


Japanese in Canada
(3 of 6)

n.d., 1938
1941-1948

CABINET COMMITTEE ON JAPANESE PROBLEMS

DOCUMENTS FOR MEETING,
FRIDAY, DECEMBER 13, 1946.

1946



CABINET COMMITTEE ON JAPANESE PROBLEMS

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SECRET

COMMITTEE OF CABINET ON

JAPANESE PROBLEMS

AGENDA FOR MEETING TO BE HELD IN THE PRIVY COUNCIL
OFFICE AT 2.45 P.M., FRIDAY, DECEMBER 13, 1946

1. Report on activities of Japanese Division. (Reference Document 'A')
2. Future Policy on Deportation and Repatriation. (Reference Document 'B')
3. Future Policy on Relocation and Controls in Canada. (Reference Document 'B')
4. Future Policy on Status of Canadian-born Japanese in Japan.
(Reference Document 'C')
5. Review of existing Orders in Council relating to
Japanese to determine what continuing powers
required to carry out policy decisions. (Reference Document 'D')
6. Report on activities of Custodian. (Reference Document 'E')

Eric Stangroom,
A/Secretary.

Privy Council Office,
December 11, 1946.

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MEMORANDUM TO THE CABINET COMMITTEE ON JAPANESE PROBLEMS

RE: Report on Japanese Repatriation and Relocation

1. Distribution of Japanese in Canada at November 30, 1946:

British Columbia.....	6981
Alberta.....	4262
Saskatchewan.....	503
Manitoba.....	1193
Ontario.....	6617
Quebec.....	1210
Nova Scotia.....	1
New Brunswick.....	10
Prince Edward Island.....	6
Yukon and Northwest Territories.....	31

Total 20,814

2. Of the 6,981 persons of Japanese origin in British Columbia, only 1000 remain in Departmental Housing Projects in the Kootenay Valley, the rest being widely distributed in self-sustaining employment scattered throughout the interior. By the end of December, the Department will be maintaining only one Housing Centre at New Denver, B.C., with a maximum of 700 or 800 people, mostly invalids and other unemployables.

3. Relocation

In the first eleven months of 1946 approximately 4,600 Japanese relocated from British Columbia east of the Rockies. For all practical purposes, movement eastward from British Columbia is completed except for isolated individual families and single persons.

It is proposed to continue to provide assistance for the movement of these people from British Columbia and for Japanese from Southern Alberta eastward on a voluntary basis during the year 1947 by provision of free transportation and subsistence allowances. The Japanese Placement Offices east of the Rockies will be maintained during 1947 to facilitate placement and re-establishment in areas from Saskatchewan east.

In addition to those in the departmental settlements in B.C., there are now approximately 825 Japanese in seven hostels operated by the Department at points between Moose Jaw, Saskatchewan and Farnham, Quebec. These people are in the process of placement, which should permit a gradual consolidation and closing of these hostels during 1947 as placement is accomplished.

4. Repatriation

A total of 3,674 Japanese have repatriated up to date in 1946 on a completely voluntary basis. The fifth ship, sailing December 23, 1946, will take from 270 to 300 more, who will probably be the last voluntary group of repatriates.

The Privy Council decision on the Japanese Orders was handed down a few days ago and holds that these Orders are *intra vires in toto*. This means that the Government may proceed with the deportation of Japanese Nationals who signed requests for repatriation (together with their dependents); naturalized Canadians who signed

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RECOMMENDATIONS OF THE DEPARTMENT OF LABOUR
TO THE CABINET COMMITTEE ON JAPANESE PROBLEMS

A. Deportation

The Department of Labour recommends:

1. That no Deportation Orders be issued for deportation of Japanese on the basis of voluntary declarations for repatriation.
2. That, with respect to the small group of Japanese Nationals formerly interned, approximately 30 in number, with dependents, who have shown continued lack of co-operation since release from internment, either of the following courses be pursued:
 - (a) Orders for their deportation be issued by the Minister of Labour under the authority of P.C. 7355, and that these persons be deported accordingly on the next ship sailing for Japan on December 23rd, and that their dependents be treated as voluntary repatriates where they elect to go with the deportee, or
 - (b) That the present accommodation provided for these Nationals and their dependents in the hostel at Moose Jaw be closed in the Spring of 1947 and if these parties still refuse to make efforts to support their families, they be dealt with under Canadian law relating to non-support, etc.

The Department of Labour is of opinion that the number of persons involved in possible deportation does not warrant the Government carrying through forcible deportation of persons of the Japanese race at this time. It is, therefore, of opinion that alternative (b) is preferable.

B. Relocation and Control of Persons of the Japanese Race in Canada.

The authority to control is given by Order in Council P.C. 946 which Order will lapse on March 31, 1947. The policy of the government has been declared to be one of distribution across Canada.

Relocation and distribution is now reasonably satisfactory. It will be noted that 4,262 are in Alberta and it is desirable that this number be reduced by moving a number to the eastern provinces. The number in British Columbia will be reduced to a total of about 6,500 which is not considered excessive when it is remembered that about 800 will be under the care of the Labour Department in the housing centre and sanitarium at New Denver.

It could be said that the relocation task had been completed and a solution of a problem which has been bothering the British Columbia people for a long period of years had been found.

If any assurance could be obtained that these persons would not move back to British Columbia as soon as Order in Council P.C. 946 lapsed there would be no need to suggest any further control of the movement of persons of the Japanese race. No such assurance can be given.

The opinion of the Labour Department, therefore, is that the safe course to pursue is to continue control of movement for a year or two more until these people become more settled in their new locations.

The recommendation, therefore, is that legislation be introduced in place of P.C. 946 in form as per attached draft (Ref. Doc. No. 'B'(2)), enabling continued control over movement of Japanese in Canada, the life-time of this Act to be for one year. Any continuing authority required by the Custodian to complete the liquidation and distribution of property of Japanese in the former evacuated area could be incorporated therein.

The introduction of a Bill in the House of Commons will undoubtedly create a critical debate. It is, we believe, a fact that the incentive against controlling the movement of Japanese is becoming stronger. The Manitoba Free Press carried an editorial in this connection on December 9, 1946.

The Department of Labour is of the opinion that the safe course would be to exercise control of movement for a further period; nevertheless, it recognizes the objection inherent in the recommendation for introduction of legislation and refers for consideration of the committee an alternative plan to avoid the necessity of bringing a Bill into the House of Commons which is to rely on keeping a reasonable control by giving assistance in placement, transportation, and welfare. This alternative would mean that no special power would be required and the only authority which would be needed from the House of Commons would be a passing of an item in the estimates providing for an appropriation for placement, transportation and welfare of the evacuated Japanese in Canada, the wording of the item to be so framed as to permit of the continuation of existing administrative arrangements for voluntary relocations.

