

MEMORANDUM

For Rt. Hon. Mr. Mackenzie

The attached documents are circulated for your information and guidance and are in connection with claims by Japanese evacuees.

It is the intention of the Hon. Colin Gibson to raise this matter at tomorrow's meeting of the Cabinet Committee on Japanese Problems.

Raymond Ranger

Raymond Ranger.

April 16, 1947.

*Received
10 AM*

*Diary
RM*

EAT/CM

April 1, 1947

as follows:

The attached documents are circulated

Order to Council
Report to Council for
Act to Investigate
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Japanese race
The Government has not yet
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ability should be placed in hands and to have looked after the date of the
vesting of such property in the Government, the power to liquidate, sell or
otherwise dispose of such property.

That during the war fishing vessels belonging to persons of the
Japanese race were captured and taken to Japan in Council P.C. 204 of January 13,

1942, a committee on the disposal of Japanese fishing vessels was established
and was empowered, inter alia, to make such arrangements as would make it
possible for the owners of such detained vessels freely to negotiate for
sales of such vessels.

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

DEPARTMENT OF JUSTICE, CANADA

Ottawa, April 1, 1947

THE ATTORNEY GENERAL IN COUNCIL

The undersigned has 152189 to report as follows:
Your File No. J-174

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council

I have been asked to prepare a draft Report to Council for the appointment of a Commissioner under the Inquiries Act to investigate claims made by persons of the Japanese race in respect of the disposition of their property and also in respect of claims for loss resulting from their evacuation from the protected areas of British Columbia.

I understand that as a matter of policy the Government has not yet decided upon the types of claims that will be admitted. I have therefore, set out in the schedule the complete list of claims. The schedule can then be amended in accordance with Government decisions on policy.

Goods, bonds or other securities) delivered up to any person by the owner pursuant to an Order of the Minister of Justice or which was turned over to "F. P. Varcoe" Esq. by or on behalf of the owner, or which the owner or his Deputy Minister

evacuated from the protected area, was unable to take with him, should be stored in and subject to the control and management of the Custodian as

agreed to the Regulations Respecting Trading with the Enemy. The Under Secretary of State

OTTAWA

That by Order in Council P.C. 467 of January 13, 1943, it was provided that wherever the Custodian had been vested with the power and responsibility of controlling and managing the property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should be placed in the hands of the Custodian from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property.

That during the war fishing vessels belonging to persons of the Japanese race were evacuated and by Order in Council P.C. 203 of January 13, 1942, a committee on the disposal of Japanese fishing vessels was established

and was empowered, inter alia, to make such arrangements as would make it possible for the owners of such detained vessels freely to negotiate for sales of such vessels.

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

OTTAWA, April

1947

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

The undersigned has the honour to report as follows:

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

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

That during the war fishing vessels belonging to persons of the Japanese race were impounded and by Order in Council P.C. 288 of January 13, 1942, a committee on the disposal of Japanese fishing vessels was established and was empowered, inter alia, to make such arrangements as would make it possible for the owners of such detained vessels freely to negotiate for sales of such vessels.

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

evacuation from the protected areas of British Columbia.

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

The undersigned, therefore, has the honour to recommend:

1. That the Honourable be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the claims set out in the Schedule hereto of persons of the Japanese race for pecuniary loss sustained by them by reason of their evacuation from the protected areas of British Columbia and the management and disposition of their real and personal property and to report his findings to the Governor in Council.
2. That the Commissioner shall examine into each claim and make a report to the Governor in Council advising as to the amount of compensation that in his opinion would be fair and reasonable.
3. That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by statutory declaration and filed in the office of the Custodian at Vancouver, British Columbia.
4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.
5. That the expenses of and incidental to the said inquiry be paid out of moneys appropriated by Parliament.

SCHEDULE

1. Claims that any real or personal property was sold pursuant to the Orders hereinbefore referred to at a price less than the market value thereof at the time of sale.
2. Claims that any real or personal property was sold pursuant to the Orders hereinbefore referred to at a price less than the market value

March 27, 1947

- 3 -

The loss of such real estate is particularly important
thereof at the time of the evacuation of the owner.

3. Claims for compensation for loss of revenue by reason of the sale
pursuant to the Orders hereinbefore referred to of revenue-producing
real or personal property.

4. Claims for compensation for loss of real or personal property by theft
while such property was under the control and management of

(a) The Custodian, or
(b) a person appointed by the owner to control
and manage such property.

5. Claims for loss of life insurance policies by reason of failure to
pay premiums directly attributable to the evacuation of the policyholder.

6. Claims for loss of income directly attributable to the evacuation.

These claims are for compensation covering economic and personal
losses, and should be made Respectfully submitted,
on the basis of valuation and with the
approval of the Advisory Committee.

Secretary of State.
At a meeting of the Special Committee on Evacuation, March 24, 1947, it
was agreed that it would be advisable to appoint a Commissioner under Part I of
the Executive Order to recommend the amount, if any, which, in his opinion,
should be granted to any Japanese claimant.

The following are matters to be considered in reaching decisions on
the scope of such inquiries:

1. Market Value - The difference between the sale price and fair market
value. It is altogether likely that the Japanese idea of value will not
correlate with the market value, but in my opinion a properly established
market value should be the only basis for claim in this connection.

The inquiry should be on the basis set out in Article IV of the
Executive Order, to follow:

"The amount to be paid to any claimant for any
loss of property shall be the purpose of any public work, or for injury done

March 27, 1947

MEMORANDUM TO THE SPECIAL CABINET COMMITTEE ON CLAIMS BY JAPANESE EVACUEES

The type of claim in which the Custodian is particularly interested relates to the liquidation of real and personal property left in the Protected Area of British Columbia. Representations made indicate that the Japanese claimants feel that the losses they incurred went far beyond this. By reason of evacuation they were required to surrender their businesses and the positions in which they were employed and generally speaking, their chances of earning a livelihood were cut off. All such claims are based upon the economic loss caused by the results of evacuation. Unless the enquiry is strictly confined to claims of the nature mentioned in the Prime Minister's announcement of January 24, 1947, it is reasonable to suggest that claims put forward will go beyond those referred to in the statement. In support of this, I attach copy of a Questionnaire which, I understand, is being used by the Japanese Canadian Committee for Democracy in their survey.

Apart from demands for compensation covering economic and personal property losses, claims may be made in regard to parcels of real estate which the Custodian advertised and sold on the basis of valuation and with the approval of the Advisory Committees.

At a meeting of the Special Cabinet Committee on Claims by Japanese Evacuees held in the Privy Council Chamber on Monday, March 24, 1947, it was agreed that it would be advisable to appoint a Commissioner under Part I of the Inquiries Act to recommend the amount, if any, which, in his opinion, should be granted to any Japanese claimant.

The following are matters to be considered in reaching decisions as to the scope of such inquiry:

1. Real Estate - The difference between the sale price and fair market value. It is altogether likely that the Japanese idea of value will not coincide with the market value, but in my opinion a properly established market value should be the only basis for claim in this connection.

The inquiry should be on the basis set out in Section 47 of the Exchequer Court Act, as follows:

"47. The Court, in determining the amount to be paid to any claimant for any land or property taken for the purpose of any public work, or for injury done

to any land or property, shall estimate or assess the value or amount thereof at the time when the land or property was taken, or the injury complained of was occasioned".

Is this the understanding as to the scope of the inquiry?

2. Real Estate Depreciation - The possibility of the market value having decreased at the time of sale due to depreciation of the property after the Japanese were evacuated.

This would apply chiefly to rural properties and possibly occurred in connection with the Fraser Valley Fruit Farms. It should be noted that the appraisal of these lands was, I believe, made in June of 1942, so that there would not have been an exceptionally long period in which depreciation would have taken place insofar as the actual land and buildings were concerned. Greenhouses quickly fall into disrepair and quite a disparity exists between the Japanese valuation and the amount at which some of this property has been sold.

Should the Commissioner be empowered to review claims arising out of depreciation?

3. Real Estate - Loss of Revenue - Some claims in connection with real estate may be based on the fact that after evacuation, the properties were leased and the income was more than sufficient to carry the overhead and this income was cut off by the sale of the property. The Japanese may claim that they were compelled to expend the capital derived from the liquidation of real estate in order to maintain their families in the Housing Centres and elsewhere.

Should the Commissioner be empowered to review claims falling within this category?

4. Chattels - The difference between the sale price and the market value of the goods actually sold. There are cases where losses were sustained by those who were operating businesses such as stores, dry cleaning plants, garages, shingle and rice mills, drug stores and rooming operations. In a number of cases, stock in trade, plant machinery and equipment were sold by the Custodian on the basis of valuation, but the matter of goodwill or the revenue bearing possibilities of these operations were lost to the Japanese. In addition to this, where the real estate did not belong to the owner of these types of busi-

dismantling, removing and re-assembling costs entered into the price which the purchaser was prepared to pay for such chattels and equipment.

Certain types of equipment in use by the Japanese were definitely old-fashioned and while capable of producing revenue in the hands of the Japanese, did not have a sale value equivalent to the Japanese idea of its worth.

Should the Commissioner be empowered to review claims of this type?

5. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage warehouses which belonged to the Custodian. This not only concerns household effects, but a certain amount of equipment, the main item of which is most probably that of fishing tackle. The matter to be considered is whether, the Custodian having exercised all reasonable care, there is any responsibility on the Government for shortages which have occurred for the reasons above mentioned.

Should the Commissioner be empowered to entertain such claims?

6. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage and under the control of Agents appointed by the Japanese.

Should the Commissioner be empowered to review claims for loss occasioned as aforesaid?

7. Fishing Vessels - These are referred to (Item 6) in the attached copy of the Questionnaire. In connection with fishing vessels, approximately 90% of these sales were negotiated by the Japanese themselves through the Japanese Fishing Vessels Disposal Committee. The boats which were sold by the Custodian were of the poorest type and dissatisfaction has been expressed in some cases in regard to the prices obtained.

Should the Commissioner be empowered to consider claims in respect to sales both by the Japanese Fishing Vessels Disposal Committee and the relatively small number of sales effected by the Custodian after the Fishing Vessels Disposal Committee had been disbanded?

8. Motor Vehicles - Automobiles are referred to (Item 7) in the Questionnaire copy of which is attached. Complaints have been very considerable in regard to the prices obtained for cars and trucks.

within this category?

Reference has been made to the fact that a Commissioner should be appointed to consider the Japanese claims and in my opinion the

By Government Notice, dated February 26, 1942, the Minister of Justice ordered the Japanese to deliver up motor vehicles, cameras, radios and firearms to the R.C.M.P., and a notice was published in the press requiring surrender by March 9, 1942. In the interval, many Japanese disposed of their cars at very low prices or by turning them over to friends. It was the opinion of the British Columbia Security Commission that it would not be desirable for Evacuees to be permitted to take their cars out of the Protected Area and as the majority of vehicles were stored at Hastings Park, not under cover, it was considered that due to rapid depreciation, liquidation was necessary. Independent appraisals were obtained on all vehicles and tenders equal to or in excess of the appraised price were accepted. It should be noted that these cars were sold at what was probably the poorest market in used car history. Apart from the Japanese vehicles, all used car dealers were heavily stocked and gasoline and tire shortages created a near panic situation and prices were cut as much as 50% on stocks in the hands of used car dealers.

Should the Commissioner be empowered to review claims within this category?

9. Life Insurance - There have been complaints that life insurance policies have had to be surrendered for cash value or allowed to lapse owing to insufficient earnings by the Japanese.

Should the Commissioner be empowered to entertain this type of claim.

10. Economic Losses - These are referred to in the attached copy of Questionnaire (Items 9 and 10). Due to war conditions, economic loss has been sustained by many citizens altogether apart from nationality and without the factor of evacuation. Business operations were curtailed in many instances due to lack of supplies, to say nothing of the economic disruption caused by enlistment in the forces, sometimes resulting in the supreme sacrifice of life itself. If consideration were to be given to the question of economic loss caused by evacuation, and such loss could be accurately established, this would not, in my opinion, of necessity be a justifiable claim.

Should the Commissioner be empowered to entertain claims coming within this category?

Reference has been made to the fact that a Commissioner should be appointed to consider the Japanese claims and in my opinion the

Commissioner so appointed should be a person who holds, or has held, judicial office.

When the matter of the type of claims to which consideration should be given is determined, I recommend that advertisements be inserted in numerous newspapers, including The New Canadian, calling upon the Japanese to file their claims, duly verified, and to address all such claims to the Office of the Custodian, 506 Royal Bank Building, Vancouver B.C. This will afford the officials in the Custodian's Vancouver Office an opportunity to review files and assemble data which will be helpful to the Commission. A time limit should be fixed for the filing of such claims.

I am informed that the distribution of Japanese in Canada at November 30, 1946, was as follows:

British Columbia	6,981
Alberta	4,262
Saskatchewan	503
Manitoba	1,193
Ontario	6,617
Quebec	1,210
Nova Scotia	1
New Brunswick	10
Prince Edward Island	6
Yukon and Northwest Territories	3
Total	<u>20,814</u>

Representatives of the Japanese have indicated that they desire to be heard in centres of the different provinces, but I am of opinion that it should be left to the Commissioner to determine where such hearings are to take place.

It is very probably that thousands of claims will be filed, but very improbable that the vast majority could be substantiated in a Court of Law. The Japanese have inflated ideas as to the value of their assets and doubtless their claims will be grossly exaggerated.

It is very difficult to estimate the amount that will be required to meet the claims and defer the expenses of the Commission. At all events, it appears necessary to insert an item in the supplementary estimates in order to provide funds.

Secretary of State

CLAIM FOR DAMAGE

1. Current value of land at the time of evacuation..

Value of the above, at which the Custodian sold without
my consent

Difference in the values, to be claimed..

2. Current value of buildings and other improvements with the
lot, at the time of evacuation..

Value of the above, at which the Custodian sold without
My consent

Difference in the values, to be claimed..

3. Current value of personal property at the time of
evacuation

Value of the above, at which the Custodian sold without
my consent

Difference in the value, to be claimed..

4. Current value of machinery at the time of evacuation..

Value of the above, at which the Custodian sold without
my consent

Difference in the values, to be claimed..

5. Current value of fishing boat, at the time of evacuation

Value of the above, at which the Custodian sold without
my consent

Difference in the values, to be claimed....

6. Current value of fishing apparatus at the time of
evacuation

Value of the above, at which the Custodian sold without
my consent

Difference in the values, to be claimed..

7. Current value of automobile at the time of evacuation

Value of the above, at which the Custodian sold without
my consent

Difference in the values, to be claimed..

8. Expected four years income from farming, industry, trade,
forestry, fishing, and etc., after evacuation..

Annual income received after the evacuation..

Difference in the income, to be compensated..

9. Expected four years wage from labour, after the
evacuation

Annual wage received, after the evacuation..

Difference in the wages, to be compensated..

10 Other Claims:-

SECRETMEMORANDUM TO THE CABINET COMMITTEE ON JAPANESE PROBLEMS

RE: Questions of Consular protection and assistance in Japan for Canadian citizens of Japanese origin and the re-entry into Canada of such persons and Japanese nationals retaining Canadian domicile.

Present Canadian Policy

1. At the sixth meeting of the Cabinet Committee on Japanese Problems held on January 10, 1947, there was some preliminary discussion of these difficult questions but, as it was observed that no shipping would be available for some time to bring persons from Japan to this continent, no attempt was made to formulate firm recommendations. Accordingly, these matters remained largely governed by a memorandum of August 10, 1946 (attached), approved by the Secretary of State for External Affairs, which recognizes the right under existing law of Canadian citizens and Japanese nationals retaining Canadian domicile to re-enter Canada, but lays down that the Canadian Liaison Mission in Tokyo shall not for the present (a) help persons of Japanese race to obtain exit permits or buy passage, (b) issue visas to Japanese aliens even if they have technically retained Canadian domicile and (c) issue or renew passports to Canadian citizens of Japanese origin, except in special circumstances. It was expected that this memorandum would be reviewed in eight months to a year's time.

Reasons for Reviewing Policy at this Time

2. Recently the Immigration Branch has been pressed to give rulings on a number of applications of persons of Japanese origin for re-entry into Canada (e.g. letters from Mr. Angus MacInnis, M.P. to the Hon. J. A. Glen regarding Mrs. Tsuru Fujiwara). In addition, the Head of the Canadian Liaison Mission in Japan has been asked by the Japanese Government through the Diplomatic Section, General Headquarters, Supreme Commander for the Allied Powers to state how the Canadian Government regards persons of Japanese ancestry born in Canada who went to Japan, before, during or after the war. Persons able to prove Allied nationality are entitled in Japan to special consideration in respect to extra food rations, foreign rates of pay when employed by the occupation authorities, and extra territorial judicial status. Mr. Norman estimates that there are at least 5000 - 6000 persons in Japan having a prima facie claim to Canadian citizenship. It is assumed that the 2606 Japanese Canadians repatriated after the war would be included in this number. Most of these would be interested in securing the advantages of foreign status in Japan. The number who will make application sooner or later to return to Canada will be considerable because of the difficult economic situation in Japan. Mr. Norman points out the magnitude of the task of interviewing and processing these 5,000 - 6,000 applicants, but urges the desirability of our facing this problem now and reaching decisions that

will enable him to state Canadian Government policy at least on those questions on which United States policy has already been clearly defined. It would seem desirable, therefore, for the Committee to give consideration to these questions now with a view to giving guidance to the Immigration Branch and the Department of External Affairs.

United States Policy

3.

The United States faces similar problems with regard to the extension of Consular protection and assistance in Japan for United States citizens of Japanese origin and the re-entry into the United States of such persons. They do not face a problem similar to ours with respect to Japanese nationals retaining Canadian domicile. Any alien leaving the United States for temporary purposes requires a re-entry permit which is only good for one year. All such permits issued to Japanese nationals resident in the United States and returning to Japan before the war for a visit would have expired and there appears to be no disposition to extend the life of these re-entry permits. The United States is prepared to recognize the claims of persons of Japanese origin to United States citizenship with full Constitutional rights. They have opened an office in Yokohama to examine the credentials of such persons. Preferred consideration is given to United States citizens of Japanese origin who "stood out" in Japan during the war and suffered proven discrimination, hardship or imprisonment for being United States citizens. Such persons are being assisted financially and in other ways to return to the United States, some of them this year. During the remaining months in Japan such persons receive the same treatment with regard to rations, pay, etc. as any other United States citizen. (Because of the number of Japanese Americans in the U.S. Army of Occupation special care is taken to avoid any trace of racial discrimination in Japan). Other persons claiming United States citizenship are being gradually screened, their credentials examined, their wartime activities investigated, etc. Persons passing this screening, but who suffered no hardship during the war, will be permitted to return to the United States, but must make their own arrangements when travel becomes normal.

4.

United States officials in Japan have expressed the hope that the Canadian Government would coordinate, so far as its laws permit, its treatment in Japan of persons of Japanese origin claiming Canadian citizenship with United States policy toward similar categories of U.S. citizens of Japanese origin. They are concerned lest Japanese Canadians, without going through the same sort of screening which Japanese Americans are required to undergo, might as a group receive favoured treatment by the Japanese Government and thus cause dissatisfaction amongst those not similarly favoured in the United States group.

Proposed Canadian Policy

5. The recommendations formulated in the succeeding paragraphs are based on certain assumptions to which the Committee will wish to give prior consideration. In the event that these assumptions require modification the recommendations will also need to be changed. It is the assumption of this memorandum that:

(a) The Committee would not wish to recommend the introduction of new legislation depriving persons of Japanese origin of any rights they may now possess under The Canadian Citizenship Act and the Immigration Act;

(b) The Committee would not wish Canadian policy to diverge widely from United States policy in view of the similarity of the problems faced and the predominant role played by the United States in the control of Japan;

(c) The Committee would not wish to recommend the extension of any more protection or assistance to Japanese Canadians in Japan than they are entitled to by law and than is being accorded Japanese Americans;

(d) The Committee would not wish to recommend that any assistance be given to persons of Japanese origin to return to Canada, except in exceptional circumstances;

6. Based on the foregoing assumptions the following recommendations are submitted for the Committee's approval:

(a) The Canadian Liaison Mission in Japan shall be authorized to accept, from persons claiming to be Canadian citizens, applications for certificates of Canadian citizenship to be forwarded after careful examination to the Department of the Secretary of State of Canada along with such documents or affirmations as the Department may, in the circumstances, consider necessary to determine whether

(1) in the case of a person claiming to be a natural-born Canadian citizen he was in fact born a Canadian citizen, and that he has not ceased to be a Canadian citizen

(i) under section 16, 17(1) or 18 of the Canadian Citizenship Act, or

(ii) under P.C. 10773 of November 26, 1942

(2) in the case of a person claiming to be a Canadian citizen other than natural-born he did in fact acquire Canadian citizenship and that he has not ceased to be a Canadian citizen

(1) under section 21 or 23 of the Canadian Citizenship Act (wherever there exist grounds for the issue by the Department of the Secretary of State of Canada of a notice of

revocation of naturalization, the Head of the Canadian Liaison Mission shall so report), or

(11) under P.C. 10773 of November 28, 1942, or

(111) under P.C. 7356 of December 15, 1945

(b) The Department of External Affairs shall determine the extent of Consular protection and assistance to be afforded Canadian citizens in Japan in conformity with Canadian practice in other countries and United States practice in Japan.

(c) Where a Canadian citizen of Japanese origin "stood out" in Japan during the war and suffered proven hardship on that account and is desirous of returning to Canada the Head of the Canadian Liaison Mission in Japan may consult the Department of External Affairs to determine what assistance, if any, may be afforded such person to return to Canada.

