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FROM THE SPANISH CONSUL GENERAL IN CHARGE OF J. VARELA INT. [REDACTED]  
MONTREAL

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA

MONTREAL, October 20th, 1942.

Spanish Government request me to transmit to that Government the following telegram stop Japanese Government have received following report concerning compulsory removal of the Japanese residents from Pacific Coast region ordered by Canadian Government following upon establishment of protected areas in same region Canadian Government by order of Government General dated Fourteenth January 1942 declares certain areas on Pacific Coast of depth of hundred miles to be protected areas and early in February ordered all enemy aliens of conscription age (males aged from eighteen to fortyfive) residing in same areas to evacuate by 1st April it was decided that male Japanese subjects among those evacuees could be employed in road construction in rocky mountains around Jasper Alberta Canadian Government pretended to invite volunteers for work but fact was that each evacuee was forced to sign contract purporting to be made he was offering labour of his free will and from some evacuees who refused for reasons of health etc consent was extorted at point of revolver those who were engaged in road building were provided with no housing accommodation but were put in shabby railwags ins and given insufficient food in short they were forced to live like hed of cattle later on scope of evacuation was enlarged all Japanese residents were ordered to evacuate and even aged people as well as women and children were compulsorily removed to barren waste land in interior Japanese Government cannot but infer from above report that intention of the Canadian Government is to deprive all Japanese residents in Canada of their means of subsistence on pretence of establishment of protected areas and send them to interior severing men from their wives and children and put them to hard e compulsory labour and force aged people and women and children to live in wild desolate places apart from heads of their families such is unprecedented outrage of humanity it is established international usage generally observed among civilized nations that

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enemy civilians should not be put to any compulsory labour of any kind in any circumstances moreover Canadian Government declared at outbreak of war that they would apply as far as possible to interned civilians provisions of Geneva Convention relating to treatment of prisoners of war above mentioned measures taken by the Canadian Government are contrary to both general principles of international usage and declaration of Canadian Government Japanese Government made similar declaration to that of Canadian Government that they will on condition of reciprocity adhere to provisions of Geneva Convention it is to be mentioned that Japanese Government have not imposed on any Canadians whether interned or not interned any compulsory labour of any kind Japanese Government therefore lodge most emphatic protest against inhuman measures taken by Canadian Government in regard to Japanese residents Canada and demand Canadian Government immediately to cease endorsement of compulsory labour imposed on Japanese evacuees Japanese Government also demand from Canadian Government report on measure of protection accorded by Canadian Government to Japanese evacuees such as to protect property left behind by them allow them to make use of it supply them with adequate housing accommodation and proper means of subsistence at places where they have been conveyed relieve the aged and the poor who have been severed from heads of their families and to furnish them with means of medical treatment and education.

LC  
28-8-42

CONSUL GENERAL OF SPAIN IN CHARGE OF JAPANESE INTERESTS.

287618

J/BC [REDACTED]

Ottawa, October 27th, 1942.

No. J. 95

Sir,

I have the honour to acknowledge your telegram of October 20th transmitting the text of a telegram from your Government relating to the treatment of Japanese subjects in Canada, and stating that the Japanese Government have received a report concerning the compulsory removal of the Japanese residents from the protected areas of the Pacific Coast. The Canadian Government have received the text of this report with some surprise and would be interested to learn the source from which it was obtained as it is clear from it that the Japanese Government have been misinformed. The Canadian Government would not deny that there have been some individual cases of hardship, but I believe that you will concur in the statement that the authorities have done everything reasonably possible to adjust the legitimate grievances of any Japanese subjects. In particular, I feel sure that you will be able out of your own knowledge to assure the Japanese Government that far from desiring to deprive Japanese subjects in Canada of their means of livelihood, the Canadian Government have made every effort to provide them with suitable and congenial employment, and where necessary, have provided financial assistance out of Canadian Government funds.

You are also aware that although for reasons of security and because whole families could not be transferred at once, it was necessary to move some Japanese males of military age out of the protected areas in advance of their families; the families have now been transferred to the Consul General of Spain in a large of Japanese Interests, Montreal, P.Q.

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various settlements and have been joined by their husbands and fathers.

Further, I hope you will also endeavour to make clear to the Japanese Government that the families of Japanese subjects transferred from the protected areas have not been sent "to live in wild desolate places" but that the settlements in which they have been established are in small communities in some of the most fertile and beautiful districts of Western Canada where ample opportunities exist for local employment and where rich, fertile soil will enable them to grow all the fruits and vegetables to which they have been accustomed.

