agent for an enemy; or
- (f) That an enemy has an interest in any property;

the Secretary of State, if he thinks it expedient for the purpose of satisfying himself that the person, firm or company is not trading with the enemy, may, in writing, appoint an inspector to inspect the affairs of the person, firm or company or the administration of the property; and the Secretary of State may appoint an inspector to inspect any business to ascertain

- (i) whether the business is carried on for the benefit of or under the control of an enemy or enemy subject; or
- (ii) the relations existing or which have, either before or after the commencement of the present war, existed between a person interested in the business and an enemy or enemy subject.

Inspector's
authority.

(2) The Secretary of State may authorize an inspector appointed pursuant to this Regulation

- (a) to inspect all books, files and documents relating to the subject matter of the inspection, regardless of who owns or controls such books, files and documents;
- (b) to require a person able to give information relating to the subject matter of the inspection to give such information to him; and
- (c) if accompanied by a police officer, to enter and search any premises used in connection with the subject matter of the inspection and to seize and retain any books, files or documents found therein.

Action
Prohibited.

(3) No person whose books, files or documents are liable to inspection under this Regulation shall commence an action or other proceeding unless he has given notice in writing of the action or proceeding to the Secretary of State; and the Secretary of State may, upon receipt of any such notice, order the person to refrain from taking or continuing the action or other proceeding and every person who fails to comply with an order given pursuant to this subsection is guilty of an offence under these Regulations.

Offence.

9. (1) Every person who, with intent to prevent the inspection thereof pursuant to an authority given under these Regulations, destroys a book, file or document or fails to produce a book, file or document for inspection upon demand by an inspector, is guilty of an offence under these Regulations.

(2) Every person who, being able to give information relating to the subject matter of an inspection under these Regulations, fails to give such information when required to do so by an inspector is guilty of an offence under these Regulations.

Information
as Evidence.

10. Where a person has given any information to an inspector appointed under Regulation 8 hereof the information so given may be used in evidence against such person in any proceedings relating to an offence under these Regulations, notwithstanding that such information was given as required by the inspector, in pursuance of his powers under Regulation 8 hereof.

11. (1) Where, on the report of an inspector appointed under Regulation 8 hereof, it appears to the Secretary of State that it is expedient that the property, business or trade of any person should be subject to frequent inspection or constant supervision, the Secretary of State may appoint that inspector or some other person to supervise the property, business or trade with such powers as the Secretary of State may determine, and any remuneration payable and expenses incurred, whether for the original inspection or the subsequent supervision, to such amount as may be fixed by the Secretary of State, shall be paid by the person first referred to in this section.

(2) The power of the Secretary of State to appoint a supervisor under this Regulation shall include a power to appoint a supervisor of the business carried on by any person for the purpose of ascertaining whether the business is carried on for the benefit of or under the control of an enemy or enemy subject, or for the purpose of ascertaining the relations existing, or which before the commencement of the present war existed, between such person and any enemy or enemy subject.

12. (1) Where it appears to the Secretary of State in reference to any person—

- (a) That an offence against any of these Regulations has been or is likely to be committed in connection with such person's property, business or trade;
- (b) That the control or management of the said property, business or trade has been or is likely to be so affected by the state of war as to prejudice the effective continuance or administration thereof and that it is in the public interest that the said business or trade should continue to be carried on or such property administered; or
- (c) That it is expedient in the public interest owing to circumstances or considerations arising out of the present war, that a controller or manager of the said property, business or trade be appointed;

the Secretary of State may apply to the same Court as would within the province wherein the said person owns property or carries on the said business or trade have jurisdiction to appoint a receiver or liquidator or to grant a winding-up order, for the appointment of a controller of the said property, business or trade; and the said Court shall have power to appoint such a controller, for such time and subject to such conditions and with such powers as the Court thinks fit; and the powers so conferred shall be either those of a receiver and manager or those powers subject to such modifications, restrictions or extensions as the Court thinks fit (including, if the Court considers it necessary or expedient for enabling the controller to borrow money, power, after a special application to the Court for that purpose, to create charges on the property of the said person in priority to existing charges).

(2) The Court shall have power to direct how and by whom the costs of any proceedings under this Regulation and the remuneration, charges and expenses of the controller shall be borne, and shall have power, if it thinks fit, to charge such remuneration, charges and expenses on the property of the person in respect of whose property, business or trade the controller has been appointed in such order of priority, in relation to any existing charges thereon as it thinks fit.

Costs and
remuneration.

Winding
up order.

13. Where the Secretary of State certifies that it appears to him that a company registered within Canada is carrying on business either directly or through an agent, branch, or subsidiary company outside Canada, and that in carrying on such business it has entered into or done acts which if entered into or done within Canada would constitute the offence of trading with the enemy, the Secretary of State may present a petition for the winding-up of the company to the Court having jurisdiction, and the issue of such a certificate shall be a ground on which the company may be wound up by the Court, and the certificate shall, for the purpose of the petition, be evidence of the facts therein stated.

Acquisition of
undertaking.

14. (1) No person shall during the continuance of the present war without having previously obtained the permission of the Secretary of State, acquire or attempt to acquire the whole or any part of the undertaking of a person whose books, files and documents are liable to inspection under Regulation 8 hereof.

Offence.

(2) Any person who in violation of this Regulation acquires or attempts to acquire the whole or any part of the undertaking of a person whose books, files and documents are liable to inspection under Regulation 8 hereof shall, without prejudice to any other liability, be guilty of an offence under these Regulations.

Appoint-
ment of
controller.

15. (1) Where it appears to the Secretary of State that the business carried on within Canada by any person is carried on wholly or mainly for the benefit of or under the control of an enemy or enemy subject, the Secretary of State may make an order either—

- (a) prohibiting such person from carrying on business, except for the purposes and subject to the conditions, if any, specified in the order; or
- (b) requiring the business to be wound up.

(2) The Secretary of State may at any time revoke or vary any such order and may at any time in any case where he has made an order prohibiting or limiting the carrying on of the business substitute for that order an order requiring the business to be wound up.

(3) Where the Secretary of State makes an order under this Regulation he may in that order or at any subsequent time appoint a controller to carry out the order or supervise the carrying out of the order.

(4) The Secretary of State may confer on the controller such powers as are exercisable by a liquidator in a voluntary winding-up of a company including the power to convey or transfer any property in the name of the person whose business is being wound up or in the name of the controller, subject to such modifications, restrictions or extensions as the Secretary of State may deem necessary or convenient.

(5) The Secretary of State may also confer on the controller the power to apply to a Court having jurisdiction to appoint a receiver or a liquidator or to grant a winding-up order, or to a judge of that Court, to determine any question arising in the carrying out of any order made by the Secretary of State under this Regulation.

(6) The Secretary of State may determine the amount of any remuneration payable and of any costs, charges and expenses incurred in connection with the carrying out of any order made under this Regulation or under Regulation 8 hereof, and such amount shall be paid out of the assets of the business in priority to any other claim.

(7) The distribution of any money or other property resulting from the realization of any assets of the business, shall be subject to the same rules as to preferential payments as are applicable to the distribution of the assets of a company which is being wound up under the Winding-up Act of Canada, and those assets shall, so far as they are available for discharging unsecured debts, be applied in discharging the debts due to creditors who are not enemy creditors for whose benefit or under whose control the business was carried on, in priority to debts due to such enemy creditors; and any balance, after providing for the discharge of all liabilities, shall be distributed amongst the persons interested therein in such manner as the Secretary of State may direct.

(8) The Secretary of State may, on application for the purpose being made by a controller appointed under this Regulation, after considering the application and any objection which may be made by any person who appears to him to be interested, grant the controller a release; and an order of the Secretary of State releasing the controller shall discharge him from all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as controller, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(9) Where an order under this Regulation has been made as respects the business carried on by any person, no steps shall be taken for the enforcement of the rights of any creditors of that person, nor shall any petition for the winding-up of the business be presented, nor any resolution for the winding-up of the business be passed, without the consent of the Secretary of State.

(10) The Secretary of State may present a petition for the winding-up of a company by the Court having jurisdiction, and the making of an order under this Regulation shall be a ground on which a company may be wound up by the Court.

(11) The Secretary of State may from time to time prepare and publish in the *Canada Gazette* lists of the persons as to whom orders have been made under this Regulation.

(12) An order made under this Regulation shall continue in force, notwithstanding the termination of the present war, until determined by an order of the Secretary of State.

(13) If any person contravenes the provisions of any order made under this Regulation he shall be guilty of an offence under these Regulations.

16. Where it appears to the Secretary of State that a contract entered into prior to or after the commencement of the present war with an enemy or enemy subject or with a person in respect of whose business an order has been made under Regulation 15 hereof, is injurious to the public interest, the Secretary of State may by order cancel or determine such contract either unconditionally or upon such conditions as he may think fit, and thereupon such contract shall be deemed to be cancelled or determined accordingly.

17. Where by any statute, Order in Council, regulation, rule, by-law, contract or otherwise any notice is required to be given to a person who, under these Regulations, is an enemy, such notice shall be deemed to have been duly given if it is addressed to the enemy.

in care of the Custodian and delivered or mailed to the Custodian: Provided that the giving of any such notice shall not in any way affect the rights of the Custodian or impose upon him any duty to take or abstain from taking any action or proceeding.

Registra-
tion or
incorporation
of company.

18. (1) Where on an application for the registration or incorporation of a company it appears that any subscriber or applicant or any proposed director of the company is an enemy subject, such registration or incorporation may be refused.

Prohibition of
allotment or
transfer of
securities.

(2) No allotment or transfer of any shares, stock, debentures, or other security issued by a company made on or after the commencement of the present war to or for the benefit of an enemy subject shall, unless made with the consent of the Secretary of State, confer on the allottee or transferee any rights or remedies in respect thereof, and the company which issued the security shall not take any cognizance of or otherwise act upon any notice of any such transfer except by leave of the Secretary of State, and any company which contravenes any provision of this section shall be guilty of an offence under these Regulations.

Prohibition of
nomination or
appointment
of director.

19. (1) Where the right of nominating or appointing a director of a company is vested in an enemy or enemy subject, the right shall not be exercisable except by leave of the Secretary of State, and any director nominated or appointed in exercise of such right shall, except as aforesaid, cease to hold office as director.

Removal of
director.

(2) The Secretary of State may, notwithstanding any statute or Order in Council or any by-law, regulation or stipulation of a company or other body, by written order remove any enemy director and appoint a substitute director who shall act as a director until such time as a new board of directors is duly elected or appointed.

Custodian
entitled to
receive
information.

20. Notwithstanding the provisions of any statute the Custodian shall be entitled to receive from any person or from any Department of the Government of Canada such information as he deems necessary to enable him to enforce these Regulations, and any person who, on the Custodian's written request, fails to furnish such information shall be guilty of an offence under these Regulations.

Vesting of
enemy
property
in Custodian.

21. (1) All enemy property is hereby vested in and made subject to the control of the Custodian whether or not the property has been disclosed to the Custodian as required by these Regulations.

(2) This Regulation shall be deemed to be a vesting order and to confer on the Custodian all rights of an enemy including the power of dealing with the property in such manner as the Custodian may in his sole discretion decide.

(3) Where property is held, recorded or registered in Canada for or in the name of a person whose address on the register or other record is in enemy territory or proscribed territory, the property is hereby vested in and made subject to the control of the Custodian whether or not the property has been disclosed to the Custodian as required by these Regulations and the Custodian may deal with the property as though it had, before vesting, belonged absolutely to an enemy.

(4) The Governor in Council may by order declare that property specified therein is enemy property and cause a copy thereof to be published in the *Canada Gazette*; and thereupon the property so

specified shall be deemed to be enemy property and to have vested in the Custodian as of the date of the Order in Council, but the making or publication of such an order does not in any manner whatsoever affect any vesting of property under section (1) of this Regulation.

22. (1) No person whose property has vested in the Custodian under these Regulations shall, after the vesting, have any rights or remedies against any other person in respect of such property. No action
after vesting.

(2) Where, under the provisions of these Regulations, property vests in the Custodian, he has all the rights and remedies of the person whose property is vested in him notwithstanding section (1) of this Regulation.

23. (1) Where any real estate or interest therein is vested in the Custodian he may issue a certificate stating that such real estate or interest therein is vested in the Custodian and such certificate shall be registered without charge in the Land Titles Office or registration office in the district in which the real estate is situate, but failure to register such a certificate shall not release the real estate or interest therein from the provisions of these Regulations. Real estate.

(2) After the registration of such certificate and upon the written request of the Custodian, the proper officer in the Land Titles Office or registration office in the district in which the real estate is situate shall, where there is provision for transfer of titles, forthwith and without charge transfer the title of the real estate or interest therein affected by the Custodian's certificate into the name of "The Secretary of State of Canada acting in his capacity as Custodian under the Revised Regulations Respecting Trading with the Enemy (1943)", without any transmission or other application or further proceeding. The title to the land or interest therein shall be transferred as hereinbefore provided, notwithstanding that the Custodian has not in his possession or under his control the certificate or any other document relating to the title to the said real estate or interest therein.

(3) The interest of any enemy in such real estate shall be regarded as having been effectively dealt with by any such action on the part of the Custodian.

(4) The Custodian may issue a certificate vacating any certificate of vesting previously registered, and the vacating certificate shall be registered in the Land Titles Office or registration office, as the case may be, without charge.

24. (1) If the benefit of an application made by or on behalf of or for the benefit of an enemy or enemy subject for any patent, copyright, trade mark or design is, by a certificate of the Custodian, declared to have been vested by these Regulations in the Custodian, the patent shall issue, or the copyright, trade mark or design shall be registered, as the case may be, in the name of the Secretary of State of Canada acting in his capacity as Custodian under the Revised Regulations Respecting Trading with the Enemy (1943), notwithstanding anything in any statute to the contrary. Patent,
copyright,
trade mark
or design.