(d) Passports shall not be issued to Canadian citizens of Japanese origin to enable them to leave Japan unless they are able to produce evidence that they have secured passage for Canada and will be able to obtain the necessary exit permit from Japan.

(e) Visas for travel to Canada shall not be issued to Japanese nationals claiming domicile in Canada without prior reference to the Immigration Branch. In all such cases the Director of Immigration shall determine whether such persons may be deemed to have lost Canadian domicile. Even in approved cases visas shall not be granted unless the persons concerned are able to produce evidence that they have secured passage for Canada and will be able to obtain the necessary exit permit from Japan.

(f) The Department of External Affairs and the Immigration Branch shall be authorized to consider and approve applications for temporary entry into Canada on behalf of Japanese nationals whose visits abroad are approved by Headquarters, Supreme Commander for the Allied Powers in Japan, and who would be coming to Canada for conference, educational or other approved temporary purposes that would be of assistance in the democratic re-education of Japan.

August 10, 1946

MEMORANDUM FOR THE ACTING SECRETARY OF STATE
FOR EXTERNAL AFFAIRS

Re: Applications to Return to Canada from Japan Made
by Persons of Japanese Race

1. We have received, through the United Kingdom Liaison Mission in Tokyo, a few such applications and will no doubt receive many more. So far they fall into two classes:

- (a) Canadian-born Japanese,
- (b) Japanese nationals who were permanently resident in Canada, who went to Japan shortly before Pearl Harbour on temporary visits, and who have retained Canadian domicile.

A third likely class will be:

- (c) Naturalized persons who went to Japan on temporary visits and who have retained Canadian domicile.

2. Persons in all three classes are entitled to enter Canada under present law. The question therefore is not whether they are to be allowed reentry but whether their endeavours to return to Canada are to be helped by the Canadian Government in any of the following ways:

- (a) By authorizing the Canadian Mission now en route to Tokyo under Mr. E.H. Norman, to give or renew passports to applicants who are British subjects.
- (b) By authorizing the Mission to give visas to those who are not British subjects.
- (c) By helping persons to obtain exit permits and to buy passage. Without positive help from the Canadian Government it is unlikely, under present conditions, that any person of Japanese race could arrange to sail from Japan.

3. We asked our Embassy in Washington to find out informally how the United States Government was handling similar problems. The answer was that it was unlikely that a Japanese who is not a United States citizen would get a visa; none of this category would have automatic reentry rights under U.S. law. Those who are U.S. citizens would be entitled to passports; but no other positive assistance in arranging return to the U.S. would be given unless the person had voluntarily "stood out" as a U.S. citizen in Japan and had suffered for it.

4. It seems to me that there is in general no reason for the Canadian Government to help persons of Japanese race to obtain exit permits or to buy passage. If we

should have a case of a Canadian national who insisted on his Canadian status during the war and suffered for it, an exception could be made for his benefit.

5. Nor would I favour at present authorizing the giving of visas to Japanese aliens even if they have technically retained Canadian domicile. This policy would of course require reconsideration in a year or so.

6. Finally, I think that for the present we should generally refuse to give or renew passports to those who are British subjects. Exceptions might be made sparingly in special circumstances e.g. if a Canadian-born person went to Japan for a temporary purpose, if his family in Canada will be staying in Canada, and if the applicant did nothing actively disloyal during the war.

7. Our practice in Germany is not quite as strict as that proposed for Japan. We scrutinize carefully all applications from "Canadians" in Germany who were not interned during the war. However, in a number of cases (a minority), we have ended by giving such persons travel documents and helping them to return to Canada. Most of these cases involve German-born persons naturalized in Canada but some involve Canadian-born persons of German race. We do not seem to have had any cases presented involving German nationals who went to Germany on visits and who clearly retain Canadian domicile.

8. A closely related problem has been submitted to us by the United Kingdom Mission in Tokyo in these words:

"your letter of May 6th regarding Arthur and Harry Ono (refusing to authorize passports).

"American Occupation Forces have been granting preferential treatment regarding salary and rations to persons who show proof that they have been accepted as Allied nationals by American or British Foreign Service Officers even though they have dual Japanese nationality and are of pure Japanese race. In some cases such certificate has been made the condition of employment.

"2. Total inadequacy of our staff utterly precludes our making investigation of identity of individual cases on scale adopted by Americans and their practice has involved us in much embarrassment. In order to avoid discrimination we have granted certificates in some cases where dual British nationality was well attested and nothing was known to the detriment of the persons concerned.

"3. Should we infer from your letter under reference that even this limited degree of recognition should not be granted in future? Certificates in question are of course utterly useless for all travel purposes."

I do not understand why the United States authorities grant such preference to dual nationals over other Japanese. However, perhaps we should follow their example so far as concerns Canadian-born dual nationals.

9. I should be grateful for your instructions.

HUME WRONG

MEMORANDUM

for Rt. Hon. Mr. MacKenzie

Please find attached herewith copy of the Agenda for the seventh meeting of the Cabinet Committee on Japanese Problems to be held in the Privy Council Chamber at 10:30 a.m. on Thursday, April 17, 1947.

Raymond Ranger
Raymond Ranger,
Secretary,

Ottawa, April 14, 1947.

Dean

Muz

(b) persons who were repatriated
(Document JAP 3 to be circulated)

4. Custodian's authority - liquidation of properties of Japanese associations and societies.

Raymond Ranger,
Secretary.

Privy Council Office,
April 12, 1947.

GOVERNMENT OF CANADA

COPY NO. 2

JAPANESE PROBLEMS

TO BE HELD IN THE
CHAMBER, APRIL 17, 1947

- persons of
March 7, 1947 attached).

affected areas of B.C.

of over 50 miles in B.C.

in B.C.

residence in B.C. for

outside B.C.

provincial boundaries

residence for more

specific Coastal waters - veterans
2, April 12, 1947 attached).

Canadian-born, naturalized or
(file)

before the war

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA
SECRET

COPY NO. 2

CABINET COMMITTEE ON JAPANESE PROBLEMS

AGENDA FOR SEVENTH MEETING TO BE HELD IN THE
PRIVY COUNCIL CHAMBER, THURSDAY, APRIL 17, 1947
AT 10:30 A.M.

- I. Control over movement and residence - persons of Japanese origin. (Document JAP 1, March 7, 1947 attached).
 - (a) Veterans - Canadian citizens
 - (i) entry into former protected areas of B.C.
 - (b) Canadian citizens
 - (i) travel of a distance of over 50 miles in B.C.
 - (ii) change of residence in B.C.
 - (iii) absence from place of residence in B.C. for more than eight days.
 - (iv) change of residence outside B.C.
 - (v) travel across provincial boundaries
 - (vi) absence from place of residence for more than thirty days.
2. Issuance of fishing licences in Pacific Coastal waters - ~~veterans~~ of Japanese origin. (Document JAP 2, April 12, 1947 attached).
3. Return to Canada of Japanese (Canadian-born, naturalized or nationals retaining Canadian domicile)
 - (a) persons who left Canada before the war
 - (b) persons who were repatriated
(Document JAP 3 to be circulated)
4. Custodian's authority - liquidation of properties of Japanese associations and societies.

Raymond Ranger,
Secretary.

Privy Council Office,
April 12, 1947.

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT
OF CANADA

SECRET

MEMORANDUM TO THE SUB-COMMITTEE OF CABINET
ON JAPANESE AFFAIRS:

March 7, 1947.

Controls over Movement and Residence of Persons
of Japanese Origin in Canada

- I. Order in Council P.C. 946 of February 5, 1943, as amended by P.C. 5703 of December 18, 1945 and P.C. 270 of January 23, 1947, gives the Minister of Labour control over the movement and change of residence of all persons of Japanese origin in Canada.
- II. Pursuant to the above authority a revised Travel Regulation was issued by the Minister of Labour, dated June 26, 1946, to the following effect:

No person of the Japanese race shall

- (a) enter or remain in the coastal area of British Columbia, as defined in the Regulation and extending approximately 100 miles inland;
- (b) cross any interprovincial boundary line;
- (c) travel a distance of more than fifty miles within British Columbia;
- (d) change his place of residence;
- (e) if resident in British Columbia, be absent from his place of residence for more than eight days;
- (f) if resident elsewhere in Canada, be absent from his place of residence for more than thirty days;

unless such person has first obtained a permit in writing to do so from a member of the Royal Canadian Mounted Police.

- III. Persons of Japanese origin who served in the naval, military or air forces of His Majesty in the war of 1914-18 or the war of 1939-45, and their wives and dependent children under sixteen years of age, are exempted from all travel restrictions except that they must obtain Travel Permits to enter or remain in the British Columbia coastal area.
- IV. The Royal Canadian Mounted Police act as agents of the Department of Labour in the issuance of travel and residence permits to persons of Japanese origin throughout Canada.

MEMORANDUM to the Cabinet Committee on Japanese Problems

Issuance of Fishing Licences to Persons of Japanese Origin

Order in Council P.C. 251, January 13, 1942
(copy attached) prohibits the issuing of fishing licences
to fish in or off British Columbia to persons of Japanese
origin and also prohibits these persons to serve on
fishing vessels.

This Order in Council, which was passed on the
recommendation of the Minister of Fisheries and under the
authority of the War Measures Act, is one of the 57 Orders
in Council which appear in the Schedule to Bill 104
(The Continuation of Transitional Measures Act 1947) now
before Parliament. Therefore, this Order in Council is
presently in force and may remain as such until March 31,
1948 at the latest.

Raymond Ranger,
Secretary.

Privy Council Office,
April 12, 1947.

AT THE GOVERNMENT HOUSE AT OTTAWA
TUESDAY, the 13th day of JANUARY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Fisheries reports that the conference convened at Ottawa on January 8th, 1942, under the chairmanship of the Honourable Ian Mackenzie, Minister of Pensions and National Health, to consider questions concerned with Canadian Japanese and Japanese Nationals in British Columbia, has recommended that during the period of war, for reasons of national defence and security, the Canadian Government should take steps to prohibit all persons of Japanese racial origin from fishing or serving on fishing vessels off the coast of British Columbia.

AND WHEREAS the Minister further reports that while under the Fisheries Act, Chapter 42, 22-23, George V, authority is vested in the Minister of Fisheries whereby he may, in his absolute discretion, issue or authorize to be issued licenses for fisheries and/or fishing wheresoever situate or carried on, in the extraordinary circumstances governing the above recommendation, it is deemed desirable that action to discontinue the licensing of all persons of Japanese racial origin in fishing activities in British Columbia should be supported by the authority of the War Measures Act.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and for reasons of national defence and security during the period of the war, is pleased to order and doth hereby order that no fishing licenses authorizing fishing in or off British Columbia, as contemplated by the Fisheries Act, Chapter 42, 22-23, George V, and regulations adopted pursuant thereto, shall be issued to persons of Japanese racial origin; and also, that no such persons shall be permitted to serve on fishing vessels.

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

MEMORANDUM
Privy Council Office

Ottawa March 25, 1947.

For Mr. Mackenzie

Attached for your information copy of the minutes of the meeting of the Special Cabinet Committee on Claims by Japanese Evacuees held on Monday, March 24th, 1947 at 10:30 a.m.

W.E.D. Halliday.

Enc.

CONFIDENTIAL

Cabinet
Evacuees was
Monday,

Enemy Property

(Mr. Gibson)
Minister of Veterans Affairs (Mr. Mackenzie)
Minister of Justice (Mr. Massey)
Minister of Labour (Mr. Mitchell)

Also Present:

The Deputy Minister of Labour (Mr. MacNamara)
Counsel for Custodian of Enemy Property (Mr. Wright)

Acting Secretary (Mr. Halliday, Privy Council Office)

1. The Secretary of State, referring to the Cabinet decision of March 10th, 1947, stated that the Committee had been called together to consider and report on matters arising out of the disposal of the property of Japanese wartime evacuees and, in particular, the establishment of a Commission to deal with such claims and the terms of reference of such a Commission.

A memorandum had been prepared (copies of which had been circulated) outlining the action which had been taken for the liquidation or other disposal of the property of Japanese evacuees.

Two Advisory Committees had been established for Greater Vancouver and for Rural Properties, and sales had been made in accordance with the Committee's recommendations. There was now evidence to indicate that claims for compensation might cover a wider field than sales of property and include such items as loss of revenue, property disposition by evacuees themselves, theft, and personal charges and expenditures directly attributed to evacuation.

It was recommended that a Commission be appointed to consider these claims.
(Memorandum to the Cabinet, March 3, 1947)

CONFIDENTIAL

A meeting of the Special Cabinet Committee on Claims by Japanese Evacuees was held in the Privy Council Chamber on Monday, March 24th, 1947, at 10:30 a.m.

Present:

Secretary of State and Custodian of Enemy Property
(Mr. Gibson)
Minister of Veterans Affairs (Mr. Mackenzie)
Minister of Justice (Mr. Dalsley)
Minister of Labour (Mr. Mitchell)

Also Present:

The Deputy Minister of Labour (Mr. MacNamara)
Counsel for Custodian of Enemy Property (Mr. Wright)

Acting Secretary (Mr. Halliday, Privy Council Office)

1.

The Secretary of State, referring to the Cabinet decision of March 10th, 1947, stated that the Committee had been called together to consider and report on matters arising out of the disposal of the property of Japanese wartime evacuees and, in particular, the establishment of a Commission to deal with such claims and the terms of reference of such a Commission.

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It was recommended that a Commission be appointed to consider these claims.
(Memorandum to the Cabinet, March 3, 1947)

The Minister of Justice drew attention to the Prime Minister's statements in 1944 and in January of this year that fair treatment would be granted all loyal Japanese Canadians and that the government would be prepared to remedy any injustice in cases where it could be shown that sale of property had been made at a loss rather than at a fair market value. It would seem important that any recommendation to Council for establishment of a Commission should define clearly the types of claims to be considered.

The Committee, after discussion, agreed to defer decision pending the preparation and examination of:-

- (1) a draft submission to Council recommending appointment of a Commissioner to consider claims arising from the sale of property of Japanese evacuees by the Custodian of Enemy Property.
- (2) a memorandum showing the types of all other claims not covered by the draft Order in Council and on which representations might be made, for possible extension of the terms of the above Order.

The meeting adjourned at 11:30 a.m.

W.E.D. Halliday,
A/Secretary.

Privy Council Office,
March 24, 1947.



PRIVY COUNCIL OFFICE

SECRET

CABINET SECRETARIAT

Ottawa, March 21, 1947.

The Right Honourable I.A. Mackenzie, K.C.,
Minister of Veterans Affairs,
Baly Building,
Ottawa, Ont.

Dear Mr. Mackenzie:

A meeting of the special Cabinet Committee
on Claims by Japanese Evacuees will be held in the
Privy Council Chamber on Monday, March 24, 1947 at
10:30 a.m.

I am attaching herewith for your information
a memorandum dated March 3, 1947 regarding Claims of
Japanese Evacuees for Property Losses. May I also
refer you to a memorandum dated February 17, 1947 re-
garding Claims by Japanese Evacuees which was circulated
as Cabinet Document No. 397.

Yours sincerely,

Raymond Ranger
Raymond Ranger,
Secretary.

Enc.

Dean
pm

members were appointed to the Board on the 8th of March, 1943:
Honourable Mr. Justice Sidney Smith of the Appellate Court of B.C.,
Chairman; Alderman Charles Jones; Mr. Kichiso Kimura (resigned 20th
July, 1943).

The other Committee is known as Advisory Committee on Rural
Properties. The following members were appointed on the 15th of March,
1943: His Honour Judge David Whiteside, New Westminster, Chairman;
Messrs. D. E. MacKenzie; J. J. McLellan; Hal Mensies; Yasutaro Yamaga.

March 3, 1947.

MEMORANDUM TO THE CABINET

RE: CLAIMS OF JAPANESE EVACUEES FOR PROPERTY LOSSES.

By Government Notice, dated February 5, 1942, enemy aliens were required to leave the protected area of British Columbia and on February 26, 1942, this ruling was extended to include every person of the Japanese race.

To implement and direct the evacuation, Order in Council P.C. 1665, dated 4th March, 1942, (attached hereto and marked Exhibit "A") was passed, establishing the British Columbia Security Commission under the Department of Labour, with wide powers in regard to the movement of all persons of the Japanese Race within and without this area. Order in Council P.C. 1665, as amended by Order in Council P.C. 2483, dated 27th March, 1942 (attached hereto and marked Exhibit "B") provided for the vesting and control by the Custodian as a protective measure of all property delivered up or which upon evacuation was left within the protected area.

Pursuant to Order in Council P.C. 469, dated January 19, 1943, (attached hereto and marked Exhibit "G") an enlargement was made in the interpretation of control and management to include, from the date of vesting in the Custodian, power to liquidate or otherwise dispose of the property of Japanese Evacuees.

The Custodian experienced extreme difficulty in dealing with the large number of substandard buildings and the vast quantity of inferior personal property which the Japanese possessed.

Two independent Committees were established. One is known as the Advisory Committee on Greater Vancouver Properties. The following members were appointed to the Board on the 8th of March, 1943: Honourable Mr. Justice Sidney Smith of the Appellate Court of B.C., Chairman; Alderman Charles Jones; Mr. Kishizo Kimura (resigned 20th July, 1943).

The other Committee is known as Advisory Committee on Rural Properties. The following members were appointed on the 15th of March, 1943: His Honour Judge David Whiteside, New Westminster, Chairman; Messrs. D. E. MacKenzie; J. J. McLellan; Hal Mensies; Yasutaro Yamaga.

Mr. McLellan resigned almost immediately and Mayor W. Mott of New Westminster was appointed in his stead. Mr. Yamaga resigned on the 26th of May, 1943. Mr. MacKenzie died on the 11th of October, 1944.

The Custodian asked both Committees whether or not they would recommend liquidation. The members visited many Japanese properties and unanimously endorsed, with the approval of the Japanese members, a policy of liquidation. Shortly afterwards both Japanese members resigned and no new Japanese appointments were made.

The Committees were asked to report as to the method of liquidation and they recommended that Catalogues be prepared, listing the properties; that the properties be individually appraised by Agents approved by the Boards; that parcels be not sold for less than the fixed value and that public notices be published in the press calling for tenders. The policy, as outlined, was adopted. All offers for land have been referred to the Advisory Committees and their approval obtained before any have been accepted.

Insofar as the rural properties are concerned, a sale of 741 parcels was made to the Director, Veterans' Land Act, as the Government desired to acquire property for the purpose of rehabilitating returned men. The Advisory Committee recommended acceptance of the sale price eventually agreed upon.

Chattels have been sold on the basis of recommendations by the Committees, that is, by public auctions conducted by licenced auctioneers, except in those cases where chattels were essential to the operation of farms, in which case the tenant or owner of the farm was given an opportunity to buy at an appraised value.

The policy of liquidation has resulted in the Custodian paying out large sums of money to the Evacuees and paying debts on their behalf. In co-operation with the Department of Labour, the Custodian releases such funds to Evacuees, still in Interior Housing Schemes operated by the Department of Labour, as are considered necessary. Where Evacuees have moved East from the Province of British Columbia, the Custodian releases the balance.

Sales of Evacuee Properties to December 31, 1946, were as follows:

	SALES	APPRAISAL	SALES VALUE
Greater Vancouver	466	\$ 915,600.00	\$ 1,004,785.00
Rural	400	529,146.25	570,244.00
Veterans' Land Act	741	847,878.00	836,256.00
	1607	\$2,292,624.25	\$ 2,411,285.00

Proceeds from sales, including farms sold to the Director, Veterans' Land Act, exceeded fixed valuations by \$115,660.75

STATEMENT OF CASH REALIZATION OF
EVACUEE ASSETS & REVENUES

Fishing vessels & scows	\$ 203,049.40
Fishing nets & gear	101,215.08
Cars	63,583.98
Trucks	94,543.63
Sundry Business assets	200,230.12
Household effects	255,968.76
Rabies	17,049.64
Farm Equipment	15,995.08
Life Insurance	65,259.75
Securities	59,766.04
Accounts Receivable	150,901.03
Sundries	32,524.74
Veterans' Land Act	807,400.22
Real Estate Sales	1,689,103.48
Real Estate Income	503,397.35
Dividends from Securities	9,795.84
Rooming House rentals	33,362.36
Cash turned in by Repatriates	1,070,174.14
	<u>\$ 5,373,317.64</u>

I am informed that the distribution of Japanese in Canada at November 30, 1946, was as follows:

British Columbia	6,981
Alberta	4,262
Saskatchewan	503
Manitoba	1,193
Ontario	6,617
Quebec	1,210
Nova Scotia	1
New Brunswick	10
Prince Edward Island	6
Yukon and Northwest Territories	31
Total	<u>20,814</u>

During recent months there have been growing indications that an effort would be made by certain organizations to induce the government to give consideration to Japanese claims. I am informed that questionnaires have been circulated by the Japanese Canadian Committee for Democracy to secure information establishing claims. The following appears in The New Canadian, a weekly publication for Canadians of Japanese origin, under date of November 23, 1946:

"The questionnaire, in its tentative form, seeks information on losses under the following general classifications:

Real Estate (residential); Business of all types; Farm Property; Fishing Vessels and Gear;

Personal Estate; Loss of Revenue (rent, income, wages, etc.); Accounts, Uncollected (rent, interest, loan, deposit, claims, etc.);

Fees Paid (attorney or agent, storage, transportation, travelling, medical, educational, funeral or any other charges directly attributed to evacuation); Family Allowances; and Relief Deductions".