I trust also that you will endeavour to correct the impression which the Japanese Government appear to have received of conditions at the road construction camps. You will remember that at only one camp were the workers housed in tents and even at this camp the tents were provided with wooden floors and side walls. As for the food supply, the meal which you were provided with at the construction camp on the Hope Princeton highway was the ordinary standard fare of the camps.

It is noted that the report states that some Japanese subjects were forced at the point of a revolver to sign contracts to accept work in road construction. Any such action by a police officer or other person to secure the signature of a Japanese subject against his will would be contrary to policy and instructions of the Canadian authorities. I should be grateful, therefore, if you would supply me with specific information of any cases in which this is alleged to have occurred. On receipt of this information from you an immediate investigation will be ordered.

It is true that it has been found necessary to intern a number of Japanese male subjects but it is not correct to state that this was done because they refused compulsory labour. On the contrary their internment was made necessary because of their refusal to obey the evacuation order and their general hostile attitude. The small number interned in relation to the total number of Japanese in Canada should be sufficient evidence to the Japanese Government that the internment of Japanese is contrary to the policy of the Canadian

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Government and has only been resorted to in exceptional cases. In fact the Canadian Government endeavours to treat all Japanese in Canada with consideration and to impose on them only such restrictions of their freedom as are made necessary by the state of war now existing between Canada and Japan.

May I assure you again that the Canadian Government are desirous of cooperating with you in your work on behalf of Japanese subjects in Canada. You or your representative are at liberty at any time to communicate with or to visit any Japanese subjects in Canada wherever they may be and to submit full reports for the information of the Japanese Government. We shall continue to give earnest attention to any representations which you may feel called upon to make and to adjust as quickly as possible any legitimate grievances or complaints.

I have the honour to be

Sir,

Your obedient servant,

N.A. ROBERTSON

Under Secretary of State  
for External Affairs.

February 5th,

42.

*Observation of Parkhill  
re War Measures Act*

*W.W. - Conscription ✓  
W.W. - War Measures Act ✓*

Dear Mr. Ralston:

You have asked my opinion on the question whether units of the Canadian Army, which include men enlisted under the National Resources Mobilization Act, 1940, can, having regard to the provision of section 3 that the power to requisition men for service may not be exercised for the purpose of requiring them to serve outside of Canada, be required, nevertheless, to serve outside of Canada. The question is whether, notwithstanding section 3, the Governor in Council has authority under the War Measures Act to send any such units to points outside the boundaries of Canada and the territorial waters thereof. The exercise of such power would involve the amendment or repeal, pro tanto, of section 3 aforesaid.

Parliament, in enacting the War Measures Act, delegated to the Governor in Council, as part of the permanent structure of war time administration, the emergency power to legislate in respect of any matters which might affect the security, defence, peace, order and welfare of Canada arising by reason of the existence of war. In a case decided in 1918 raising a question similar to that now under consideration, the then Chief Justice of Canada in his judgment said:-

"It seems to be obvious that parliament intended, as the language used implies, to clothe the executive with the widest powers in time of danger. Taken literally, the language of the section contains unlimited powers. Parliament expressly enacted that, when need arises, the executive may for the common defence make such orders and regulations as they may deem necessary or advisable for the security, peace, order and welfare of Canada. The enlightened men who framed that section, and the members of parliament who adopted it, were providing for a very great emergency, and they must be understood to have employed words in their natural sense, and to have intended what they have said." ....

.....  
The Honourable J. L. Ralston,  
Minister of National Defence,  
O T T A W A.

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"Our legislators were no doubt impressed in the hour of peril with the fact that the safety of the country is the supreme law against which no other law can prevail."

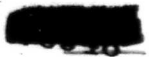
There can be no doubt that the Governor in Council has authority under the War Measures Act to amend an Act of Parliament and I see no reason for regarding the National Resources Mobilization Act 1940 exceptionally. If the security or defence of Canada should require that men be dispatched beyond the borders of Canada, I am of the opinion that the Governor in Council may, under the provisions of the War Measures Act, by order, amend, pro tanto, section 3 thereof to remove the limitation contained in that section so far as it applies to men enlisted in the unit or units proposed to be dispatched outside of Canada.

Yours truly,

(sgd.) F. P. Varcoe

Deputy Minister.

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(cont)

Ottawa, August 15, 1942

F. P. Varcoe, Esq.,  
Deputy Minister of Justice,  
Ottawa, Ontario.

Dear Mr. Varcoe:

-- I enclose a copy of a letter to the  
Prime Minister from the Premier of Quebec, regard-  
ing the recent legislation concerning vocational  
training. As the issue raised in Mr. Godbout's  
letter is primarily constitutional, the Prime  
Minister has directed me to ask your advice as to  
what it would be appropriate to say in reply to its  
-- representations. For your information, I attach a  
copy of the previous correspondence with Mr. Godbout  
on this subject.