(2) Where any patent has issued, or where any interest in a patent or any copyright, trade mark or design or any interest therein has been registered, in the name of an enemy or enemy subject, the Custodian may issue a certificate that the patent, copyright, trade

mark or design or interest therein, as the case may be, is vested in the Custodian, and such certificate shall forthwith and without charge be recorded by the proper officer and shall have the same force and effect as an assignment of the said patent, copyright, trade mark or design or interest therein, as the case may be, to the Secretary of State of Canada acting in his capacity as Custodian under the Revised Regulations Respecting Trading with the Enemy (1943).

(3) Failure to register a certificate as provided in sections (1) or (2) of this Regulation shall not affect the rights of the Custodian.

Vesting of
suspected
enemy
property.

25. (1) The Exchequer Court of Canada or any judge thereof, on the application of the Custodian, or any one acting on his behalf, may by order vest in the Custodian any property suspected of belonging to or of being held or managed for or on behalf of an enemy, and thereupon the property so vested shall be deemed to be enemy property.

(2) It shall not be necessary to give any notice of such application to the suspected enemy unless the giving of notice shall be ordered by the Court or judge before whom the application is made.

Duration of
vesting.

26. Where the property of any person is vested in the Custodian under these or any other Regulations or under any Order in Council or statute such vesting shall not, nor shall any proceedings relating thereto or in consequence of the vesting, be invalidated or affected by reason only of such person having, prior or subsequent to the date of the vesting, died or ceased to be an enemy, or, where the property has been vested under the provisions of sections (3) or (4) of Regulation 21 or of Regulation 25 of these Regulations, by reason of its being subsequently ascertained that such person was not an enemy.

Court
proceedings.

27. (1) Where a dispute or question arises as to whether property is subject to these Regulations, the Custodian may proceed in the Exchequer Court of Canada or in any superior court of record for a declaration as to whether the property is subject to these Regulations.

(2) Any person may, not less than ninety days after giving the Custodian notice of his claim, proceed in the Exchequer Court of Canada for a declaration that he is not an enemy and

(a) that property held or controlled by the Custodian is not subject to these Regulations and he is the owner thereof or of an interest therein; or

(b) that he was the owner of property or an interest in property immediately prior to its vesting in the Custodian under these Regulations.

Duty to
report to
Custodian.

28. (1) Any person who holds or manages any enemy property shall within thirty days after the commencement of the present war, or if the property comes into his possession or custody or under his control after the commencement of the present war, then within thirty days after the time when it comes into his possession or custody or under his control, by notice in writing communicate the fact to the Custodian, and shall furnish the Custodian with such particulars in relation thereto as the Custodian may prescribe and require and shall, on the Custodian's written request, deliver to him possession of the property and all documents or other evidence of title relating thereto.

(2) The preceding section of this Regulation shall extend and apply to balances and deposits standing to the credit of enemies at any bank, and to debts which are due, or which, had a state of war not existed, would have been due to enemies, or which shall become due, as if the bank or debtor were a person who held property on behalf of an enemy. All such balances, deposits and debts shall be paid to the Custodian as required by these Regulations.

(3) Every company incorporated by or under the authority of the Parliament of Canada or of the legislature of a Province of Canada, and every company which, though not so incorporated, has its head office or has a share transfer or share registration office in Canada, shall within thirty days after the commencement of the present war, by notice in writing communicate to the Custodian full particulars of any securities or other obligations of the company which are held by or in the name of or for the benefit of an enemy.

(4) Every partner of a firm or partnership, one or more partners of which on the commencement of the present war became an enemy or enemies or to which money had been lent for the purpose of the business of the firm by a person who so became an enemy, shall, within thirty days after the commencement of the present war, by notice in writing communicate to the Custodian full particulars as to any dividends, interest or share of profits due to such enemy.

(5) Where before the commencement of the present war any money has been paid into any account, or has been paid to any person in trust for an enemy, the person by whom the payment was made shall, within thirty days after the commencement of the present war, by notice in writing require the person to whom the payment was made to pay the money over to the Custodian and shall furnish the Custodian with such particulars as he may require. The person to whom the payment was made shall, within one week after the receipt of the notice, comply with the requirements and shall be exempt from all liability for having done so: Provided that in the case of such payments as, had a state of war not existed, would have been payable and paid to an enemy (other than a payment in respect of securities issued by a company), the duty of making payments to the Custodian and of requiring payments to be made to him and of furnishing him with particulars shall rest with the person through whom the payments are made.

29. (1) Any money which, had a state of war not existed, would have been payable and paid to or for the benefit of an enemy, and any such money which shall become so payable after the commencement of the present war shall be paid to the Custodian by the person by whom it would have been payable, and the payment shall be accompanied by such particulars as the Custodian may prescribe and require.

Payment
of monies
to Custodian.

(2) Without restricting the generality of section (1) of this Regulation, this Regulation shall be deemed to extend to and include moneys payable by way of—

(a) dividends, interest or share of profits;

(b) any payment in respect of securities, including the payment of any securities which have become payable on maturity or by being drawn for payment or otherwise;

- (c) any moneys due under or in respect of any policy of assurance or insurance;
- (d) any payment in respect of requisitioned property;
- (e) any payment under any trust, will or settlement; and
- (f) any other payment required to be made to the Custodian under these or any other Regulations.

Determination
of amount
payable.

30. If in the case of any person whose books, files and documents are liable to inspection under these Regulations, any question arises as to the amount which would have been so payable and paid as provided in the last preceding Regulation, the question shall be determined by the inspector who has been or who may be appointed to inspect the books, files and documents of such person, or on appeal, by the Secretary of State, and if, in the course of determining the question, it appears to the inspector or the Secretary of State, that such person has not distributed as dividends, interest or share of profits the whole of the amount properly available for that purpose the inspector or Secretary of State may ascertain what amount was so available and require the whole of such amount to be distributed. In the case of a company, if such dividends have not been declared, the inspector or the Secretary of State may declare the appropriate dividends, and every such declaration shall be as effective as a declaration to the like effect duly made in accordance with the by-laws or constitution of the company: Provided that where a controller has been appointed under these Regulations, this section shall apply as if for references to the inspector there were substituted references to the controller.

Payment
of bearer
securities.

31. Where on or after the commencement of the present war any coupon or other security transferable by delivery is presented for payment to any person and such person has reason to suspect that it is so presented on behalf of or for the benefit of an enemy, or that on or after the commencement of the present war it has been held by or for the benefit of an enemy, such person shall pay the sum due in respect thereof to the Custodian and such payment shall for all purposes be a good discharge to such person.

Payment
on securities
after notice.

32. Where the Custodian is satisfied from returns made to him that any securities are held by any person on behalf of an enemy, the Custodian may give notice thereof to the person by or through whom any dividends, interest or share of profits in respect of the securities or any money by way of payment of the securities are payable, and upon receipt of such notice any dividends, interest or share of profits payable in respect of, and any money by way of payment of the securities to which the notice relates shall be paid to the Custodian in like manner as if the securities were held by an enemy.

Method of
payment to
Custodian.

33. All moneys payable to the Custodian in pursuance of these Regulations shall be paid to the credit of the Custodian through such officers, banks or persons, and in such manner as the Custodian from time to time directs and appoints.

Time for
payment.

34. (1) Any money required to be paid to the Custodian under these Regulations shall be paid

- (a) within thirty days after the commencement of the present war, if the money, had a state of war not existed, would have been payable before the commencement of the present war; and

- (b) in any other case, within thirty days after it would have been payable.

(2) All interest payable on any such money shall be paid to the Custodian; and any moneys not paid within the time required by these Regulations shall bear interest at the rate of five per cent per annum from the date on which such payment is so required by these Regulations.

(3) Where any money is payable or becomes payable to any enemy by contract, law or custom or in any other manner in other than Canadian currency, it shall, unless the Custodian allow or direct otherwise, be paid to the Custodian in Canadian currency at the rate of exchange equal to the average cable transfer rate prevailing in Canada during the month immediately preceding the commencement of the present war, or at such rate as may be fixed by the Foreign Exchange Control Board.

35. (1) Any payment by or on behalf of a debtor made to the Custodian shall, to the extent of the payment, discharge the debtor from all obligations and liabilities in respect of the debt, and interest shall cease to run against the debtor on the amount so paid from the date of its receipt by the Custodian.

(2) The Custodian shall have power to execute and deliver any document necessary or proper as evidence of such discharge and may deliver up to the person making such payment any note, bond or other evidence of or any security for the debt which may be in the possession of the Custodian.

(3) The receipt of the Custodian or any person duly authorized to sign receipts on his behalf for any money paid to him under these Regulations shall be a good discharge to the person paying the same.

36. (1) In the event of failure by any person to pay to the Custodian any money payable to him under these Regulations the Custodian may take action in the Exchequer Court of Canada or in any superior court of record to recover such money.

(2) Any money owing to an enemy and admitted by the person owing the money to be due, may be certified by the Custodian to have been admitted to be so due, and on production to the proper officer of the Exchequer Court of Canada the certificate shall be registered by that officer.

(3) Any certificate registered in the Exchequer Court of Canada as provided in section (2) hereof shall from the date of such registration have the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in that court for the recovery of a debt of the amount specified in the certificate and entered upon the date of such registration.

(4) For preparing, transmitting or producing to the Registrar of the Exchequer Court of Canada a certificate pursuant to this Regulation, the Custodian shall be entitled to recover by way of costs from the person named in the certificate as owing the money, the sum of ten dollars and also the disbursements incurred in registering the certificate, and such amounts shall be recoverable in like manner as if judgment had been obtained therefor.

Registration
of securities
in name of
Custodian.

37. (1) Where any securities are vested in the Custodian, he may issue a warrant stating that the securities are vested in him and requiring the person in whose books the securities are registered to cancel the existing registration and to register the securities, and issue a certificate therefor, in the name of the Secretary of State of Canada acting in his capacity as Custodian under the Revised Regulations Respecting Trading with the Enemy (1943), his nominee or transferee. Upon receipt of such warrant the person in whose books the securities are registered shall forthwith cancel the existing registration and register the securities and issue the certificate in accordance with the terms of the warrant and deliver the certificate to the Custodian, notwithstanding any law, contract, by-law, regulation or stipulation to the contrary, and notwithstanding that the Custodian is not in possession of the certificate, scrip or other document or instrument of title relating to the securities affected by the warrant.

Liens on
securities.

(2) The registration and the issue and delivery of the certificate under section (1) of this Regulation shall be without prejudice to any lien or charge in favour of the person in whose books the securities are registered or to any other lien or charge of which the Custodian has notice. If any question arises as to the existence or amount of any lien or charge, the question may, on application being made for the purpose, be determined by any superior court of record or a judge thereof.

Liquidation
of property.

38. The Custodian may, where he considers it advisable to do so, liquidate any property vested in him and shall deal with the proceeds of the liquidation of such property in the same manner as he may deal with moneys paid to him under these Regulations.

Relinquishing
property.

39. The Custodian may at any time, at his discretion and by such notice, conveyance, transfer or release as he may think proper, relinquish any property or the proceeds of the liquidation of any property.

Disposition
of property.

40. (1) The Custodian may sell or otherwise dispose of any property at such time and place and to such person and upon such terms and in such manner, whether publicly or privately, as he in his discretion shall think proper.

(2) The transfer or sale by the Custodian of any property shall be conclusive evidence in favour of the purchaser and of the Custodian that the requirements of these Regulations have been complied with.

Company may
purchase own
securities.

41. Where in exercise of the powers conferred on him under these Regulations the Custodian proposes to sell any shares or stock forming part of the capital of any company or any securities issued by the company which are vested in him, the company may, with the consent of the Custodian, purchase the shares, stock or securities, any law, by-law or regulation of the company to the contrary notwithstanding, and any shares, stock or securities so purchased may from time to time be reissued by the company.

Execution of
documents.

42. The Custodian may execute any agreement or document whether of indemnity or otherwise, or do anything necessary to deal effectively with any property delivered to or vested in him or subject to his control.

43. The Custodian may place on deposit with any bank or may, with the approval of the Treasury Board, invest in any securities, approved by the Treasury Board, any moneys paid to or received by him from or in respect of property vested in him pursuant to these Regulations or otherwise. Investments
by Custodian.

44. (1) The Custodian may, in addition to other charges authorized by these Regulations, if any, charge against all property investigated, controlled or administered by him, whether the property has vested in him or not, a fee for services rendered not exceeding two per centum of the value of the property including the income therefrom. Fees for
services
rendered.

(2) The Custodian may employ such part of the property vested in him or the proceeds therefrom as may be necessary to pay the expenses incurred in the administration of these Regulations.

(3) The Custodian may charge such additional fees in respect of his duties under these Regulations whether by way of percentage or otherwise as the Governor in Council may approve and the fees so charged shall be collected and accounted for by such persons and in such manner as the Custodian directs and the incidence of the fees so charged as to capital and income shall be determined by the Custodian.

45. (1) The Custodian shall, in addition to his other duties, keep a record of:— Custodian's
records.

(a) Debts (including bank balances) due to persons residing in Canada, from persons residing or carrying on business in enemy territory or proscribed territory;

(b) Other property in enemy territory or proscribed territory (including securities) belonging to persons residing in Canada; and

(c) All debts reported to him under these Regulations.