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DRAFT BILL FOR INFORMATION OF CABINET COMMITTEE ON JAPANESE PROBLEMS

An Act to provide for the Resettlement of Displaced
Persons of the Japanese Race

WHEREAS during the war certain persons of the Japanese race resident on the Pacific Coast manifested sympathy with or support of Japan as a result of which it became necessary as a security measure to remove from the coastal area of British Columbia all persons of the Japanese race;

AND WHEREAS the Governor in Council by Order in Council P.C. 946 of February 5, 1943, enacted under the authority of the War Measures Act has made provision for relocation and resettlement of persons of the Japanese race displaced by removal from the coastal area;

AND WHEREAS the said Order in Council will cease to be operative with the expiration of the National Emergency Transitional Powers Act, 1945;

AND WHEREAS it is deemed undesirable in the public interest that persons of the Japanese race displaced by removal from the coastal area should again be permanently settled on the Pacific Coast of Canada;

AND WHEREAS the responsibility for the resettlement of persons of the Japanese race displaced by the aforesaid removal from the coastal area is a responsibility of the people of Canada as a whole;

NOW THEREFORE His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

Short Title

1. This Act may be cited as The Japanese Resettlement Act,
1946.

Interpretation

2. In this Act and in any order or regulation made thereunder, unless the context otherwise requires

- (a) "Minister" means the Minister of Labour
- (b) "displaced person" means a person of the Japanese race who left the coastal area of British Columbia during the war after the fifteenth day of February, one thousand nine hundred and forty-two
- (c) "person of the Japanese race" means a person who
 - (i) is wholly or partly of the Japanese race,
 - (ii) was, on the fifteenth day of February, one thousand nine hundred and forty-two, ordinarily resident in the coastal area of British Columbia, and
 - (iii) left that area on or after the said fifteenth day of February.
- (d) "coastal area" means that area of the Province of British Columbia including all islands west of a line commencing at Boundary Point No. 7 on the International Boundary between the Dominion of

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Canada and Alaska, thence following the line of the "Cascade Mountains", as defined by paragraph 2 of section 24 of the Interpretation Act of British Columbia, being Chapter 1 of the Revised Statutes of 1936, to the northwest corner of Lot 1410, Range 5, Coast Land District, thence due east to a point due north of the northwest corner of Lot 373, Range 5, Coast Land District, thence due south to said northwest corner of Lot 373 being a point on the aforementioned line of the "Cascade Mountains", (being the area surrounding the village Municipality of Terrace), thence following said line of the "Cascade Mountains" to the western boundary of Township 5, Range 26, west of the sixth Meridian, thence following the northerly, easterly and southerly boundaries of said Township 5, to the southwest corner thereof, being a point on the line of the "Cascade Mountains", (being the area surrounding the Village Municipality of Hope); thence following the "Cascade Mountains" to the southerly Boundary of the Province.

- (e) "removal" means the removal of a person of the Japanese race from one place in Canada to another pursuant to this Act.

3. The Minister may

- (a) take such measures as he deems advisable to assist persons of the Japanese race to resettle themselves under this Act and to provide for shelter, maintenance, employment, care and welfare of such persons during the period of their resettlement and for such purposes, enter into contracts and acquire real or personal property on behalf of His Majesty or lease or dispose of the same, but no such contract shall be entered into by him for an amount in excess of fifteen thousand dollars nor shall any real property be purchased or disposed of by him pursuant to this Act except with the approval or under the authority of the Governor in Council as to the terms of purchase or disposition.
- (b) employ persons of the Japanese race in the operation of any housing or employment projects or hostels administered or operated by the Department of Labour for the purposes of this Act, at such wage rates and terms as he deems advisable; *necessary?*
- (c) make rules or regulations governing the welfare, conduct or discipline of persons of the Japanese race in any hostel, camp or housing project administered or operated by the Department of Labour for the purposes of this Act;
- (d) make arrangements with any department or agency of the Government of Canada to assist in the administration of this Act;
- (e) with the approval of the Governor in Council enter into an agreement with any province with respect to any of the matters enumerated in this section.

4. For the purpose of facilitating the resettlement in Canada of persons of the Japanese race the Governor in Council may make regulations and may authorize the Minister to make orders governing the movement of such persons in any area in Canada or from one place or area to another place or area in Canada.

General

5. The Minister may make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Act.

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6. (1) The Governor in Council shall appoint an officer to be known as the Commissioner of Japanese Placement who under the direction of the Minister is charged with the administration of this Act.

(2) Such other officers, clerks and employees as may be necessary for the administration of this Act shall be appointed or employed in the manner authorized by law.

(3) Notwithstanding this section or any other statute or law, the officers, clerks and employees employed by the Minister pursuant to order of the Governor in Council made on the fifth day of February, one thousand nine hundred and forty-three (P.C. 946) and who immediately prior to the coming into force of this Act were employed under that order, may be employed by the Minister for the purposes of this Act at the rate of remuneration received by them at that time and such officers, clerks and employees shall perform such duties as are assigned to them by the Minister.

7. (1) All real and personal property or any interest therein acquired by or vested in His Majesty in right of Canada by or pursuant to the order of the Governor in Council made on the fifth day of February, one thousand nine hundred and forty-three (P.C. 946) shall be deemed to have been acquired by the Minister on behalf of His Majesty pursuant to this Act.

(2) The Minister may, in the name of the British Columbia Security Commission, established by Order of the Governor in Council made on the fourth day of March, one thousand nine hundred and forty-two (P.C. 1665), execute any conveyance, transfer or other document necessary to transfer to His Majesty in right of Canada the title to any real or personal property or any interest therein held in the name of the said Commission.

8. Any person who resists or obstructs or attempts to resist or obstruct any peace officer or other person from carrying out any order made pursuant to the provisions of this Act shall be guilty of an offence against the Act.

9. Any person who contravenes or omits to comply with any of the provisions of this Act or any regulation or 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.

10. 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 Act 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.

11. When any question arises in any prosecution under this Act as to whether the accused person is a person of the Japanese race as defined in this Act, the onus of proof that the accused person is not a person of the Japanese race shall lie upon the accused.

12. The costs and expenses incurred in the administration of this Act shall be paid out of moneys appropriated by Parliament for that purpose.

13. After the close of each fiscal year the Minister shall as soon as possible prepare an annual report respecting the administration of this Act and shall lay the said report before Parliament.

14. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council and shall expire on a day to be fixed by such a proclamation.

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MEMORANDUM TO THE CABINET COMMITTEE ON JAPANESE PROBLEMS

RE: Status of Canadian-Born Japanese in Japan
and Japanese Nationals in Canada.

*any but yet
published?*

A. Under P.C. 7356 ^{indulged} Japanese who have either left Canada voluntarily in the past year, or who may be deported in future if policy to this effect is applied, would appear to suffer loss of their Canadian status. On the other hand, this Order in Council does not affect the Canadian nationality of persons born in Canada, and, in the opinion of the Department of Justice, P.C. 10773 of 1942 has no application except to persons who went to Japan in pursuance of an exchange agreement.

This means that there will be a number of Japanese of Canadian birth in Japan who will be Canadian citizens. As such they will have the right of entry into Canada under the Immigration Act.

Therefore, the question of policy with regard to their admissibility arises. In addition, questions as to their diplomatic protection in Japan and probable application for assistance in case of indigence require consideration.