On January 24, 1947, the Prime Minister made an announcement in connection with Japanese problems and referred to claims put forward in regard to properties, as follows:

"With respect to the property of persons of Japanese origin who were removed from the Pacific coast, and whose property was sold by the Custodian, the government is of the opinion that the sales were made at a fair price. In all cases a complete appraisal was made before disposition. The total of the prices secured is greater in aggregate than the total appraisal value.

To ensure, however, the fair treatment promised in 1944, the government is prepared, in cases where it can be established that a sale was made at less than a fair market value, to remedy the injustice."

It appears desirable in the public interest that a Commission, to consist of not more than 3 persons, the Chairman of which should be a person who holds or has held judicial office, should be appointed to consider the claims which may be filed by persons of the Japanese Race. In my opinion it is also necessary to now determine the types of claims to which consideration should be given by such Commission.

When this question is determined, I recommend that advertisements be inserted in numerous newspapers, including The New Canadian, calling upon the Japanese to file their claims, duly verified, and to address all such claims to the Office of the Custodian, 506 Royal Bank Building, Vancouver, B.C. A time limit should be fixed for the filing of such claims. This will afford the officials in the Vancouver office an opportunity to review files and assemble data which will be helpful to the Commission referred to.

I am of opinion that it should be left to the members of the Commission to determine the places where hearings are to take place.

It is very probable that thousands of claims will be filed, but very improbable that the vast majority could be substantiated in a Court of Law. The Japanese have inflated ideas as to the value of their assets and doubtless their claims will be grossly exaggerated.

It is very difficult to estimate the amount that will be required to meet the claims and defer the expenses of the Commission. At all events it appears necessary to insert an item in the supplementary estimates in order to provide funds from consolidated revenue.

Your attention is directed to the fact that P.C.1665, referred to, indicated that no commission was to be charged by the Custodian in respect to the administration of Japanese Evacuee assets and that up to the present time, the Custodian has advanced the sum of \$725,500.00 in order to defray all such expenses.

SECRET

CABINET COMMITTEE ON JAPANESE QUESTIONS

The eighth meeting of the Cabinet Committee on Japanese Questions was held in the Privy Council Chamber on Monday, April 21, 1947 at 10:00 a.m.

Present

The Minister of Labour (Mr. H. Mitchell)	in the Chair
The Minister of Veterans Affairs (Mr. I.A. Mackenzie)	
The Minister of Justice (Mr. J.L. Ilsley)	
The Secretary of State (Mr. C. Gibson)	
The Minister of Mines and Resources (Mr. J.A. Glen)	
The Minister of Finance (Mr. D.C. Abbott)	
The Minister of Fisheries (Mr. H.F.G. Bridges)	
From Privy Council Office (Mr. Raymond Ranger)	Secretary

Also Present

The Deputy Minister of Mines and Resources
(Dr. H.L. Keenleyside)

From Department of Labour
(Mr. A.H. Brown)

From Immigration Branch
(Mr. A.L. Jolliffe)

From External Affairs
(Mr. A.R. Menzies)

From Department of Justice
(Mr. D.H.W. Henry)

From Prime Minister's Office
(Mr. R.G. Robertson)

From Custodian's Office
(Mr. K.W. Wright)
(Mr. F.G. Shears)

The Chairman drew attention to the Prime Minister's statements in 1944 and in January of this year that fair

treatment would be granted all loyal Japanese Canadians and that the Government would be prepared to remedy any injustice in cases where it could be shown that sale of property had been made at a loss rather than at a fair market value.

The Secretary of State, in this connection, referred to:

- (a) a draft submission to Council (copies of which had been circulated, document JAP 5) recommending appointment of a Commissioner to inquire into claims, set out in the Schedule hereto, arising from sale of property of Japanese Evacuees by the Custodian of Enemy Property, and
- (b) a memorandum (copies of which had been circulated, document JAP 5) showing the types of all other claims not covered by the draft submission to Council and on which representations might be made for possible extension of the terms of the above submission.

The Committee, after considerable discussion, agreed:

- (a) that a Commissioner be appointed to investigate the said claims of Japanese Evacuees and to make recommendations with respect thereto;
- (b) that only those claims submitted by Japanese Evacuees resident in Canada on the date of the passing of the Order be considered; and,
- (c) that the terms of reference mentioned in the draft submission to Council be revised along the lines as indicated in the course of discussion, for further consideration at the next meeting.

Raymond Ranger,
Secretary.

Privy Council Office,
April 24, 1947.

OTTAWA, April 1947

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to report as follows:

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1685 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27, 1942, it was provided that all property situated in any protected area of British Columbia belonging to any person of the Japanese race (except fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to an Order of the Minister of Justice or which was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area, was unable to take with him, should be vested in and subject to the control and management of the Custodian as defined in the Regulations respecting Trading with the Enemy.

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

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

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

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

The undersigned, therefore, has the honour to recommend:

1. That the Honourable be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into claims of any person of the Japanese race, who was resident in Canada on the day of this Order, that the amount received by him for real and personal property vested in the Custodian pursuant to the above mentioned Orders was less than the market value thereof at the time of the evacuation of the owner, but no inquiry shall be made into claims in respect of any property for any loss that arose while the property was under the custody, control or management of any person, other than the Custodian appointed by the owner thereof.

ALTERNATIVE TO CLAUSE (1) ABOVE

1. That the Honourable be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into claims of any person of the Japanese race, who was resident in Canada on the day of this Order, that, by reason of the failure of the Custodian to exercise reasonable care in the management or disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by him for such property was less than the market value thereof at the time of the evacuation of the owner, but no inquiry shall be made into claims in respect of any

property for any loss that arose while the property was under the custody, control or management of any person, other than the Custodian, appointed by the owner thereof.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council advising as to the amount of compensation that in his opinion would be fair and reasonable.

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

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

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

Respectfully submitted,

Secretary of State.

FILE NO. _____

PRIVY COUNCIL OFFICE
CANADA

SUBJECT

ORDERS IN COUNCIL (2)
relating to
persons of the Japanese
race.

Order in Council revoking several Orders re Japanese

P.C. 269

AT THE GOVERNMENT HOUSE AT OTTAWA
THURSDAY, the 23rd day of JANUARY, 1947.
PRESENT:



PRIVY COUNCIL OFFICE

CABINET SECRETARIAT

Ottawa, Ontario,
January 3, 1947.

The Honourable Ian Alistair Mackenzie, K.C.,
Minister of Veterans Affairs,
Ottawa, Ontario.

Dear Mr. Mackenzie:

I am attaching herewith for your information
one copy of the Privy Council decision regarding Orders-
in-Council P.C. 7355, 7356, 7357 dated 15th December, 1945,
pertaining to Japanese problems.

Yours sincerely,

Raymond Ranger

Raymond Ranger,
Secretary,
Cabinet Committee on Japanese Problems.

RE/GV
Enc.

Archivist
S
Nominal
Quebec Gazette (First)
Brunet
Shipping Regl
Medal Register
Fenian Raids
Calendars:
James
1906
U.C. Sundries
Nova Scotia A

Order in Council revoking several Orders re Japanese

P.C. 269

AT THE GOVERNMENT HOUSE AT OTTAWA
THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General
in Council, on the recommendation of the
Minister of Labour and under the authority of
The National Emergency Transitional Powers
Act, 1945, is pleased to revoke and doth hereby
revoke the following Orders in Council:

<u>No. and date</u>	<u>Subject</u>
9760, Dec. 16, 1941	registration of Japanese ✓
9761, Dec. 16, 1941	control of vessels operated by persons of the Japanese race ✓
1348, Feb. 19, 1942 as amended	establishment of Work Camps ✓
10773, Nov. 26, 1942	revocation of naturalization of persons repatriated to enemy states ✓
7356, Dec. 15, 1945	deportees in pursuance of P.C. 7355 to cease to be British subjects or Canadian Nationals ✓
7357, Dec. 15, 1945	Commission of Inquiry into activities, loyalty, etc. of Japanese. ✓

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

Privy Council Appeal No. 58 of 1946
The Co-operative Committee on Japanese Canadians Appellants
and another - - - - -

v.

The Attorney-General of Canada and another - - Respondents
From

THE SUPREME COURT OF CANADA

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, delivered the 2nd December, 1946.

Present at the Hearing:

Viscount Simon
Lord Wright
Lord Porter
Lord Uthwatt
Sir Lyman Duff

[Delivered by Lord Wright]

These are appeals by special leave brought by the Co-operative Committee on Japanese Canadians and the A-G of Saskatchewan from the opinion certified on the 20th February, 1946, by the Supreme Court of Canada upon a reference ordered by the Governor General in Council under Section 55 of the Supreme Court Act, Revised Statutes of Canada 1927, cap 35. The question referred for hearing and consideration was as follows:

"Are the Orders-in-Council dated the 15th December, 1945, being P.C. 7355, 7356, 7357 ultra vires of the Governor-in-Council either in whole or in part and if so in what particular or particulars, and to what extent?"

The recitals to the Orders-in-Council which it is sought to impeach show that they purport to have been made under the authority of The War Measures Act. That Act was first passed by the Parliament of Canada in 1914 and is now chap. 206 of The Revised Statutes of Canada 1927. Section 2 provides that the issue of a proclamation by His Majesty or under the authority of the Governor-in-Council shall be conclusive that war, invasion or insurrection real or apprehended exists and of its continuance until by the issue of a further proclamation it is declared that war, invasion or insurrection no longer exists. The proclamation first called for by this section was duly made but no proclamation that the war no longer existed has been made.

The relevant sections of this Act are as follow:-

"3. The Governor-in-Council may do and authorize such acts and things and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection, deem necessary or advisable for the security, defence, peace, order and welfare of Canada; and for

greater certainty but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor-in-Council shall extend to all matters coming within the classes of subjects hereinafter mentioned, that is to say:-

(a) Censorship and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;

(b) Arrest, detention, exclusion and deportation;

(c) Control of the harbours, ports and territorial waters of Canada and the movement of vessels;

(d) Transportation by land, air or water and the control of the transport of persons and things;

(e) Trading, exportation, importation, production and manufacture;

(f) Appropriation, control, forfeiture and disposition of property and of the use thereof.

(2) All orders and regulations made under this section shall have the force of law"

"6. The provisions of the three sections last preceding, shall only be in force during war, invasion or insurrection, real or apprehended."

The three Orders-in-Council were all made on the 15th December, 1945.

The preamble to the first Order (P.C. 7355) contains the following recitals:-

Whereas during the course of the war with Japan certain Japanese Nationals manifested their sympathy with or support of Japan by making requests for repatriation to Japan and otherwise;

And whereas other persons of the Japanese race have requested or may request that they be sent to Japan;

And whereas it is deemed desirable that provisions be made to deport the classes of persons referred to above;

And whereas it is considered necessary for the security defence peace order and welfare of Canada that provision be made accordingly.

The first Order (Section 2, subsections 2, 3 and 4) then authorizes the Minister of Labour to make orders for deportation "to Japan" of the following persons.

(1) Every person of 16 years of age or over, other than a Canadian national, who is a national of Japan resident in Canada and who had since the 8th December, 1941 (the date of the declaration of war by the Dominion against Japan) made a request for repatriation or who had been detained under certain regulations and was so detained on 1st September, 1945.

(2) Every naturalized British Subject of the Japanese Race of 16 years of age or over resident in Canada who had made request for repatriation provided that such request had not been revoked in writing before midnight on 1st September, 1945.

(3) Natural born British Subjects of the Japanese Race of 16 years of age or over resident in Canada, who made a request for repatriation and did not revoke it in writing before the Minister had made an Order for "deportation."

Subsection 4 of Section 2 provided as follows:-

(4) The wife and children under 16 years of age of any person for whom the Minister makes an order for deportation to Japan may be included in such order and deported with such person.

The remaining provisions of this Order are of an ancillary or administrative nature.

The second Order (P.C. 7356) provides that any person being a British Subject by naturalization under the Naturalization Act, cap. 138, R.S.C. 1927, who is deported from Canada under the provisions of P.C. 7355, shall as and from the date upon which he leaves Canada in the course of such deportation, cease to be either a British Subject or a Canadian National.

The third Order (P.C. 7357) provides for the appointment of a Commission to make inquiry concerning the activities, loyalties and extent of co-operation with the government of Canada during the war, of Japanese Nationals and naturalized persons of the Japanese race in cases where their names are referred to the Commission by the Minister of Labour for investigation with a view to recommendation whether in the circumstances of any such case, such persons should be deported. The Commission was also at the request of the Minister of Labour to inquire into the case of any naturalized British Subject of the Japanese Race who had made a request for repatriation, and make recommendations. It was then provided that any person of the Japanese Race who was recommended by the Commission for deportation under the provisions of P.C. 7355, and as and from the date upon which he left Canada in the course of deportation, he should cease to be either a British Subject or a Canadian National.

There is one further Act of the Parliament of the Dominion to which it is necessary to refer - the National Emergency Transitional Powers Act 1945. This Act was assented to on the 18th December, 1945. It was to come into force on the 1st January, 1946, and on and after that day the war against Germany and Japan was for the purposes of the War Measures Act to be deemed no longer to exist. The Act was to continue in force until the 31st December, 1946, or if Parliament were not then sitting until a date determined by the sitting of Parliament.

The Act recites the War Measures Act and the continuance of a national emergency arising out of the war since the unconditional surrender of Germany and Japan, and the necessity that the Governor-in-Council should exercise certain transitional powers during the continuance of the exceptional conditions brought about by the war and the necessity that certain acts and things done and authorized, and certain orders and regulations made under the War Measures Act be continued in force, and that it was essential that the Governor-in-Council be authorized to do and authorize such further acts, and make such further orders and regulations as he might deem necessary or advisable by reason of the emergency and for the purpose of discontinuance in an orderly manner as the emergency permits, of measures adopted during and by reason of the emergency.

By Section 2 of the Act the Governor-in-Council was given power to make orders and regulations as he might, by reason of the continued existence of the National emergency, arising out of the war against Germany and Japan, deem necessary or advisable for certain purposes set out therein. Those purposes do not include arrest, detention, deportation, or exclusion but do include under subsection (e)

"Continuing or discontinuing in an orderly manner as the emergency permits, measures adopted during and by reason of

the war." Subsection 3 of Section 2 provides for every Order-in-Council passed under the Act, being laid before Parliament and being annulled upon resolution of the Senate or the House of Commons. Section 4 provides as follows:

"Without prejudice to any other power conferred by this Act, the Governor-in-Council may order that the Orders and regulations lawfully made under the War Measures Act or pursuant to authority created under the said Act in force immediately before the day this Act comes into force, shall while this Act is in force, continue in full force and effect subject to amendment or revocation under this Act."

On 28th December, 1945 the Governor-in-Council passed Order-in-Council P.C. 7414, pursuant to Section 4 of the National Emergency Transitional Powers Act, 1945 providing that all orders and regulations lawfully made under the War Measures Act or pursuant to authority created under the said Act in force immediately before the day the National Emergency Transitional Powers Act, 1945, should come into force, should, while the latter Act is in force, continue in full force and effect subject to amendment or revocation under the latter Act.

The result of this legislation is that the Orders-in-Council are now in force, if at all, by virtue of the Transitional Act.

In connection with the question raised by this case, three Acts of the Imperial Parliament are relevant.

The first of these is the Colonial Laws Validity Act, 1865:

Sections 2 and 3 of that Act run as follows:-

"2. Any Colonial Law which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the Colony to which such law may relate or repugnant to any Order or Regulation made under Authority of such Act of Parliament, or having in the Colony the force and effect of such Act, shall be read subject to such Act, Order, or Regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative.

3. No Colonial Law shall be or be deemed to have been void or inoperative on the ground of repugnancy to the law of England, unless the same shall be repugnant to the provisions of some such Act of Parliament, Order or Regulation as aforesaid."

The second is the Statute of Westminster passed in the year 1931 which was duly adopted by the Parliament of Canada. Section 2 of that Act is in the following terms:-

"2. - (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion."

The third Act is the British Nationality and Status of Aliens Act, 1914. Part I of that Act relates to Natural Born British Subjects. Part II relates to the Naturalization of Aliens and Section 9 provides that Part II shall not nor shall any certificate of naturalization granted thereunder have effect within any of the Dominions specified in the Schedule (which includes Canada) unless the legislature of the Dominions adopts Part II. The Act of the Imperial Parliament was subsequently amended. The Parliament of Canada by the Naturalization Act, 1914 did not in terms "adopt" the Imperial Act of 1914, but passed almost identical legislation. In 1915 the Parliament of Canada amended the Naturalization Act so as to introduce the amendments that had been made by the Parliament of Great Britain in Part II of the British Nationality and Status of Aliens Act, 1914. That Act of 1915 contained a recital to the effect that the Dominion had adopted Part II of the British Act.

It is convenient at this stage to deal with the question raised as to the effect of this legislation of the Dominion on this topic.

The contention of the Appellants was that the Parliament of Canada did "adopt" Part II of The Imperial Act in the sense in which that word was used in the Imperial Act and that in consequence Part II formed part of the law of the United Kingdom extending to the Dominion. The contention of the Respondents was that the Canadian Statutes are only parallel legislation. In arriving at a conclusion as to the advice their Lordships think it right to tender to His Majesty they find it unnecessary to express an opinion as to the correctness or otherwise of the contention of the Appellants. Their Lordships will assume that the Appellants are right in their contention, but they do not express any opinion one way or another upon it.

There was a considerable diversity of opinion between the members of the Supreme Court on some of the points which fell for decision under the reference. In one important respect at least - the invalidity of sub-section (4) of Section 2 of P.C. 7355 - the views of the majority of the Court were adverse to the respondents. No cross appeal was lodged. This in the circumstances was only the absence of a formality. A determination upon the legal effect of the orders as a whole is necessary in order to arrive at a conclusion upon the matters in respect of which the appellants appealed. The whole matter was fully debated before their Lordships and their Lordships accordingly propose to deal with the orders in their entirety.

Their Lordships now turn to the question at issue.

Upon certain general matters of principle there is not since the decision in *Fort Francis Pulp and Paper Co. v. Manitoba Free Press* [1923] A.C. 695, any room for dispute. Under the British North America Act property and civil rights in the several provinces are committed to the Provincial legislatures, but the Parliament of the Dominion in a sufficiently great emergency such as that arising out of war has power to deal adequately with that emergency for the safety of the Dominion as a whole. The interests of the Dominion are to be protected and it rests with the Parliament of the Dominion to protect them. What those interests are the Parliament of the Dominion must be left with considerable freedom to judge.

Again if it be clear that an emergency has not arisen or no longer exists, there can be no justification for the exercise or continued exercise of the exceptional powers. The rule of law as to the distribution of powers between the Parliaments of the Dominion and the Parliaments of the provinces comes into play. But very clear evidence that an emergency has not arisen or that the

emergency no longer exists is required to justify the judiciary even though the question is one of ultra vires, in overruling the decision of the Parliament of the Dominion that exceptional measures were required or were still required.

To this may be added as a corollary that it is not pertinent to the judiciary to consider the wisdom or the propriety of the particular policy which is embodied in the emergency legislation. Determination of the policy to be followed is exclusively a matter for the Parliament of the Dominion and those to whom it has delegated its powers.

Lastly it should be observed that the judiciary are not concerned when considering a question of ultra vires with the question whether the Executive will in fact be able to carry into effective operation the emergency provisions which the Parliament of the Dominion either directly or indirectly has made.

It is unnecessary therefore for their Lordships to take into review or even to recount the particular circumstances obtaining within the Dominion that led to the Orders in question or the arrangements made with a view to their execution.

The validity of the War Measures Act was not attacked before their Lordships and consistently with the principles stated was not open to attack. The validity of the Orders was challenged on many grounds. Their Lordships have considered not only the points put forward on behalf of the Appellants but whether the orders were susceptible of criticism for reasons not put forward. Their Lordships are satisfied that all possible grounds of criticism were in one form or another included in the grounds on which the Appellants relied.

For the validity of the orders it is necessary **First** that upon the true construction of the War Measures Act, they fall within the ambit of the powers duly conferred by the Act on the Governor General in Council **Second** that, assuming the orders were within the terms of the War Measures Act, they were not for some reason in law invalid.

The points taken were first that the War Measures Act did not on its true construction authorise orders for deportation to be made as respects British subjects or Canadian Nationals and that it should in certain respects receive a limited construction; second that if the Act purported on its construction to authorise the making of such orders, yet the orders made would be contrary to the Imperial Statute British Nationality and Status of Aliens Act and therefore to that extent invalid; third that the provision contained in para. 2 (4) of P.C. 7355 (relating to the wives and children of persons in respect of whom an order for deportation had been made) was for a specific reason invalid; fourth that in any event the order made under the National Emergency Transitional Powers Act continuing the former orders of the Governor-in-Council was invalid.

The first point raises questions of construction with which their Lordships must now deal.

The language of the War Measures Act is in general terms but it was argued that certain limitations were as a matter of construction of the Act to be implied and that to the extent to which any order purporting to be made under the Act fell outside its proper ambit, the order would of necessity be invalid.

The first suggested limitation was based on the Colonial Laws Validity Act, 1865. At the date when the War Measures Act came into force legislation made by the Parliament was in its effect subject to the provisions as to repugnancy contained in the Act of 1865 and it was argued that the War Measures Act should be construed as confined in its possible ambit to the making of orders which would consistently with the Colonial Laws Validity Act, 1865, then be valid as law within the Dominion. If that was so the orders were not authorised by the War Measures Act in so far as they were repugnant to the British Nationality and Status of Aliens Act, 1914-18, which was an Act of the Imperial Parliament and in the appellants' contention extended to the Dominion as part of the law of the United Kingdom.