(2) Any person desiring to record such claims or property may obtain the necessary forms for that purpose from the Custodian but the action of the Custodian will be confined to entering upon the record claims of which particulars are supplied to him, and it shall in no way commit the Custodian or the Government of Canada either to responsibility for the correctness of the claim entered or to taking action on the conclusion of hostilities or otherwise for the recovery of the claim or property in question.

(3) The Custodian shall record claims against enemy Governments, as distinct from claims against other enemies, in respect of public securities of those governments held by the claimants but not any other claims against enemy Governments.

(4) The Custodian shall keep a record of all property whereof returns have been made to him or which is held by him under these or any other Regulations, or under any Order in Council or statute, and such record may be inspected by any person who appears to the Custodian to be interested as creditor or otherwise at all reasonable times, free of charge.

Reports
by enemy
or enemy
subjects.

46. (1) It shall be the duty of every enemy or enemy subject who is within Canada, if so required by the Custodian, within one month after being so required, to furnish the Custodian with such particulars as he may require of

- (a) any securities issued by any person, held by him or in which he is interested; and
- (b) any other property of the value of two hundred dollars or upwards belonging to him or in which he is interested.

Offence.

(2) Any such person who refuses or fails to furnish such particulars within the time mentioned shall be guilty of an offence under these Regulations.

Creditors
to report
claims.

47. (1) Every person in Canada to whom a debt is owing by an enemy shall notify the Custodian of such debt

- (a) if the debt is owing at the commencement of the present war, within one month after the commencement of the present war; and
- (b) if the debt becomes payable after the commencement of the present war, within one month after the debt becomes payable;

and shall thereafter from time to time within one month of demand by the Custodian furnish such further information and documents in his possession or power, in such form and verified in such manner, as the Custodian may require.

Offence.

(2) Every person who fails to comply with any provision of section (1) of this Regulation is guilty of an offence under these Regulations and the Custodian may, by order, forever bar and extinguish any claim in respect of a debt regarding which the claimant has not complied with any provision of section (1) of this Regulation.

(3) The Custodian is not, by reason of a notification under Section (1) of this Regulation, subject to any liability with respect to the debt.

Offence.

(4) Every person who furnishes false information with respect to an enemy debt is guilty of an offence under these Regulations.

Other
claims.

48. (1) The Custodian may order the reporting of any claim against enemies not otherwise provided for by these Regulations and shall, if he so orders, cause a record to be kept of all such claims.

Offence.

(2) Any person who furnishes any false information with respect to any claim reported under Section (1) of this Regulation shall be guilty of an offence under these Regulations.

Property not
exigible.

49. No property held by or vested in the Custodian shall be liable to be attached or otherwise taken in execution, but the Custodian may upon an order of a superior court of record or a judge thereof, or of any Court in which judgment has been recovered against an enemy, pay out of any money or the proceeds of any property held by him in respect of that enemy the whole or any part of any debt due by that enemy and specified in the order: Provided that before paying any such debt the Custodian shall take into consideration the sufficiency of the property paid to or vested in him in respect of the enemy in question to satisfy that debt and any other claims against the enemy of which notice verified by statutory declaration may have been served upon him.

50. The Custodian shall not be liable for any tax, assessment, mortgage, lien, charge, call, rent, interest or payment upon or in respect of any property vested in him. Custodian
not liable
for tax, etc.

51. (1) No property vested in the Custodian shall be forfeited for default in doing an act or making a payment or attached, seized or taken under legal process or distress or foreclosed or sold under a mortgage, lien, pledge or charge or sold for a tax or assessment. No forfeiture
of vested
property.

(2) This Regulation does not apply to a life insurance policy or annuity contract which, by its terms, lapses; and where any life insurance policy or annuity contract would, at any time on or after the second day of September, nineteen hundred and thirty-nine, have lapsed by its terms were it not for a regulation heretofore in force with reference to trading with the enemy or enemy property, it shall be deemed to have lapsed when it would, but for such regulation, have lapsed. Exception.

52. Every document purporting to be an order, certificate or other instrument issued by the Custodian and signed by him or any other person authorized by the Custodian, shall without further proof, unless the contrary is shown, be deemed for all purposes, including its receipt in evidence, to be such order, certificate or other instrument. Proof of
signatures.

53. All periods of prescription or limitations of right of action, whether they began to run before or after the commencement of the present war, shall be treated, so far as regards relations between persons who are not enemies under these Regulations and enemies, as having been suspended during the present war. Periods of
prescription
suspended.

54. A certificate of the Secretary of State that any area is or was enemy territory or proscribed territory, or as to the time at which any area became or ceased to be enemy territory or proscribed territory shall, for the purposes of any proceedings under or arising out of these Regulations, be conclusive evidence of the facts stated in such certificate. Certificate
that territory
enemy or
proscribed.

55. Any person who for the purpose of obtaining any authority or sanction under these Regulations or for any other reason, or in giving any information for the purposes of these Regulations or any order made thereunder, makes a statement knowing it to be false, shall be guilty of an offence under these Regulations. Offence.

56. (1) Any person who refuses or fails to make or require the making, as the case may be, of any payment, or to furnish the prescribed particulars as required by these Regulations, shall be guilty of an offence under these Regulations. Offence.

(2) Any person who refuses or fails to furnish information and particulars within the time mentioned in these Regulations, or fails to deliver to the Custodian the documents or other evidence of title pursuant to the Custodian's written request as provided by these Regulations, shall be guilty of an offence under these Regulations.

57. Any person who wilfully obstructs any person in the exercise of any powers conferred on him by or under these Regulations shall be guilty of an offence under these Regulations. Offence.

Onus of proof.

58. (1) The onus of proof rests upon a person who asserts that he has or had any interest in property or that he or any property is not subject to the provisions of these Regulations.

(2) Evidence submitted to the Custodian thereby becomes the property of the Custodian and may be retained by him.

Court Rules.

59. The judges of the Court to which any jurisdiction is by these Regulations committed may make provision by rules for the practice and procedure to be adopted for the purpose of the exercise of such jurisdiction.

Consent of Attorney-General to prosecution.

60. No prosecution for an offence under Regulations 2 or 3 of these Regulations shall be instituted except by or with the consent of the Attorney-General of Canada; provided that the person charged with such an offence may be arrested and a warrant for his arrest may be issued and executed, and such person may be remanded in custody or on bail notwithstanding that the consent of the Attorney-General of Canada to the institution of the prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

Prosecutions.

61. Where an act or default constitutes an offence both under these Regulations and under any statute, or both under these Regulations and at common law, the offender shall be liable to be prosecuted and punished under either these Regulations, or such statute, or at common law, but he shall not be liable to be punished twice for the same offence.

Criminal Code applicable.

62. Subject to the provisions of Regulation 60 hereof, any offence declared and any penalty or forfeiture imposed or authorized by these Regulations may in the absence of any provision for a different procedure be prosecuted, recovered, or enforced by summary proceedings and conviction under the provisions of Part XV of the Criminal Code.

Penalty.

63. Any person guilty of the offence of trading, attempting or directly or indirectly offering or proposing or agreeing to trade with the enemy in violation of any of these Regulations shall be liable—

(a) on summary conviction to imprisonment with or without hard labour, for a term not exceeding twelve months, or to a fine not exceeding two thousand dollars, or to both such imprisonment and such fine; or

(b) on conviction on indictment to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars, or to both such imprisonment and fine;

and the Court may in any case order that any goods or money in respect of which the offence has been committed shall be forfeited to the Custodian.

Penalty.

64. Any person guilty of an offence under these Regulations shall be liable to a fine not exceeding five hundred dollars or imprisonment with or without hard labour for a term not exceeding six months, or to both such fine and imprisonment.

65. Where a company, incorporated or unincorporated, or other body of persons, has been guilty of an offence or default under these Regulations, and the penalty or punishment provided as respects said offence or default is or includes a fine and whether or not imprisonment, additionally or alternatively, the company or other body shall be liable to the fine only (with any additional fine or fines provided by any of these Regulations with respect to continuing defaults); and every director, manager, secretary, or other officer of such company or body of persons and every partner or member of such unincorporated company or body of persons who is knowingly a party to the offence or default, shall also be deemed guilty of the offence or default and liable on conviction to the like fine or fines as the company or other body of persons, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both such fine or fines and such imprisonment.

Offences by corporation.

66. Any restrictions on dealings with property imposed by these or any other Regulations or under any Order in Council or statute shall continue to apply to such property, not only during the continuance of the present war, but thereafter until such time as they may be removed by Order in Council, either simultaneously as respects all such property or at different times as respects different classes or items of property.

Duration of Regulations.

67. These Regulations shall be deemed not to limit the power of His Majesty the King by proclamation or otherwise to prohibit any transaction which is not prohibited by these Regulations.

68. Where any question arises as to whether any property has, on or after the second day of September, nineteen hundred and thirty-nine, vested in the Custodian or as to whether the Custodian has charged or was entitled, at any time on or after the second day of September, nineteen hundred and thirty-nine, to charge any fees, such question shall be decided as though Regulations 21 and 44 of these Regulations were in force at all relevant times.

Application of sections.

69. No person shall institute any action or other proceeding to recover any sum of money paid to or received or detained by the Custodian with respect to any charge he may have made or purported to have made under these or any other Regulations.

Prohibition of action.

70. These Regulations may be cited as "Revised Regulations Respecting Trading with the Enemy (1943)".

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APPENDIX

THE REGULATIONS HAVE APPLIED TO THE FOLLOWING TERRITORIES
AS ENEMY TERRITORY OR PROSCRIBED TERRITORY ON
AND AFTER THE DATES INDICATED

	Date
ALBANIA.....	June 10, 1940
ALGERIA.....	June 21, 1940
ANDORRA.....	June 21, 1940
AUSTRIA.....	Sept. 2, 1939
BELGIUM.....	May 10, 1940
BOHEMIA.....	Sept. 2, 1939
BULGARIA.....	March 1, 1941
BURMA.....	March 18, 1942
CHANNEL ISLANDS.....	July 1, 1940
CHINA (Japanese occupied).....	Dec. 7, 1941
CHINESE COAST LINE.....	Dec. 7, 1941
CORSICA.....	June 21, 1940
CZECHOSLOVAKIA.....	Sept. 2, 1939
DANZIG.....	Sept. 2, 1939
DENMARK.....	April 9, 1940
ESTONIA.....	Aug. 2, 1941
FINLAND.....	Aug. 2, 1941
FORMOSA.....	Dec. 7, 1941
FRANCE.....	June 21, 1940
FRENCH SOMALILAND.....	May 27, 1941
GERMAN REICH.....	Sept. 2, 1939
GREECE.....	May 1, 1941
HONG KONG.....	Dec. 24, 1941
HUNGARY.....	March 1, 1941
INDO-CHINA.....	Dec. 7, 1941
ITALIAN COLONIAL POSSESSIONS.....	June 10, 1940
ITALY.....	June 10, 1940
JAPAN.....	Dec. 7, 1941
JAPANESE MANDATED ISLANDS.....	Dec. 7, 1941
KARAFUTO.....	Dec. 7, 1941
KOREA.....	Dec. 7, 1941
KWANGTUNG LEASED TERRITORY.....	Dec. 7, 1941
LATVIA.....	Dec. 7, 1941
LEBANON.....	Aug. 2, 1941
LITHUANIA.....	May 27, 1941
LUXEMBOURG.....	Aug. 2, 1941
MALAY PENINSULA.....	May 10, 1940
MANCHURIA.....	Feb. 15, 1942
MEMEL.....	Dec. 7, 1941
MONACO.....	Aug. 2, 1941
MORAVIA.....	June 21, 1940
MOROCCO, FRENCH ZONE OF.....	Sept. 2, 1939
NETHERLANDS.....	June 21, 1940
NETHERLANDS EAST INDIES.....	May 10, 1940
NORTH BORNEO (State of).....	March 7, 1942
NORWAY.....	March 7, 1942
PHILIPPINE ISLANDS.....	April 9, 1940
POLAND.....	Jan. 14, 1942
ROUMANIA.....	Sept. 2, 1939
SARAWAK (State of).....	Oct. 12, 1940
SHANGHAI.....	Mar. 7, 1942
SINGAPORE.....	Dec. 7, 1941
SLOVAKIA.....	Feb. 15, 1942
SYRIA.....	Sept. 2, 1939
THAILAND.....	May 27, 1941
TUNISIA.....	Dec. 22, 1941
YUGOSLAVIA.....	June 21, 1940
ZARA.....	April 15, 1941
	June 10, 1940

P.C. 1936

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 11th day of May, 1940.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that, in consequence of the invasion of the Netherlands, Belgium and Luxembourg by enemy forces, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of the Netherlands, Belgium and Luxembourg from falling under the control of the invading enemy or agents of the invading enemy, to place, temporarily, under protective custody all property, rights and interests in Canada of persons residing in the Netherlands, Belgium and Luxembourg and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's Office established under the Regulations respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and control in respect to such property, rights and interests in Canada of persons residing in the Netherlands, Belgium and Luxembourg which are exercisable by him as Secretary of State and as Custodian under the Trading with the Enemy Regulations in respect to proscribed territory;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Secretary of State of Canada, with the concurrence of the Minister of Finance, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206) is pleased to order as follows:—

From and including the tenth day of May, 1940, the provisions of the Regulations respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territories of the Netherlands, Belgium and Luxembourg as proscribed territory;

Provided that any transaction or act permitted by the Secretary of State of Canada, with the concurrence of the Minister of Finance, shall not be deemed to come within the provisions of this Order.