B. Both Canadian citizens of Japanese origin and Japanese nationals who have domicile in Canada have a legal right of entry into Canada in the future. The policy regarding their admissibility also arises, and our Mission in Tokyo requires instructions on such cases.

The possible courses of action are -

1. To refuse to recognize the right of entry. This would be contrary to existing law, and require legislation of a controversial nature;
2. To instruct the Mission that they should be prepared to grant visas for travel to Canada, but should not give any assistance in securing transportation, or
3. To instruct the Mission that it should issue visas and give assistance in securing accommodation to Canadian citizens, but not to Japanese nationals.

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MEMORANDUM TO THE CABINET COMMITTEE ON JAPANESE PROBLEMS

RE: Orders in Council Relating to Persons
of the Japanese Race

<u>P.C. No.</u>	<u>Date</u>	<u>Subject Matter</u>
9590	7/12/41	Makes the regulations re trading with the enemy applicable to the Japanese. Remarks: May be allowed to expire. ✓
9760	16/12/41	This made provision for compulsory re-registration by the R.C.M. Police of all persons of the Japanese race in Canada who had reached their sixteenth birthday and provided penalties for non-compliance. It contained instructions concerning issuance of Registration Certificates to Japanese and the details of registration. Remarks: Required in connection with control of travel and residence, which would be most difficult without Japanese being required to carry registration cards.
9761	16/12/41	This prohibited any person of the Japanese race from using or operating any vessel in waters adjacent to the west coast of Canada without written authority from the Commissioner of the R.C.M. Police. It also provided for the seizure and detention of any vessel so illegally used by a person of the Japanese race and provided penalties for non-compliance. Remarks: Has lapsed as vessels have all been sold and Japanese are still prohibited from entering the coastal area. ✓
251	13/1/42	Prohibition of Japanese fishing licences. Remarks: May be allowed to expire. ✓ Department of Fisheries.
1348	19/2/42	Authorizes Department of Mines and Resources to establish road camps for employment of evacuee Japanese. Amended by P.C. 6758 - 31/7/42 P.C. 8173 - 11/9/42 Remarks: May be allowed to expire. ✓
1665	4/3/42	Creates British Columbia Security Commission to evacuate all Japanese from protected area, and to provide housing, welfare and placement for evacuees.

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P.C. No.

Date

Subject Matter

Amended by P.C. 2483 - 27/3/42
P.C. 2541 - 30/3/42
P.C. 3231 - 21/4/42

Repealed except as to section 12 thereof by P.C. 946 - 9/2/43

Section 12 vested in the Custodian all property in the protected area of evacuated Japanese except liquid assets.

Remarks: The complete repeal of this order is a matter for decision of the Department of Secretary of State. ✓

4615

2/6/42

Concurred in agreement of B.C. Security Commission with Province of Alberta for temporary placement of evacuee Japanese in sugar beet culture in Alberta, and containing a provision that at end of war the Commission would at request of province remove the evacuees.

Remarks: May be allowed to expire. The obligation of the B.C. Security Commission under this agreement has by P.C. 946 of February 9, 1943, been assumed by the Minister of Labour. The obligation under the agreement remains although the order lapses. ✓

6247

20/7/42

As amended by P.C. 469 of January 19, 1943. Revokes P.C. 5523 of June 29, 1942. P.C. 6247 amended to give Custodian authority to complete liquidation of fishing vessels of evacuee Japanese, and authorizes the Custodian to sell and liquidate or otherwise dispose of all property of persons of Japanese race evacuated from protected area which was placed in the custody of the Custodian by any other order. This order is therefore an extension of the powers vested in the Custodian by section 12 of P.C. 1665 of March 4, 1942, as well as amending P.C. 6247 of July 20, 1942, referred to above.

Remarks: Continuation of this order and of section 12 of P.C. 1665 a matter for Secretary of State. Evidently, however, this authority is required to be continued. ✓

10773

26/11/42

This provides that British subjects who have applied for repatriation to an enemy country during the war shall in leaving Canada lose their Canadian citizenship.

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PC 469/1943

P.C. No.

Date

Subject Matter

Remarks: This is an order of the Secretary of State and decision on this order rests with the Secretary of State and Department of External Affairs. Presumably the order may be permitted to lapse.

Lapse

946

5/2/43

Dissolves B.C. Security Commission. Revokes P.C. 1665 of March 4, 1942, except section 12. Vests in the Minister of Labour power to provide for the welfare, placement, control of movement and discipline of persons of the Japanese race in Canada; to issue licences to Japanese to acquire an interest in real property which is otherwise prohibited. Amended by P.C. 5973 of September 14, 1945, and P.C. 5793 of December 18, 1945, P.C. 5637 of August 16, 1945, and P.C. 9743 of December 24, 1943.

Remarks: To be continued in effect by extension of emergency powers or replaced by legislation if continued controls over movement and placement of Japanese in Canada is necessary.

1422

22/2/43

This suspends the operation of B.C. legislation which prohibits the employment of Orientals on Crown timberlands.

Remarks: May be allowed to expire.

4002

17/5/43

This approves of an agreement entered into between the Province of Alberta and the B.C. Security Commission under which the Security Commission agreed to pay for the schooling of Japanese children moved to Alberta at the rate of \$5.00 per pupil per month for Public School education.

Remarks: The obligation under this agreement which is now vested in the Minister of Labour by P.C. 946 of February 9, 1942, still exists and will continue to exist even if the order lapses. The order may be permitted to lapse.

4365

28/5/43

Authorized the Minister of Labour to operate the fuel cutting project with Japanese labour in B.C. to be financed out of revolving fund.

Remarks: This may be allowed to lapse.

7355

15/12/45

Provides for deportation of Japanese who requested repatriation to Japan and for payment of repatriation allowances to persons deported or repatriated on a voluntary basis; and payment of transportation expenses for these persons.

Remarks: Continuation of order beyond expiry date is a matter of Government policy.

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Date

Subject Matter

7356

15/12/45

Revokes naturalization of naturalized Canadians of Japanese race who are deported or repatriated under P.C. 7355.

Remarks: See 7355.

7357

15/12/45

Authorizes the establishment of an Inquiry Commission to inquire into the activities of persons of Japanese race with a view to determining whether they should be deported because of disloyalty or lack of co-operation.

Remarks: See 7355.

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22/1/46

Establishes the rate of exchange of money turned in by Japanese repatriates for transmission to Japan and authorizes the Controller of the Treasury to make necessary arrangements with U.S. authorities to provide for transfer of funds of Japanese repatriates from Canada via U.S. via a Supreme Allied Commander in Japan to repatriated Japanese.

Remarks: Will be required as long as funds are being transferred to repatriates, pursuant to provisions of P.C. 7355 above.

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MEMORANDUM TO THE CABINET COMMITTEE ON JAPANESE PROBLEMS

RE: Property of Japanese Evacuated from the
Protected Area of B.C.

At the end of July, 1946, the number of Ledger Accounts in the Vancouver Office of the Custodian for Japanese was reduced to 3,842, and the amount of Evacuee money involved was, at that time, \$1,418,671.00. The credit balances now stand at \$1,037,313.17, and every effort is being made to remit the total available funds to all Japanese residing outside of the Department of Labour projects.