Their Lordships are unable to accept this contention. The effect of the Colonial Laws Validity Act, 1865, was only that Canadian legislation repugnant to the statutory law of the United Kingdom applying to the Dominion was inoperative. The only conclusion to be drawn from a consideration of the Colonial Laws Validity Act is that the War Measures Act did not on its true construction confer a power beyond the extent to which it might at the date of its use be validly exercised. The statutory law of the United Kingdom is not static and in their Lordships' opinion there is no justification for the imputation that the Parliament of Canada legislated upon the footing that it is static. The effectiveness of legislation of the Parliament of the Dominion at the date when those delegated powers are exercised, not the limitation on that legislation at the date when the War Measures Act was passed, is, so far as the Act of 1865 is concerned, the relevant matter.

Secondly, it was argued that, as a matter of construction, the War Measures Act did not authorise the making of orders having an extra territorial operation. This point was relevant by reason that the orders in question in terms authorised "deportation."

This point may be shortly disposed of. Extra-territorial constraint is incident to the exercise of the power of deportation (A.C. for Canada v. Cain [1906] A.C. 542) and was, therefore in contemplation. Any lingering doubts as to the validity in law of an Act which for its effectiveness requires extra-territorial application were, it may be added, set at rest by the Canadian Statute the Extra-Territorial Act, 1933.

Thirdly, it was argued that the War Measures Act should be construed as authorising only such orders as are consistent with the accepted principles of International Law and that the forcible removal to a foreign country of British subjects was contrary to the accepted rules of International Law. The Act therefore as a matter of construction did not, it was said, purport to authorise orders providing for such removal.

It may be true that in construing legislation some weight ought in an appropriate case to be given to a consideration of the accepted principles of International Law (cf. Croft v. Dunphy [1933] A.C. 156), but the nature of the legislation in any particular case has to be considered in determining to what extent, if at all, it is right on a question of construction to advert to those principles. In their Lordships' view those principles find no place in the construction of the War Measures Act. The Act is directed to the exercise by the Governor-in-Council of powers vested in the Parliament of the Dominion at a time when war, invasion or insurrection or their apprehension exists. The

accepted rules of International Law applicable in times of peace can hardly have been in contemplation and the inference cannot be drawn that the Parliament of the Dominion impliedly imposed the limitation suggested.

The next question of construction arising under the Act has more substance. It was said that there was inherent in the word "deportation" as part of its meaning the necessity that the person to be deported was - as respects the state exercising the power - an alien. The express power given to expel persons from Canada was therefore limited to aliens i.e., persons who were not Canadian Nationals. It was not permissible to treat as authorized by the general power a power to make orders for deportation in relation to a class of persons impliedly excluded from deportation by the terms of the specific power. There was therefore an implied prohibition against the deportation of Canadian Nationals.

Upon this argument it may be conceded that commonly it is only aliens who are made liable to deportation and that in consequence, where reference is made to deportation, there is often imported the suggestion that aliens are under immediate consideration.

The dictionaries as might be expected do not altogether agree as to the meaning of deportation but the New English Dictionary gives as its definition "The action of carrying away: forcible removal especially into exile: transportation."

As a matter of language their Lordships take the view that "deportation" is not a word which is mis-used when applied to persons not aliens. Whether or not the word "deportation" is in its application to be confined to aliens or not remains therefore open as a matter of construction of the particular statute in which it is found.

In the present case the Act is directed to dealing with emergencies: throughout it is in sweeping terms; and the word is found in the combination "arrest, detention, exclusion and deportation". As regard the first three of these words nationality is obviously not a relevant consideration. The general nature of the Act and the collocation in which the word is found establish in their Lordships' view that in this statute the word "deportation" is used in a general sense and as an action applicable to all persons irrespective of nationality. This being in their Lordships' judgment the true construction of the Act, it must apply to all persons who are at the time subject to the laws of Canada. They may be so subject by the mere fact of being in Canada, whether they are aliens or British subjects or Canadian Nationals. Nationality per se is not a relevant consideration. An order relating to deportation would not be unauthorised by reason that it related to Canadian Nationals or British subjects.

Even if this were not the case the same result may be reached by another route. The general power given to the Governor-in-Council in the opening part of Section 3 of the Act is not in this statute limited by reference to the acts particularly enumerated and their Lordships see no reason for differing from the view expressed by Rinfret C.J.C. that the order was justifiable under that general power (See King Emperor v. Sibnath Banerji [1945] L.R. 72 I.A. 247).

There remains one further question of construction of The War Measures Act, namely, whether it authorised the making of an order which provided that deported persons should cease to be either British subjects or Canadian Nationals. That matter must be considered in light of views which their Lordships have already expressed as to the construction of the Act. They see no reason for excluding from the scope of the matters covered by the general

power contained in Section 3 a power to take from persons who have in fact under an order for deportation left Canada their status under the Law of Canada as British subjects and Canadian Nationals.

The result is that upon its true construction The War Measures Act authorised the making of orders for deportation of any person whatever be his nationality and the deprivation so far as the law of Canada was concerned of his status under that law as a British subject or Canadian National.

The next question is whether The Colonial Laws Validity Act 1865 applies to the Orders of the Governor-in-Council. If it does, then in so far as they are repugnant to The British Nationality and Status of Aliens Act (which their Lordships are assuming to be an Act of the Imperial Parliament extending to Canada) they are invalid unless the provisions of the Statute of Westminster can be relied upon.

The contention of the Appellants was that the orders, though law made after the date of the Statute of Westminster, were not law made after that date by the Parliament of the Dominion. The activities of Parliament in the matter in question had, it was said, ceased in 1927. The orders were not of its making. The passing by the Parliament of The National Emergency Transitional Powers Act, 1945 was for the purpose in hand immaterial, for the reason that Section 4 empowered the Governor-in-Council to order the continuance only of orders and regulations "lawfully" made under the War Measures Act.

Their Lordships agree that in considering this particular matter the National Emergency Transitional Powers Act, 1945 cannot be prayed in aid of the validity of the orders, but in their opinion the orders in question were made "after the passing of this Act (i.e., the Statute of Westminster) by the Parliament of the Dominion" as that phrase is used in the Statute of Westminster. This again is a question of construction.

Both in sub-sections 1 and 2 of Section (2) of the Statute of Westminster the matter which is dealt with is "law", and that is a general term which includes not only statutes but also orders and regulations made under statutes. Undoubtedly the law as embodied in an order or regulation is made at the date when the power conferred by the Parliament of the Dominion is exercised.

Is it made after that date by the Parliament of the Dominion? That Parliament is the only legislative authority for the Dominion as a whole and it has chosen to make the law through machinery set up and continued by it for that purpose. The Governor-in-Council has no independent status as a law making body. The legislative activity of Parliament is still present at the time when the orders are made and these orders are "law". In their Lordships' opinion they are law made by the Parliament at the date of their promulgation. A contrary conclusion would in their Lordships' view place an artificial and narrow construction on wide terms used in an Act of Parliament the subject matter of which demands that a liberal construction should be put upon the language used.

In the result therefore the Colonial Laws Validity Act, 1865, affords no ground for questioning the validity of the orders.

The next matter arises on sub-para. (4) of para. (2) of P.C. 7255. Under that provision an order for deportation may be made as respects the wives and children (not over the age of 16 years) of persons with respect to whom an order for deportation has been made.

The case sought to be made runs as follows:

The recitals in the order relate only to the desirability of making provision for the deportation of persons referred to in sub-para. 1, 2 and 3 of para. (2) of the order. In the case of the classes of persons referred to in sub-para. 1, 2 and 3 (leaving aside detainees) request for repatriation was at some stage necessary; a request was considered by the Governor-in-Council to be a substantive matter, but no such request is required as respects the persons mentioned in sub-para. 4 and the only apparent reason for subjecting them to liability for deportation is that an order for deportation has been made as respects the husband or father. The order therefore not only does not show that by reason of the existence of real or apprehended war it was thought necessary for the security, peace, order, defence or welfare of Canada to make provision for their deportation but, when considered in substance, shows that these matters were not taken into consideration. A deportation of the family consequential on the deportation of the father might indeed be thought desirable on grounds other than those requisite for a due execution of the powers given and, it is contended, it is apparent that it is grounds not set out in the statute which alone have here been taken into consideration.

The incompleteness of the recital is in their Lordships' view of no moment. It is the substance of the matter that has to be considered. Their Lordships do not doubt the proposition that an exercise of the power for an unauthorized purpose would be invalid and the only question is whether there is apparent any matter which justifies the judiciary in coming to the conclusion that the power was in fact exercised for an unauthorized purpose. In their Lordships' opinion there is not. The first three sub-paragraphs of paragraph 2 no doubt deal with the matter which primarily engaged the attention of the Governor-in-Council, but it is not in their Lordships' view a proper inference from the terms of those sub-paragraphs that the Governor-in-Council did not also deem it necessary or advisable for the security defence peace order and welfare of Canada that the wives and children under 16 of deportees should against their will also be liable to deportation. The making of a deportation order as respects the husband or father might create a situation with which, with a view to forwarding this specified purpose, it was proper to deal. Beyond that it is not necessary to go.

The last matter of substance arises on the National Emergency Transitional Powers Act, 1946.

It was contended by the Appellants that at the date of the passing of this Act there did not exist any such emergency as justified the Parliament of Canada in empowering the Governor-in-Council to continue the orders in question. The emergency which had dictated their making--namely active hostilities--had come to an end.

A new emergency justifying exceptional measures may indeed have arisen. But it was by no means the case that measures taken to deal with the emergency which led to the Proclamation bringing the War Measures Act into force were demanded by the emergency which faced the Parliament of Canada when passing the Transitional Act. The Order under the Act continuing the orders in question was therefore *prima facie* invalid.

This contention found no favour in the Supreme Court of Canada and their Lordships do not accept it. The Preamble to the Transitional Act states clearly the view of the Parliament of the Dominion as to the necessity of imposing the powers which were

exercised. The argument under consideration invites their lordships on speculative grounds alone to overrule either the considered decision of Parliament to confer the powers or the decision of the Governor-in-Council to exercise it. So to do would be contrary to the principles laid down in *Fort Francis Pulp and Paper Co. v. Manitoba Free Press* (ubi supra) and accepted by their lordships earlier in this opinion.

One remaining matter relied upon by the Appellants should be mentioned. First it was said that the words "of the Japanese race" were so vague as to be incapable of application to ascertained persons. It is sufficient to say that in their lordships' opinion they are not. All that can be said is that questions may arise as to the true construction of the phrase and as to its applicability to any particular person. But difficulties of construction do not effect the validity of the Orders.

In the result their lordships find themselves in agreement with the conclusion at which Rinfret C.J.C. and Kerwin and Tachereau J.J. arrived and for the reasons they have expressed will humbly advise His Majesty that none of the Orders-in-Council is in any respect ultra vires and that the Appeal should be dismissed. There will be no order as to costs.

Order in Council amending two Orders re Japanese.

P.C. 271

AT THE GOVERNMENT HOUSE AT OTTAWA
THURSDAY, the 23rd day of JANUARY, 1947.
PRESENT:

In the Privy Council

EXCELLENCY

GVERNOR GENERAL IN COUNCIL:

Agency the Governor General

Recommendation of the Secretary

ty of the National

1945, is

THE CO-OPERATIVE COMMITTEE ON
JAPANESE CANADIANS AND ANOTHER

v.

THE ATTORNEY-GENERAL OF CANADA
AND ANOTHER

Delivered by Lord WRIGHT

Printed by His Majesty's Station-
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Drury Lane, W.C. 2.
1946

Order in Council amending two Orders re Japanese.

P.C. 271

AT THE GOVERNMENT HOUSE AT OTTAWA
THURSDAY, the 23rd day of JANUARY, 1947.
PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General
in Council, on the recommendation of the Secretary
of State and under the authority of the National
Emergency Transitional Powers Act, 1945, is
pleased to order as follows:

1. Order in Council P.C. 6247 of July 20,
1942, (re Japanese-owned fishing vessels)
is hereby revoked.
2. The preamble of Order in Council P.C. 469
of January 19, 1943 (transferring to the
Custodian property of persons of the
Japanese race evacuated from protected
areas) is hereby revoked except the fifth
and sixth paragraphs thereof.
3. The operative portion of the said Order in
Council P.C. 469 is hereby revoked other
than the last paragraph thereof, commencing
"Wherever, under Orders in Council...

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

In the Privy Council

THE GO OPERATIVE COMMITTEE ON
JAPANESE CANADIANS AND ANOTHER
V.
THE ATTORNEY-GENERAL OF CANADA
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1946

Orders in Council relating to persons
of the Japanese race.

- 9590 7/12/41 Regulations re Trading with the Enemy made
applicable to the Japanese
- 9760 16/12/41 Re-registration of persons of Japanese race
- 9761 16/12/41 Prohibiting operation of vessels in waters
adjacent to the West Coast by persons of
Japanese race
- 251 13/1/42 Fishing licence - prohibited to persons of
Japanese racial origin
- 288 13/1/42 Committee re disposal of fishing boats amended
by P.C. 987 9/2/42
P.C. 3737 5/5/42
- 1348 19/2/42 Work camps for male enemy aliens amended by
P.C. 6758 31/7/42
P.C. 8173 11/9/42
- 1665 4/3/42 British Columbia Security Commission amended
by P.C. 2483 27/3/42
P.C. 3213 21/4/42
- 4615 2/6/42 British Columbia Security Commission and
Province of Alberta - agreement for moving
persons of Japanese race
- 6247 20/7/42 Boats and equipment owned by Japanese vested in
Custodian
- 469 19/1/43 Transfer to Custodian of property of Japanese
evacuees
- 270-
amending 946 5/2/43 Regulations re placement, control and maintenance
of persons of the Japanese race in Canada amended
by P.C. 9743 24/12/43
P.C. 5637 16/8/45
P.C. 5793 16/12/45
P.C. 5973 14/9/45
- 4002 17/5/43 British Columbia - Alberta agreement re Japanese
school children
- 4365 28/5/43 Japanese labour to be utilized for wood fuel
cutting and timber operations
- 468 23/1/45 T.B. Pickersgill appointed Commissioner of
Japanese placements
- 368-
amending 7355 15/12/45 Deportation of persons of the Japanese race
- 7356 15/12/45 Revocation of Naturalization of persons of
Japanese race deported under provisions of
P.C. 7355
- 7357 15/12/45 Commission appointed to inquire into activities
of persons of the Japanese race during the war.

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, concurred 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.



THE CANADA GAZETTE LA GAZETTE DU CANADA

OTTAWA, WEDNESDAY, DECEMBER 17, 1941

ORDER IN COUNCIL

[19760]
AT THE GOVERNMENT HOUSE AT OTTAWA
Tuesday, the 16th day of December, 1941.

PRESENT:

HIS EXCELLENCY THE GOVERNOR
GENERAL IN COUNCIL

WHEREAS the Minister of Justice reports,—
That a Special Committee on Orientals in
British Columbia which was appointed on October
1, 1940, to investigate the position of persons of
Japanese and Chinese racial origin, who are resident
in British Columbia, and to report upon the problem
of Japanese and Chinese in that province from the
point of view of national security, with particular
reference to the question of military training, made
a report on December 2, 1940, recommending, inter
alia that, both for purposes of civil security and in
order to deprive persons hostile to the Japanese,
of a constant and effective ground for complaint,
there should be a re-registration of the Japanese
population in British Columbia;

That the Cabinet War Committee considered and
approved such recommendation and by Order in
Council P.C. 117, dated January 7, 1941, a standing
committee was appointed to assist the Government
by overseeing the execution of such recommenda-
tions of the Special Committee as the Government
might from time to time refer to it for action;

That the Commissioner of the Royal Canadian
Mounted Police was asked to supervise such re-regis-
tration;

That such re-registration has been substantially
completed by the Royal Canadian Mounted Police
with the voluntary co-operation of most persons of
the Japanese race in British Columbia who have
completed the form contained in Schedule A hereto
and have received a certificate of registration in the
form contained in Schedule B hereto;

That, on instructions from the Cabinet War Com-
mittee, such re-registration has been extended to all
persons of the Japanese race in Canada;

That, in view of the existence of a state of war
between Canada and Japan, it is considered advis-
able that such re-registration, as extended to all
persons of the Japanese race in Canada, be made
compulsory.

Now, THEREFORE, His Excellency the Governor
General in Council, on the recommendation of the
Minister of Justice and under the authority of the
War Measures Act, Chapter 206 of the Revised
Statutes of Canada, 1927, is pleased to order and
doth hereby order as follows,—

1. (1) Every person of the Japanese race who
resides in Canada, who has attained his sixteenth
birthday on or before a day to be fixed by the
Commissioner of the Royal Canadian Mounted
Police, and who has not heretofore registered with
the Royal Canadian Mounted Police by completing
the form contained in Schedule A to this order
shall so register on or before the day fixed pursuant
to this section and the Royal Canadian Mounted
Police shall issue to each person so registering a
Certificate of Registration in the form contained in
Schedule B to this order.
- (2) The Commissioner of the Royal Canadian
Mounted Police shall publish in the *Canada Gazette*
a notice of the day which he fixes pursuant to sub-
section (1) of this section at least two weeks prior
to such day.
- (3) Every person of the Japanese race who—
(a) attains his sixteenth birthday after the day
fixed pursuant to subsection (1) of this sec-
tion or
(b) owing to absence from Canada on or prior to
the said date has not so registered
shall within thirty days from his sixteenth birthday
or from his entry or re-entry into Canada, as the case
may be, register in the manner prescribed in sub-
section (1) of this section.
- (4) Every person who fails to register as required
by subsection (1) or subsection (3) of this section
on or before the day fixed under subsection (1)

of this section shall nevertheless so register after such day but such subsequent registration shall not relieve such person from any penalty incurred by reason of such failure to register as aforesaid.

2. (1) Any person who fails to register as hereinbefore required shall be guilty of an offence and shall be liable on summary conviction or on indictment to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) The burden of proving registration under this order shall lie upon the person who alleges it and any person to whom a registration certificate has not been issued shall be deemed to have failed to register.

3. (1) Every person to whom such a registration certificate has been issued either before or after the passing of this order shall at all times carry it upon his person and shall produce it for inspection upon reasonable demand to any peace officer, police officer or constable or to any other person designated for the purpose by the Attorney General of any province, and in particular, without limiting the generality of this section, any such peace officer, police officer or constable may, at any time after the day fixed under section 1 of this order, require any person of the Japanese race who has attained his sixteenth birthday, present or attending at any public assembly, place of public resort or entertainment, ticket or telegraph office, or post office, or being in or upon any car, train or steamboat, to produce such registration certificate upon that occasion; and if any such person so required fails without reasonable excuse, to produce such registration certificate, he shall be guilty of an offence and liable to a fine not exceeding twenty dollars, and may be detained and taken immediately before a justice of the peace to be dealt with according to law.

(2) Any peace officer, police officer or constable or any other person designated for the purpose by the Attorney General of any province may accost any person of the Japanese race who has attained his sixteenth birthday at any time after the day fixed under section 1 of this order and question him as to whether or not he has registered pursuant to the provisions of this order; and any person so accosted shall answer truthfully all relevant questions put to him concerning such registration, and if he answers untruthfully or evasively, or if the officer questioning such person shall have reasonable ground to believe that his answers are untruthful or evasive, such officer may detain such person and take him before a justice of the peace to be dealt with according to law.

4. If any person upon his registration under this order refuses to answer any question on his registration form, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

5. If any person upon his registration under this order wilfully gives a false or misleading answer to any question on his registration form, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

6. If any person having registered with the Royal Canadian Mounted Police in the form contained in Schedule A to this order, so registers again either under the same name or a different name, he shall be guilty of an offence and liable upon summary con-

viction to a fine not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not less than three months, or to both such fine and such imprisonment.

7. Every person who falsely represents himself to be a person who has received a registration certificate in the form contained in Schedule B to this order from the Royal Canadian Mounted Police, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

8. Every person who without lawful reason or excuse, the proof of which shall lie upon him, has in his possession

(a) a registration certificate in the form contained in Schedule B to this order or a document purporting to be such a registration certificate, which registration certificate was not lawfully received by him from the Royal Canadian Mounted Police; or

(b) a blank form of such a registration certificate or printed paper purporting to be such a blank form

shall be guilty of an offence and liable upon summary conviction to imprisonment for any term not exceeding three years and not less than six months.

9. Every person who without lawful authority or excuse, the proof of which shall lie upon him, prints or makes a registration certificate in the form contained in Schedule B to this order or any printed paper purporting to be a blank form of such a registration certificate, shall be guilty of an offence and liable upon summary conviction or upon indictment to imprisonment for any term not exceeding three years and not less than six months.

10. Every person who—

(a) sells or offers to sell any registration certificate in the form contained in Schedule B to this order, any document purporting to be such a registration certificate, any blank form of such a registration certificate, or any printed paper purporting to be a blank form of such a registration certificate, or

(b) without lawful reason or excuse, the proof of which shall lie upon him, parts with the possession of any such registration certificate, any document purporting to be such a registration certificate, any blank form of such a registration certificate, or any printed paper purporting to be a blank form of such a registration certificate,

shall be guilty of an offence and liable upon summary conviction to imprisonment for any term not exceeding three years and not less than six months.