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

P.C. 3515

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of July, 1940.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that in consequence of the invasion of France by enemy forces, and the possibility of the enemy exercising control over all of the French territory in Europe, the contiguous territories of Andorra and Monaco, and the French Zone of Morocco, Corsica, Algeria and Tunisia, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of such territories falling under the control of the enemy, to place, temporarily, under protective custody all property, rights and interests in Canada of persons residing in any of such territories, and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Regulations Respecting Trading with the Enemy (1939), and to confer on the Secretary of State the powers of regulation and control in respect of such property, rights and interests in Canada of persons residing in any of such territories, which are exercisable by him as Secretary of State and as Custodian under the Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory:

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada with the concurrence aforesaid, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206) is pleased to order as follows:—

From and including the 21st day of June, 1940, the provisions of the Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to all of the French territory in Europe, the contiguous territories of Andorra and Monaco, and the French Zone of Morocco, Corsica, Algeria and Tunisia;

Provided that the Minister of Finance may exempt any property, rights and interests from the provisions of this Order, but in such case no transfer of ownership of possession or other dealing with or disposition of such property rights or interests in Canada may be made without the consent of the Minister of Finance or such Agency as he may designate.

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

P.C. 5764

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 18th day of October, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that in consequence of uncertainty surrounding the present situation in Roumania and reports which indicate that enemy forces, with or without the concurrence of the Roumanian authorities, are present or have occupied substantial areas in that country, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of Roumania coming under the control of the enemy or agents of the enemy, to place under protective custody all property in Canada of persons residing in Roumania and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in Roumania which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, with the concurrence of the Minister of Finance, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206), is pleased to order as follows,—

From and including the 12th day of October, 1940, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territory of Roumania as proscribed territory.

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

P.C. 1561

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of March, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, represents that in consequence of the invasion of Bulgaria by enemy forces, it is necessary and expedient, with the view of preventing any

of the resources in Canada of residents of Bulgaria falling under the control of the invading enemy or agents of the invading enemy, to place under protective custody all property in Canada of persons residing in Bulgaria and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in Bulgaria which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, with the concurrence as aforesaid, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206), is pleased to order as follows:—

From and including the 1st day of March, 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territory of Bulgaria as proscribed territory.

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

P.C. 1562

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of March, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, represents that in consequence of the reported presence in Hungary of enemy forces, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of Hungary falling under the control of the invading enemy or agents of the invading enemy, to place under protective custody all property in Canada of persons residing in Hungary and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's Office established under the Consolidated Regulations Respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in Hungary which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory;

Now, Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, with the concurrence as aforesaid, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206), is pleased to order as follows:—

From and including the 1st day of March 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territory of Hungary as proscribed territory.

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

P.C. 3851

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of May, 1941.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that in view of the possibility of the enemy exercising control over Syria, Lebanon and French Somaliland, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of such territories falling under the control of the enemy, to place under custody all property in Canada of persons residing in any of such territories, and to regulate trading with such person; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939), and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in any of such territories, which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory.

Therefore His Excellency the Governor General in Council, on the recommendation of the Secretary of State, with the concurrence of the Minister of Finance, and under and by Virtue of the War Measures Act (R.S.C. 1927, Chapter 206), is pleased to order as follows:

From and including the 27th day of May, 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to Syria, Lebanon and French Somaliland as proscribed territory.

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

P.C. 7342

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 20th day of September, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council of 30th May, 1941 (P.C. 3851) the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) were extended to and deemed to apply to Syria and Lebanon as proscribed territory:

And whereas the Secretary of State reports that similar measures were on or about the same date taken by the United Kingdom but that by reason of the changed conditions in Syria and Lebanon the Order in the United Kingdom has now been revoked and it is expedient that a similar measure should be taken in Canada;

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State (concurring in by the Minister of Finance) is pleased to order and it is hereby ordered that as and from September 15, 1941, the territory of Syria and Lebanon be no longer deemed to be proscribed territory within the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939).

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

P.C. 9590

AT THE GOVERNMENT HOUSE AT OTTAWA

SUNDAY, the 7th day of December, 1941.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas it is considered necessary and expedient, with a view to preventing any of the resources in Canada of residents of the Japanese Empire and Japanese occupied and/or controlled territory from falling under the control or being used to the advantage of the enemy, to place under custody all property in Canada of persons residing in the Japanese Empire and Japanese occupied and/or controlled territory, including Indo China, and to regulate trading with such persons;

And whereas the Prime Minister, for the Secretary of State, reports that the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939), and to

confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in the Japanese Empire and Japanese occupied and/or controlled territory which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Prime Minister, for the Secretary of State, concurring in by the Minister of Finance, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:

From and including the seventh day of December, 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the Japanese Empire and Japanese occupied and/or controlled territory as proscribed territory.

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

P.C. 4773

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 10th day of June, 1943.

PRESENT

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council of the 30th May, 1941, (P.C. 3851) the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) were extended to and deemed to apply to French Somaliland;

And whereas the Secretary of State reports that on or about the same date similar measures were taken by the United Kingdom but that by reason of changed conditions in French Somaliland the Order in the United Kingdom was revoked on the 10th March, 1943, and it is expedient that similar steps should be taken in Canada.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State, concurring in by the Minister of Finance, is pleased to order and doth hereby order that of and from 10th March, 1943, the territory of French Somaliland be no longer deemed to be proscribed territory within the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939).

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

Revised Regulations Respecting Trading With the Enemy (1943)

NOTICE

The Secretary of State of Canada under and by virtue of the provisions of the Revised Regulations Respecting Trading with the Enemy (1943) hereby gives notice that trade may be resumed with persons residing in the territories which comprise the French zone of Morocco, Algeria, Corsica and Tunisia; and this notice shall constitute the permission of the Secretary of State to re-open trade with persons residing in the said territories. Any person who engages in such trade shall not be deemed to be trading with the enemy.

The permission hereby given shall apply only to transactions which shall be entered into after the date of this notice; and any property which shall have vested in the Secretary of State acting in his capacity as Custodian under or by virtue of any regulations respecting trading with the enemy shall continue to be so vested, notwithstanding the permission hereby given, and the property shall continue under his control until it shall be expressly released under the provisions of the Revised Regulations Respecting Trading with the Enemy (1943).

Dated at Ottawa this 24th day of November, 1943.

N. A. McLARTY,

Secretary of State of Canada.

J. G. Swears
REVISED
REGULATIONS RESPECTING

TRADING WITH THE ENEMY

(1943)

(P.C. 8526)

Address all correspondence to:

THE CUSTODIAN,

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA

OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1943

P.C. 8526

PRIVY COUNCIL, CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 13th day of November, 1943.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council on the recommendation of the Secretary of State, concurred in by the Minister of Finance, and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order as follows:

1. The Consolidated Regulations Respecting Trading with the Enemy (1939), established by Order in Council (P.C. 3959) of 21st August, 1940, as amended, are hereby cancelled.
2. The attached Revised Regulations Respecting Trading with the Enemy (1943) are hereby made and established in substitution of the Regulations hereby cancelled.

A. D. P. HEENEY,
Clerk of the Privy Council.

The Honourable
The Secretary of State.

Changes in red effective 14th May, 1947

**REVISED REGULATIONS RESPECTING TRADING WITH THE
ENEMY (1943)**

1. For the purpose of these Regulations, the following expressions shall be construed so that—

- (a) "Person" shall extend to and include persons and bodies of persons, incorporated (wherever incorporated) and unincorporated, such as firms, clubs, companies and municipal authorities, and, as well, trustees, executors and administrators and also a State or the government of a State. Person.
- (b) "Enemy territory" means any area which is under the sovereignty of, or in the occupation of, a State or Sovereign for the time being at war with His Majesty. Enemy Territory.
- (c) "Proscribed territory" means any area in respect of which the Governor in Council, by reason of real or apprehended hostilities or otherwise, has ordered the protective custody of property of persons residing in that area or the regulating of trade with such persons, or both. Proscribed Territory.
- (d) "Enemy" shall extend to and include— Enemy.
- (i) Any State, or Sovereign of a State, at war with His Majesty;
 - (ii) Any person who resides within enemy territory or proscribed territory;
 - (iii) Any person who carries on business within enemy territory or proscribed territory;
 - (iv) Any person acting as agent or otherwise on behalf of an enemy, or under the control of an enemy;
 - (v) Any person or body of persons constituted or incorporated within, or under the laws of, a State at war with His Majesty or a State the territory of which is occupied by an enemy or is proscribed territory;
 - (vi) Any person with whom trading is, for the time being, prohibited by these Regulations or by statute or proclamation by His Majesty or by the common law;
 - (vii) Any person who under the common law is deemed to be an enemy;
 - ~~(viii) Any person who is declared by the Governor in Council to be an enemy;~~
 - (ix) Any person who has been detained under the Defence of Canada Regulations, during the period of such detention; and
 - (x) Any person who has been interned or detained under the authority of the Government of a State allied or associated with His Majesty or whose property within the territory of such State has been treated by that State as enemy property.

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Provided, however, that "enemy" shall not include any person by reason only that he is an enemy subject, and provided further that the Governor in Council shall have power to declare any person not to be an enemy who would otherwise be considered an enemy under these Regulations.

Enemy Subject.

(e) "Enemy subject" extends to and includes a person wherever resident, who is a subject or citizen of a State or Sovereign for the time being at war with His Majesty.

Enemy Currency.

(f) "Enemy currency" means any notes or coins which circulate as currency in any area under the sovereignty of a State or Sovereign with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty, and includes any notes or coins declared by an order of the Minister of Finance to be enemy currency.

Securities.

(g) "Securities" shall extend to and include stock, shares, annuities, bonds, debentures, debenture stock, certificates of indebtedness, trust receipts or other obligations or rights, whether registered or in bearer form, issued by or on behalf of any Government, municipal or other authority, society or association, or any corporation or company, whether the issuer is in Canada or not and whether the place of registration or the situs of the certificates or other instruments representing the securities is in Canada or not.

Dividends, interest or share of profits.

(h) "Dividends, interest or share of profits" shall extend to and include—

(i) Any dividends, bonus or interest (whether payable within Canada or not) in respect of any security or other obligation;

(ii) Any interest in respect of any loan made to a person for the purpose of carrying on business, and any profits of such a business; and

(iii) Where a person is carrying on any business on behalf of an enemy, any sum which, had a state of war not existed, would have been transmissible to the enemy by way of profits from that business.

Property.

(i) "Property" shall extend to and include all real and personal property and all rights and interests therein whether legal or equitable; and without restricting the generality of the foregoing, "property" shall include securities, dividends, interest or share of profits, debts, credits, accounts, patents, copyrights, trade marks, designs or any interest therein and choses in action.

Enemy Property.

(j) "Enemy Property" means property belonging to an enemy at or subsequent to the commencement of the present war.

Commencement of the present war

(k) "Commencement of the present war" shall mean, as respects any enemy, the first day on which a state of war existed between His Majesty and the country in which that enemy resides or carries on business, or the first day upon which such a person became an enemy; *

Secretary of State.

(l) "Secretary of State" shall mean the Secretary of State of Canada.

(m) "Proclamation" or "Proclamation by His Majesty" and like expressions shall mean, proclamation by His Majesty the King acting by and with the advice of the Government of Canada. Proclamation.

(n) Words importing the masculine gender include females and corporations.

2. (1) Any person who trades or attempts to trade, or directly or indirectly offers or proposes or agrees to trade, or has since the commencement of the present war traded, attempted or directly or indirectly offered or proposed or agreed to trade, with an enemy, shall be guilty of the offence of trading with the enemy. Offence of Trading with enemy.

(2) In any proceedings for the offence of trading with the enemy, the fact that any document has been despatched addressed to a person in enemy territory or proscribed territory shall be prima facie proof, as against any person who was a party to the despatch of the document, that the person to whom the document was despatched was an enemy. Prima facie proof.

3. Without restricting the generality of the terms of the immediately preceding Regulation, it is declared that the following matters constitute trading with the enemy within the meaning of these Regulations— Trading with the enemy.

(a) Entering into any transaction or doing any act which was at the time of the transaction or act prohibited by or under any proclamation issued by His Majesty, for the time being in force, dealing with trading with the enemy or which at common law or by statute or under any orders or regulations constitutes the offence of trading with the enemy;

(b) Entering into any transaction or doing any act with, to, or on behalf of, or for the benefit of any person after the issue of any Order in Council or proclamation by His Majesty declaring that such person is by reason of his enemy nationality or enemy association a person with whom trading is prohibited;

(c) Dealing, or attempting, offering, proposing or agreeing, whether directly or indirectly, to deal with any property which is in the hands or custody of the person so dealing, attempting, offering, proposing or agreeing, or over which he has any claim or control, for the purpose of enabling an enemy to obtain money or credit thereon or thereby;

(d) Aiding or abetting any person, whether or not such person is in Canada, to enter into, negotiate, or complete any transaction or do any act which, if effected or done in Canada by such person, would constitute the offence of trading with the enemy;

~~(e) Knowingly paying, discharging or satisfying any chose in action, coupon, security or obligation to which Section (1) of Regulation 4 hereof applies;~~

~~(f) Knowingly discharging any bill of exchange or promissory~~

Provided, however, that "enemy" shall not include any person by reason only that he is an enemy subject, and provided further that the Governor in Council shall have power to declare any person not to be an enemy who would otherwise be considered an enemy under these Regulations.

Enemy Subject.

Enemy Currency.

Securities.

Dividends, interest or share of profits.

Property.

Enemy Property.

Commencement of the present war

Secretary of State.