While liquidation is mainly complete, there are approximately 35 properties still available for sale and between 30-40 properties owned by Organizations, which, up to the present time have not been liquidated for the reason that amendments to existing Orders in Council are necessary.

Immediately after the proposed evacuation was announced, many Japanese started to sell their property at ridiculously low figures in fear of Government confiscation. Further exploitation of the Japanese was prevented when pursuant to Order in Council P.C. 1665, dated 4th of March, 1942, the Custodian took over the problem of administering the assets of approximately 23,000 people.

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.

It being well known that the property belonged to Japanese, there were many cases of breaking and entering which resulted in thefts, e.g. plumbing and lighting fixtures, and it was impossible for the Custodian or the local police to give the necessary protection. In addition to this, there were a considerable number of fires.

The Custodian did not know how long the war would last, nor whether the Japanese would ever be permitted to return to the Protected Area. It was therefore impossible to determine if there would be any equity if the Custodian continued to hold the properties during the enforced absence of the Japanese.

As a result of a year's experience, a report was made to a special committee of the Cabinet and the Custodian was instructed to proceed with the policy of liquidation. (P.C. 469), dated 19th January, 1943).

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 Menzies; 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 up to June, 1946, were as follows:

<u>SALES</u>		<u>APPRAISAL</u>	<u>SALES VALUE</u>
Greater Vancouver	462	\$913,712.00	\$1,010,970.00
Rural	396	532,907.00	558,318.00
Veterans' Land Act	741	847,878.00	836,256.00
	1,599	\$ 2,294,497.00	\$2,405,544.00

Proceeds from sales, including farms sold to the Director, Veterans' Land Act, exceeded fixed valuations by \$111,047.00

...

STATEMENT OF CASH REALIZATION OF
EVACUEE ASSETS & REVENUES

Fishing vessels & scows	\$ 202,104.96
" nets and gear	101,164.48
Cars	63,583.98
Trucks	94,525.63
Sundry Business assets	187,834.31
Household effects	249,833.03
Radios	17,024.64
Farm Equipment	14,858.33
Life Insurance	48,354.36
Securities	54,538.27
Sundry a/cs. Receivable	136,356.28
Sundries	33,377.89
Veterans' Land Act	808,673.22
Real Estate Sales	1,574,350.78
Real Estate Income	491,170.25
Dividends from Securities	8,310.46
Rooming House Rentals & Chattels	33,217.06
Sundry Miscellaneous	
Transfers between Jap.	
a/cs. & a/cs. Receivable	749,092.05
	<u>\$4,868,369.98</u>

WELLINGTON 3882

R.307-1502 St. Catherine, W.
Montreal, Quebec.

Quebec Provincial C. C. F. COUNCIL

re RESOLUTION on deportation of Canadians of Japanese origin adopted unanimously at the meeting held January 27, 1946.

* WHEREAS the Federal Government has proposed to deport Canadians born citizens to a foreign country by Order in Council; and

WHEREAS it is doubtful if the Governor-General-in-Council has a legal right to take this autocratic action; and

WHEREAS the deprivation of the citizenship rights of any Canadian without due process of law is anti British, undemocratic, and a denial of the ideals for which the war against Facism has been fought; and

WHEREAS their exile to a foreign country where necessities of life are disastrously lacking threatens the basic human rights of these proposed deportees; and

WHEREAS in education, language, ideals, and loyalty their outlook is entirely Canadian; and

WHEREAS not a disloyal act has been proven against these Canadians; and

> WHEREAS ex-internees who are German and Italian nationals are freely permitted to remain in Canada, while the Government proposes deportation of Canadian citizens; and

WHEREAS many Canadians of Japanese origin volunteered for service in the recent war and some served in the foreign field; and

* WHEREAS many of the applications for removal to Japan made by proposed deportees were not made voluntarily by the applicants; and

WHEREAS the proposed forceful deportation of any Canadian citizen is a dark blot upon the honor of Canada and is reminiscent of the race hating practices of Fascism in Europe;

THEREFORE BE IT RESOLVED that this Quebec Provincial CCF Council vigorously protests against the proposed deportation of Canadian citizens of Japanese origin, and asks the Canadian Government to set up a strictly impartial Commission to review all applications for return to Japan before any deportation order is carried out and

FUTHER BE IT RESOLVED that we commend heartely the announced policy of the Saskatchewan Government in their fair dealing with the problem of Canadians of Japanese origin, and also the activities and proposals of the Cooperative Committee on Japanese Canadians.

Statement on Orders in Council
Concerning the Japanese.

Orders in Council - P.C. ,

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Statement on Orders in Council
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I wish to table three Orders in Council - P.C. ,
P.C. , and P.C. of December th, all of which
have been passed under the War Measures Act to carry out
the policy announced by the government with respect to
Japanese people in Canada on August 4, 1944, and November
21, 1945. I think it will assist in understanding these if
I give a brief explanation of their purpose and effect.

The general outline of the government policy with
regard to the Japanese was given in my statement of August
4, 1944, to which I have referred. As a first measure in its
implementation, the government sought to determine which of
the Japanese now in Canada did not wish to remain here after
the war and on November 21 the Minister of Labour referred to
the number of applications that had been received for movement
to Japan. The Minister announced that the government intended
to order the removal from Canada of Japanese nationals who
had applied for repatriation; of naturalized persons of
Japanese origin who had similarly applied and who had not
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and who did not renounce such intention before an order for their deportation was made. The first Order in Council which I am tabling, P.C. , simply provides that the Minister of Labour may execute this policy. He is not ordered to have the persons deported, but he is given the power to arrange for their movement.

In all cases in which removal from Canada is to be effected, it is provided that the persons involved shall be able to take out their personal property and all cash and other movable assets, and that they shall be able to sell or otherwise dispose of their real property or of anything else they do not wish to take with them. In addition, they are to be assured minimum liquid assets to assist in their resettlement to the extent of \$200. for each adult ordered deported and \$50. for each dependent. In cases where the person going to Japan has a certain amount of cash, but less than \$200. plus \$50. for each dependent, he will be advanced the difference in order to bring his cash assets up to the minimum I have mentioned. In those cases where the persons to whom cash is advanced have assets with the Custodian, the Minister will recover his advances out of such assets.

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The remainder of the Order simply provides the necessary administrative machinery to carry out the terms of the Order.

The second Order in Council I am tabling, P.C. provides for the removal of British and Canadian status from any persons who now leave Canada for residence in Japan or are deported from Canada pursuant to applications made and orders issued under P.C. . It has, of course, no application to Japanese nationals, but only to persons naturalized in Canada who come under the Order I have tabled and to persons born in Canada who have expressed a wish to go and who do not, as I have said, revoke this application. It may be suggested that status should not be removed in this way from Canadian-born persons. However, I would point out that, apart from children under the age of sixteen who are going with parents who are moving to Japan, the Order will have no application to any Canadian-born person except those who continue in an expressed desire to be sent to Japan. In the case of such persons, I think there is every reason why they should not continue to have Canadian citizenship and be able to claim Canadian diplomatic protection. Whatever the motivating reason, when a person during time of war expresses a desire to go to

shown himself by act or speech to be disaffected or disloyal to His Majesty, the Governor in Council shall by order revoke

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live in a country with which we are at war, and does not renounce that desire when he is given every opportunity to do so, I think he has no claim whatever to be allowed to retain the national status, which, by his very action, he is renouncing.