11. Every person who counsels or advises any other person to refuse or omit to comply with any of the provisions of this order shall be guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

12. Every person registered with the Royal Canadian Mounted Police on the form contained in Schedule A to this order shall answer truthfully in writing, any question which may be submitted to him in print or in writing by or under the direction of the Commissioner of the Royal Canadian Mounted Police touching the answers upon his registration form, or requiring any information concerning any of the matters therein mentioned or referred to, and shall return his answers to any such question to the Commissioner of the Royal Canadian Mounted Police, or to any other officer as may be required,

either personally or by registered post, within ten days after the day when he shall have received the questionnaire; and every such person who refuses, fails or neglects without lawful excuse, to return his answers to such questions within the time aforesaid shall be guilty of an offence, and liable upon summary conviction to a fine not exceeding fifty dollars.

13. Any person registered with the Royal Canadian Mounted Police on the form contained in Schedule A to this order who, after such registration, has married or marries or has changed or changes his or her place of residence shall, within fourteen days of the date of this order or of such marriage or change of address, notify the Commissioner of the Royal Canadian Mounted Police at Ottawa of the date of his or her marriage, and of the name and place of residence of the person whom he married, or of the place of residence and post office address to which he has removed, as the case may be, and any such person who fails, without lawful excuse, to comply with the provisions of this section, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding fifty dollars.

14. In this order the expression "person of the Japanese race" shall include a person not wholly of the Japanese race if his father or mother is of the Japanese race and if the Commissioner of the Royal Canadian Mounted Police, by notice in writing, requires him to register.

15. No prosecution under this order shall be commenced without the leave of the Attorney General of Canada or of the province in which the offence is alleged to have been committed.

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

SCHEDULE A

REGISTRATION OF ORIENTALS UNDER

O.C. P.C. 117 by R.C.M. POLICE

Name..... Status.....
Address..... Single or Married.....
Place of Birth..... Date of Birth.....
Sex..... Age..... Height..... Weight.....
Hair..... Eyes..... Comp.....

Special Marks of Identification:

Date of entry to Canada..... Ex. S.S.
Port of Entry..... Father's Serial No.....
Father's Name..... Mother's Serial No.....
Mother's Name..... Serial No. of Husband
Name of Husband (Wife)..... (Wife).....

Occupation.....

Number and type of Fishing Licence (if any).....

Property owned (Registration No. of Boat, if any).....

Address of Wife (Husband).....

Number of Children Under 16 Years of Age.....

Name..... Age..... Address.....

Number and Date of Birth and/or Naturalization Certificate.....

Is Japanese Nationality claimed as well as Canadian Nationality?.....

Is return to Japan contemplated?.....
If so for what reason?.....

Photo	Thumb Print
Applicant's Signature	

(Reverse)

Police Record (if any)

Special Memo (to contain any information of interest not covered on front of sheet)

Questionnaire completed by: (Signature)

Place.....

Date.....

Registration Card Issued (Yes) or (No).....

If not why?.....

This space for any notation such as subsequent change of status, death, etc., etc.

SCHEDULE B

Serial No.

Name.....

Address.....

Age..... Height..... Weight.....

Thumb Print

Marks of Identification.....

Occupation.....

Signature.....

(Reverse)

The Bearer, whose photograph and specimen of signature appear hereon, has been duly registered in compliance with the provisions of Order in Council P.C. 117.

Vancouver (Date)

Photo

Inspector R.C.M.P.

26-1

It is any person having registered with the Royal Canadian Mounted Police in the form contained in Schedule A to this order, or registered again either in Schedule A to this order or a different form, he shall under the same name or a different name, be liable to the same penalty as an offender under the summary conviction provisions of the Criminal Code, or requiring any information of the nature therein mentioned or referred to, and shall attach his answers to any such question to the Commissioner of the Royal Canadian Mounted Police, or to any other officer as may be required.

Nationality?

Issuing
Officer... Inspector R.C.M.P.
26-1

Phot

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

THE Commissioner of the Royal Canadian Mounted Police hereby directs for the information of all concerned that every person of the Japanese race who resides in Canada who has attained his sixteenth birthday on or before the 10th of January, 1942 and who has not heretofore registered with the Royal Canadian Mounted Police by completing the form set forth below in Schedule A shall so register on or before the 10th of January, 1942, with the Royal Canadian Mounted Police under the terms of Order in Council of the 10th of December, 1941, P.C. 9760.

It is further ordered that every person of the Japanese race who

- (a) attains his sixteenth birthday after the 10th of January, 1942
or
(b) owing to absence from Canada on or prior to the 10th of January, 1942, has not so registered shall within thirty days from his sixteenth birthday or from his entry or re-entry into Canada, as the case may be, register in the manner prescribed above.

SCHEDULE "A"

Serial No.
REGISTRATION OF ORIENTALS UNDER
O.C. P.C. 117 BY R.C.M. POLICE

Name..... Status.....
Address..... Single or Married...
Place of Birth..... Date of Birth...
Sex..... Age..... Height..... Weight.....
Hair..... Eyes..... Comp.....

Special Marks of Identification:

Date of entry to Canada..... Ex. S.S.
Port of Entry..... Father's Serial No. ...
Father's Name..... Mother's Serial No. ...
Mother's Name..... Serial No. of Husband
Name of Husband (Wife)..... (Wife).....

Occupation.....

Ottawa: Printed by EDMOND CLOUTIER, Printer to the King's Most Excellent Majesty, 1941.

Number and type of Fishing Licence (if any).....

Property owned (Registration No. of Boat, if any).....

Address of Wife (Husband).....

Number of Children Under 16 Years of Age.....

Name..... Age..... Address.....

Number and Date of Birth and/or Naturalization Certificate.....

Is Japanese Nationality claimed as well as Canadian Nationality?.....

Is return to Japan contemplated?.....

If so for what reason?.....

Thumb Print

Photo

Applicant's Signature

(REVERSE)

Police Record (if any)

Special Memo (to contain any information of interest not covered on front of sheet)

Questionnaire completed by:..... (Signature)

Place.....

Date.....

Registration Card Issued (Yes) or (No).....

If not why?.....

This space for any notation such as subsequent change of status, death, etc., etc.

as P.C. 2892: And provided further that any seizure made after the eighth day of December, 1941, and prior to the coming into force of this Order of any vessel on the ground that it has been used or operated by a person of the Japanese race shall, nevertheless, be deemed to have been duly made pursuant to this Order.

3. Every one who contravenes the provisions of this Order shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment."

A.D.P. Heeney,

Clerk of the Privy Council.

AT THE GOVERNMENT HOUSE AT OTTAWA
TUESDAY, the 13th day of JANUARY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Fisheries reports that the conference convened at Ottawa on January 8th, 1942, under the chairmanship of

the Honourable Ian Mackenzie, Minister of Pen-sions and National Health, to consider questions concerned with Canadian Japanese and Japanese Nationals in British Columbia, has recommended that during the period of war, for reasons of national defence and security, the Canadian Government should take steps to prohibit all persons of Japanese racial origin from fishing or serving on fishing vessels off the coast of British Columbia.

AND WHEREAS the Minister further re-ports that while under the Fisheries Act, Chapter 42, 22-23, George V, authority is vested in the Minister of Fisheries whereby he may, in his absolute discretion, issue or authorize to be issued licenses for fisheries and/or fishing wheresoever situate or carried on, in the ex-traordinary circumstances governing the above recommendation, it is deemed desirable that action to discontinue the licensing of all persons of Japanese racial origin in fishing activities in British Columbia should be supported by the au-thority of the War Measures Act.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and for reasons of na-tional defence and security during the period of the war, is pleased to order and doth hereby order that no fishing licenses authorizing fishing in or off British Columbia, as contemplated by the Fisheries Act, Chapter 42, 22-23, George V, and regulations adopted pursuant thereto, shall be issued to persons of Japanese racial origin; and also, that no such persons shall be permitted to serve on fishing vessels.

Sgd. A.D.P. Heeney

Clerk of the Privy Council.

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 13th January, 1942.

The Committee of the Privy Council have had before them a report, dated 13th January, 1942, from the Minister of Fisheries, representing that the defence and security of Canada has made necessary the immobilization of fishing vessels owned by people of Japanese origin and operated in British Columbia waters;

That some 1,100 boats and their equipment, having a value of between \$2,000,000 and \$3,000,000, are involved, of which about 950 are impounded near New Westminster and the remainder at Prince Rupert and other ports;

That the owners of these vessels, though being of Japanese origin, are Canadian citizens whose productive power, by virtue of this ownership, contributed significantly to the fishing industry;

That a conference has been held between the Standing Committee on Orientals in British Columbia and the interested government departments, at which it was considered that the war needs of Great Britain and the Allies make it imperative that the production of the British Columbian fishing industry be maintained and increased and that, therefore, a way should be found of putting these vessels back into production in hands other than those of Japanese origin, and otherwise consistent with the needs of national defence and security, as well as with due regard to the equity of the Japanese Canadian owners;

That it is, therefore, deemed desirable to implement the release of these Japanese Canadian fishing vessels in accordance with the above considerations; and

That such a purpose could best be accomplished by the establishment of a committee to consist of three persons, with a jurist to act as chairman, another to be appointed from the Department of National Defence (Naval Services), and the third to be chosen to represent the Japanese Canadian owners.

The Minister, therefore, with the concurrence of the Minister of National Defence for Naval Services, recommends that, under the authority of the War Measures Act, -

.....

The Honourable Sidney A. Smith,
Puisne Judge of the Supreme Court of
British Columbia, Vancouver, B.C.

Commander B.L. Johnson, R.C.N.R.,
Vancouver, B.C.

and

Kishizo Kimura,
Vancouver, B.C.

be hereby constituted a committee on the disposal
of Japanese fishing vessels, the duties of the said
committee to be:

- (1) To make such arrangements as will make it possible for the present owners of detained vessels to freely negotiate for charters, leases, or sales of such vessels as they own to persons other than those of Japanese origin, provided that the committee approve of such charters, leases, or sales, which approval shall be a prerequisite for the use of such vessel under fishing license.
- (2) Where necessary, to arbitrate disagreements on price between owners and intending purchasers with a view to preventing advantage being taken of duress.
- (3) To report on claims which may be made on the government for damage to, or deterioration of, the vessels and equipment while under detention.
- (4) To report on claims which may be made on the government for the returning of the detained vessels from their present storage place to places where they were picked up.
- (5) By consultation with the Department of Fisheries, to determine which of the detained vessels shall first come under the arrangements to be put back into production.
- (6) To report on steps that should be taken to dispose of vessels which the present owners are unable to sell, charter, lease or otherwise transfer.

That the committee be authorized to employ stenographic and other assistance and to incur such other expenses as they find necessary to facilitate the fulfilment of their function as outlined above, with actual travelling and living expenses as may be approved by the Minister of Fisheries;

That the committee, which shall act without remuneration, be paid travelling and living expenses while away from their place of residence on the work of the committee where these are not already provided for; and

That the cost of the committee be charged against the War Appropriation.

The Committee concur in the foregoing recommendation and submit the same for approval.

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

AT THE GOVERNMENT HOUSE AT OTTAWA
MONDAY, the 9th day of FEBRUARY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Fisheries reports that the Committee under the Chairmanship of the Honourable Justice Sidney A. Smith of Vancouver, appointed under the authority of the War Measures Act to supervise the disposal of impounded fishing vessels and equipment owned by persons of Japanese racial origin in British Columbia, was empowered inter alia, -

- (a) To make such arrangements as will make it possible for the present owners of detained vessels to freely negotiate for charters, leases, or sales of such vessels as they own to persons other than those of Japanese origin, provided that the Committee approve of such charters, leases, or sales, which approval shall be a prerequisite for the use of such vessel under fishing license.
- (b) Where necessary, to arbitrate disagreements on price between owners and intending purchasers with a view to preventing advantage being taken of duress.

That the Committee has proposed that a disposal charge of one per centum on all monies involved in transactions for the disposal of the vessels and equipment coming within its terms of reference should be made, having in mind that the expenses of the Committee will be substantially greater than originally estimated, due to the large number of claims for damages to vessels while in custody, necessitating additional expenses for services of competent marine surveyors; and has reported that Mr. Kishizo Kimura, one of the members of the Committee, has stated the Japanese owners are willing to subscribe to this expense.

Now/

P. C. 987

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to authorize and doth hereby authorize the Committee appointed by Order in Council of January 13th, 1942, P.C. 288, for the disposal of immobilized fishing vessels and equipment in British Columbia, owned by persons of Japanese racial origin, to impose and collect a charge of one per centum on all monies involved in transactions for the disposal of such vessels and equipment, whether by charters, leases or sales, and that all such funds shall be remitted promptly to the Receiver General of Canada for inclusion in the Consolidated Revenue Account.

Sgd. A.D.P. Heeney

Clerk of the Privy Council.

(1) To be used for the disposal of fishing gear and equipment, including boats, nets, traps, and other fishing gear, and for the disposal of the proceeds thereof.

(2) To be used for the disposal of fishing gear and equipment, including boats, nets, traps, and other fishing gear, and for the disposal of the proceeds thereof.

(3) To be used for the disposal of fishing gear and equipment, including boats, nets, traps, and other fishing gear, and for the disposal of the proceeds thereof.

(4) To be used for the disposal of fishing gear and equipment, including boats, nets, traps, and other fishing gear, and for the disposal of the proceeds thereof.

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th May, 1942.

The Committee of the Privy Council have had before them a report, dated 2nd May, 1942, from the Minister of Fisheries, stating:-

That the Committee, under the chairmanship of the Honourable Justice Sidney A. Smith, appointed under the authority of the War Measures Act to supervise the disposition of impounded fishing vessels and equipment owned by persons of Japanese racial origin in British Columbia, was authorized, inter alia,-

To report on claims which may be made on the Government for damage to, or deterioration of, the vessels and equipment while under detention;

That the Committee has reported that in the process of immobilizing the vessels, and while such were under impoundment, certain hull damage and equipment losses occurred incidental to the large-scale impounding action under emergent conditions, and in the opinion of the Committee there is a responsibility to the owners to make good such damage or loss as may be judged fair compensation under the circumstances;

That the Committee, based on the joint reports of its Marine Surveyors and those of the Department of National Defence for Naval Services, is in a position to recommend a fair and equitable settlement of such damage claims under general principles, as follows:

- (a) Vessels sunk during impoundment. Cost of raising and reconditioning to place machinery in running condition, making hull reasonably water-tight and providing one priming coat of paint.
- (b) Other hull and engine damage. Cost of reconditioning on satisfactory assurance that damage occurred while under impoundment.
- (c) Equipment losses. Allowance based on a sufficiency for the safe operation of vessel, conditional upon there being satisfactory evidence that such equipment was aboard when vessel was impounded. Due consideration to be given to depreciated values.
- (d) Disallowed items. Claims for skiffs or lifeboats or galley equipment and personal effects to be disallowed.

.....

That the Committee, in its disposal operations to date, has taken steps in collaboration with the Commanding Officer, Pacific Coast, Department of National Defence for Naval Services, following the aforementioned principles, to determine the amount of fair and equitable settlement of damage claims of individual boats to permit disposal negotiations to proceed without interruption and in the interest of enabling release of the vessels as quickly as possible for employment in the fishing industry.

That it is desirable all claims be dealt with as expeditiously as possible to further facilitate the work of the Committee.

The Minister, therefore, with the concurrence of the Minister of National Defence for Naval Services, recommends, under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, that the Minister of Fisheries be granted authority whereby he may approve and make payment in settlement of claims made upon the Government for damage to, and deterioration of, impounded fishing vessels and equipment (including repairs arising from such damage or deterioration) owned by persons of Japanese racial origin that may be recommended, following the principles aforementioned, by the Committee appointed by Order in Council of January 13th, 1942, P.C. 288, for the disposition of such vessels and equipment and that the sum of \$80,000.00 be made available for such purpose from the War Appropriation.

The Committee concur in the foregoing recommendation and submit the same for approval.

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

OFFICE CONSOLIDATION

P.C. 1348

as amended by P.C. 6758 July 31, 1942 and
P.C. 8173 September 11, 1942.

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY the 19th day of FEBRUARY, 1942

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS, under authority of the Defence of Canada Regulations (Consolidation) 1941 as amended by Order in Council P.C. 365 dated January 16, 1942, a protected area has been established in British Columbia;

AND WHEREAS it is deemed to be in the interest of national security that certain male enemy aliens, including Japanese Nationals, and/or other persons of Japanese racial origin (P.C. 8173, September 11, 1942) be removed from said area and employed in other localities.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and the Minister of Mines and Resources and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:-

The Minister of Mines and Resources is hereby authorized to establish work camps for male enemy aliens, including Japanese Nationals, and/or other persons of Japanese racial origin (P.C. 8173, September 11, 1942) on projects located outside of protected areas, that would be of national benefit and to make necessary arrangements for the maintenance, care, and employment of said aliens, including Japanese Nationals, and/or other persons of Japanese racial origin (P.C. 8173, September 11, 1942) who may be allocated to such camps by the Minister of Labour, and for the supervision of the work to be there undertaken;

The projects shall be such as are approved by the Minister of Labour from time to time, with the concurrence of the Minister of Mines and Resources, and, the Minister of Labour may upon such terms and conditions as may be agreed upon enter into agreements with any of the provinces or any corporation or individual in respect to the employment of said enemy aliens, including Japanese Nationals, and/or other persons of Japanese racial origin (P.C. 8173, September 11, 1942) on any other projects approved by the Minister of Labour with the concurrence of the Minister of Mines and Resources;

The remuneration of the said aliens, including Japanese Nationals, and/or other persons of Japanese racial origin (P.C. 8173, September 11, 1942) shall be on the basis of an eight-hour working day and a forty-eight-hour week at 25 cents per hour for unskilled labour and the Minister of Labour shall have authority to make regulations, as required from time to time, in respect to wage schedules, hours of labour, medical inspection and to the extent of medical care, hospitalization, unemployment insurance contributions and workmen's compensation benefits which shall be available to enemy aliens, including Japanese Nationals, and/or other persons of Japanese racial origin (P.C. 8173, September 11, 1942) when employed on the works projects of which he has approved or when employed by the British Columbia Security Commission anywhere in Canada (P.C. 6758, July 31, 1942);

.....

The said aliens, including Japanese Nationals, and/or other persons of Japanese racial origin (P.C. 8173, September 11, 1942) employed under authority of this Order or when employed by the British Columbia Security Commission anywhere in Canada (P.C. 6758, July 31, 1942) who have dependents resident in Canada shall be required to assign twenty dollars from their monthly earnings for the maintenance of the said dependents and the Dominion, upon approval of the Minister of Labour, may pay in addition an allowance of not more than five dollars a month for each dependent child of an employed alien but such payments shall not be made in respect of more than five dependent children in any one family;

The said enemy aliens, including Japanese Nationals, and/or other persons of Japanese racial origin (P.C. 8173, September 11, 1942) when employed as aforesaid, or when employed by the British Columbia Security Commission anywhere in Canada (P.C. 6758, July 31, 1942) shall be deemed to be employees within the meaning of that term as defined in the Government Employees Compensation Act for all purposes other than the payment of compensation for temporary disability, but allowing in all temporary disability cases necessary first aid, medical and hospitalization expenses and in all other cases compensation not in excess of two-thirds of the average weekly earnings of the employee regardless of any minimum rate of compensation, statutory or otherwise, which may be in effect in any province at any time;

The Minister of Labour is hereby authorized to make such arrangements with the Minister of Justice as may be necessary from time to time to insure the proper conduct and control of enemy aliens, including Japanese Nationals, and/or other persons of Japanese racial origin (P.C. 8173, September 11, 1942) employed as aforesaid outside the aforementioned protected area;

Any expenditures incurred in connection with the aforementioned removal, maintenance, care, and employment of the said enemy aliens, including Japanese Nationals, and/or other persons of Japanese racial origin (P.C. 8173, September 11, 1942) shall be met from funds provided from time to time from the War Appropriation Vote.

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

- Notes: 1. Last amendment (P.C. 6758, July 31, 1942) retroactive to and including February 19, 1942.
2. Last paragraph of P.C. 8173, September 11, 1942
-----His Excellency in Council, on the same recommendation and under the above cited authority, is further pleased to order and doth hereby order that every regulation at any time in effect under authority of aforementioned Order in Council P.C. 1348 shall be deemed to be and be fully applicable to the aforesaid other persons of Japanese racial origin, when employed by the Dominion under the terms of said P.C. 1348 or by the British Columbia Security Commission anywhere in Canada, unless said persons are specifically excepted from the operation of the terms thereof.

OFFICE CONSOLIDATION

Order in Council establishing regulations respecting
the British Columbia Security Commission

P.C. 1665

As amended by P.C. 2483, March 27, 1942, P.C. 2541,
March 30, 1942, P.C. 3213, April 21, 1942 and P.C.
946, February 5, 1943.

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 4th day of March, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas in view of the serious situation prevailing in the
Province of British Columbia arising out of the war with Japan
it is deemed necessary for the security and defence of Canada
to take further steps for the evacuation of persons of the
Japanese race from the protected areas in that Province;

Now, therefore, His Excellency the Governor General in Council,
on the recommendation of the Right Honourable W. L. Mackenzie King,
the Prime Minister, and under and by virtue of the powers confer-
red by the War Measures Act, Chapter 206 of the Revised Statutes
of Canada, 1927, is pleased to make the following regulations and
they are hereby made and established accordingly:--

INTERPRETATION

1. In these Regulations unless the context otherwise requires--
 - (a) "Commission" means the British Columbia Security Commis-
sion established under the provisions of this Order.
 - (b) "Minister" means the Minister of Labour.
 - (bb) "Person of the Japanese race" means any person of the
Japanese race required to leave any protected areas of
British Columbia by Order of the Minister of Justice under
Regulation 4, as amended, of the Defence of Canada Regula-
tions (Consolidation) 1941, (as amended by P.C. 2483, March
27, 1942)
 - (c) Other words and phrases shall have the same meaning as in
the Defence of Canada Regulations.
- Paragraphs numbered 2 to 11 inclusive revoked by P.C. 946,
February 5, 1943.

