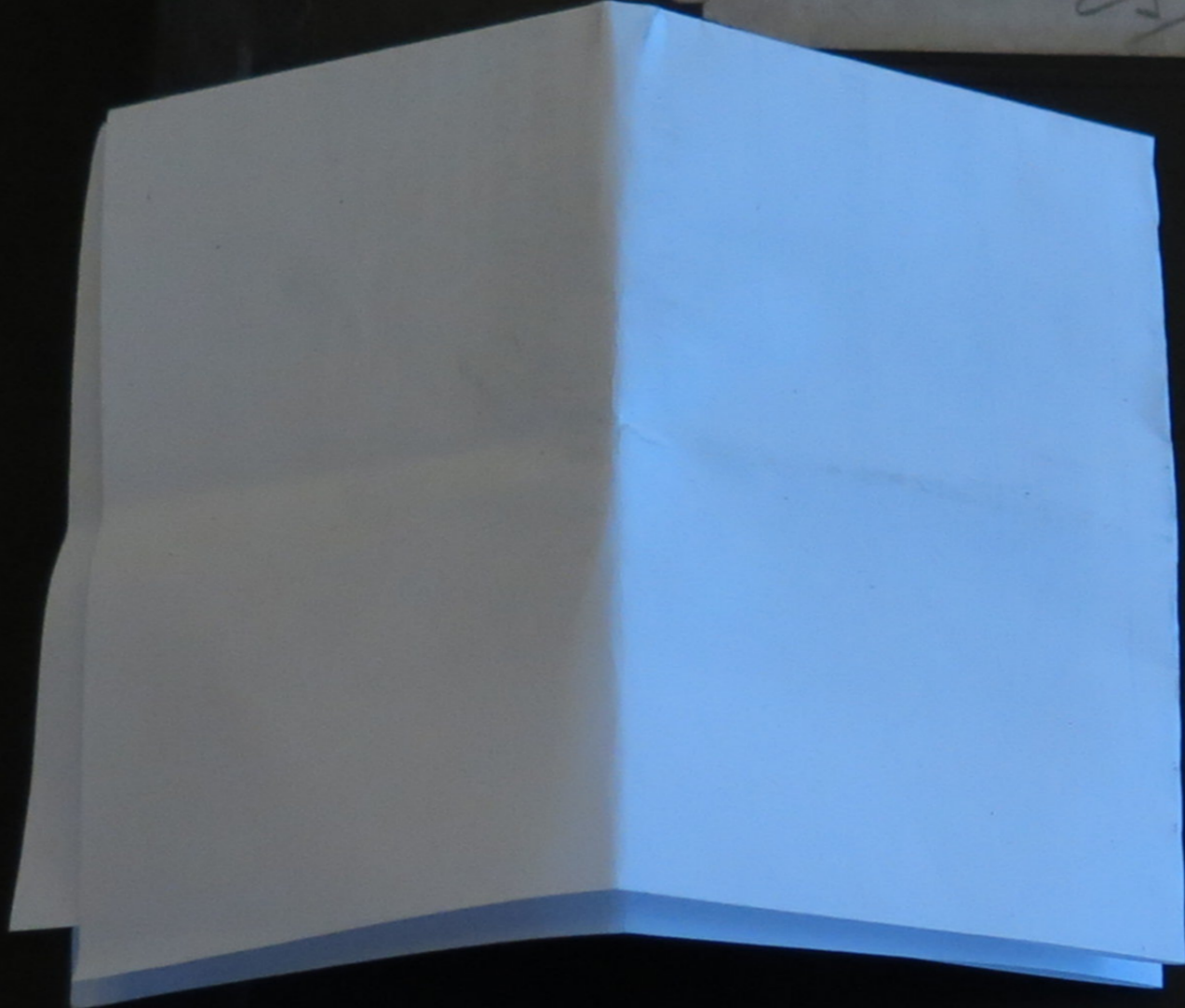


THESE ARE WARTIME ORDERS IN COUNCIL
RELATING TO WORK OF
DEPARTMENT OF LABOUR



Hon. Humphrey Mitchell
Minister of Labour.