Yours sincerely,

W. J. Turnbull *Just.*  
Principal Secretary  
to the Prime Minister.

JWP/PM



FPV/AH

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PLEASE ADDRESS  
THE DEPUTY MINISTER OF JUSTICE  
OTTAWA

OTTAWA September 9, 1942

J.R. 7091-42

Dear Sir:

I have given consideration to the Honourable Mr. Godbout's letter of August 12 addressed to the Prime Minister with reference to the Vocational Training Co-ordination Act, 1942, enacted at the last session of Parliament. Mr. Godbout's objection to the Act is directed principally against section 3 thereof.

Paragraph (c) of subsection (1) thereof authorizes vocational training to fit for any gainful employment persons directed by the Unemployment Insurance Commission to attend a course of training. This provision is supplementary to section 28 of The Unemployment Insurance Act, 1940, which imposes on every insured person a statutory condition of receiving benefits that the insured shall prove that he duly attended any course of instruction or training which he may have been directed by the Commissioner to attend. To enable section 28 to function, it is obviously necessary that courses of instruction be provided.

Paragraph (d) however contains the provision against which Mr. Godbout makes his most urgent objection. As finally enacted, this paragraph makes provision for vocational training to

W. J. Turnbull, Esq.,  
Principal Secretary to the Prime Minister,  
O t t a w a.

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fit persons for employment contributing to the conservation and development of the "natural resources vested in the Crown in the right of Canada", which expression means principally the Canadian national parks and forest reserves. Special training given men on these Crown lands for the purpose of conservation and development thereof can scarcely be regarded as an invasion of the field of education assigned exclusively by section 93 of the British North America Act to the provincial legislatures. As a matter of fact the provision is merely supplementary to that contained in section 4 whereby the Minister may by agreement with any province provide financial assistance for vocational training to fit persons for employment in the conservation or development of the natural resources of the province.

Yours truly,

*F. P. Varise*

Deputy Minister.

288448

PLEASE ADDRESS  
THE DEPUTY MINISTER OF JUSTICE  
OTTAWA

WRJ/LB

OTTAWA 15th December, 1942

BY HAND

J.R. 7251-42.

Dear Sir:

On the request of the Minister of Justice, I have revised the draft submission to Council with reference to the prohibition of liquor advertising and I now enclose herewith the revised draft submission which has been prepared for the signature of the Prime Minister.

In the draft submission which was considered previously, the date on which the regulations were to come into force was left blank. I have inserted the first day of January, 1943, for this date.

Yours truly,

*F.P. Varcoe*  
Deputy Minister.

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

Enc.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

*Minister of National Revenue*  
The undersigned ~~Prime Minister~~ has the honour to report that,-

WHEREAS as a means towards promoting and achieving total war effort it is expedient to curtail non-essential civilian activities so that manpower and material resources may be released and transferred to the growing requirements of the Armed Forces, war industry and essential civilian activity;

AND WHEREAS as a means towards accomplishing the aforesaid purpose it is desirable to limit production and importation of spirits, wine and beer for consumption in Canada;

NOW THEREFORE, the undersigned recommends, with the concurrence of the Minister of Finance, ~~the Minister of National Revenue~~ and the Minister of National War Services that pursuant to the powers conferred by the War Measures Act Your Excellency do order that for and during the period of twelve months commencing November 1, 1942 and ending October 31, 1943 production and importation of spirits, wine and beer for consumption in Canada be limited and restricted as follows:-

1. In this Order in Council,-

- (a) "distiller" means any person licensed under or in pursuance of the Excise Act (Canada) 1934, to manufacture or produce spirits;
- (b) "Minister" means the Minister of National Revenue for the time being in office and shall include any acting Minister of National Revenue;
- (c) "person" shall include His Majesty in the right of any province in Canada or any governmental department, board, commission or agency on His behalf;

2.

- (d) "spirits" means and includes all beverages containing potable alcohol obtained by distillation, made palatable by the addition of water and <sup>or</sup> other substances in solution and shall include but shall not be limited to alcoholic beverages <sup>commonly</sup> known as whiskey, brandy, rum, gin, cocktails and liqueurs;
- (e) the words "beer", "brewer" and "proof spirits" shall have the same meaning respectively, as set forth in the Excise Act (Canada) 1934;
- (f) "wine" means any alcoholic beverage, the product of the natural or induced fermentation of fruit, agricultural products, or any saccharine material fermented alone or in any combination without any process of distillation.
2. The maximum quantity in proof gallons of spirits which any distiller in Canada may sell, offer to sell, supply or deliver for consumption in Canada during the twelve months ending October 31, 1943 shall be seventy per centum of the quantity in proof gallons which he sold, supplied and delivered for such consumption during the twelve months ending October 31, 1942.
3. The maximum quantity in proof gallons of imported spirits which any person may enter for consumption in Canada during the twelve months ending October 31, 1943 shall be seventy per centum of the quantity in proof gallons which he entered for consumption during the twelve months ending October 31, 1942.
4. The maximum quantity (in gallons) of wine which any manufacturer thereof in Canada may sell, offer to sell, supply or deliver for consumption in Canada during the twelve months ending October 31, 1943 shall be eighty per centum of the quantity (in gallons) which he sold, supplied and delivered for such consumption during the twelve months ending October 31, 1942.
5. The maximum quantity (in gallons) of imported wine which any person may enter for consumption in Canada during the twelve