CUSTODY OF JAPANESE PROPERTY

- 12 (1) Subject as hereinafter in this Regulation provided, as
a protective measure only, all property situated in any
protected area of British Columbia belonging to any person
of the Japanese race (excepting fishing vessels subject
to Order in Council P.C. 288 of January 13, 1942, and depos-
its of money, shares of stock, debentures, bonds or other
securities) delivered up to any person by the owner pur-
suant to an order of the Minister of Justice, or which is
turned over to the Custodian by or on behalf of the owner,
or which the owner, on being evacuated from the protected
area, is unable to take with him, shall be vested in and

- 2 -

subject to the control and management of the Custodian as defined in the Regulations Respecting Trading with the Enemy, (1939); provided, however, that no commission shall be charged by the Custodian in respect of such control and management.

(2) The Custodian may, notwithstanding anything contained in this Regulation, order that all or any property whatsoever, situated in any protected area of British Columbia, belonging to any person of the Japanese race shall, for the purpose of protecting the interests of the owner or any other person, be vested in the Custodian, and the Custodian shall have full power to administer such property for the benefit of all such interested persons, and shall release such property upon being satisfied that the interests aforesaid will not be prejudiced thereby.

(3) For the purposes of the control and management of such property by the Custodian, the Consolidated Regulations Respecting Trading with the Enemy, (1939), shall apply mutatis mutandis to the same extent as if the property belonged to an enemy within the meaning of the said Consolidated Regulations, (as amended by P.C. 2483, March 27, 1942)

Paragraphs 13 to 16 inclusive revoked by P.C. 946.

February 5, 1943.

A.D.P. Heeney,

Clerk of the Privy Council.

subject to the control and management of the Custodian as defined in the Regulations Respecting Trading with the Enemy, (1939); provided, however, that no commission shall be charged by the Custodian in respect of such control and management.

(2) The Custodian may, notwithstanding anything contained in this Regulation, order that all or any property whatsoever, situated in any protected area of British Columbia, belonging to any person of the Japanese race shall, for the purpose of protecting the interests of the owner or any other person, be vested in the Custodian, and the Custodian shall have full power to administer such property for the benefit of all such interested persons, and shall release such property upon being satisfied that the interests aforesaid will not be prejudiced thereby.

(5) For the purposes of the control and management of such property by the Custodian, the Consolidated Regulations Respecting Trading with the Enemy, (1939), shall apply mutatis mutandis to the same extent as if the property belonged to an enemy within the meaning of the said Consolidated Regulations, (as amended by P.C. 2483, March 27, 1942)

Paragraphs 13 to 16 inclusive revoked by P.C. 946,

February 5, 1943.

A.D.P. Heeney,

Clerk of the Privy Council.

Order in Council authorizing agreement
between B.C. Security Commission and
Province of Alberta - placement of per-
sons of Japanese race

P.C. 4615

AT THE GOVERNMENT HOUSE AT OTTAWA
TUESDAY, the 2nd day of JUNE, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council dated March 4, 1942 (P.C. 1665), as amended by Order in Council dated April 21, 1942 (P.C. 3213), the British Columbia Security Commission was established with authority to enter into an agreement with the Government of any Province relative to the placement in such Province of persons of the Japanese race evacuated from the protected areas of British Columbia under the provisions of regulations authorized by said P.C. 1665, and relative to the removal of such persons from such Province upon the termination of the state of war now existing between Canada and Japan;

AND WHEREAS the aforementioned Commission is desirous of entering into an agreement with the Province of Alberta for the aforesaid purpose, in accordance with draft attached hereto;

AND WHEREAS the Province of Alberta, for greater certainty, has requested that the Governor in Council concur in the terms of the aforementioned agreement.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to concur and doth hereby concur in the terms of an agreement to be made between the British Columbia Security Commission (acting in its capacity of agent for the Crown) and the Government of the Province of Alberta, in accordance with draft attached hereto.

A.D.P. Heeney,

Clerk of the Privy Council.

THIS AGREEMENT made in duplicate this day
of May, A.D. 1942,
BETWEEN:

BRITISH COLUMBIA SECURITY COMMISSION,
a Commission established by the Governor-
General-in-Council under the powers con-
ferred by the "War Measures Act",
(Hereinafter called the "COMMISSION")

OF THE FIRST PART:

AND:

HIS MAJESTY THE KING IN THE RIGHT OF THE
PROVINCE OF ALBERTA, represented herein
by the Honourable

(Hereinafter called the "PROVINCE")

OF THE SECOND PART:

WHEREAS Order in Council dated March 4, 1942
(P.C. 1665 as amended by Order in Council dated March 27,
1942 (P.C. 2483) and Order in Council dated April 21, 1942
(P.C. 3213) provides, inter alia,

- (a) for the establishing of the British Columbia
Security Commission;
- (b) That said Commission shall plan, supervise and
direct the evacuation from the protected areas
of British Columbia of all persons of the
Japanese race, determine all matters relative
to the temporary placement of such persons
(including power to vary or amend any placement
order), for the continuation of the state of war
now existing, pursuant to a plan or plans to be
submitted to and approved of by the Minister of
Labour for Canada;

.....

(c) that any such plan or plans, approved as aforesaid, may authorize the Commission to enter into an agreement with the Government of any Province relative to the placement in such Province of persons of the Japanese race, evacuated as aforesaid, and that any such agreement may provide that any such persons will be removed from such Province upon the termination of the state of war now existing between Canada and Japan;

AND WHEREAS the Commission has submitted to the Minister of Labour for Canada a plan authorizing the Commission to enter into an agreement with the Province of Alberta for the temporary placement in certain areas in said Province of certain persons of the Japanese race evacuated as aforesaid, of which plan the said Minister has approved;

AND WHEREAS the Commission, in the exercise of its powers and at the request of the Province, has agreed to enter into these presents;

NOW THEREFORE THIS AGREEMENT WITNESSETH:-

1. The Commission agrees that it will send into the Province of Alberta only persons of the Japanese race who are agricultural workers together with the wives and families of such Japanese.

2. The Commission agrees that it will assume all responsibility for the movement of the said Japanese to the district in Alberta where they are to be placed, and will see that they are properly housed and provided for at the places in Alberta where they are to be temporarily settled.

3. The Commission will in conjunction with the Royal Canadian Mounted Police exercise strict supervision over such Japanese and their families during the entire period of their residence in Alberta, and in pursuance of the provisions of the said Order-in-Council will request the Royal Canadian Mounted Police to provide all necessary police protection
+....

in the districts in Alberta where such Japanese are placed for the maintenance of public security throughout the term of the residence of such Japanese in the said Province.

4. The Commission agrees that no members of the Japanese race moved on its orders into the Province of Alberta will become a charge on the said Province or on any city, town, village or municipality therein, for relief, medical services, medicine or hospitalization or otherwise. Should any of such Japanese require hospitalization or medical care or dental care, and should they fail to pay for the same as required, the Commission will pay any amount which the Province or any such city, town, village or municipality may incur for such treatment.

5. The Commission further agrees to maintain supervision over such Japanese in order to insure that they will remain resident on the farms to which they are allocated and will not move into or reside in any city in Alberta or become a charge on any municipality in the said Province.

6. The Commission further agrees that should the school authorities of any municipality or school district in Alberta object to the presence of Japanese children in the public schools maintained by such authorities the Commission will provide such education for the said Japanese children as in its opinion is requisite under the circumstances.

7. The parties hereto declare that it is their desire that persons of the Japanese race who are moved by the Commission to Alberta as aforesaid will be employed by residents of Alberta at the regular contract rate for labour and for any other farm or agricultural work at the prevailing rate in the district in which such Japanese are placed, and that each head of a Japanese family so placed will be provided with a house suitable for habitation by said family throughout the year, including a suitable garden plot with each such house, and that said family shall be permitted to improve such house for winter use and occupy the same until such time as

their employment is finally terminated. The parties hereto contemplate that the employment of such Japanese in certain areas will be intermittent by reason of the nature of the farm labour in which they will be employed, but that wherever possible the Japanese workman and his family, between seasons and until their employment is finally terminated as aforesaid, shall be permitted to occupy a house upon or in vicinity to the lands on which he is or has been employed.

8. The Commission will make orders respecting the conduct, activities and discipline of the Japanese removed by them into the Province of Alberta and will request the Royal Canadian Mounted Police to enforce such orders throughout the term of residence of such Japanese in Alberta.

9. The Commission may exercise its power to vary or amend any order of placement made pursuant to this agreement and agrees that when, in the opinion of the Council of any municipality in which Japanese are placed pursuant hereto, it is in the best interests of such municipality that said Japanese be moved the Commission will cause them to be moved therefrom within a reasonable period of time.

10. The Commission agrees to remove or to have removed from the Province, upon the termination of the state of war now existing between Canada and Japan, the Japanese temporarily placed or maintained within the Province pursuant to the terms of this agreement, as requested so to do by the Province.

11. The expression "Japanese" or "persons of the Japanese race", where used herein, shall be deemed to include such persons moved into the Province of Alberta by

....

the Commission as are of Japanese origin.

IN WITNESS WHEREOF British Columbia Security Commission has caused these presents to be executed on its behalf by Austin C. Taylor, its Chairman, and the Honourable
has hereunto set his hand on behalf of the Province.

SIGNED on behalf of the
British Columbia Security
Commission by Austin C.
Taylor, Chairman, in the
presence of

BRITISH COLUMBIA SECURITY COMMISSION

By

Chairman.

SIGNED on behalf of the
Province of Alberta by the
Honourable

in the presence of

I certify that the plan for the placement of certain persons of the Japanese race in the Province of Alberta, referred to in the foregoing agreement, and the said agreement have been approved by me.

Humphrey Mitchell
Minister of Labour.

OFFICE CONSOLIDATION

Order in Council authorizing that boats and equipment owned by persons of the Japanese race be vested in and subject to the control of the Custodian of Enemy Property

P.C. 6247

(amended by P.C. 469, January 19, 1943)

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 20th day of JULY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Fisheries reports that by virtue of the authority of Order in Council of December 16th, 1941, P.C. 9761, vessels used or operated by persons of the Japanese race within waters adjacent to the West Coast of Canada were seized and detained;

That under the supervision of the Committee, under the chairmanship of Honourable Justice Sidney A. Smith of Vancouver, appointed by Order in Council of January 13th, 1942, P.C. 288, for the disposal of vessels and equipment so seized and detained, 1,027 vessels of a total of 1,265 vessels registered with the Committee have been disposed of;

That under its terms of reference the Committee so organized the disposal arrangements to first assure that boats and equipment would be available to the British Columbia fishing industry as might be needed to maintain essential fisheries production;

That the Committee has reported having achieved this objective up to the point where little further absorption may be immediately expected by the British Columbia fishing industry excepting such vessels as may be disposed of in the course of the next two or three weeks;

That pursuant to the duty attached to its appointment,--

To report on steps that should be taken to dispose of vessels which the present owners are unable to sell, charter, lease or otherwise transfer, the Committee has reported that while the market has not yet been completely exhausted, the bulk of the remaining 238 vessels will have to be stored for a considerable period particularly as in general, the best vessels have already been disposed of;

That the Committee is of the opinion, after consideration of all factors involved, that responsibility for administration of remaining boats and equipment might logically be turned over to the Custodian of Enemy Property, who is now administering other properties of persons of the Japanese race in British Columbia; and

That it is important that personnel of the Department of National Defence for Naval Services, presently employed in the care and maintenance of the remaining vessels, should be released for urgent duties elsewhere at the earliest possible moment;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, concurred in by the Secretary of State and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased, notwithstanding anything contained in the Regulations established by Order in Council of March 4, 1942, P.C. 1865, as amended by Order in Council of March 27, 1942, P.C. 2483, to order and it is hereby ordered as follows:--

1. As a protective measure only all vessels and equipment seized and detained under the authority of Order in Council of December 18, 1941, P.C. 9761, which have not been disposed of under the supervision of the Committee appointed by Order in Council of January 13, 1942, P.C. 288, shall on and after August 1, 1942, be vested in and subject to the control and management of the Custodian, as defined in the Consolidated Regulations Respecting Trading with the Enemy (1939); provided, however, that no commission shall be charged by the Custodian in respect to such control and management.

2. For the purpose of the control and management of such property by the Custodian, the Consolidated Regulations Respecting Trading with the Enemy, 1939, shall apply mutatis mutandis to the same extent as if the property belonged to an enemy within the meaning of the said Consolidated Regulations.

3. The Custodian may, where he considers it advisable so to do, liquidate, sell or otherwise dispose of any such vessel or equipment on such terms and conditions as he deems advisable, and any agreement entered into or document executed by the Custodian on or after August 1, 1942, and prior to the date of this Order, purporting to be an agreement for, or to be, a transfer, conveyance or other disposition of any such vessel or equipment or of any right, title or interest therein is hereby given full legal validity, force and effect as if the Custodian had full power to enter into such agreement or to execute such document, and as if such vessel or equipment or such right, title or interest therein, as the case may be, had been vested in the Custodian, at the time of the entry into such agreement or the execution of such document. (amended by P.C. 469 January 19, 1943)

4. Without restricting the generality of the powers hereinbefore conferred, all unfinished business of the said Committee is hereby transferred to the Custodian and shall be deemed to have been so transferred as on and from the 1st August, 1942. (as amended by P.C. 469, January 19, 1943)

A.D.P. Heeney,

Clerk of the Privy Council.

Order in Council revoking P.C. 5523, dated 29th June, 1942
and P.C. 6885, dated 20th July, 1942 - ~~transferring~~ to the Custodian of the property of persons of the Japanese race evacuated from the protected areas of B.C.

P. C. 469

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 19th day of JANUARY, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL -

WHEREAS by Order in Council dated 29th June, 1942, (P.C. 5523) amended by Order in Council dated 4th August, 1942, (P.C. 6885) Regulations were made imposing certain duties and responsibilities on the Director of Soldier Settlement of Canada in relation to agricultural lands owned by persons of the Japanese race ordinarily resident in the protected areas of British Columbia;

AND WHEREAS the Secretary of State reports that the appraisals of lands contemplated by the said Order in Council as amended have been made and that it is the opinion of the Minister of Mines and Resources, to whom the Director of Soldier Settlement of Canada reports under the said Order in Council as amended, that the said Order in Council as amended, should be revoked;

That by Order in Council, dated 20th July, 1942, (P.C. 6247) it was provided that on and after the 1st August, 1942, all unfinished business of the Committee under the Chairmanship of the Honourable Mr. Justice Sidney A. Smith of Vancouver, appointed by Order in Council of 13th January, 1942, (P.C. 288) in respect of vessels or equipment vested in the Custodian under the said Order should be transferred to the Custodian, and the Custodian was vested with all vessels and equipment which had not been disposed of under the supervision of the said Committee;

That since the transfer was effected, question has been raised as to the authority of the Custodian to deal with unfinished business of the said Committee in relation to vessels or equipment disposed of prior to the 1st August, 1942, and it is expedient to remove any doubts in this respect;

That by Orders in Council relating to the property of persons of the Japanese race evacuated from the protected areas of British Columbia, the Custodian has been vested with the responsibility of controlling and managing property belonging to persons of the Japanese race who have been evacuated from the protected areas, except deposits of money, shares of stock, debentures, bonds or other securities or other property which

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Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, concurred in by the Secretary of State and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased, notwithstanding anything contained in the Regulations established by Order in Council of March 4, 1942, P.C. 1665, as amended by Order in Council of March 27, 1942, P.C. 2435, to order and it is hereby ordered as follows:--

1. As a protective measure only all vessels and equipment seized and detained under the authority of Order in Council of December 18, 1941, P.C. 8781, which have not been disposed of under the supervision of the Committee appointed by Order in Council of January 13, 1942, P.C. 288, shall on and after August 1, 1942, be vested in and subject to the control and management of the Custodian, as defined in the Consolidated Regulations Respecting Trading with the Enemy (1939); provided, however, that no commission shall be charged by the Custodian in respect to such control and management.

2. For the purpose of the control and management of such property by the Custodian, the Consolidated Regulations Respecting Trading with the Enemy, 1939, shall apply *mutatis mutandis* to the same extent as if the property belonged to an enemy within the meaning of the said Consolidated Regulations.

3. The Custodian may, where he considers it advisable so to do, liquidate, sell or otherwise dispose of any such vessel or equipment on such terms and conditions as he deems advisable, and any agreement entered into or document executed by the Custodian on or after August 1, 1942, and prior to the date of this Order, purporting to be an agreement for, or to be, a transfer, conveyance or other disposition of any such vessel or equipment or of any right, title or interest therein is hereby given full legal validity, force and effect as if the Custodian had full power to enter into such agreement or to execute such document, and as if such vessel or equipment or such right, title or interest therein, as the case may be, had been vested in the Custodian, at the time of the entry into such agreement or the execution of such document, (amended by P.C. 469 January 19, 1943)

4. Without restricting the generality of the powers hereinbefore conferred, all unfinished business of the said Committee is hereby transferred to the Custodian and shall be deemed to have been so transferred as on and from the 1st August, 1942. (as amended by P.C. 466, January 19, 1943)

A.D.P. Keeney,

Clerk of the Privy Council.

the owner on being evacuated from the protected areas was able to take with him; and

That the evacuation of persons of the Japanese race from the protected areas has now been substantially completed and that it is necessary to provide facilities for liquidation of property in appropriate cases.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State, concurred in by the Minister of Mines and Resources, the Minister of Pensions and National Health, the Minister of Labour and the Minister of Fisheries, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:

1. Order in Council, dated 29th June, 1942, (P.C. 5523) and amending Order in Council dated 4th August, 1942, (P.C. 6885) are hereby revoked.

2. Paragraphs numbered 3 and 4 in Order in Council dated 20th July, 1942 (P.C. 6247) are hereby rescinded and the following are substituted therefor:

3. The Custodian may, where he considers it advisable so to do, liquidate, sell or otherwise dispose of any such vessel or equipment on such terms and conditions as he deems advisable; and any agreement entered into or document executed by the Custodian on or after August 1, 1942, and prior to the date of this Order, purporting to be an agreement for, or to be, a transfer, conveyance or other disposition of any such vessel or equipment or of any right, title or interest therein is hereby given full legal validity, force and effect as if the Custodian had full power to enter into such agreement or to execute such document, and as if such vessel or equipment or such right, title or interest therein, as the case may be, had been vested in the Custodian, at the time of the entry into such agreement or the execution of such document.

4. Without restricting the generality of the powers hereinbefore conferred, all unfinished business of the said Committee is hereby transferred to the Custodian and shall be deemed to have been so transferred as on and from the 1st August, 1942.

Wherever, under Orders in Council under the War Measures Act, Chapter 206 of the Revised Statutes of

Canada/

Canada 1927, the Custodian has been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the protected areas, such power and responsibility shall be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell, or otherwise dispose of such property; and for the purpose of such liquidation, sale or other disposition the Consolidated Regulations Respecting Trading with the Enemy (1939) shall apply mutatis mutandis as if the property belonged to an enemy within the meaning of the said Consolidated Regulations.

Certified to be a true copy.

A.D.P. Heeney

Clerk of the Privy Council.

Order in Council amending P.C. 946 re placement,
control etc. of persons of the Japanese race.

P.C. 270

AT THE GOVERNMENT HOUSE AT OTTAWA
THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council,
on the recommendation of the Minister of Labour and
under the authority of The National Emergency Transitional
Powers Act, 1945, is pleased to amend Order in Council
P.C. 946 dated February 5, 1943, (re placement, control
and maintenance of persons of the Japanese race) and it
is hereby amended as follows:

1. Paragraph (a) of subsection (1) of section one is revoked.
2. Paragraphs (i) and (v) of subsection (1) of section three are revoked.
3. Paragraph (viii) of subsection (1) of section three is amended,
 - (a) by striking out the words "the conduct, activities or discipline of" where they appear therein;
 - (b) by striking out the words "and may by order" where they appear therein and substituting therefor the word "to"; and
 - (c) by striking out the words

"from engaging in any activities,
employment or business or in
any specified activities,
employment or business in Canada"

 and the words

"or from associating or com-
municating with any persons"

 where they appear therein and by inserting the word "or" before the words "from residing" where they appear therein.
4. Sections three A and three B are revoked.
5. Section nine is revoked.

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6. Section ten is amended by striking out the following words where they appear therein:

"and any such agreement may provide that any such persons will be removed from such Province upon the termination of the state of war now existing between Canada and Japan".

7. Sections eleven, twelve and fifteen are revoked.

8. Section sixteen is amended by striking out the following words where they appear therein:

"to carry out measures deemed necessary in consequence of the existence of a state of war" and substituting the words "for such purposes".

9. Section seventeen is revoked.

A.D.P. Heeney

Clerk of the Privy Council.

OFFICE CONSOLIDATION

Order in Council establishing regulations re provision for the administration relative to the further placement, control and maintenance of persons of the Japanese race in Canada

P.C. 946

Amended by P.C. 9743, December 29, 1943, P.C. 5637, August 16, 1945, P.C. 5793, December 18, 1945, P.C. 5973, September 14, 1945.