- (e) "Enemy subject" extends to and includes a person wherever resident, who is a subject or citizen of a State or Sovereign for the time being at war with His Majesty.
- (f) "Enemy currency" means any notes or coins which circulate as currency in any area under the sovereignty of a State or Sovereign with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty, and includes any notes or coins declared by an order of the Minister of Finance to be enemy currency.
- (g) "Securities" shall extend to and include stock, shares, annuities, bonds, debentures, debenture stock, certificates of indebtedness, trust receipts or other obligations or rights, whether registered or in bearer form, issued by or on behalf of any Government, municipal or other authority, society or association, or any corporation or company, whether the issuer is in Canada or not and whether the place of registration or the situs of the certificates or other instruments representing the securities is in Canada or not.
- (h) "Dividends, interest or share of profits" shall extend to and include—
- (i) Any dividends, bonus or interest (whether payable within Canada or not) in respect of any security or other obligation;
- (ii) Any interest in respect of any loan made to a person for the purpose of carrying on business, and any profits of such a business; and
- (iii) Where a person is carrying on any business on behalf of an enemy, any sum which, had a state of war not existed, would have been transmissible to the enemy by way of profits from that business.
- (i) "Property" shall extend to and include all real and personal property and all rights and interests therein whether legal or equitable; and without restricting the generality of the foregoing, "property" shall include securities, dividends, interest or share of profits, debts, credits, accounts, patents, copyrights, trade marks, designs or any interest therein and choses in action.
- (j) "Enemy Property" means property belonging to an enemy at or subsequent to the commencement of the present war.
- (k) "Commencement of the present war" shall mean, as respects any enemy, the first day on which a state of war existed between His Majesty and the country in which that enemy resides or carries on business, or the first day upon which such a person became an enemy; *
- (l) "Secretary of State"

* and for the purposes of this Regulation the war between His Majesty and the German Reich shall be deemed to have commenced on the 2nd day of September, nineteen hundred and thirty-nine.

- (m) "Proclamation" or "Proclamation by His Majesty" and like expressions shall mean, proclamation by His Majesty the King acting by and with the advice of the Government of Canada.
- (n) Words importing the masculine gender include females and corporations.

2. (1) Any person who trades or attempts to trade, or directly or indirectly offers or proposes or agrees to trade, or has since the commencement of the present war traded, attempted or directly or indirectly offered or proposed or agreed to trade, with an enemy, shall be guilty of the offence of trading with the enemy.

(2) In any proceedings for the offence of trading with the enemy, the fact that any document has been despatched addressed to a person in enemy territory or proscribed territory shall be prima facie proof, as against any person who was a party to the despatch of the document, that the person to whom the document was despatched was an enemy.

3. Without restricting the generality of the terms of the immediately preceding Regulation, it is declared that the following matters constitute trading with the enemy within the meaning of these Regulations—

- (a) Entering into any transaction or doing any act which was at the time of the transaction or act prohibited by or under any proclamation issued by His Majesty, for the time being in force, dealing with trading with the enemy or which at common law or by statute or under any orders or regulations constitutes the offence of trading with the enemy;
- (b) Entering into any transaction or doing any act with, to, or on behalf of, or for the benefit of any person after the issue of any Order in Council or proclamation by His Majesty declaring that such person is by reason of his enemy nationality or enemy association a person with whom trading is prohibited;
- (c) Dealing, or attempting, offering, proposing or agreeing, whether directly or indirectly, to deal with any property which is in the hands or custody of the person so dealing, attempting, offering, proposing or agreeing, or over which he has any claim or control, for the purpose of enabling an enemy to obtain money or credit thereon or thereby;
- (d) Aiding or abetting any person, whether or not such person is in Canada, to enter into, negotiate, or complete any transaction or do any act which, if effected or done in Canada by such person, would constitute the offence of trading with the enemy;
- (e) ~~Knowingly paying, discharging or satisfying any chose in action, coupon, security or obligation to which Section (1) of Regulation 4 hereof applies;~~
- (f) ~~Knowingly discharging any bill of exchange or promissory note to which Section (2) of Regulation 4 hereof applies;~~
- (g) Purchasing enemy currency;
- (h) Having any commercial, financial or other intercourse, transactions or dealings with, or for the benefit of, an enemy;

- (i) Attempting to do anything which, under these Regulations, is to be treated as trading with the enemy:

Provided that any transaction or act permitted by or under any proclamation or otherwise or by the Secretary of State, or other competent authority, shall not be deemed to be trading with the enemy.

Assignment
of chose in
action, etc.

4. (1) No person shall by virtue of an assignment of any chose in action, or delivery of any coupon or security transferable by delivery, or transfer of any other obligation, made in his favour by or on behalf of an enemy, have any rights or remedies against the person liable to pay, discharge or satisfy the chose in action, coupon, security or obligation, unless he proves that the assignment, delivery or transfer was made by leave of the Secretary of State or was made before the commencement of the present war.

Negotiation or
transfer of
bill or note.

(2) No person shall by virtue of any negotiation or transfer of a bill of exchange or promissory note made in his favour by or on behalf of an enemy, have any rights or remedies against any party to the instrument, unless he proves that the negotiation or transfer was made before the commencement of the present war for valuable consideration: Provided that this section shall not apply where a licence has been duly granted exempting the particular transaction from the provisions of these Regulations.

(3) Nothing in this Regulation shall be construed as validating any assignment, delivery or transfer which would be invalid apart from this Regulation or as applying to securities within the meaning of Regulation 5 hereof.

Transfer of
securities.

5. (1) No transfers made on or after the commencement of the present war by or on behalf of an enemy of any securities shall confer on the transferee any rights or remedies in respect thereof, unless the transfer be made by leave of the Secretary of State; and no person by whom the securities were issued or are managed or any other person shall, except as hereinafter appears, take any cognizance of or otherwise act upon any notice of such a transfer.

(2) No entry shall hereafter be made in any register or branch register or other book kept by any company incorporated by or under the authority of the Parliament of Canada or the legislature of any Province of Canada whether or not such register or branch register or other book is kept within Canada, or by any other company which has within Canada any register or branch register or other book, of any transfer of any securities therein registered, inscribed or standing in the name of an enemy except by leave of the Secretary of State.

(3) The provisions of this Regulation shall apply to all transfers regardless of the nationality of the transferee, the place of transfer, the location of the certificates or the situs of the registry where such securities may be registered.

(4) No share warrants payable to bearer shall be issued during the continuance of the present war in respect of any securities registered in the name of an enemy.

(5) Any violation of any provision of this Regulation shall be an offence under these Regulations.

6. (1) The Secretary of State is hereby appointed to receive, hold, manage, release, dispose of and otherwise deal with all property which is reported to him, received or controlled by him or vested in him under or by virtue of these Regulations, and he is hereafter

(2) Any power or duty conferred or imposed by or under these Regulations upon the Custodian may be delegated by him to such person or persons as he thinks proper.

and such other matters as may be delegated to him and may attach thereto such officers, clerks and advisers as he selects and they shall be paid such remuneration as the Custodian determines.

(4) For the purposes of the Canada Evidence Act, the Custodian's office shall be deemed to be a department of the Government of Canada of which the Custodian is the head.

7. No person shall be liable for any act or omission in the exercise or performance or purported exercise or performance, in good faith and on reasonable grounds, of any power, discretion, authority or duty conferred or imposed by or under these Regulations.

tions or any regulations heretofore in force with respect to trading with the enemy or enemy property; or

(c) property transferred, delivered or paid to the Secretary of state or Custodian or pursuant to his direction either before or after these regulations came into force.

(2) No person shall bring, take or continue against an enemy in any court in Canada an action or other proceeding of any kind whatsoever unless such person has obtained the written consent of the Custodian.

8. (1) Where it appears to the Secretary of State—

(a) That there is reasonable ground for suspecting that an offence under any of these Regulations has been (or is about to be) committed by any person;

(b) That one of the partners in a firm has, at any time since the commencement of the present war, been an enemy or enemy subject or was, immediately prior to the present war, a subject or citizen of a sovereign or state which has become an enemy;

(c) That one-third or more of the issued share capital of a company was, at any time since the commencement of the present war, issued to or held by enemies or enemy subjects or was, immediately prior to the present war, issued to or held by subjects or citizens of sovereigns or states which have become enemies;

(d) That one-third or more of the directorate of a company, at any time since the commencement of the present war, consisted of persons who were enemies or enemy subjects or,

immediately prior to the present war, consisted of persons who were subjects or citizens of sovereigns or states which have become enemies;

- (e) That a person was or is acting as agent for an enemy; or
- (f) That an enemy has an interest in any property;

the Secretary of State, if he thinks it expedient for the purpose of satisfying himself that the person, firm or company is not trading with the enemy, may, in writing, appoint an inspector to inspect the affairs of the person, firm or company or the administration of the property; and the Secretary of State may appoint an inspector to

- (i) whether the business is carried on for the benefit of or under the control of an enemy; or
- (ii) the relations existing or which have, either before or after the commencement of the present war, existed between a person interested in the business and an enemy.

subject matter of the inspection, regarding or controls such books, files and documents;

- (b) to require a person able to give information relating to the subject matter of the inspection to give such information to him; and
- (c) if accompanied by a police officer, to enter and search any premises used in connection with the subject matter of the inspection and to seize and retain any books, files or documents found therein.

(3) No person whose books, files or documents are liable to inspection under this Regulation shall commence an action or other proceeding unless he has given notice in writing of the action or proceeding to the Secretary of State; and the Secretary of State may, upon receipt of any such notice, order the person to refrain from taking or continuing the action or other proceeding and every person who fails to comply with an order given pursuant to this subsection is guilty of an offence under these Regulations.

9. (1) Every person who, with intent to prevent the inspection thereof pursuant to an authority given under these Regulations, destroys a book, file or document or fails to produce a book, file or document for inspection upon demand by an inspector, is guilty of an offence under these Regulations.

(2) Every person who, being able to give information relating to the subject matter of an inspection under these Regulations, fails to give such information when required to do so by an inspector is guilty of an offence under these Regulations.

10. Where a person has given any information to an inspector appointed under Regulation 8 hereof the information so given may be used in evidence against such person in any proceedings relating to an offence under these Regulations, notwithstanding that such information was given as required by the inspector, in pursuance of his powers under Regulation 8 hereof.

11. (1) Where, on the report of an inspector appointed under Regulation 8 hereof, it appears to the Secretary of State that it is expedient that the property, business or trade of any person should be subject to frequent inspection or constant supervision, the Secretary of State may appoint that inspector or some other person to supervise the property, business or trade with such powers as the Secretary of State may determine, and any remuneration payable and expenses incurred, whether for the original inspection or the subsequent vision, to such amount as may be determined by the Secretary of State.

(2) The power of the Secretary of State to appoint a supervisor under this Regulation shall include a power to appoint a supervisor of the business carried on by any person for the purpose of ascertaining whether the business is carried on for the benefit of or under the control of an enemy, or for the purpose of ascertaining the relations existing, or which before the commencement of the present war existed, between such person and any enemy.

- (a) That an offence against any of these Regulations has been or is likely to be committed in connection with such person's property, business or trade;
- (b) That the control or management of the said property, business or trade has been or is likely to be so affected by the state of war as to prejudice the effective continuance or administration thereof and that it is in the public interest that the said business or trade should continue to be carried on or such property administered; or
- (c) That it is expedient in the public interest owing to circumstances or considerations arising out of the present war, that a controller or manager of the said property, business or trade be appointed;

the Secretary of State may apply to the same Court as would within the province wherein the said person owns property or carries on the said business or trade have jurisdiction to appoint a receiver or liquidator or to grant a winding-up order, for the appointment of a controller of the said property, business or trade; and the said Court shall have power to appoint such a controller, for such time and subject to such conditions and with such powers as the Court thinks fit; and the powers so conferred shall be either those of a receiver and manager or those powers subject to such modifications, restrictions or extensions as the Court thinks fit (including, if the Court considers it necessary or expedient for enabling the controller to borrow money, power, after a special application to the Court for that purpose, to create charges on the property of the said person in priority to existing charges).

(2) The Court shall have power to direct how and by whom the costs of any proceedings under this Regulation and the remuneration, charges and expenses of the controller shall be borne, and shall have power, if it thinks fit, to charge such remuneration, charges and expenses on the property of the person in respect of whose property, business or trade the controller has been appointed in such order of priority, in relation to any existing charges thereon as it thinks fit.

Winding
up order.

13. Where the Secretary of State certifies that it appears to him that a company registered within Canada is carrying on business either directly or through an agent, branch, or subsidiary company outside Canada, and that in carrying on such business it has entered into or done acts which if entered into or done within Canada would constitute the offence of trading with the enemy, the Secretary of State may present a petition for the winding-up of the company to the Court having jurisdiction, and the issue of such a certificate shall be a ground on which the company may be wound up by the Court, and the certificate shall, for the purpose of the petition, be evidence of the facts therein stated.

Acquisition of
undertaking

14. (1) ~~No person shall during the continuance of the present war without having previously obtained the permission of the Secretary of State, acquire or attempt to acquire the whole or any part of the undertaking of a person whose books, files and documents are liable to inspection under Regulation 8 hereof.~~

(2) Any person who in violation of this Regulation acquires or attempts to acquire the whole or any part of the undertaking of a person whose books, files and documents are liable to inspection under Regulation 8 hereof shall, without prejudice to any other liability, be guilty of an offence under these Regulations.

15. (1) Where it appears to the Secretary of State that the business carried on within Canada by any person is carried on wholly or mainly for the benefit of or under the control of an enemy or enemy subject, the Secretary of State may make an order either—

- (a) prohibiting such person from carrying on business, except for the purposes and subject to the conditions, if any specified in the order; or
- (b) requiring the business to be wound up.

(2) The Secretary of State may at any time revoke or vary any such order and may at any time in any case where he has made an order prohibiting or limiting the carrying on of the business substitute for that order an order requiring the business to be wound up.