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

P. C. 946

AT THE GOVERNMENT HOUSE AT OTTAWA
FRIDAY, the 5th day of FEBRUARY, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

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

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

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

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased to make the following Regulations and they are hereby made and established accordingly.

Definitions/

DEFINITIONS

1. (1) In these Regulations, unless the context otherwise requires,

- (a) "Advisory Board" or "Board" means the Advisory Board established by these Regulations;
- (b) "Commission" means the British Columbia Security Commission established by Order in Council P.C. 1665 of March 4, 1942;
- (c) "Commissioner" means the Commissioner of Japanese Placement appointed pursuant to these Regulations;
- (d) "Deputy Minister" means the Deputy Minister of Labour;
- (e) "Minister" means the Minister of Labour;
- (f) "person of the Japanese race" means any person wholly or partly of the Japanese race required to leave any protected area of British Columbia by order of the Minister of Justice under regulation four of the Defence of Canada Regulations (Consolidation) 1942, as amended, and who is within any such protected area or who was ordinarily resident within any protected area but who has left or leaves such area after February 5, 1942;
- (g) other words and phrases shall have the same meaning as in the Defence of Canada Regulations..

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

Duties of the Minister

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

Powers/

Powers of the Minister
The Minister may determine the time and order of the evacuation from any protected areas of British Columbia of persons of the Japanese race and their mode of transportation in such evacuation;

- 3. (1) (i) determine from time to time the localities in which persons of the Japanese race shall be placed or may reside;
- (iii) take such measures as he deems advisable to provide or to arrange for the transportation, housing, feeding, care, protection, employment and welfare of persons of the Japanese race;
- (iv) employ persons of the Japanese race for such purposes at such rates of wages and on such terms and conditions as he deems advisable;
- (v) take such measures as he deems advisable to provide or to arrange for the care of dependents resident in Canada, including therein dependent parents, of any person of the Japanese race who is engaged in employment pursuant to these Regulations or pursuant to the provisions of Order in Council P.C. 1348 of February 19, 1942, or otherwise, by requiring such person to assign a portion of his wages, or by making deductions or requiring deductions to be made from his wages, or otherwise, and for such purpose may make such orders or regulations as he deems advisable;
- (vi) take such measures as he deems advisable to provide or to make arrangements for the provision of direct relief, including necessary medical services, to any indigent person of the Japanese race;
- (vii) require, by order, any person of the Japanese race in any place in Canada to proceed to any other place in Canada at such time and in such manner as he may prescribe;
- (viii) make orders, rules or regulations respecting the conduct, activities or discipline of persons of the Japanese race as defined in these Regulations, or of other persons resident anywhere in Canada who are wholly of the Japanese race, or who have a father or a mother who is or was wholly of the Japanese race, and may by order prohibit such persons of the Japanese race or such other persons, from engaging in any activities, employment or business, or in any specified activities, employment or business, in Canada, from moving or travelling anywhere in Canada, from residing in any place in Canada or from associating or communicating with any persons, except subject to a permit issued by or on behalf of the Minister and on such terms and conditions as may be prescribed by him or by any person authorized to act on his behalf under these Regulations.

Enforcement

Enforcement

- 4. (1) Any person who contravenes or omits to comply with any of these Regulations or any order, rule or regulation made pursuant to these Regulations shall be guilty of an offence under these Regulations and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.
- (2) In any prosecution for an offence under these Regulations it shall be presumed that the accused is a person of the Japanese race as defined in these Regulations, or is a person who is wholly of the Japanese race or is a person whose father or mother is or was wholly of the Japanese race, until the contrary is proved and the burden of such proof shall be upon the accused.
- (3) Any peace officer may arrest without warrant any person whom he finds committing or whom he has reasonable grounds for believing has committed any offence under these Regulations.
- (4) Every document, purporting to be, or to contain or to be a copy of an order, rule, regulation, permit or authority made or given by the Minister, the Deputy Minister or the Commissioner pursuant to these Regulations and purporting to be signed by the Minister, the Deputy Minister or the Commissioner shall be evidence of such order, rule, regulation, permit or authority.