- months ending October 31, 1943 shall be eighty per centum of the quantity (in gallons) which he entered for consumption in Canada during the twelve months ending October 31, 1942.
6. The maximum quantity (in gallons) of beer which any brewer in Canada may sell, offer to sell, supply or deliver for consumption in Canada during the twelve months ending October 31, 1943 shall be ninety per centum of the quantity (in gallons) which he sold, supplied and delivered for such consumption during the twelve months ending October 31, 1942.
7. The maximum quantity (in gallons) of imported beer which any person may enter for consumption in Canada during the twelve months ending October 31, 1943 shall be ninety per centum of the quantity (in gallons) which he entered for consumption in Canada during the twelve months period ending October 31, 1942.
8. (1) Except as in this section otherwise provided, no spirits shall be sold, offered for sale, supplied or delivered by or to any person, of an alcoholic strength greater than 70 per cent proof spirits (30 u.p.)
- (2) Any spirits out of bond or bottled prior to the date on which this Order in Council takes effect may be sold, supplied and delivered notwithstanding that the alcoholic strength thereof is more than 70 per cent proof spirits (30 u.p.)
9. (1) No person in Canada shall distill spirits for use in fortifying wines.
- (2) No person shall import into Canada any wine which has been fortified with distilled spirits.
10. (1) The Minister may grant such exemption from any of the provisions of this Order in Council as he may deem proper.
- (2) Any exemption granted by the Minister under the provisions of subsection 1 shall be in writing signed by

him and the same may be granted unconditionally or may be limited in its terms or be conditional in such manner and to such extent as he may, in his discretion, see fit.

- (3) Whenever according to the terms of any exemption from any of the provisions of this Order in Council granted by the Minister under this section spirits, wine or beer mentioned in such exemption is authorized to be sold and supplied, the sale and supply thereof in accordance with the terms of the permit shall not be deemed to constitute a breach of any of the provisions of this Order in Council.
11. Nothing in this Order in Council shall be deemed to affect the importation of any goods to which this Order in Council is applicable under items 157, 157b, 703(b), 706 and 707 of the Customs Tariff, or by any distiller, licensed under the Excise Act, for blending purposes.
12. (1) Any person, other than His Majesty the King in right of any province of Canada, who contravenes or fails to observe any of the provisions of this Order or of any permit granted by the Minister under section 10 shall be guilty of an offence and liable upon summary conviction under Part XV of the Criminal Code, or, if the Attorney General of Canada so directs, upon indictment, to a penalty not exceeding five thousand dollars or to imprisonment for any term not exceeding two years or to both such fine and such imprisonment; and any director or officer of any company or corporation or of any governmental department, board, commission or agency on behalf of His Majesty the King in right of any province of Canada who assents to or acquiesces in any such offence by such company or corporation or by such governmental department, board, commission or agency shall be guilty of such offence personally and cumulatively with the said company or corporation or with the said

- governmental department, board, commission or agency.
- (2) No prosecution for any offence under this Order in Council shall be commenced except with written leave of the Attorney General of Canada.
  - (3) A prosecution under Part XV of the Criminal Code for any offence under this Order in Council may be commenced at any time within twelve months from the time of its commission.
  - (4) Any spirits, wine or beer, produced, distilled, imported, purchased, sold, supplied or delivered in contravention of any of the provisions of this Order in Council may (in addition to any other penalty which may be imposed on any person or to which any person may be subject with relation to which offence and whether or not any prosecution in relation thereto has been commenced) be seized and detained by such person or persons as the Minister may by writing authorize and shall be liable to forfeiture and may be forfeited at the instance of the Minister.
13. The Minister may prescribe such regulations as he considers necessary for the purpose of administering the provisions of this Order in Council.
  14. This Order shall come into force on the date of publication thereof in The Canada Gazette.

Respectfully submitted

~~Prime Minister, and President of the  
Privy Council.~~

*Minister of National Revenue*