The third Order in Council I am tabling is P.C. . Honourable Members will recall that, in my statement to the House on August 4, 1944, I said that the Government intended to establish a "quasi-judicial commission" to investigate the loyalty of certain of the Japanese in Canada "to ascertain those who are not fit persons to be allowed to remain here". The time has now come when this Commission should be appointed. We now know with certainty that some persons do not wish to remain here. There is no object in examining them. There are, however, among those who wish to remain, a number whose behavior casts doubt upon their loyalty and before deciding what should be done about them it is wished to have a full and fair examination of their cases. There are also a certain number of enemy nationals, other than Japanese, in Canada, whose conduct in wartime has been such as to raise question as to whether they should not be deported in the national interest and it is intended to have the Commission examine their cases as well.

shown himself by act or speech to be disaffected or disloyal to His Majesty, the Governor in Council shall by order revoke

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In general, the provisions of the Order in Council are as follows. The Governor in Council will be authorized to appoint a Commission of three persons to enquire into the loyalty of:

- (a) persons of enemy nationality and naturalized persons of enemy origin who have been detained during the war and whose cases are referred to the Commission by the Minister of Labour or the Minister of Justice; and
- (b) other persons of enemy nationality or naturalized persons of Japanese race whose cases are referred to the Commission by the Minister of Labour or the Minister of Justice.

So far as the Japanese are concerned, I would point out that the Commission will examine only Japanese nationals and naturalized persons. It will not examine any persons born in Canada. It will, moreover, have the power, where recommended by the Minister of Labour, to examine the cases of naturalized Japanese who applied to be sent to Japan and who did not renounce such application prior to midnight on September 1, 1945.

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The Commission will, where it deems fit after examination, have the power to recommend deportation. In such cases, any Japanese ordered deported will be deemed to come within the terms of the two Orders in Council I have now tabled. Other enemy nationals or interned naturalized persons recommended for deportation by the Commission may be ordered deported by the Minister of Mines and Resources under the procedure prescribed in the Immigration Act.

The problem the government has to face on the question of the Japanese is difficult in the extreme, and even with the measures that have now been decided upon we have by no means reached the end of it. It is difficult in a matter of this type to avoid injury to some who are innocent. In many cases Japanese children under sixteen will be going to Japan, not because they want to but because their parents want to or because their parents have been found disloyal. But while this may be hard in some cases, it would be much worse to contemplate breaking up the families involved. On the whole, I think that the measures that are being taken are fair in the difficult circumstances of the case. The major problem that next has to be faced

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Statement on Orders in Council
Concerning the Japanese.

I wish to table three Orders in Council - P.C. 7355, P.C. 7356, and P.C. 7357 of December 15th, all of which have been passed under the War Measures Act to carry out the policy announced by the government with respect to Japanese people in Canada on August 4, 1944, and November 21, 1945. I think it will assist in understanding these if I give a brief explanation of their purpose and effect.

The general outline of the government policy with regard to the Japanese was given in my statement of August 4, 1944, to which I have referred. As a first measure in its implementation, the government sought to determine which of the Japanese now in Canada did not wish to remain here after the war and on November 21 the Minister of Labour referred to the number of applications that had been received for movement to Japan. The Minister announced that the government intended to order the removal from Canada of Japanese nationals who had applied for repatriation; of naturalized persons of Japanese origin who had similarly applied and who had not revoked their applications prior to midnight on September 1, 1945; and of Canadian-born Japanese who wished to go to Japan

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In all cases in which removal from Canada is to be effected, it is provided that the persons involved shall be able to take out their personal property and all cash and other movable assets, and that they shall be able to sell or otherwise dispose of their real property or of anything else they do not wish to take with them. In addition, they are to be assured minimum liquid assets to assist in their resettlement to the extent of \$200. for each adult ordered deported and \$50. for each dependent. In cases where the person going to Japan has a certain amount of cash, but less than \$200. plus \$50. for each dependent, he will be advanced the difference in order to bring his cash assets up to the minimum I have mentioned. In those cases where the persons to whom cash is advanced have assets with the Custodian, the Minister will recover his advances out of such assets.

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The remainder of the Order simply provides the necessary administrative machinery to carry out the terms of the Order.

The second Order in Council I am tabling, P.C. 7356, provides for the removal of British and Canadian status from any ^{naturalized} persons who now leave Canada for residence in Japan or are deported from Canada pursuant to applications made and orders issued under P.C. 7355. It has, of course, no application to Japanese nationals, ~~but only to persons naturalized in Canada who come under the Order I have tabled and to persons born in Canada who have expressed a wish to go to Japan and who do not, as I have said, revoke this application.~~ It may be suggested that status should not be removed in this way from Canadian-born persons. However, I would point out that, apart from children under the age of sixteen who are going with parents who are moving to Japan, the Order will have no application to any Canadian-born person except those who continue in an expressed desire to be sent to Japan. In the case of such persons, I think there is every reason why they should not continue to have Canadian citizenship and be able to claim Canadian diplomatic protection. Whatever the motivating reason, when a person during time of war expresses a desire to go to

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~~be authorized to~~ appoint a Commission of three persons

to enquire into the loyalty 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". It will be noted from this that

(a) persons of enemy nationality and naturalized

persons of enemy origin who have been

detained during the war and whose cases are

referred to the Commission by the Minister

of Labour or the Minister of Justice; and

(b) other persons of ~~enemy~~ *Japanese* nationality or

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~~So far as the Japanese are concerned, I would point out that~~ the Commission will examine only Japanese nationals and naturalized persons. It will not examine any persons born in Canada. It will, moreover, have the power, where recommended by the Minister of Labour, to examine the cases of naturalized Japanese who applied to be sent to Japan and who did not renounce such application prior to midnight on September 1, 1945.

The Commission will, where it deems fit after examination, have the power to recommend deportation. In such cases, any Japanese ^{national or naturalized Japanese who is} ordered deported will be deemed to come within the terms of the two Orders in Council I have now tabled. ^{That is ~~the~~ the conditions with} ~~Other enemy nationals or~~ regard to property and minimum assets will apply and, ~~inferred naturalized persons recommended for deportation~~ ^{in the case of naturalized persons, they will be divested of their} by the Commission may be ordered deported by the Minister ^{British and Canadian status as of the time they leave this} of Mines and Resources under the procedure prescribed in ^{country.} the Immigration Act.