(3) Where the Secretary of State makes an order under this Regulation he may in that order or at any subsequent time appoint a controller to carry out the order or supervise the carrying out of the order.

(4) The Secretary of State may confer on the controller such powers as are exercisable by a liquidator in a voluntary winding-up of a company including the power to convey or transfer any property in the name of the person whose business is being wound up or in the name of the controller, subject to such modifications, restrictions or extensions as the Secretary of State may deem necessary or convenient.

(5) The Secretary of State may also confer on the controller the power to apply to a Court having jurisdiction to appoint a receiver or a liquidator or to grant a winding-up order, or to a judge of that Court, to determine any question arising in the carrying out of any order made by the Secretary of State under this Regulation.

(6) The Secretary of State may determine the amount of any remuneration payable and of any costs, charges and expenses incurred in connection with the carrying out of any order made under this Regulation or under Regulation 8 hereof, and such amount shall be paid out of the assets of the business in priority to any other claim.

(7) The distribution of any money or other property resulting from the realization of any assets of the business, shall be subject to the same rules as to preferential payments as are applicable to the distribution of the assets of a company which is being wound up under the Winding-up Act of Canada, and those assets shall, so far as they are available for discharging unsecured debts, be applied in discharging the debts due to creditors who are not enemy creditors for whose benefit or under whose control the business was carried on, in priority to debts due to such enemy creditors; and any balance, after providing for the discharge of all liabilities, shall be distributed amongst the persons interested therein in such manner as the Secretary of State may direct.

(8) The Secretary of State may, on application for the purpose being made by a controller appointed under this Regulation, after considering the application and any objection which may be made by any person who appears to him to be interested, grant the controller a release; and an order of the Secretary of State releasing the controller shall discharge him from all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as controller, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(9) Where an order under this Regulation has been made as respects the business carried on by any person, no steps shall be taken for the enforcement of the rights of any creditors of that person, nor shall any petition for the winding-up of the business be presented, nor any resolution for the winding-up of the business be passed, without the consent of the Secretary of State.

(10) The Secretary of State may present a petition for the winding-up of a company by the Court having jurisdiction, and the making of an order under this Regulation shall be a ground on which a company may be wound up by the Court.

(11) The Secretary of State shall from time to time prepare and publish in the Canada Gazette lists of the persons as to whom orders have been made under this Regulation.

(13) If any person contravenes the provisions of any order made under this Regulation he shall be guilty of an offence under these Regulations.

(14) Notwithstanding anything in this Regulation, where the Secretary of State has made an order under this Regulation, any person affected by the order may, within fifteen days from the day on which he receives notice of the order, apply to a judge of the Exchequer Court of Canada or of a superior court in the province in which the business is situated, to review the order and the judge may thereupon confirm or set aside the order.

as he deems proper and thereupon such contract shall be deemed to be cancelled or determined accordingly.

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Offence.

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in care of the Custodian and delivered or mailed to the Custodian: Provided that the giving of any such notice shall not in any way affect the rights of the Custodian or impose upon him any duty to take or abstain from taking any action or proceeding.

Registration or incorporation of company.

~~18. (1) Where on an application for the registration or incorporation of a company it appears that any subscriber or applicant or any proposed director of the company is an enemy subject, such registration or incorporation may be refused.~~

Prohibition of allotment or transfer of securities.

~~(2) No allotment or transfer of any shares, stock, debentures, or other security issued by a company made on or after the commencement of the present war to or for the benefit of an enemy subject shall, unless made with the consent of the Secretary of State, confer on the allottee or transferee any rights or remedies in respect thereof, and the company which issued the security shall not take any cognizance of or otherwise act upon any notice of any such transfer except by leave of the Secretary of State, and any company which contravenes any provision of this section shall be guilty of an offence under these Regulations.~~

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Prohibition of nomination or appointment of director.

19. (1) Where the right of nominating or appointing a director of a company is vested in an enemy ~~or enemy subject~~, the right shall not be exercisable except by leave of the Secretary of State, and any director nominated or appointed in exercise of such right shall, except as aforesaid, cease to hold office as director.

Removal of director.

(2) The Secretary of State may, notwithstanding any statute or Order in Council or any by-law, regulation or stipulation of a company or other body, by written order remove any enemy director and appoint a substitute director who shall act as a director until such time as a new board of directors is duly elected or appointed.

Custodian entitled to receive information.

~~20. Notwithstanding the provisions of any statute the Custodian shall be entitled to receive from any person or from any Department of the Government of Canada such information as he deems necessary to enable him to enforce these Regulations, and any person who, on the Custodian's written request, fails to furnish such information shall be guilty of an offence under these Regulations.~~

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Vesting of enemy property in Custodian.

21. (1) All enemy property is hereby vested in and made subject to the control of the Custodian whether or not the property has been disclosed to the Custodian as required by these Regulations.

(2) This Regulation shall be deemed to be a vesting order and to confer on the Custodian all rights of an enemy including the power of dealing with the property in such manner as the Custodian may in his sole discretion decide.

(3) Where property is held, recorded or registered in Canada for or in the name of a person whose address on the register or other record is in enemy territory or proscribed territory, the property is hereby vested in and made subject to the control of the Custodian whether or not the property has been disclosed to the Custodian as required by these Regulations and the Custodian may deal with the property as though it had, before vesting, belonged absolutely to an enemy.

(4) The Governor in Council may by order declare that property specified therein is enemy property and cause a copy thereof to be published in the *Canada Gazette*; and thereupon the property so

specified shall be deemed to be enemy property and to have vested in the Custodian as of the date of the Order in Council, but the making or publication of such an order does not in any manner whatsoever affect any vesting of property under section (1) of this Regulation.

~~22. (1) No person whose property has vested in the Custodian under these Regulations shall, after the vesting, have any rights or remedies against any other person in respect of such property.~~ No action after vesting.

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(2) Where, under the provisions of these Regulations, property vests in the Custodian, he has all the rights and remedies of the person whose property is vested in him notwithstanding section (1) of this Regulation.

23. (1) Where any real estate or interest therein is vested in the Custodian he may issue a certificate stating that such real estate or interest therein is vested in the Custodian and such certificate shall be registered without charge in the Land Titles Office or registration office in the district in which the real estate is situate, but failure to register such a certificate shall not release the real estate or interest therein from the provisions of these Regulations. Real estate.

(2) After the registration of such certificate and upon the written request of the Custodian, the proper officer in the Land Titles Office or registration office in the district in which the real estate is situate shall, where there is provision for transfer of titles, forthwith and without charge transfer the title of the real estate or interest therein affected by the Custodian's certificate into the name of "The Secretary of State of Canada acting in his capacity as Custodian under the Revised Regulations Respecting Trading with the Enemy (1943)", without any transmission or other application or further proceeding. The title to the land or interest therein shall be transferred as hereinbefore provided, notwithstanding that the Custodian has not in his possession or under his control the certificate or any other document relating to the title to the said real estate or interest therein.

(3) The interest of any enemy in such real estate shall be regarded as having been effectively dealt with by any such action on the part of the Custodian.

(4) The Custodian may issue a certificate vacating any certificate of vesting previously registered, and the vacating certificate shall be registered in the Land Titles Office or registration office, as the case may be, without charge.

24. (1) If the benefit of an application made by or on behalf of or for the benefit of an enemy ~~or enemy subject~~ for any patent, copyright, trade mark or design is, by a certificate of the Custodian, declared to have been vested by these Regulations in the Custodian, the patent shall issue, or the copyright, trade mark or design shall be registered, as the case may be, in the name of the Secretary of State of Canada acting in his capacity as Custodian under the Revised Regulations Respecting Trading with the Enemy (1943), notwithstanding anything in any statute to the contrary. Patent, copyright, trade mark or design.

(2) Where any patent has issued, or where any interest in a patent or any copyright, trade mark or design or any interest therein has been registered, in the name of an enemy ~~or enemy subject~~, the Custodian may issue a certificate that the patent, copyright, trade

mark or design or interest therein, as the case may be, is vested in the Custodian, and such certificate shall forthwith and without charge be recorded by the proper officer and shall have the same force and effect as an assignment of the said patent, copyright, trade mark or design or interest therein, as the case may be, to the Secretary of State of Canada acting in his capacity as Custodian under the Revised Regulations Respecting Trading with the Enemy (1943).

(3) Failure to register a certificate as provided in sections (1) or (2) of this Regulation shall not affect the rights of the Custodian.

Vesting of
suspected
enemy
property.

~~25. (1) The Exchequer Court of Canada or any judge thereof, on the application of the Custodian, or any one acting on his behalf, may by order vest in the Custodian any property suspected of belonging to or of being held or managed for or on behalf of an enemy, and thereupon the property so vested shall be deemed to be enemy property.~~

~~(2) It shall not be necessary to give any notice of such application to the suspected enemy unless the giving of notice shall be ordered by the Court or judge before whom the application is made.~~

Duration of
vesting.

26. Where the property of any person is vested in the Custodian under these or any other Regulations or under any Order in Council or statute such vesting shall not, nor shall any proceedings relating thereto or in consequence of the vesting, be invalidated or affected by reason only of such person having, prior or subsequent to the date of the vesting, died or ceased to be an enemy, or, where the property has been vested under the provisions of sections (3) or (4) of Regulation 21 or of Regulation 25 of these Regulations, by reason of its being subsequently ascertained that such person was not an enemy.

Court
proceedings.

27. (1) Where a dispute or question arises as to whether property is subject to these Regulations, the Custodian may proceed in the Exchequer Court of Canada or in any superior court of record for a

(2) Any person may, not less than ninety days after giving the Custodian notice of his claim, proceed in the Exchequer Court of Canada for an order declaring that he is not an enemy and

(a) that the property held or controlled by the Custodian is not subject to these Regulations and he is the owner thereof or of an interest therein; or

(b) that he was the owner of property or an interest in property immediately prior to its vesting in the Custodian under these Regulations;

and if the Court makes such an order, the Court may thereupon direct the Custodian to deliver the property to the owner or to such other person as the Court may determine.

of the property and
thereto.

(2) The preceding section of this Regulation shall extend and apply to balances and deposits standing to the credit of enemies at any bank, and to debts which are due, or which, had a state of war not existed, would have been due to enemies, or which shall become due, as if the bank or debtor were a person who held property on behalf of an enemy. All such balances, deposits and debts shall be paid to the Custodian as required by these Regulations.

(3) Every company incorporated by or under the authority of the Parliament of Canada or of the legislature of a Province of Canada, and every company which, though not so incorporated, has its head office or has a share transfer or share registration office in Canada, shall within thirty days after the commencement of the present war, by notice in writing communicate to the Custodian full particulars of any securities or other obligations of the company which are held by or in the name of or for the benefit of an enemy.

(4) Every partner of a firm or partnership, one or more partners of which on the commencement of the present war became an enemy or enemies or to which money had been lent for the purpose of the business of the firm by a person who so became an enemy, shall, within thirty days after the commencement of the present war, by notice in writing communicate to the Custodian full particulars as to any dividends, interest or share of profits due to such enemy.

(5) Where before the commencement of the present war any money has been paid into any account, or has been paid to any person in trust for an enemy, the person by whom the payment was made shall, within thirty days after the commencement of the present war, by notice in writing require the person to whom the payment was made to pay the money over to the Custodian and shall furnish the Custodian with such particulars as he may require. The person to whom the payment was made shall, within one week after the receipt of the notice, comply with the requirements and shall be exempt from all liability for having done so: Provided that in the case of such payments as, had a state of war not existed, would have been payable and paid to an enemy (other than a payment in respect of securities issued by a company), the duty of making payments to the Custodian and of requiring payments to be made to him and of furnishing him with particulars shall rest with the person through whom the payments are made.

29. (1) Any money which, had a state of war not existed, would have been payable and paid to or for the benefit of an enemy, and any such money which shall become so payable after the commencement of the present war shall be paid to the Custodian by the person by whom it would have been payable, and the payment shall be accompanied by such particulars as the Custodian may prescribe and require.

Payment
of monies
to Custodian.

(2) Without restricting the generality of section (1) of this Regulation, this Regulation shall be deemed to extend to and include moneys payable by way of—

(a) dividends, interest or share of profits;

(b) any payment in respect of securities, including the payment of any securities which have become payable on maturity or by being drawn for payment or otherwise;

- (c) any moneys due under or in respect of any policy of assurance or insurance;
- (d) any payment in respect of requisitioned property;
- (e) any payment under any trust, will or settlement; and
- (f) any other payment required to be made to the Custodian under these or any other Regulations.

Determination
of amount
payable.

~~30. If in the case of any person whose books, files and documents are liable to inspection under these Regulations, any question arises as to the amount which would have been so payable and paid as provided in the last preceding Regulation, the question shall be determined by the inspector who has been or who may be appointed to inspect the books, files and documents of such person, or on appeal, by the Secretary of State, and if, in the course of determining the question, it appears to the inspector or the Secretary of State, that such person has not distributed as dividends, interest or share of profits the whole of the amount properly available for that purpose the inspector or Secretary of State may ascertain what amount was so available and require the whole of such amount to be distributed. In the case of a company, if such dividends have not been declared, the inspector or the Secretary of State may declare the appropriate dividends, and every such declaration shall be as effective as a declaration to the like effect duly made in accordance with the by-laws or constitution of the company: Provided that where a controller has been appointed under these Regulations, this section shall apply as if for references to the inspector there were substituted references to the controller.~~

Payment
of bearer
securities.

31. Where on or after the commencement of the present war any coupon or other security transferable by delivery is presented for payment to any person and such person has reason to suspect that it is so presented on behalf of or for the benefit of an enemy, or that on or after the commencement of the present war it has been held by or for the benefit of an enemy, such person shall pay the sum due in respect thereof to the Custodian and such payment shall for all purposes be a good discharge to such person.