Administration

- 5. The Deputy Minister may exercise all powers conferred on the Minister under these Regulations.
- 6. There shall be a Commissioner of Japanese Placement who shall, under the Minister and the Deputy Minister, be the Chief Executive Officer charged with the Administration of these Regulations and who may under their control and direction exercise each and every power conferred by these Regulations on the Minister, including any power involving the exercise of a discretion.
- 7. (1) The Minister may employ such professional, technical or other officers, clerks and employees as he deems necessary for the purpose of the administration of these Regulations and may, with the approval of the Governor in Council, fix their remuneration.
- (2) Notwithstanding anything contained in subsection one of this section, all officers, clerks and employees who are employed by the Commission immediately prior to the coming into operation of these Regulations, may be employed by the Minister for the purpose of the administration of these Regulations at their present rate of remuneration and shall perform such duties as are assigned to them by the Minister.

8.(1)/

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

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

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

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

Advisory Board.

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

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

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

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

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

Departmental Assistance

12. All departments and agencies of the Government of Canada shall assist the Minister by lending to the Minister such personnel and by furnishing such medical aid, hospitalization, food, clothing, transportation, use of land, buildings, equipment, utilities, and other supplies and services as are available, and may/

may be required by the Minister, and in particular, but without restricting the generality of the foregoing (a) there shall be furnished to the Minister assistance by the Royal Canadian Mounted Police in the compiling of information concerning the persons to be evacuated under these Regulations in the segregation and concentration of such persons and in the maintenance of public security in respect thereof;

(b) assistance by the Department of Transport in the transportation of persons evacuated under these Regulations;

(c) assistance by the Department of National Defence by furnishing personnel to advise on and assist in the housing, feeding and clothing of persons evacuated under these Regulations;

(d) assistance by the Department of Munitions and Supply in advising upon and entering into contracts or other arrangements to provide housing, food, supplies and services for such persons;

(e) assistance by the Royal Canadian Mounted Police and/or the Department of National Defence in the protection of persons evacuated under these Regulations and in the maintenance of public security in respect thereof;

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

General

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

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

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

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

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

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

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

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

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

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

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

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 on the 17 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.

The Honourable
The Minister of Labour.

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")

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

2. That for the purpose of this agreement any child made between the parties hereto on the 6th day of May, 1942, who has attained the age of six years and has not attained

the full age of fifteen years on or before the first day of September or who becomes of the age of six years on or before

Clark of the Privy Council

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, and at the same time, utilize the services of persons of the Japanese race, resident in said settlements, it is proposed by arrangement with the said persons and supply that the said persons shall recruit and transport to the Province of British Columbia, in the presence of woodcutting projects, "Austin C. Taylor" under arrangements to be made with the " W. A. Eastwood";

WHEREFORE, His Excellency the Governor of the Province of Alberta by the recommendation of the Minister and Honourable William Aberhart, Premier and Minister of Education, in the presence of)

Under the direction of the Minister of Labour, G. Fred M. Wally from the powers conferred under the Commission of Japanese Placement is hereby

1. To undertake and engage in wood fuel cutting and other similar 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 secure timber limits and woodcutting rights as he deems necessary in carrying through the projects referred to in the text preceding paragraph.

3. To/

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

3. To/

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 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 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.Heaney

Clerk of the Privy Council.

AT THE GOVERNMENT HOUSE AT OTTAWA
FRIDAY, the 24th day of DECEMBER, 1943.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS Order in Council P.C. 946 dated February 5, 1943, established regulations providing for the placement, control and maintenance of persons of the Japanese race in Canada and conferring power on the Minister of Labour to make orders relating to the conduct, activities or discipline of such persons;

AND WHEREAS the Minister of Labour reports that it is expedient to amend the said regulations to make more specific provision governing the relation of the said regulations and Orders made thereunder to the National Selective Service Civilian Regulations and directions issued thereunder in their application to persons of the Japanese race;

AND WHEREAS it is deemed advisable for the security, peace, order and welfare of Canada to make provision for the foregoing matters;

NOW THEREFORE His Excellency the Governor General in Council on the recommendation of the Minister of Labour and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to amend the regulations established by P.C. 946, dated Feb 5, 1943, and they are hereby amended by adding as subsection (2) of Section (17) thereof, the following:

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

A. D. P. Heaney

Clerk of the Privy Council.

The Honourable
The Minister of Labour.