The problem ^{of dealing with this} ~~the government has to face on the~~ question of the Japanese is difficult in the extreme, and even with the measures that have now been decided upon ~~we have by~~ ^{has by no means been reached.} ~~no means reached the end of it.~~ It is difficult in a ^{It may be, too, that the solution of this problem will cause,} matter of this type to avoid injury to some who are innocent, ^{as it already inevitably has caused, hardships in certain cases.} In many cases Japanese children under sixteen will be ^{instances; That is regrettable, and so far as possible the government is endeavoring to mitigate and avoid unnecessary hardship.} going to Japan, not because they want to but because ^{and so far as possible the government is endeavoring to mitigate and avoid unnecessary hardship.} their parents want to or because their parents have been found disloyal. But while this may be hard in some cases, it would be much worse to contemplate breaking up the families involved. ^{However,} On the whole, I think that the measures that are being taken are fair in the difficult circumstances of the case. ~~The major problem that next has to be faced~~

^{The Orders that have been passed involve no} change in principle from the general provisions that already exist under our statute law. The Immigration

... Council is satisfied that a person who has obtained a certificate of naturalization has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Governor in Council shall by order revoke

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Act contains provisions for the deportation of "enemy aliens or persons who have been ~~as~~ alien enemies" in certain cases, and in general the deportation of certain "prohibited classes" is a recognized principle. The Naturalization Act similarly recognizes the principle of revocation of the status of a naturalized person who has shown himself by act or speech to be disaffected or disloyal. The circumstances of war and the peculiar character of the present problem require more expedition and broader action than the present statutes allow, but the ~~present~~ Orders ~~that have been passed to enable this~~ ^{that have been passed to enable this} ~~and~~ ^{and} no new principles nor do they depart from any established ones. I hope that these measures may go a long way toward the solution of this difficult problem. A major part of it that will remain is a problem

~~is one~~, not for this government alone, but for the provinces, the municipalities, and the people of Canada - to show that they can give the persons of Japanese origin who will be remaining here the chance for a peaceful and happy existence in our midst.

shown himself by act or speech to be disaffected or disloyal to His Majesty, the Governor in Council shall by order revoke

(576)

1941-1948

Privy Council Appeal No. 58 of 1946

The Co-operative Committee on Japanese Canadians
and another - - - - - Appellants

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, A.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, should be deemed to be a person subject to 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 continuation 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 Power 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.G. 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 authorised 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. 7355. 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-paras. 1, 2 and 3 of para. (2) of the order. In the case of the classes of persons referred to in sub-paras. 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 affect 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.

In the Privy Council

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-
ery Office Press,
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1946

MEMORANDUM RE DEPORTATION OF UNDESIRABLE

Under the Immigration Act- Chapter 93, Section 3-

No person, unless he is a Canadian citizen, or has Canadian domicile, shall be permitted to remain in Canada, who belongs to any of the prohibited classes, of which classes (p), (q) and (r) are as follows:

(p) Enemy aliens or persons who have been alien enemies and who were or may be interned on or after the eleventh day of November, one thousand nine hundred and eighteen, in any part of His Majesty's dominions or by any of His Majesty's allies;

(q) Persons guilty of espionage with respect to His Majesty or any of His Majesty's allies;

(r) Persons who have been found guilty of high treason or treason or of conspiring against His Majesty, or of assisting His Majesty's enemies in time of war, or of any similar offence against any of His Majesty's allies;

Canadian domicile can be acquired only after at least five years residence in Canada, subsequent to having been legally landed therein.

Under section 13- The Minister may nominate Boards of Inquiry to examine any person seeking to enter Canada or detained under the Act.

Under section 42 - Upon receiving a complaint that a person in Canada belongs to any prohibited or undesirable class, the Minister or Deputy-Minister may order that such person be taken into custody and detained, and if upon investigation it is found that he is of undesirable class, he shall be deported and if he is the head of the family all his dependents may be deported at the same time. Dependent members of the family include father, mother and children under eighteen years of age.

Under the Naturalization Act- Chap. 158- Section 9

When the Governor in Council is satisfied that a person who has obtained a certificate of naturalization has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Governor in Council shall by order revoke

the certificate.

And Under Section 10-

The revocation affects the wife and minor children and when a certificate of naturalisation is revoked, the former holder shall be regarded as an alien and as a subject of the state which he belonged when the certificate was granted.

Under Section 24 of the Immigration Act

The Governor in Council may make regulations governing the procedure of Boards of Inquiry and

Under Section 82- he may make orders and regulations for enforcing the Act according to the true intent and meaning thereof.

Under the War Appropriation Act - Money is voted for the security, defence, peace, order and welfare of Canada and for the carrying out of such measures deemed necessary or advisable by the Governor in Council in consequence of the existing of a state of war.

SECRET

MEMORANDUM TO THE CABINET:

Re: Japanese deportation policy

The specific questions upon which decisions by the Cabinet are required may be summarized as follows:

1. Should the scope of the enquiries of the Loyalty Commission extend to:

(a) persons of enemy nationality and naturalized persons of enemy origin, and all persons of Japanese race? or

(b) persons of enemy nationality and naturalized persons of enemy origin who have been detained under the Defence of Canada Regulations, and all persons of Japanese race? or

(c) all persons of Japanese race; or

X (d) persons of Japanese nationality and naturalized Canadians of Japanese race?

2. Should the "repatriation" of Canadian-born Japanese be confined to those who still wish to go to Japan?

yes
for the present
b

If the answer to this question is in the affirmative, Canadian-born Japanese will be excluded from the enquiries of the Loyalty Commission.

3. Three draft Orders in Council are submitted, with alternative provisions depending upon the answers to the above questions:

P.C. 7355 to provide authority for deportations;

P.C. 7356 to revoke British and Canadian status of deportees;

P.C. 7357 to establish the Loyalty Commission and define its scope.

A.D.P. Heeney,
Secretary to the Cabinet.

Privy Council Office,
December 15th, 1945.

OFFICE OF THE CLERK OF THE PRIVY COUNCIL

MEMORANDUM

For Mr. Gordon Robertson:

Mr. Hill will provide you with copies of the Orders in Council as passed so that you can go ahead with revision of statement to be used on tabling.

1. Deportation Order passed as is.
2. Revocation of citizenship for deportees amended to apply only to naturalized British subjects.
3. Loyalty Commission to exclude Canadian-born Japanese and to be confined to persons of Japanese race (your C 2).

I will be in touch with you later in the afternoon about another feature to be included in the statement.

A.D.P.H.

Dec. 15/45



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 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) 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.

- (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 thereunder.
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
 - (b) to deposit any money in his possession or standing to his credit in Canada with the Custodian of Enemy Property, who shall provide or arrange for the deportation of such person with a receipt therefor and purchase foreign exchange therewith, and transfer the same, discipline, feeding, shelter, health or welfare, less transfer charges, to such person whenever 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

6. (cont'd.)

(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/

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.

(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. J. Murray.

Clerk of the Privy Council.

OFFICE

CANADA



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 (concurring 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. P. Murray

Clerk of the Privy Council.



2. Notwithstanding any provision in the provisions of Order in Council P.C. 946 of February 5, 1943, providing for the control of 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.

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. 946 of February 5, 1943, providing for the control of persons of the Japanese race has indicated the desirability of determining 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. 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. J. P. Murray.