Payment
on securities
after notice.

32. Where the Custodian is satisfied from returns made to him that any securities are held by any person on behalf of an enemy, the Custodian may give notice thereof to the person by or through whom any dividends, interest or share of profits in respect of the securities or any money by way of payment of the securities are payable, and upon receipt of such notice any dividends, interest or share of profits payable in respect of, and any money by way of payment of the securities to which the notice relates shall be paid to the Custodian in like manner as if the securities were held by an enemy.

Method of
payment to
Custodian.

33. All moneys payable to the Custodian in pursuance of these Regulations shall be paid to the credit of the Custodian through such officers, banks or persons, and in such manner as the Custodian from time to time directs and appoints.

Time for
payment.

34. (1) Any money required to be paid to the Custodian under these Regulations shall be paid

- (a) within thirty days after the commencement of the present war, if the money, had a state of war not existed, would have been payable before the commencement of the present war; and

- (b) in any other case, within thirty days after it would have been payable.

(2) All interest payable on any such money shall be paid to the Custodian; and any moneys not paid within the time required by these Regulations shall bear interest at the rate of five per cent per annum from the date on which such payment is so required by these Regulations. Interest.

(3) Where any money is payable or becomes payable to any enemy by contract, law or custom or in any other manner in other than Canadian currency, it shall, unless the Custodian allow or direct otherwise, be paid to the Custodian in Canadian currency at the rate of exchange equal to the average cable transfer rate prevailing in Canada during the month immediately preceding the commencement of the present war, or at such rate as may be fixed by the Foreign Exchange Control Board. Currency.

35. (1) Any payment by or on behalf of a debtor made to the Custodian shall, to the extent of the payment, discharge the debtor from all obligations and liabilities in respect of the debt, and interest shall cease to run against the debtor on the amount so paid from the date of its receipt by the Custodian. Effect of
payment to
Custodian.

(2) The Custodian shall have power to execute and deliver any document necessary or proper as evidence of such discharge and may deliver up to the person making such payment any note, bond or other evidence of or any security for the debt which may be in the possession of the Custodian. Evidence of
discharge.

(3) The receipt of the Custodian or any person duly authorized to sign receipts on his behalf for any money paid to him under these Regulations shall be a good discharge to the person paying the same. Custodian's
receipt.

36. (1) In the event of failure by any person to pay to the Custodian any money payable to him under these Regulations the Custodian may take action in the Exchequer Court of Canada or in any superior court of record to recover such money. Recovery of
monies by
Custodian.

~~(2) Any money owing to an enemy and admitted by the person owing the money to be due, may be certified by the Custodian to have been admitted to be so due, and on production to the proper officer of the Exchequer Court of Canada the certificate shall be registered by that officer.~~

(3) Any certificate registered in the Exchequer Court of Canada as provided in section (2) hereof shall from the date of such registration have the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in that court for the recovery of a debt of the amount specified in the certificate and entered upon the date of such registration.

(4) For preparing, transmitting or producing to the Registrar of the Exchequer Court of Canada a certificate pursuant to this Regulation, the Custodian shall be entitled to recover by way of costs from the person named in the certificate as owing the money, the sum of ten dollars and also the disbursements incurred in registering the certificate, and such amounts shall be recoverable in like manner as if judgment had been obtained therefor.

Registration
of securities
in name of
Custodian.

37. (1) Where any securities are vested in the Custodian, he may issue a warrant stating that the securities are vested in him and requiring the person in whose books the securities are registered to cancel the existing registration and to register the securities, and issue a certificate therefor, in the name of the Secretary of State of Canada acting in his capacity as Custodian under the Revised Regulations Respecting Trading with the Enemy (1943), his nominee or transferee. Upon receipt of such warrant the person in whose books the securities are registered shall forthwith cancel the existing registration and register the securities and issue the certificate in accordance with the terms of the warrant and deliver the certificate to the Custodian, notwithstanding any law, contract, by-law, regulation or stipulation to the contrary, and notwithstanding that the Custodian is not in possession of the certificate, scrip or other document or instrument of title relating to the securities affected by the warrant.

Liens on
securities.

(2) The registration and the issue and delivery of the certificate under section (1) of this Regulation shall be without prejudice to any lien or charge in favour of the person in whose books the securities are registered or to any other lien or charge of which the Custodian has notice. If any question arises as to the existence or amount of any lien or charge, the question may, on application being made to the court, be determined by any superior court of record or a

38. (1) The Custodian may, where he considers it advisable to do so, sell, liquidate or otherwise dispose of any property vested in him and shall deal with the proceeds of such property in the same manner as he may deal with monies paid to him under these Regulations.

(2) Proof of the transfer or sale by the Custodian of any property is conclusive evidence in favour of the purchaser and of the Custodian that the requirements of these Regulations have been complied with.

Company may
purchase own
securities.

41. Where in exercise of the powers conferred on him under these Regulations the Custodian proposes to sell any shares or stock forming part of the capital of any company or any securities issued by the company which are vested in him, the company may, with the consent of the Custodian, purchase the shares, stock or securities, any law, by-law or regulation of the company to the contrary notwithstanding, and any shares, stock or securities so purchased may from time to time be reissued by the company.

Execution of
documents.

42. The Custodian may execute any agreement or document whether of indemnity or otherwise, or do anything necessary to deal effectively with any property delivered to or vested in him or subject to his control.

43. The Custodian may place on deposit with any bank or may, with the approval of the Treasury Board, invest in any securities, approved by the Treasury Board, any moneys paid to or received by him from or in respect of property vested in him pursuant to these Regulations or otherwise.

Investments
by Custodian.

44. (1) The Custodian may, in addition to other charges authorized by these Regulations, if any, charge against all property investigated, controlled or administered by him, whether the property has vested in him or not, a fee for services rendered not exceeding two per centum of the value of the property including the income therefrom.

Fees for
services
rendered.

(2) The Custodian may employ such part of the property vested in him or the proceeds therefrom as may be necessary to pay the expenses incurred in the administration of these Regulations.

~~(3) The Custodian may charge such additional fees in respect of his duties under these Regulations whether by way of percentage or otherwise as the Governor in Council may approve and the fees so charged shall be collected and accounted for by such persons and in such manner as the Custodian directs and the incidence of the fees so charged as to capital and income shall be determined by the Custodian.~~

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45. (1) The Custodian shall, in addition to his other duties, keep a record of:—

Custodian's
records.

- (a) Debts (including bank balances) due to persons residing in Canada, from persons residing or carrying on business in enemy territory or proscribed territory;
- (b) Other property in enemy territory or proscribed territory (including securities) belonging to persons residing in Canada; and
- (c) All debts reported to him under these Regulations.

(2) Any person desiring to record such claims of property may obtain the necessary forms for that purpose from the Custodian but the action of the Custodian shall be confined to entering upon the record claims of which particulars are supplied to him, and it shall in no way commit the Custodian or the Government of Canada either to responsibility for the correctness of the claim entered or to taking action on the conclusion of hostilities or otherwise for the recovery of the claim or property in question.

returns have been made to him or which is held by him under these or any other Regulations, or under any Order in Council or statute, and such record may be inspected by any person who appears to the Custodian to be interested as creditor or otherwise at all reasonable times, free of charge.

Reports
by enemy
or enemy
subjects.

~~46. (1) It shall be the duty of every enemy or enemy subject who is within Canada, if so required by the Custodian, within one month after being so required, to furnish the Custodian with such particulars as he may require of~~

- (a) any securities issued by any person, held by him or in which he is interested; and
(b) any other property of the value of two hundred dollars or upwards belonging to him or in which he is interested.

Offence.

~~(2) Any such person who refuses or fails to furnish such particulars within the time mentioned shall be guilty of an offence under these Regulations.~~

Creditors
to report
claims.

47. (1) Every person in Canada to whom a debt is owing by an enemy shall notify the Custodian of such debt

- (a) if the debt is owing at the commencement of the present war, within one month after the commencement of the present war; and
(b) if the debt becomes payable after the commencement of the present war, within one month after the debt becomes payable;

and shall thereafter from time to time within one month of demand by the Custodian furnish such further information and documents in his possession or power, in such form and verified in such manner, as the Custodian may require.

Offence.

(2) Every person who fails to comply with any provision of section (1) of this Regulation is guilty of an offence under these Regulations and the Custodian may, by order, forever bar and extinguish any claim in respect of a debt regarding which the claimant has not complied with any provision of section (1) of this Regulation.

(3) The Custodian is not, by reason of a notification under Section (1) of this Regulation, subject to any liability with respect to the debt.

Offence.

(4) Every person who furnishes false information with respect to an enemy debt is guilty of an offence under these Regulations.

Other
claims.

~~48. (1) The Custodian may order the reporting of any claim against enemies not otherwise provided for by these Regulations and shall, if he so orders, cause a record to be kept of all such claims.~~

Offence.

~~(2) Any person who furnishes any false information with respect to any claim reported under Section (1) of this Regulation shall be guilty of an offence under these Regulations.~~

Property not
exigible.

~~49. No property held by or vested in the Custodian shall be liable to be attached or otherwise taken in execution, but the Custodian may upon an order of a superior court of record or a judge thereof, or of any Court in which judgment has been recovered against an enemy, pay out of any money or the proceeds of any property held by him in respect of that enemy the whole or any part of any debt due by that enemy and specified in the order: Provided that before paying any such debt the Custodian shall take into consideration the sufficiency of the property paid to or vested in him in respect of the enemy in question to satisfy that debt and any other claims against the enemy of which notice verified by statutory declaration may have been served upon him.~~

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50. Property vested in the Custodian is liable for any tax, mortgage, lien, charge, rent, interest or payment thereon but the Custodian is not liable with respect thereto

51. Where any life insurance policy or annuity contract would, at any time on or after the second day of September, nineteen hundred and thirty-nine, have lapsed by its terms were it not for a regulation heretofore in force with reference to trading with the enemy or enemy property, it shall be deemed to have lapsed when it would, but for such regulation, have lapsed

52. Every document purporting to be an order, certificate or other instrument issued by the Custodian and signed by him or any other person authorized by the Custodian, shall without further proof, unless the contrary is shown, be deemed for all purposes, including its receipt in evidence, to be such order, certificate or other instrument. Proof of signatures.

53. All periods of prescription or limitations of right of action, whether they began to run before or after the commencement of the present war, shall be treated, so far as regards relations between persons who are not enemies under these Regulations and enemies, as having been suspended during the present war. Periods of prescription suspended.

54. A certificate of the Secretary of State that any area is or was enemy territory or proscribed territory, or as to the time at which any area became or ceased to be enemy territory or proscribed territory shall, for the purposes of any proceedings under or arising out of these Regulations, be conclusive evidence of the facts stated in such certificate. Certificate that territory enemy or proscribed.

55. Any person who for the purpose of obtaining any authority or sanction under these Regulations or for any other reason, or in giving any information for the purposes of these Regulations or any order made thereunder, makes a statement knowing it to be false, shall be guilty of an offence under these Regulations. Offence.

56. (1) Any person who refuses or fails to make or require the making, as the case may be, of any payment, or to furnish the prescribed particulars as required by these Regulations, shall be guilty of an offence under these Regulations. Offence.

(2) Any person who refuses or fails to furnish information and particulars within the time mentioned in these Regulations, or fails to deliver to the Custodian the documents or other evidence of title pursuant to the Custodian's written request as provided by these Regulations, shall be guilty of an offence under these Regulations.

57. Any person who wilfully obstructs any person in the exercise of any powers conferred on him by or under these Regulations shall be guilty of an offence under these Regulations. Offence.

Onus of proof.

58. (1) The onus of proof rests upon a person who asserts that he has or had any interest in property or that he or any property is not subject to the provisions of these Regulations.

(2) Evidence submitted to the Custodian thereby becomes the property of the Custodian and may be retained by him.

Court Rules.

59. The judges of the Court to which any jurisdiction is by these Regulations committed may make provision by rules for the practice and procedure to be adopted for the purpose of the exercise of such jurisdiction.

Consent of Attorney-General to prosecution.

60. No prosecution for an offence under Regulations 2 or 3 of these Regulations shall be instituted except by or with the consent of the Attorney-General of Canada; provided that the person charged with such an offence may be arrested and a warrant for his arrest may be issued and executed, and such person may be remanded in custody or on bail notwithstanding that the consent of the Attorney-General of Canada to the institution of the prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

Prosecutions.

~~61. Where an act or default constitutes an offence both under these Regulations and under any statute, or both under these Regulations and at common law, the offender shall be liable to be prosecuted and punished under either these Regulations, or such statute, or at common law, but he shall not be liable to be punished twice for the same offence.~~

Criminal Code applicable.

62. Subject to the provisions of Regulation 60 hereof, any offence declared and any penalty or forfeiture imposed or authorized by these Regulations may in the absence of any provision for a different procedure be prosecuted, recovered, or enforced by summary proceedings and conviction under the provisions of Part XV of the Criminal Code.

Penalty.

63. Any person guilty of the offence of trading, attempting or directly or indirectly offering or proposing or agreeing to trade with the enemy in violation of any of these Regulations shall be liable—

(a) on summary conviction to imprisonment with or without hard labour, for a term not exceeding twelve months, or to a fine not exceeding two thousand dollars, or to both such imprisonment and such fine; or

(b) on conviction on indictment to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars, or to both such imprisonment and fine;

and the Court may in any case order that any goods or money in respect of which the offence has been committed shall be forfeited to the Custodian.

Penalty.

64. Any person guilty of an offence under these Regulations shall be liable to a fine not exceeding five hundred dollars or imprisonment with or without hard labour for a term not exceeding six months, or to both such fine and imprisonment.