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 5th day of FEBRUARY, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council P.C. 1665 of March 4, 1942, the British Columbia Security Commission was established to plan, supervise and direct the evacuation from the protected areas of British Columbia of all persons of the Japanese race required to leave such areas by Order of the Minister of Justice under Regulation four of the Defence of Canada Regulations (Consolidation) 1941, as amended, and the placement and maintenance of such persons;

And whereas the Minister of Labour reports that the evacuation and initial placement of such persons has been substantially carried out and it is desirable to relieve the members of the said Commission, who are acting without remuneration, of responsibility for the administration relative to the further placement, control and maintenance of such persons;

And whereas it is deemed advisable, by reason of the state of war now existing, for the order and welfare of Canada to make provision for such administration and for the control of persons of the Japanese race in Canada;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, Chapter 208 Revised Statutes of Canada, 1927, is pleased to make the following Regulations and they are hereby made and established accordingly.

DEFINITIONS

1. (1) In these Regulations, unless the context otherwise requires,
 - (a) "Advisory Board" or "Board" means the Advisory Board established by these Regulations;
 - (b) "Commission" means the British Columbia Security Commission established by Order in Council P.C. 1665 of March 4, 1942;
 - (c) "Commissioner" means the Commissioner of Japanese Placement appointed pursuant to these Regulations;
 - (d) "Deputy Minister" means the Deputy Minister of Labour;
 - (e) "Minister" means the Minister of Labour;
 - (f) "person of the Japanese race" means any person wholly or partly of the Japanese race required to leave any protected

....

P.C. 270

6. Section ten is amended by striking out the following words where they appear therein:

"and any such agreement may provide that any such persons will be removed from such Province upon the termination of the state of war now existing between Canada and Japan".

7. Sections eleven, twelve and fifteen are revoked.

8. Section sixteen is amended by striking out the following words where they appear therein:

"to carry out measures deemed necessary in consequence of the existence of a state of war" and substituting the words "for such purposes".

9. Section seventeen is revoked.

A.D.P. Heeney

Clerk of the Privy Council.

area of British Columbia by order of the Minister of Justice under regulation four of the Defence of Canada Regulations (Consolidation) 1942, as amended, and who is within any such protected area or who was ordinarily resident within any protected area but who has left or leaves such area after February 5, 1942;

(g) other words and phrases shall have the same meaning as in the Defence of Canada Regulations.

(2) The Interpretation Act and every provision thereof shall be applicable to and in respect of every order, rule or regulation made by the Minister pursuant to these Regulations except insofar as any such provision is inconsistent with the intent or object of such order, rule or regulation, or would give to any word, expression or clause thereof an interpretation repugnant to the subject matter of the context, or is in any such order, rule or regulation, declared not applicable thereto.

DUTIES OF THE MINISTER

2. It shall be the duty of the Minister to plan, supervise and direct the evacuation from the protected areas of British Columbia of all persons of the Japanese race and the placement and control of such persons elsewhere in Canada and to take such measures as he deems necessary to provide or to arrange for the transportation, housing, feeding, care, protection, employment and welfare of such persons.

POWERS OF THE MINISTER

3. (1) The Minister may--

- (i) determine the time and order of the evacuation from any protected areas of British Columbia of persons of the Japanese race and their mode of transportation in such evacuation;
- (ii) determine from time to time the localities in which persons of the Japanese race shall be placed or may reside;
- (iii) take such measures as he deems advisable to provide or to arrange for the transportation, housing, feeding, care, protection, employment and welfare of persons of the Japanese race;
- (iv) employ persons of the Japanese race for such purposes at such rates of wages and on such terms and conditions as he deems advisable;
- (v) take such measures as he deems advisable to provide or to arrange for the care of dependents resident in Canada, including therein dependent parents, of any person of the Japanese race who is engaged in employment pursuant to these Regulations or pursuant to the provisions of Order in Council P.C. 1348 of February 19, 1942, or otherwise, by requiring such person to assign a portion of his wages, or by making deductions or requiring deductions to be made from his wages, or otherwise, and for such purpose may make such orders or regulations as he deems advisable;
- (vi) take such measures as he deems advisable to provide or to make arrangements for the provision of direct relief, including necessary medical services, to any indigent person of the Japanese race;
- (vii) require, by order, any person of the Japanese race in any place in Canada to proceed to any other place in

....

Canada at such time and in such manner as he may prescribe;

(viii) make orders, rules or regulations respecting the conduct, activities or discipline of persons of the Japanese race as defined in these Regulations, or of other persons resident anywhere in Canada who are wholly of the Japanese race, or who have a father or a mother who is or was wholly of the Japanese race, and may by order prohibit such persons of the Japanese race or such other persons, from engaging in any activities, employment or business, or in any specified activities, employment or business, in Canada, from moving or travelling anywhere in Canada, from residing in any place or area in Canada, or from associating or communicating with any persons, except subject to a permit issued by or on behalf of the Minister and on such terms and conditions as may be prescribed by him or by any person authorized to act on his behalf under these Regulations. (P.C. 5793 December 18, 1945)

3A (1) All persons of the Japanese race who were detained pursuant to the provisions of Regulation 21 of the Defence of Canada Regulations (Consolidation) 1942, prior to the fifteenth day of August, nineteen hundred and forty-five, and were so detained on the said fifteenth day of August shall continue to be detained and such persons while so detained shall be deemed to be in legal custody.

(2) The Minister of Justice may by order direct the release of any such person upon such conditions, if any, as he may consider advisable and necessary. (added by P.C. 5637 August 16, 1945)

3B (1) No person of the Japanese race and no Japanese company shall, except as hereinafter provided, have the capacity, after the twenty-fourth day of February, 1942, during the continuation of the state of war now existing to acquire or hold land or growing crops in Canada.

(2) No conveyance made or executed after the twenty-fourth day of February, 1942, shall be effective to convey to or for the benefit of a person of the Japanese race or of a Japanese company any land or growing crops in Canada.

(3) (a) Nothing in this Regulation shall deprive a person of the Japanese race or a Japanese company of capacity to hold land or growing crops acquired or held by such person or company before the twenty-fourth day of February, 1942, or acquired by such person or company after the twenty-fourth day of February, 1942, pursuant to the terms of a written contract or agreement executed before the twenty-fourth day of February, 1942, or under a will or intestacy.

(b) Nothing in this Regulation shall deprive a person of the Japanese race of capacity to lease any building or part of a building for a term not exceeding one year or from month to month or for some lesser periodic tenancy.

(4) (a) The Minister of Labour may, if it appears to him to be in the public interest so to do, grant to a person of the Japanese race or to a Japanese company, a licence to acquire or hold land or growing crops in Canada or any interest therein which such person or company would by reason of this Regulation be denied the capacity to acquire or hold.

....

- (b) A person of the Japanese race or a Japanese company to whom or to which such a licence is granted shall have the capacity to acquire or hold land or growing crops in Canada or any interest therein in accordance with the terms and conditions of such licence.
- (c) A conveyance of land or growing crops made in conformity with any such licence shall be effective according to its terms.
- (5) Any person who after the twenty-fourth day of February, 1942, makes or executes any conveyance other than a conveyance made in conformity with a licence granted hereunder or a lease granted in accordance with sub-paragraph (b) of paragraph (3) of this Regulation, of any land or growing crops to or for the benefit of any person whom he knows to be of the Japanese race or to a company which he knows to be a Japanese Company shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.
- (5A) Every person who acquires or holds land or growing crops for the benefit of any person known to him to be of the Japanese race or a company known to him to be a Japanese company shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.
- (6) In this Regulation:
- (a) "conveyance" shall include a gift, conveyance, transfer, agreement for sale, appointment, lease, settlement, mortgage, charge, encumbrance, or other conveyance by deed, bill of sale or other instrument made inter vivos, and "convey" shall have a meaning corresponding with "conveyance";
- (b) "Japanese company" means any corporation of which the majority of the shares issued by the company are owned by persons of the Japanese race, or of which a majority of the directors are persons of the Japanese race;
- (c) "land" shall include land and any real or immovable property and any interest, legal or equitable therein and the right to possession thereof;
- (d) "person of the Japanese race" means a person wholly of the Japanese race. (as added by P.C. 5973 September 14, 1945.)

ENFORCEMENT

4. (1) Any person who contravenes or omits to comply with any of these Regulations or any order, rule or regulation made pursuant to these Regulations shall be guilty of an offence under these Regulations and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.
- (2) In any prosecution for an offence under these Regulations it shall be presumed that the accused is a person of the Japanese race as defined in these Regulations, or is a person who is wholly of the Japanese race or is a person whose father or mother is or was wholly of the Japanese race, until the contrary is proved and the burden of such proof shall be upon the accused.

....

(3) Any peace officer may arrest without warrant any person whom he finds committing or whom he has reasonable grounds for believing has committed any offence under these Regulations.

(4) Every document, purporting to be, or to contain or to be a copy of an order, rule, regulation, permit or authority made or given by the Minister, the Deputy Minister or the Commissioner pursuant to these Regulations and purporting to be signed by the Minister, the Deputy Minister or the Commissioner shall be evidence of such order, rule, regulation, permit or authority.

ADMINISTRATION

5. The Deputy Minister may exercise all powers conferred on the Minister under these Regulations.

6. There shall be a Commissioner of Japanese Placement who shall, under the Minister and the Deputy Minister, be the Chief Executive Officer charged with the Administration of these Regulations and who may under their control and direction exercise each and every power conferred by these Regulations on the Minister, including any power involving the exercise of a discretion.

7. (1) The Minister may employ such professional, technical or other officers, clerks and employees as he deems necessary for the purpose of the Administration of these Regulations and may, with the approval of the Governor in Council, fix their remuneration.

(2) Notwithstanding anything contained in subsection one of this section, all officers, clerks and employees who are employed by the Commission immediately prior to the coming into operation of these Regulations, may be employed by the Minister for the purpose of the administration of these Regulations at their present rate of remuneration and shall perform such duties as are assigned to them by the Minister.

8. (1) The Minister may enter into contracts and acquire real and personal property on behalf of His Majesty but no contract shall be entered into by him pursuant to these Regulations involving an expenditure in excess of fifteen thousand dollars except with the approval of the Governor in Council.

(2) No real property shall be purchased on behalf of His Majesty pursuant to the provisions of these Regulations except with the approval of the Governor in Council.

9. The Minister may, for the purpose of carrying out his duties under these Regulations, enter into arrangements with any Department of the Government of Canada or into agreements on behalf of the Government of Canada with the Government of any Province for the use or occupation of any Dominion or Provincial Crown lands.

10. The Minister may enter into an agreement on behalf of the Government of Canada with the Government of any Province relative to the placement in such province of persons of the Japanese race and any such agreement may provide that any such persons will be removed from such Province upon the termination of the state of war now existing between Canada and Japan.

ADVISORY BOARD

11. (1) There shall be constituted an Advisory Board to advise the Minister on the performance of his duties under these Regulations.

(2) The Board shall consist of the Deputy Minister who shall be the Chairman of the Board, the Commissioner who shall be the Vice-Chairman of the Board and Austin C. Taylor, Esq., of Vancouver, John Shirras of Vancouver, B.C. - Assistant Commissioner of British Columbia Provincial Police and Frederick John Mead of Ottawa, Ontario, Assistant Commissioner, R.C.M.P., together with other persons as the Minister may nominate shall be members thereof.

(3) The Meetings of the Board shall be held at the call of the Chairman or the Vice-Chairman.

(4) The Board may make bylaws for the conduct of its business.

(5) Each member of the Board shall be paid a fee of ten dollars for each day he is absent from his usual place of residence while attending meetings of the Board and his actual and reasonable disbursements incurred in connection therewith.

DEPARTMENTAL ASSISTANCE

12. All departments and agencies of the Government of Canada shall assist the Minister by lending to the Minister such personnel and by furnishing such medical aid, hospitalization, food, clothing, transportation, use of land, buildings, equipment, utilities and other supplies and services as are available, and may be required by the Minister, and in particular, but without restricting the generality of the foregoing, there shall be furnished to the Minister

- (a) assistance by the Royal Canadian Mounted Police in the compiling of information concerning the persons to be evacuated under these Regulations in the segregation and concentration of such persons and in the maintenance of public security in respect thereof;
- (b) assistance by the Department of Transport in the transportation of persons evacuated under these Regulations;
- (c) assistance by the Department of National Defence by furnishing personnel to advise on and assist in the housing, feeding and clothing of persons evacuated under these Regulations;
- (d) assistance by the Department of Munitions and Supply in advising upon and entering into contracts or other arrangements to provide housing, food, supplies and services for such persons;
- (e) assistance by the Royal Canadian Mounted Police and/or the Department of National Defence in the protection of persons evacuated under these Regulations and in the maintenance of public security in respect thereof;

Provided, however, that notwithstanding the provisions of these Regulations any Minister responsible for the administration of any of the departments or agencies of the Government shall have the right to determine whether or not any item of assistance requested can be made available.

GENERAL

13. (1) All real and personal property or any interest therein held by the Commission shall on and after the coming into operation of these Regulations, be vested in His Majesty in right of Canada.

(2) All rights, duties and obligations of the Commission under any agreements entered into by the Commission with the Government of any province of Canada or under any contract entered into by the Commission with any person shall, on and after the coming into operation of these Regulations be vested in and assumed by His Majesty in right of Canada, represented by the Minister, who shall be the successor to the Commission in respect thereof.

....

(3) The Minister may, in the name of the Commission, execute any conveyance, transfer or other document necessary to transfer the title of any real or personal property or any interest therein held in the name of the Commission to His Majesty.

14. (1) Paragraphs numbered 2 to 11 inclusive and 13 to 16 inclusive of Order in Council P.C. 1665 of March 4, 1942, and Order in Council P.C. 1666 of March 4, 1942, are revoked effective on and after the date of the coming into operation of these Regulations.

(2) All orders, rules or regulations made pursuant to any power conferred by Order in Council, P.C. 1665, of March 4, 1942, effective immediately prior to the coming into operation of these Regulations shall, notwithstanding the revocation of said paragraphs of such Order in Council, continue to be valid and in full force and effect unless or until revoked or varied by the Minister pursuant to these Regulations and shall be deemed to have been made by the Minister pursuant to these Regulations and the power of the Minister to make orders, rules or regulations pursuant to these Regulations shall include power to revoke or vary such orders, rules or regulations.

15. (1) The General Supervisor of Japanese Evacuation and Maintenance appointed by Order in Council, P.C. 1/11037 of December 3, 1942, shall be the Commissioner for the purposes of these Regulations unless and until his appointment is revoked.

(2) The paragraph of the Order in Council, P.C. 1/11037 of December 3, 1942, commencing "The undersigned further recommends that the duties and functions...." and ending "...on the Commissioners" is revoked.

(3) The term "General Supervisor of Japanese Evacuation and Maintenance" wherever it appears in said Order in Council P.C. 1/11037 of December 3, 1942, is deleted and the term "Commissioner of Japanese Placement" is substituted therefor.

16. All expenses or costs incurred by the Minister or by any department or agency of the Government of Canada in connection with the enforcement or administration of these Regulations shall be paid out of monies appropriated by Parliament to carry out measures deemed necessary in consequence of the existence of a state of war.

17. (1) Nothing contained in these Regulations shall be construed to limit or to derogate from the powers conferred on any authority by the Defence of Canada Regulations or any statute of the Parliament of Canada.

(2) Nothing in these Regulations shall be deemed to limit or restrict the operation of the National Selective Service Civilian Regulations or any direction given by the Minister thereunder to person of the Japanese race except insofar as any such direction is inconsistent with an Order of the Minister made under these Regulations; in which event, the order of the Minister made under these Regulations shall prevail. (Added by P.C. 9743, December 24, 1943.)

18. These Regulations shall be deemed to have come into operation on the 25th day of January, 1943.

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

Certified to be a true copy of a Minute of a Meeting of the
Committee of the Privy Council, approved by His
Excellency the Governor General in Council on the
17th day of May, 1943.

The Committee of the Privy Council
have had before them a report, dated 11th May,
1943, from the Minister of Labour, referring
to Order in Council P.C. 1665 of March 4th, 1942,
providing for the appointment of the British
Columbia Security Commission to administer regula-
tions governing the evacuation of persons of the
Japanese race from the protected areas of
British Columbia and their placement elsewhere,
and to P.C. 946 of February 5th, 1943, authoriz-
ing the Minister of Labour to undertake the
duties and exercise the powers and carry out
the obligations theretofore undertaken, exercised,
and carried out by the British Columbia
Security Commission.

The Minister reports that by agreement
dated September 1st, 1942, between the British
Columbia Security Commission and the Province
of Alberta, provision was made to enable children
of school age of the Japanese race, evacuated
from the protected areas of British Columbia,
and thereafter placed in the Province of Alberta
to attend the schools of the Province and enjoy
the teaching services provided by the Province.

The Minister states that, having re-
gard for the provisions of P.C. 946 of February
5th, 1943, it appears necessary and advisable
that such agreement should be approved by Your
Excellency in Council.

The Committee, therefore, on the recom-
mendation of the Minister of Labour, advise that
the said agreement, dated September 1st, 1942,
(a copy of which is attached hereto), entered
into between the British Columbia Security
Commission and the Province of Alberta, making
provision for the education of children of
persons of the Japanese race, evacuated from the
protected areas of British Columbia and placed
in the Province of Alberta, be approved.

A.D.P. Heeney,

Clerk of the Privy Council.

THIS AGREEMENT made in duplicate this first day of September, A.D. 1942.

BETWEEN:

BRITISH COLUMBIA SECURITY COMMISSION, a Commission established by the Governor-General-in-Council under the powers conferred by the "War Measures Act", (hereinafter called the "COMMISSION")

OF THE FIRST PART:

AND:

HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF ALBERTA, represented herein by the Honourable William Aberhart, Premier and Minister of Education, (hereinafter called the "PROVINCE")

OF THE SECOND PART:

WHEREAS under an agreement made between the parties hereto, and dated the 6th day of May, 1942, a number of Japanese families have been evacuated from the Province of British Columbia and have been temporarily placed in the Province of Alberta;

AND WHEREAS under that agreement other Japanese families may hereafter be evacuated from the Province of British Columbia and be placed temporarily in the Province of Alberta;

AND WHEREAS it is desirable that provision be made for the education of the children of school age in these families;

NOW THIS AGREEMENT WITNESSETH:

1. That the "PROVINCE" agrees to provide or cause to be provided the necessary school accommodation and teaching service for all the children of school age of those persons of the Japanese race who have been evacuated by the "COMMISSION" since March 4th, 1942, or who may hereafter be evacuated from the protected areas of British Columbia by the "COMMISSION", and who have been or may be temporarily placed in Alberta pursuant to the provisions of the agreement made between the parties hereto on the 6th day of May, 1942.

.....

2. That during the time such children or any of them are temporarily placed in Alberta under the terms of the said agreement dated the 8th day of May, 1942, the "COMMISSION" agrees to pay to the "PROVINCE" the sum of Sixty-five Dollars (\$65.00) per year for each such child in Alberta in school attendance on or before the first day of November in any year.

3. That the "COMMISSION" agrees to discharge its obligation under the next preceding paragraph hereof:

(a) for the school year of 1942-43 by making payment on or before the first day of SEPTEMBER, 1942 of an amount to be calculated as nearly as possible on the basis of Thirty Dollars (\$30.00) per child and to make payment of the balance payable under that paragraph on or before the 31st day of March, 1943, and the "PROVINCE" hereby acknowledges receipt from the "COMMISSION" of the sum of Fifteen Thousand Dollars (\$15,000.00) in full discharge of the payment required to be made hereunder on or before the first of September, 1942.

(b) for each school year thereafter by making payment of the full amount payable thereunder on or before the 15th day of November in that year.

4. That if in any school year children of school age become resident in Alberta pursuant to the hereinbefore mentioned agreement after the first day of September and prior to the 31st day of March, the "COMMISSION" agrees that it will pay to the "PROVINCE" in respect of each such child for such school year, such proportion of the sum of Sixty-five Dollars (\$65.00) as the number of school days remaining in the school year bears to two hundred and the payment in respect to each such child shall be made on or before the 31st day of March in that school year.

5. That for the purposes of this agreement any child who has attained the age of six years and has not attained the full age of

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fifteen years on or before the first day of September or who becomes of the age of six years on or before the 30th day of November shall be deemed to be a child of school age for the then current school year, and any child who does not become resident in Alberta under the agreement hereinbefore mentioned prior to the 31st day of March shall not be deemed to be a child of school age for the then current school year.

6. That for the purposes of this agreement, school year means that portion of the year between September 1st and the following 30th of June.

7. That no payments shall be made by the "COMMISSION" under this agreement on account of any Japanese children who were resident in Alberta before March 4th, 1942.

IN WITNESS WHEREOF British Columbia Security Commission has caused these presents to be executed on its behalf by Austin C. Taylor, its Chairman, and the Honourable William Aberhart, Premier and Minister of Education has hereunto set his hand on behalf of the Province.

Signed on behalf of the British
Columbia Security Commission by
Austin C. Taylor, Chairman, in
the presence of

"Austin C. Taylor"

" W. A. Eastwood "

Signed on behalf of the
Province of Alberta by the
Honourable William Aberhart,
Premier and Minister of
Education, in the presence of

"William Aberhart"

" G. Fred M. Nally "

Order in Council authorizing the utilization of Japanese labour re wood fuel cutting and timber operations.