Clerk of the Privy Council

CONFIDENTIAL

*Copy to Mr. G. Roberts
- Insert this forward
to P.M.
24128*

MEMORANDUM FOR THE PRIME MINISTER:

P.C. 7357 of December 15, which you tabled on December 17 (a copy of which is attached hereto) calls for the appointment of a commission of three persons to investigate the loyalty of Japanese nationals and naturalized Japanese in Canada. In order to proceed with the disposition of this difficult problem, it would be desirable, I think, to have the commission appointed and made ready to begin work at an early date. It will have a lengthy task, and even after the personnel are selected, it will take a certain amount of time before work can begin as there will be questions of staff, of procedure and of the character of the investigations which will have to be settled. There may also be legal appeals, such as that announced in the press to-day, which will further hold up the work even after it begins.

The personnel of the commission will have to be chosen with a good deal of care, since their qualifications and sympathies will be subject to close scrutiny, and also because of the responsibility they will have to assume in the recommendations they make. Suggestions for membership have been received from a number of sources. As they may be helpful to you, I am listing them as follows:

General A.G.L. McNaughton

Major-General W.W. Foster - Formerly Special Commissioner in the Northwest.

Lt.-Col. C. H. Hill, M.C. - Formerly Assistant Commissioner of the R.C.M.P. and O.C. of R.C.M.P. in Vancouver, now retired. He is a veteran of the last war, and was A.P.M. of the Canadian Corps in the present war. He is now acting as liaison officer between the Commissioner of Japanese Placement and the R.C.M.P. in Slokan, B.C., where the largest Japanese settlements are.

- formerly Director of Immigration, now retired.

- Mr. Justice Fairweather - of the Supreme Court of New Brunswick. There is not a great volume of litigation there, and he might be available. I understand that he is an active and clear-headed judge.
- Judge McPhee - of the District Court of Moose Jaw, Saskatchewan.
- Chief Justice Campbell - of Prince Edward Island.
- Lt.-Col. R.S.W. Fordham - Formerly Director of Prisoners of War Labour Projects in the Department of Labour. He was wounded in the last war; practised law at Niagara Falls; was made Commandant of one of the Internment Camps at the outbreak of the present war, and later was in charge of Refugee Camps.
- Capt. R. L. Haig-Brown - He was Stipendiary Magistrate and Judge of the Juvenile Court at Campbell River, B.C., before the war, and during the war was a member of the Directorate of Personnel Services, Canadian Army (Active). He was loaned to the R.C.M.P. for four months, and is highly recommended by Commissioner Wood.
- Deputy Commissioner John Shirras - of the British Columbia Provincial Police. He has been concerned with the handling of the Japanese from the beginning, and is on the Advisory Committee to the Minister of Labour in dealing with them at present.
- Dr. Lyall Hodgins - suggested by Mr. J. E. Jenkins of Vancouver who also recommended Shirras.
- Mr. F. C. Blair - formerly Director of Immigration, now retired.

- Mr. Percy R. Bengough - President of the Trades and Labour Congress of Canada.
- Mr. V. A. M. Kemp - formerly Assistant Commissioner of the R.C.M.P. Retired on pension during 1945.

N.A.R.

December 28, 1945.

RGR:McK

SECRET
URGENT

Memorandum for Mr. Robertson

Re: Deportation of Japanese

1. Section 9 -

A possible substitute for the present Section 9 might be something along the following lines:

"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."

I have spoken to Mr. P. M. Anderson concerning the above and he feels that it would adequately meet any application for Habeas Corpus.

If something along the above lines seems adequate from the point of view of Labour, I think it would be very much preferable to the present blunt removal of legal rights.

2. Persons other than Japanese -

I don't see how the present Order can do other than name the Japanese and discriminate against them, in view of the policy timetable, etc. In the circumstances, it may not be worth while at this stage to try to achieve a general order.

To enable action against persons other than Japanese one course might be to frame the order establishing the commission sufficiently broadly to allow them to hear the case of any person (Japanese or not) who has applied during war to go to a country at war with Canada and also the case of any enemy national or naturalized person of enemy origin who is accused of disloyalty during time of war. The order would then provide that the commission could, in cases where it deems it fit, recommend to a designated Minister (Labour in the case of Japanese, State for others (?)) that such persons be deported. The order could authorize the Ministers, in such cases, to order deportation where they approve the recommendation. The order re de-nationalization would have to be amended to cover persons deported under this Order as well as the one re Japanese.

If the above seems a feasible approach, perhaps the Japanese order could be placed before the P.M. with the suggested change in Section 9, and his approval secured for the broader approach suggested in the case of the commission.

R. G. R.

December 7th, 1945.

FILE NO.....

CE

1741-1545

FILE NO.....

PRIVY COUNCIL OFFICE
CANADA

SUBJECT

ORDERS IN COUNCIL

relating to
persons of the Japanese
race.

1941-1945

Orders in Council relating to persons
of the Japanese race.

- X 9590 7/12/41 Regulations re Trading with the Enemy made applicable to the Japanese
- X 9760 16/12/41 Re-registration of persons of Japanese race
- X 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
- Spent X 288 13/1/42 Committee re disposal of fishing boats amended by P.C. 987 9/2/42
X P.C. 3737 5/5/42
- X 1348 19/2/42 Work camps for male enemy aliens amended by
✓ P.C. 6758 31/7/42
X 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
- X 4615 2/6/42 British Columbia Security Commission and Province of Alberta - agreement for moving persons of Japanese race
- X 6247 20/7/42 Boats and equipment owned by Japanese vested in Custodian
- X 469 19/1/43 Transfer to Custodian of property of Japanese evacuees
- X 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 18/12/45
P.C. 5973 14/9/45
- Spent X 4002 17/5/43 British Columbia - Alberta agreement re Japanese school children
- Spent X 4365 28/5/43 Japanese labour to be utilized for wood fuel cutting and timber operations
- Spent X 468 23/1/45 T.B. Pickersgill appointed Commissioner of Japanese placements
- amended X 7355 15/12/45 Deportation of persons of the Japanese race
- X 7356 15/12/45 Revocation of Naturalization of persons of Japanese race deported under provisions of P.C. 7355
- X 7357 15/12/45 Commission appointed to inquire into activities of persons of the Japanese race during the war.

10773



THE CANADA GAZETTE

LA GAZETTE DU CANADA

OTTAWA, WEDNESDAY, DECEMBER 17, 1941

ORDER IN COUNCIL

[9760]

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 recommendations 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-registration;

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 Committee, 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 advisable 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 subsection (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 section 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 subsection (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 and to a further penalty not exceeding ten dollars for each day after the day fixed under section 1 of this order during which he continues to be unregistered.

(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 or other person 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 conviction 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 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, 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 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

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

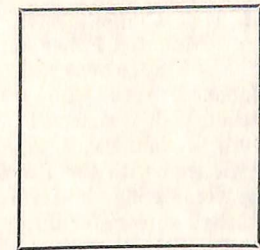
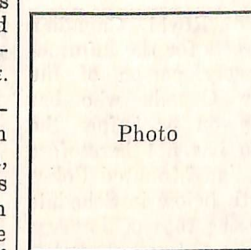
Name... ..Age... ..Address... ..