65. Where a company, incorporated or unincorporated, or other body of persons, has been guilty of an offence or default under these Regulations, and the penalty or punishment provided as respects said offence or default is or includes a fine and whether or not imprisonment, additionally or alternatively, the company or other body shall be liable to the fine only (with any additional fine or fines provided by any of these Regulations with respect to continuing defaults); and every director, manager, secretary, or other officer of such company or body of persons and every partner or member of such unincorporated company or body of persons who is knowingly a party to the offence or default, shall also be deemed guilty of the offence or default and liable on conviction to the like fine or fines as the company or other body of persons, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both such fine or fines and such imprisonment.

Offences by corporation.

~~66. Any restrictions on dealings with property imposed by these or any other Regulations or under any Order in Council or statute shall continue to apply to such property, not only during the continuance of the present war, but thereafter until such time as they may be removed by Order in Council, either simultaneously as respects all such property or at different times as respects different classes or items of property.~~

Duration of Regulations.

67. These Regulations shall be deemed not to limit the power of His Majesty the King by proclamation or otherwise to prohibit any transaction which is not prohibited by these Regulations.

~~68. Where any question arises as to whether any property has, on or after the second day of September, nineteen hundred and thirty-nine, vested in the Custodian or as to whether the Custodian has charged or was entitled, at any time on or after the second day of September, nineteen hundred and thirty-nine, to charge any fees, such question shall be decided as though Regulations 21 and 44 of these Regulations were in force at all relevant times.~~

Application of sections.

~~69. No person shall institute any action or other proceeding to recover any sum of money paid to or received or detained by the Custodian with respect to any charge he may have made or purported to have made under these or any other Regulations.~~

Prohibition of action.

70. These Regulations may be cited as "Revised Regulations Respecting Trading with the Enemy (1943)".

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THE REGULATIONS HAVE APPLIED TO THE FOLLOWING TERRITORIES
AS ENEMY TERRITORY OR PROHIBITED TERRITORY ON
AND AFTER THE DATES INDICATED

Date	
June 10, 1940	ALBANIA
June 21, 1940	ALGERIA
June 21, 1940	ANDORRA
June 21, 1940	ARMENIA
June 21, 1940	AUSTRIA
June 21, 1940	BELGIUM
June 21, 1940	BULGARIA
June 21, 1940	CZECHOSLOVAKIA
June 21, 1940	DENMARK
June 21, 1940	FINLAND
June 21, 1940	FRANCE
June 21, 1940	GERMANY
June 21, 1940	GREECE
June 21, 1940	HUNGARY
June 21, 1940	ITALY
June 21, 1940	JAPAN
June 21, 1940	LITHUANIA
June 21, 1940	LUXEMBOURG
June 21, 1940	NETHERLANDS
June 21, 1940	NORWAY
June 21, 1940	POLAND
June 21, 1940	PORTUGAL
June 21, 1940	ROMANIA
June 21, 1940	SLOVAKIA
June 21, 1940	SLOVENIA
June 21, 1940	SPAIN
June 21, 1940	SWEDEN
June 21, 1940	SWITZERLAND
June 21, 1940	UNITED KINGDOM
June 21, 1940	UNITED STATES
June 21, 1940	YUGOSLAVIA

THE REGULATIONS HAVE APPLIED TO THE FOLLOWING TERRITORIES
AS ENEMY TERRITORY OR PROSCRIBED TERRITORY ON
AND AFTER THE DATES INDICATED

	Date
ALBANIA.....	June 10, 1940
ALGERIA.....	June 21, 1940
ANDORRA.....	June 21, 1940
AUSTRIA.....	Sept. 2, 1939
BELGIUM.....	May 10, 1940
BOHEMIA.....	Sept. 2, 1939
BULGARIA.....	March 1, 1941
BURMA.....	March 18, 1942
CHANNEL ISLANDS.....	July 1, 1940
CHINA (Japanese occupied).....	Dec. 7, 1941
CHINESE COAST LINE.....	Dec. 7, 1941
CORSICA.....	June 21, 1940
CZECHOSLOVAKIA.....	Sept. 2, 1939
DANZIG.....	Sept. 2, 1939
DENMARK.....	April 9, 1940
ESTONIA.....	Aug. 2, 1941
FINLAND.....	Aug. 2, 1941
FORMOSA.....	Dec. 7, 1941
FRANCE.....	June 21, 1940
FRENCH SOMALILAND.....	May 27, 1941
GERMAN REICH.....	Sept. 2, 1939
GREECE.....	May 1, 1941
HONG KONG.....	Dec. 24, 1941
HUNGARY.....	March 1, 1941
INDO-CHINA.....	Dec. 7, 1941
ITALIAN COLONIAL POSSESSIONS.....	June 10, 1940
ITALY.....	June 10, 1940
JAPAN.....	Dec. 7, 1941
JAPANESE MANDATED ISLANDS.....	Dec. 7, 1941
KARAFUTO.....	Dec. 7, 1941
KOREA.....	Dec. 7, 1941
KWANGTUNG LEASED TERRITORY.....	Dec. 7, 1941
LATVIA.....	Aug. 2, 1941
LEBANON.....	May 27, 1941
LITHUANIA.....	Aug. 2, 1941
LUXEMBOURG.....	May 10, 1940
MALAY PENINSULA.....	Feb. 15, 1942
MANCHURIA.....	Dec. 7, 1941
MEMEL.....	Aug. 2, 1941
MONACO.....	June 21, 1940
MORAVIA.....	Sept. 2, 1939
MOROCCO, FRENCH ZONE OF.....	June 21, 1940
NETHERLANDS.....	May 10, 1940
NETHERLANDS EAST INDIES.....	March 7, 1942
NORTH BORNEO (State of).....	March 7, 1942
NORWAY.....	April 9, 1940
PHILIPPINE ISLANDS.....	Jan. 14, 1942
POLAND.....	Sept. 2, 1939
ROUMANIA.....	Oct. 12, 1940
SARAWAK (State of).....	Mar. 7, 1942
SHANGHAI.....	Dec. 7, 1941
SINGAPORE.....	Feb. 15, 1942
SLOVAKIA.....	Sept. 2, 1939
SYRIA.....	May 27, 1941
THAILAND.....	Dec. 22, 1941
TUNISIA.....	June 21, 1940
YUGOSLAVIA.....	April 15, 1941
ZARA.....	June 10, 1940

P.C. 1936

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 11th day of May, 1940.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that, in consequence of the invasion of the Netherlands, Belgium and Luxembourg by enemy forces, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of the Netherlands, Belgium and Luxembourg from falling under the control of the invading enemy or agents of the invading enemy, to place, temporarily, under protective custody all property, rights and interests in Canada of persons residing in the Netherlands, Belgium and Luxembourg and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's Office established under the Regulations respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and control in respect to such property, rights and interests in Canada of persons residing in the Netherlands, Belgium and Luxembourg which are exercisable by him as Secretary of State and as Custodian under the Trading with the Enemy Regulations in respect to proscribed territory;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Secretary of State of Canada, with the concurrence of the Minister of Finance, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206) is pleased to order as follows:—

From and including the tenth day of May, 1940, the provisions of the Regulations respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territories of the Netherlands, Belgium and Luxembourg as proscribed territory;

Provided that any transaction or act permitted by the Secretary of State of Canada, with the concurrence of the Minister of Finance, shall not be deemed to come within the provisions of this Order.

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

P.C. 3515

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of July, 1940.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that in consequence of the invasion of France by enemy forces, and the possibility of the enemy exercising control over all of the French territory in Europe, the contiguous territories of Andorra and Monaco, and the French Zone of Morocco, Corsica, Algeria and Tunisia, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of such territories falling under the control of the enemy, to place, temporarily, under protective custody all property, rights and interests in Canada of persons residing in any of such territories, and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Regulations Respecting Trading with the Enemy (1939), and to confer on the Secretary of State the powers of regulation and control in respect of such property, rights and interests in Canada of persons residing in any of such territories, which are exercisable by him as Secretary of State and as Custodian under the Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory:

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada with the concurrence aforesaid, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206) is pleased to order as follows:—

From and including the 21st day of June, 1940, the provisions of the Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to all of the French territory in Europe, the contiguous territories of Andorra and Monaco, and the French Zone of Morocco, Corsica, Algeria and Tunisia;

Provided that the Minister of Finance may exempt any property, rights and interests from the provisions of this Order, but in such case no transfer of ownership of possession or other dealing with or disposition of such property rights or interests in Canada may be made without the consent of the Minister of Finance or such Agency as he may designate.

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

P.C. 5764

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 18th day of October, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that in consequence of uncertainty surrounding the present situation in Roumania and reports which indicate that enemy forces, with or without the concurrence of the Roumanian authorities, are present or have occupied substantial areas in that country, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of Roumania coming under the control of the enemy or agents of the enemy, to place under protective custody all property in Canada of persons residing in Roumania and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in Roumania which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, with the concurrence of the Minister of Finance, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206), is pleased to order as follows,—

From and including the 12th day of October, 1940, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territory of Roumania as proscribed territory.

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

P.C. 1561

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of March, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, represents that in consequence of the invasion of Bulgaria by enemy forces, it is necessary and expedient, with the view of preventing any

of the resources in Canada of residents of Bulgaria falling under the control of the invading enemy or agents of the invading enemy, to place under protective custody all property in Canada of persons residing in Bulgaria and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in Bulgaria which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, with the concurrence as aforesaid, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206), is pleased to order as follows:—

From and including the 1st day of March, 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territory of Bulgaria as proscribed territory.

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

P.C. 1562

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of March, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, represents that in consequence of the reported presence in Hungary of enemy forces, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of Hungary falling under the control of the invading enemy or agents of the invading enemy, to place under protective custody all property in Canada of persons residing in Hungary and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's Office established under the Consolidated Regulations Respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in Hungary which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory;

Now, Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, with the concurrence as aforesaid, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206), is pleased to order as follows:—

From and including the 1st day of March 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territory of Hungary as proscribed territory.

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

P.C. 3851

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of May, 1941.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that in view of the possibility of the enemy exercising control over Syria, Lebanon and French Somaliland, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of such territories falling under the control of the enemy, to place under custody all property in Canada of persons residing in any of such territories, and to regulate trading with such person; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939), and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in any of such territories, which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory.

Therefore His Excellency the Governor General in Council, on the recommendation of the Secretary of State, with the concurrence of the Minister of Finance, and under and by Virtue of the War Measures Act (R.S.C. 1927, Chapter 206), is pleased to order as follows:

From and including the 27th day of May, 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to Syria, Lebanon and French Somaliland as proscribed territory.

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

P.C. 7342

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 20th day of September, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council of 30th May, 1941 (P.C. 3851) the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) were extended to and deemed to apply to Syria and Lebanon as proscribed territory:

And whereas the Secretary of State reports that similar measures were on or about the same date taken by the United Kingdom but that by reason of the changed conditions in Syria and Lebanon the Order in the United Kingdom has now been revoked and it is expedient that a similar measure should be taken in Canada;

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State (concurring in by the Minister of Finance) is pleased to order and it is hereby ordered that as and from September 15, 1941, the territory of Syria and Lebanon be no longer deemed to be proscribed territory within the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939).

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

P.C. 9590

AT THE GOVERNMENT HOUSE AT OTTAWA

SUNDAY, the 7th day of December, 1941.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas it is considered necessary and expedient, with a view to preventing any of the resources in Canada of residents of the Japanese Empire and Japanese occupied and/or controlled territory from falling under the control or being used to the advantage of the enemy, to place under custody all property in Canada of persons residing in the Japanese Empire and Japanese occupied and/or controlled territory, including Indo China, and to regulate trading with such persons;

And whereas the Prime Minister, for the Secretary of State, reports that the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939), and to

confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in the Japanese Empire and Japanese occupied and/or controlled territory which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Prime Minister, for the Secretary of State, concurring in by the Minister of Finance, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:

From and including the seventh day of December, 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the Japanese Empire and Japanese occupied and/or controlled territory as proscribed territory.

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

P.C. 4773

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 10th day of June, 1943.

PRESENT

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council of the 30th May, 1941, (P.C. 3851) the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) were extended to and deemed to apply to French Somaliland;

And whereas the Secretary of State reports that on or about the same date similar measures were taken by the United Kingdom but that by reason of changed conditions in French Somaliland the Order in the United Kingdom was revoked on the 10th March, 1943, and it is expedient that similar steps should be taken in Canada.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State, concurring in by the Minister of Finance, is pleased to order and doth hereby order that of and from 10th March, 1943, the territory of French Somaliland be no longer deemed to be proscribed territory within the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939).

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

Revised Regulations Respecting Trading With the Enemy (1943)

NOTICE

The Secretary of State of Canada under and by virtue of the provisions of the Revised Regulations Respecting Trading with the Enemy (1943) hereby gives notice that trade may be resumed with persons residing in the territories which comprise the French zone of Morocco, Algeria, Corsica and Tunisia; and this notice shall constitute the permission of the Secretary of State to re-open trade with persons residing in the said territories. Any person who engages in such trade shall not be deemed to be trading with the enemy.

The permission hereby given shall apply only to transactions which shall be entered into after the date of this notice; and any property which shall have vested in the Secretary of State acting in his capacity as Custodian under or by virtue of any regulations respecting trading with the enemy shall continue to be so vested, notwithstanding the permission hereby given, and the property shall continue under his control until it shall be expressly released under the provisions of the Revised Regulations Respecting Trading with the Enemy (1943).

Dated at Ottawa this 24th day of November, 1943.

N. A. McLARTY,
Secretary of State of Canada.