P. C. 4365

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 28th day of MAY, 1943

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Labour reports that an acute shortage of wood fuel exists in British Columbia and parts of the Prairie Provinces;

That there has been established, under the direction of the Minister of Labour, and under the immediate direction of G.C. Collins, Commissioner of Japanese Placement, a number of settlements in the interior of British Columbia where persons of the Japanese race, evacuated from the protected areas of British Columbia, for whose welfare and employment the Minister of Labour is empowered to make provision pursuant to Order in Council, P.C. 946 of February 5, 1943, are resident; and

That, as a measure to relieve the shortage of wood fuel, and at the same time, utilize the services of employable persons of the Japanese race, resident in the aforesaid settlements, it is proposed by arrangement with the Department of Munitions and Supply that the Commissioner of Japanese Placement shall recruit and engage the services of said persons of the Japanese race upon suitable woodcutting projects, to produce wood fuel and other needed timber supplies, which will be delivered and disposed of under arrangements to be made with the Wood Fuel Controller;

NOW THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour (concurrent in by the Minister of Munitions and Supply) and under the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to order as follows:-

A. Under the direction of the Minister of Labour, and without detracting from the powers conferred under the provisions of Order in Council, P.C. 946 of February 5, 1943, the Commissioner of Japanese Placement is hereby authorized:

1. To undertake and engage in wood fuel cutting and other timber operations to the extent necessary to supply the needs of the Interior Japanese Housing Settlement in British Columbia and to supply the quantities authorized or required by the Wood Fuel Controller, from time to time.
2. To make arrangements and enter into agreements to

P. C. 4365

secure timber limits and woodcutting rights as he deems necessary in carrying through the projects referred to in the next preceding paragraph.

3. To deliver, sell or otherwise dispose of, and to make arrangements with the Wood Fuel Controller for, the delivery and sale or other disposition of wood fuel or other timber cut under the provisions of this order.
4. To employ Japanese labour on such projects and fix the rate of wages to be paid therefor whether on a piece work or time basis.
5. Notwithstanding the provisions of the Civil Service Act to employ, from time to time, occidental machine operators, foremen and assistants required in carrying out the said projects, at the going local scale of wages for such employments.
6. To purchase the necessary machinery and equipment to carry out the foregoing projects.
7. To do anything necessary to carry out the powers conferred as above.

B. That the sum of \$500,000 shall be allotted from the War Appropriation for the purpose of establishing a revolving fund to be known as the "Japanese Wood Projects Account", out of which expenditures for the purchase of equipment and the operation of woodcutting projects undertaken pursuant to the provisions of this Order, including wages of the persons employed thereon, shall be paid, and into which the proceeds from the sale of wood cut and delivered from the said projects shall be paid:

And in event of it being ascertained that losses are sustained on operations undertaken pursuant to this order the amount of such losses shall be provided by the transfer to the said Account from time to time, with the concurrence of the Comptroller of the Treasury, of funds allotted from the War Appropriation for the maintenance of persons of the Japanese race, under Order in Council, P.C. 946 of February 5, 1943 and the amounts so transferred shall be charged as provision for the maintenance of persons of the Japanese race under Order in Council, P.C. 946 accordingly.

C. Under the direction of the Minister of Labour, the Commissioner of Japanese Placement is hereby authorized to enter into arrangements with the Wood Fuel Controller for the delivery and sale of wood cut upon the said projects.

D. The Deputy Minister of Labour shall consult with the Wood Fuel Controller from time to time in respect of the operation of the said projects.

Certified to be a true copy.

A.D.P. Hoeney

Clerk of the Privy Council.

P. C. 4565

secure timber limits and woodcutting rights as he deems necessary in carrying through the projects referred to in the next preceding paragraph.

3. To deliver, sell or otherwise dispose of, and to make arrangements with the Wood Fuel Controller for, the delivery and sale or other disposition of wood fuel or other timber cut under the provisions of this order.
4. To employ Japanese labour on such projects and fix the rate of wages to be paid therefor whether on a piece work or time basis.
5. Notwithstanding the provisions of the Civil Service Act to employ, from time to time, occidental machine operators, foremen and assistants required in carrying out the said projects, at the going local scale of wages for such employments.
6. To purchase the necessary machinery and equipment to carry out the foregoing projects.
7. To do anything necessary to carry out the powers conferred as above.

B. That the sum of \$500,000 shall be allotted from the War Appropriation for the purpose of establishing a revolving fund to be known as the "Japanese Wood Projects Account", out of which expenditures for the purchase of equipment and the operation of woodcutting projects undertaken pursuant to the provisions of this Order, including wages of the persons employed thereon, shall be paid, and into which the proceeds from the sale of wood cut and delivered from the said projects shall be paid:

And in event of it being ascertained that losses are sustained on operations undertaken pursuant to this order the amount of such losses shall be provided by the transfer to the said Account from time to time, with the concurrence of the Comptroller of the Treasury, of funds allotted from the War Appropriation for the maintenance of persons of the Japanese race, under Order in Council, P.C. 946 of February 5, 1943 and the amounts so transferred shall be charged as provision for the maintenance of persons of the Japanese race under Order in Council, P.C. 946 accordingly.

C. Under the direction of the Minister of Labour, the Commissioner of Japanese Placement is hereby authorized to enter into arrangements with the Wood Fuel Controller for the delivery and sale of wood cut upon the said projects.

D. The Deputy Minister of Labour shall consult with the Wood Fuel Controller from time to time in respect of the operation of the said projects.

Certified to be a true copy.

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

P.C. 468

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General in Council on the 23rd day of January, 1945.

The Committee of the Privy Council have had before them a report, dated 19th January, 1945, from the Minister of Labour, stating:

That Mr. George Collins, who was appointed Commissioner of Japanese Placement pursuant to the provisions of Order-in-Council P.C. 946 of February 5th, 1943, has advised that in view of the necessity for his return to his duties as Assistant Deputy Minister of Public Works for the Province of Manitoba, he is unable to carry on the duties as Commissioner of Japanese Placement and has tendered his resignation accordingly; and

That it is necessary to make other provision accordingly for the administration of Order-in-Council P.C. 946 of February 5th, 1943, and matters included therein:

The Committee, therefore, on the recommendation of the Minister of Labour, advise,-

1. That the resignation of Mr. George Collins as Commissioner of Japanese Placement be accepted effective January 31st, 1945.

2. That the duties and powers of the Commissioner of Japanese Placement, provided for in Order-in-Council P.C. 946 of February 5th, 1943, be assigned to and vested in Mr. T.B. Pickersgill, Associate-Director of National Selective Service, additional to the duties presently performed by him and that he be appointed accordingly Commissioner of Japanese Placement, effective January 31st, 1945, without change in the rate of remuneration he is presently receiving as Associate-Director of National Selective Service, together with necessary living and travelling expenses when absent from Ottawa while so employed as Commissioner of Japanese Placement.

A.D.P. Heeney,

Clerk of the Privy Council.

Order in Council amending P.C. 7355
re deportation of Japanese

P.C. 268

AT THE GOVERNMENT HOUSE AT OTTAWA
THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL --

His Excellency the Governor General in Council,
on the recommendation of the Minister of Labour and under
the authority of The National Emergency Transitional
Powers Act, 1945, is pleased to amend Order in Council
P.C. 7355 of December 15, 1945, (re deportation of Japanese)
and it is hereby amended as follows:

1. Paragraphs (a) and (b) of section one are revoked.
2. Sections two to five, inclusive, are revoked.
3. Subsection one of section six is amended by striking out therefrom the words "for whom an order for deportation is made, or" and the words "without the issue of such an order"; and from paragraph (a) thereof the words "at or immediately prior to the time of his deportation from Canada" and from paragraph (b) thereof the words "following upon his deportation" and in paragraph (c) thereof the words "at the time of his deportation".
4. Subsection two of section six is amended by striking out therefrom the words "who has been deported to Japan or" and the words "without the issue of an order for deportation" and by deleting the word "deportation" where it appears in the phrase "as of the date of deportation" and substituting the word "departure from Canada".
5. Subsection one of section seven is amended by striking out therefrom the words "who is being deported to Japan or" and the words "without the issue of an order for deportation".
6. Section eight is amended by revoking subsections two and three thereof.
7. Sections nine to twelve, inclusive, are revoked.

A.D.P. Heeney,

Clerk of the Privy Council.

Order in Council re deportation of Japanese

P.C. 7355.

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS during the course of the war with Japan certain Japanese nationals manifested their sympathy with or support of Japan by making requests for repatriation to Japan and otherwise;

AND WHEREAS other persons of the Japanese race have requested or may request that they be sent to Japan;

AND WHEREAS it is deemed desirable that provisions be made to deport the classes of persons referred to above;

AND WHEREAS it is considered necessary by reason of the war, for the security, defence, peace, order and welfare of Canada, that provision be made accordingly;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, concurred in by the Secretary of State for External Affairs, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make and doth hereby make the following Order,-

- O R D E R -

1. In this Order, unless the context otherwise requires:

- (a) "deportation" means the removal pursuant to the authority of this Order of any person from any place in Canada to a place outside of Canada;
- (b) "deported" means removed or sent from Canada pursuant to the authority of this Order;
- (c) "Minister" means the Minister of Labour;
- (d) "request for repatriation" means a written request or statement of desire, to be repatriated or sent to Japan.

2. (1) Every person of sixteen years of age or over, other than a Canadian national, who is a national of Japan resident in Canada and who,

- (a) has, since the date of declaration of war by the Government of Canada against Japan, on December 8th, 1941, made a request for repatriation; or

(b)/

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- (b) has been in detention at any place in virtue of an order made pursuant to the provisions of the Defence of Canada Regulations or of Order in Council P.C. 946, of the 5th day of February, 1943, as amended by P.C. 5637, of the 16th day of August, 1945, and was so detained as at midnight of September 1st, 1945;
- may be deported to Japan.
- (2) Every naturalized British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan: Provided that such person has not revoked in writing such request prior to midnight the first day of September, 1945.
- (3) Every natural born British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan: Provided that such person has not revoked in writing such request prior to the making by the Minister of an order for deportation.
- (4) The wife and children under sixteen years of age of any person for whom the Minister makes an order for deportation to Japan may be included in such order and deported with such person.
3. Subject to the provisions of section 2 of this Order, a request for repatriation shall be deemed final and irrevocable for the purpose of this Order or any action taken thereunder.
4. The Minister may
- (a) make orders for the deportation of any persons subject to deportation;
 - (b) take such measures as he deems advisable to provide or arrange for the deportation of such persons, and for their transportation, detention, discipline, feeding, shelter, health or welfare, pending their deportation;
 - (c) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Order;
 - (d) subject to the approval of the Governor in Council, employ such officers and other employees as are necessary to assist him in carrying out this Order and fix their remuneration;
 - (e) authorize from time to time any person to exercise on his behalf any power vested in him under paragraph (b) of this section.
5. An order for deportation made by the Minister shall be in force and effect from the date of the order.
6. (1) Any person for whom an order for deportation is made or who, having made a request for repatriation, is proceeding to Japan without the issue of such an order, shall be entitled, in so far as circumstances at the time permit

(a)/

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(b) has been in detention at any place in virtue of an order made pursuant to the provisions of the Defence of Canada Regulations or of Order in Council P.C. 946, of the 5th day of February, 1943, as amended by P.C. 5637, of the 16th day of August, 1945, and was so detained as at midnight of September 1st, 1945;

may be deported to Japan.

(2) Every naturalized British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan: Provided that such person has not revoked in writing such request prior to midnight the first day of September, 1945.

(3) Every natural born British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan: Provided that such person has not revoked in writing such request prior to the making by the Minister of an order for deportation.

(4) The wife and children under sixteen years of age of any person for whom the Minister makes an order for deportation to Japan may be included in such order and deported with such person.

3. Subject to the provisions of section 2 of this Order, a request for repatriation shall be deemed final and irrevocable for the purpose of this Order or any action taken thereunder.

4. The Minister may

(a) make orders for the deportation of any persons subject to deportation;

(b) take such measures as he deems advisable to provide or arrange for the transportation, detention, discipline, feeding, shelter, health or welfare, pending their deportation;

(c) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Order;

(d) subject to the approval of the Governor in Council, employ such officers and other employees as are necessary to assist him in carrying out this Order and fix their remuneration;

(e) authorize from time to time any person to exercise on his behalf any power vested in him under paragraph (b) of this section.

5. An order for deportation made by the Minister shall be in force and effect from the date of the order.

6. (1) Any person for whom an order for deportation is made or who, having made a request for repatriation, is proceeding to Japan without the issue of such an order, shall be entitled, in so far as circumstances at the time permit

(e)/

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(a) at or immediately prior to the time of his deportation from Canada, to purchase suitable foreign exchange to the extent of any money in his possession or standing to his credit in Canada or advanced to him by the Minister pursuant to section seven and to take such foreign exchange out of Canada with him;

(b) to deposit any money in his possession or standing to his credit in Canada with the Custodian of Enemy Property, who shall provide such person with a receipt therefor and purchase foreign exchange therewith, and transfer the same, less transfer charges, to such person whenever reasonably possible following upon his deportation;

(c) at the time of his deportation to take with him such other personal property belonging to him as may be authorized by the Minister;

and the Foreign Exchange Control Board shall do such things and issue such permits as may be required to implement these provisions.

(2) Where real or personal property of a person who has been deported to Japan or who, having made a request for repatriation, has proceeded to Japan without the issue of an Order for deportation, has not been sold or otherwise disposed of prior to departure such real and personal property shall, as of the date of deportation of such person, be vested in the Custodian of Enemy Property, who shall sell the same as soon as in his opinion it is reasonably practicable to do so, and in the meantime he may take such measures as he deems proper for the care, maintenance and safeguarding of such property, and the net proceeds realized from such sale, after the deduction of reasonable charges of handling shall be placed to the credit of such person and dealt with as provided in paragraph (b) of subsection (1) of this section.

7. (1) The Minister may at or immediately prior to the time of departure advance to or for a person who is being deported to Japan or who, having made a request for repatriation, is proceeding to Japan without the issue of an order for deportation, an amount in suitable foreign exchange equivalent to the following:

(a) Where such person is sixteen years of age or over and does not possess at least two hundred dollars, the difference between the amount he possesses and two hundred dollars which shall be paid to such person;

(b) Where such person has one or more dependents under sixteen years of age and does not possess at least two hundred dollars together with a further amount computed on the basis of fifty dollars for each such dependent, the difference between the amount he possesses and the total of two hundred dollars and the amount so computed, to be paid to such person.

(2) Any amount advanced as provided for in subsection (1) of this section shall be recoverable from the person to whom it is paid, from any money to the credit of such person with the Custodian of Enemy Property.

8. (1) The Minister may make arrangements with any department or agency of the Government of Canada to assist him in carrying out the provisions of this Order.

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(b) has been in detention at any place in virtue of an order made pursuant to the provisions of the Defence of Canada Regulations or of Order in Council P.C. 946, of the 5th day of February, 1943, as amended by P.C. 5637, of the 16th day of August, 1945, and was so detained as at midnight of September 1st, 1945;

may be deported to Japan.

(2) Every naturalized British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan: Provided that such person has not revoked in writing such request prior to midnight the first day of September, 1945.

(3) Every natural born British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan: Provided that such person has not revoked in writing such request prior to the making by the Minister of an order for deportation.

(4) The wife and children under sixteen years of age of any person for whom the Minister makes an order for deportation to Japan may be included in such order and deported with such person.

3. Subject to the provisions of section 2 of this Order, a request for repatriation shall be deemed final and irrevocable for the purpose of this Order or any action taken thereunder.

4. The Minister may

(a) make orders for the deportation of any persons subject to deportation;

(b) take such measures as he deems advisable to provide or arrange for the transportation of such persons, and for their transportation, detention, discipline, feeding, shelter, health or welfare, pending their deportation;

(c) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Order;

(d) subject to the approval of the Governor in Council, employ such officers and other employees as are necessary to assist him in carrying out this Order and fix their remuneration;

(e) authorize from time to time any person to exercise on his behalf any power vested in him under paragraph (b) of this section.

5. An order for deportation made by the Minister shall be in force and effect from the date of the order.

6. (1) Any person for whom an order for deportation is made or who, having made a request for repatriation, is proceeding to Japan without the issue of such an order, shall be entitled, in so far as circumstances at the time permit

(s)/

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(2) The Department of National Defence shall provide any military guard personnel which may be required in carrying out the provisions of this Order.

(3) The Commissioner of the Royal Canadian Mounted Police shall give all assistance which may be required of him by the Minister in the carrying out of the provisions of this Order.

9. Any person for whom an order for deportation is made and who is detained pending deportation or who is placed under restraint in the course of deportation by virtue of any order or measure made or taken under Section 4 of this Order shall, while so detained or restrained, be deemed to be in legal custody.

10. Any person who resists or obstructs or attempts to resist or obstruct any peace officer or other person from carrying out his duties with respect to any order made pursuant to the provisions of this Order shall be guilty of an offence against this Order.

11. Any person who contravenes or omits to comply with any of the provisions of this Order or any order made or given pursuant thereto is guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

12. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Order and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

GENERAL

13. The costs involved in the administration of this Order shall be paid from the amounts allotted from the war appropriation to the Department of Labour for Japanese administration.

A.D.P. Heeney,

Clerk of the Privy Council.

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(2) The Department of National Defence shall provide any military guard personnel which may be required in carrying out the provisions of this Order.

(3) The Commissioner of the Royal Canadian Mounted Police shall give all assistance which may be required of him by the Minister in the carrying out of the provisions of this Order.

9. Any person for whom an order for deportation is made and who is detained pending deportation or who is placed under restraint in the course of deportation by virtue of any order or measure made or taken under Section 4 of this Order shall, while so detained or restrained, be deemed to be in legal custody.

10. Any person who resists or obstructs or attempts to resist or obstruct any peace officer or other person from carrying out his duties with respect to any order made pursuant to the provisions of this Order shall be guilty of an offence against this Order.

11. Any person who contravenes or omits to comply with any of the provisions of this Order or any order made or given pursuant thereto is guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

12. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Order and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

GENERAL

13. The costs involved in the administration of this Order shall be paid from the amounts allotted from the war appropriation to the Department of Labour for Japanese administration.

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

Order in Council revoking naturalization
of persons deported in pursuance of Order
in Council P.C. 7355, 15th December, 1945

P.C. 7356

AT THE GOVERNMENT HOUSE AT OTTAWA
SATURDAY, the 15th day of December, 1945

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council P.C. 7355 of 15th December, 1945, provision is made for the deportation of persons who, during the course of the war, have requested to be removed or sent to an enemy country or otherwise manifested their sympathy with or support of the enemy powers and have by such actions shown themselves to be unfit for permanent residence in Canada;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State (concurrent in by the Secretary of State for External Affairs) and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:

1. Any person who, being a British subject by naturalization under the Naturalization Act, Chapter 138, R.S.C. 1927, is deported from Canada under the provisions of Order in Council P.C. 7355 of 15th December, 1945, shall, as and from the date upon which he leaves Canada in the course of such deportation, cease to be either a British subject or a Canadian national.
2. The Secretary of State shall publish in the Canada Gazette the names of all persons who have ceased to be British subjects or Canadian nationals by virtue of this Order.

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

Order in Council re Commissions to inquire
into conduct during the war of persons of
the Japanese race, etc.

P.C. 7357

AT THE GOVERNMENT HOUSE AT OTTAWA
SATURDAY, the 15th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS during the war particular measures
with regard to persons of the Japanese race in Canada
were made necessary by reason of their concentration
along the Pacific coast of Canada;

AND WHEREAS experience during the war in the
administration of Order in Council P.C. 948 of February
5, 1943, providing for the control of persons of the
Japanese race has indicated the desirability of deter-
mining whether the conduct of such Japanese persons in
time of war was such as to make the deportation of any
of them desirable in the national interest;

AND WHEREAS it is deemed advisable to make
provision for the appointment of a Commission to
institute the investigation referred to above;

THEREFORE His Excellency the Governor General
in Council, on the recommendation of the Prime Minister,
and under the authority of the War Measures Act, Chapter
206 of the Revised Statutes of Canada, 1927, is pleased
to order and doth hereby order as follows:

1. A Commission consisting of three persons shall
be appointed to make inquiry concerning the activities,
loyalty and the extent of co-operation with the Government
of Canada during the war of Japanese nationals and
naturalized persons of the Japanese race in Canada in
cases where their names are referred to the Commission
by the Minister of Labour for investigation with a view
to recommending whether in the circumstances of any such
case such person should be deported.

2. Notwithstanding anything contained in the
provisions of Order in Council P.C. 7355 of the 15th
day of December, 1945, the Commission may, at the
request of the Minister of Labour, inquire into the case
of any naturalized British subject of the Japanese race
who has made a request for repatriation and which request
is final under the said Order in Council and may make
such recommendations with respect to such case as it
deems advisable.

3. The Commission shall report to the Governor in
Council.

4./

4. Any person of the Japanese race who is recommended by the Commission for deportation shall be deemed to be a person subject to deportation under the provisions of Order in Council P.C. 7355 of the 15th day of December, 1945, and the provisions thereof shall apply, *mutatis mutandis*, to such person.

5. Where any person is recommended for deportation pursuant to this Order he shall, as and from the date on which he leaves Canada in the course of such deportation, cease to be either a British subject or a Canadian national.

6. The Commission shall, for the purpose of all inquiries and investigations made pursuant to this Order, have all the powers and authority of Commissioners appointed under Part One of the Inquiries Act.

7. The Commission is authorized to engage the services of such clerks, reporters, assistants and counsel as they deem advisable to aid and assist in the performance of their duties.

8. The Commissioners shall be paid such remuneration, allowances and expenses as the Governor in Council may fix.

9. All expenses incurred in connection with the inquiries and investigation of the Commission pursuant to this Order, including the remuneration, allowances and expenses of the commissioners, shall be paid from amounts allowed from the War Appropriation to the Department of Labour for such purpose.

A.D.P. Heeney,

Clerk of the Privy Council.