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?... ..

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

Issuing

Officer... ..

26-1

Inspector R.C.M.P.

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 16th 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...
Port of Entry... Ex. S.S.
Father's Name... Father's Serial No...
Mother's Name... Mother's Serial No...
Name of Husband (Wife)... Serial No. of Husband (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?...

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.

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 owing to the war with Japan it is considered desirable that provision should be made to control vessels used or operated by persons of the Japanese race.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, concurred in by the Secretary of State for External Affairs and the Minister of National Defence for Naval Services, 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. No person of the Japanese race shall use or operate any vessel within waters adjacent to the West coast of Canada without the authority in writing of the Commissioner of the Royal Canadian Mounted Police, or other officer designated by him for the purpose.

2. Where any person of the Japanese race uses or operates a vessel without the authority aforesaid, such vessel may be seized and detained on behalf of His Majesty by any officer of the Royal Canadian Navy, Royal Canadian Mounted Police, Provincial Police of British Columbia, or of the Department of Fisheries, and any such vessel shall be released from such seizure and detention at any time on the instructions of the Commissioner of the Royal Canadian Mounted Police or the Minister of Justice: Provided that any such seizure and detention shall be without prejudice to any proceedings under the Order respecting Prize enacted on the twenty-seventh day of September, 1939,

....

2.

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.

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, -

.....

P.C. 288

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.

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 conferred 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 Commission 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 Regulations (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 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 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

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.

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

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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
British Columbia Security)	
Commission by Austin C.)	By
Taylor, Chairman, in the)	
presence of)	
)	
)	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. 1665, 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 16, 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;

X 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

P. C. 469.

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

X 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.

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

Canada/

P. C. 469

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.

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 regulations 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, authorizing 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 regard 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 recommendation 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 6th 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)	"Austin C. Taylor"
the presence of)	

" W. A. Eastwood "

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

" 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 (concurring 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. Hoenev

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
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 recommenda-
tion 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 remunera-
tion 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 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)/

P.C. 7355.

- (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)/

P.C. 7355

(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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(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 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.

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 (concurring 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. 946 of February 5, 1943, providing for the control of persons of the Japanese race has indicated the desirability of determining 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.

P.C. 7357

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.

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 Anglican Church
and
The United Church of Canada

TASHME, B.C.



November 18, 1945.

Dear Fellow-Christians:

We, the Christians of Tashme, are taking the liberty of sending to you, copies of the petitions (one on behalf of themselves, and the other of their parents) sent to the Prime Minister of Canada by the Canadians of Japanese ancestry, living in Tashme, B.C.

You will see that the enclosed petitions ask for the cancellation of the forms signed by them earlier in the year. You will also see some of the reasons why they signed.

We are appealing to you, Fellow-Christians, children of the same Heavenly Father, for sympathy and understanding.

We feel strongly that it would materially help our cause, if as large a number of Church Organizations and Members as is possible were to send letters to the Prime Minister, supporting these petitions. Our whole future may depend upon it. Will you not help us in this matter? Time is very important and therefore we would appreciate it greatly if you could act immediately.

Yours in Christian fellowship,

THE CHRISTIANS OF TASHME.

To the Prime Minister of Canada,
And to Whom it May Concern:

We, the undersigned, born in Canada and naturalized Canadians of Japanese origin, having already appealed to the Prime Minister and those in authority to have "repatriation forms" obtained from us cancelled, do voluntarily attach our signatures to the following statement for the purpose of making clear the basis of our appeal and with the urgent request that our plea shall receive careful consideration.

We would point out the following facts in support of our appeal:

Compliance with the government regulations at the time of being required to make the declaration of application would have resulted in an immediate upheaval of our families, in many cases leaving old and sick folk on their own; and further an immediate loss of any economic security which we possessed.

Reports of pressure being placed upon individuals to sign and limited time to consider the matter carefully restricted our freedom of choice.

Certain persons were given reason by the authorities to believe that they could apply to have their "application" cancelled and it was generally believed by reason thereof by the undersigned that this course of action would be open to them.

It was in these circumstances and under these pressures that we signed the "repatriation" forms and not with any desire or intention of renouncing our Canadian citizenship and assuming the status of citizens of Japan. Had the choice been put to us in this way and the hope of cancellation been clearly absent, we would never have signed such declarations.

We whose names appear below have already asked for the cancellation of our declaration of intention to revoke our Canadian citizenship; we declare herewith our sincerity of purpose in requesting such cancellation together with our strong desire to enjoy the full privilege of Canadian citizenship, and at the same time declare our intention and readiness to fulfill all the duties and responsibilities pertaining thereto.

We beg to remain, Sirs,

YOUR PETITIONERS.

To the Prime Minister of Canada,
And to Whom it May Concern:

We, the undersigned, your recent petitioners requesting cancellation of "repatriation forms" made earlier this year, do hereby extend a joint petition on behalf of our parents and some others who have also asked for cancellation of repatriation forms signed by them, and we do this on the following considerations:

Whereas our parents as a group have shown characteristics common to immigrant groups of other races, clannishness, lack of facility in the use of the English language, failure to appreciate the customs and habits of the Canadian people and an anxiety to succeed in an economic sense, yet they have also sought consistently and continuously to have their children well educated after Canadian standards; they have appreciated highly the democratic way of life and have urged upon their children the full assumption of the obligations of citizenship.

And whereas many of them applying for cancellation have given most of their lives (many of them have been in Canada upwards of forty years and have never been in Japan since their first coming to Canada) in assisting in the building of the basic industries in B.C. (lumbering, fishing, and farming).

And whereas a number of them have signed repatriation forms, not because of any desire to go back to Japan, but because of their failure to understand the manner in which they have been treated and the insecurity and fear which they have suffered as instanced by the following incidents:

- (a) The sale of their property.
- (b) The declaration of the Government in P.C. 3213, Sec. 7, April 21, 1942, that all persons of Japanese race moved to other provinces from B.C. would be moved again at the close of the war.
- (c) Government and municipal restrictions on property ownership and business enterprise.
- (d) Family obligations and the responsibility for the maintenance of young children and infirm persons.
- (e) The failure of negotiations for work and residence in eastern Canada.

- (f) Their own unfitness to do many forms of work offered to them in the east.
- (g) The lack at the time of being required to move east or sign for Japan of any economic security for their families.

And whereas, we their children, being as we are their main hope of support for the future, and feeling strongly the natural ties of blood and affection, are faced with separation from them or exile from our native land, do hereby earnestly plead with you the Prime Minister of Canada and the people of Canada that these our parents be permitted to remain with us if they so desire, that we all may become useful citizens and residents of this our country.

We beg to remain, Sirs,

YOUR FAITHFUL PETITIONERS.

Wesley United Woman's Missionary Society.



Naomi L. Gillespie
M. Agnes Chapman
Mrs E A Haughton
Ruth M. Richards
J. L. Scott
J. A. Sturley
G. A. Emond

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