

CHATEAU LAURIER



CANADA'S HOTELS
OF DISTINGUISHED
OWNED AND OPERATED BY
CANADIAN NATIONAL

THE CHARLOTTETOWN, CHARLOTTETOWN
THE NOVA SCOTIAN, HALIFAX
CHATEAU LAURIER, OTTAWA
PRINCE ARTHUR HOTEL, PORT ARTHUR
THE FORT GARRY, WINNIPEG
PRINCE EDWARD HOTEL, SASKATOON
THE BESSBOROUGH, SASKATOON
THE MACDONALD, EDMONTON

SUMMER RESORTS
JASPER PARK LODGE, JASPER NATIONAL PARK, ALTA.
MINAKI LODGE, MINAKI, ALTA.
PICTOU LODGE, PICTOU, N.S.

OTTAWA, ONT.

March 27, 1944.

06/09/2016 12:38

Hon. Louis St. Laurent, K.C., M.P.,
Minister of Justice,
House of Commons,
Ottawa,
Canada.

Dear Mr. St. Laurent:

This is to confirm the request I made of your this morning for a further provision in the War Measures Regulations governing the transfer of land to persons of the Japanese race.

It appears that in British Columbia there are people engaging in the negotiation of deals whereby property is bought with Japanese money to purchase property in trust for Japanese.

In my opinion it is not quite clear that where a transfer is made in violation of the present regulation, that the grantee who holds the property in trust, is liable to the punishment and penalties imposed by the regulations and the Act.

I would suggest that a further regulation bring any person or persons who negotiate, receive or deal with any monies in connection with any such transaction, under the penalty clauses of the Act, as well as any person who acts as Trustee or grantee under any conveyance intended to be for the benefit of a person of the Japanese race.

I would appreciate it if such a regulation could be made effective at once.

Yours, very truly,

Attorney General for British Columbia

*See Commissioner
retrospective*

06/09/2016 12:41

DOCUMENT(S) WITHHELD

No. of Pages(s): _____ 1 _____

Title/Subject: _____ Memo for the Deputy Minister _____

Reason for Removal _____ Solicitor-client privilege _____

Date: _____ May 10, 1944 _____

DEPARTMENT OF JUSTICE

MEMORANDUM

May 11th, 1944.

Mr. Varcoe: Re: Japanese.

Reference your memo 9th instant, I have discussed, with Mr. Driedger, the form of an amendment to regulation 39E, which might be considered desirable.

I have considered the material forwarded with your memo respecting the Kamloops situation, and it would appear that there are no substantial grounds for imposing new restrictions. The agitation was, apparently, started by outsiders, and it was admitted by one of the speakers, that the security situation was ~~to be~~ put to the public meeting for the purpose of getting their interest. Neither the Police nor the Military appear to have any fears in connection with the present situation.

It is noted that there is a letter of the 3rd instant from the Commissioner to Mr. Bernier, respecting the "Campbell Range Deal", which may not have been answered. As no license has been granted in this case, I suggest.....

06/09/2016 12:41

DEPARTMENT OF JUSTICE
MEMORANDUM

Varcoe - 2.

gest that the Commissioner be advised to draw to the attention of the principals concerned in the transaction, and possibly their solicitors, the provisions of regulation 39E.

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a prohibition of this kind so far as Canada as a whole is concerned.

06/09/2016 12:42

K-M

FPV/AH

OTTAWA, May 19, 1944.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to report that representations have been made by the Attorney General of British Columbia and others to the effect that, notwithstanding the provisions of regulation 39E of the Defence of Canada Regulations, property is from time to time being transferred to persons to be held by them on behalf of persons of the Japanese race.

The undersigned, therefore, recommends that, under the authority of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, regulation 39E of the Defence of Canada Regulations be amended by inserting immediately after paragraph (5) thereof the following:-

"(5A) Every person who acquires or holds land for the benefit of any person known to him to be of the Japanese race or a company known to him to be a Japanese company shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months."

Respectfully submitted,

Minister of Justice.

06/09/2016 12:42

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"(5A) Every person who acquires or holds land, for the benefit of any person known to him to be of the Japanese race or a company known to him to be a Japanese company shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months."

Respectfully submitted,

on previous copy

Minister of Justice.

06/09/2016 12:42

Canada
House of Commons

885

P.C. 3797

J.F. 9336-44



AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 19th day of MAY, 1944.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Justice reports

that representations have been made by the Attorney General of British Columbia and others to the effect that, notwithstanding the provisions of regulation 39E of the Defence of Canada Regulations, property is from time to time being transferred to persons to be held by them on behalf of persons of the Japanese race;

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 amend regulation 39E of the Defence of Canada Regulations and it is hereby amended by inserting immediately after paragraph (5) thereof the following:-

"(5A) Every person who acquires or holds land or growing crops for the benefit of any person known to him to be of the Japanese race or a company known to him to be a Japanese company shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months."

A. J. P. Henry

Clerk of the Privy Council.

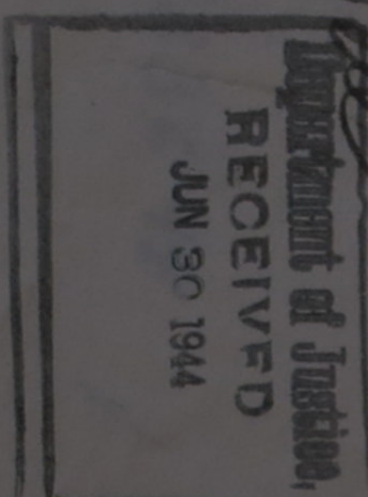
The Honourable,
The Minister of Justice.

06/09/2016 12:42



House of Commons
Canada

Ottawa, June 29th, 1944.



The Deputy Minister,
Department of Justice,
O t t a w a .

Dear Sir:

In the Defence of Canada Regulations #39E. at pages 64-65-66, it deals with the purchase of property by Japanese and I understand that a few weeks ago some amendment was made to these regulations providing that no person could purchase lands as an agent on behalf of Japanese.

I would appreciate it if you would be so kind as to let me have a copy of the amendment, and also if you would give me information as to the number of permits which have been granted to the Japanese to purchase property since the outbreak of war with Japan.

Thanking you in anticipation of receiving this information, and with kindest regards, I am

Yours very truly,

W. H. Golding
W. H. Golding, M.P.,

WHG/GH.

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A. P. Henry
Clerk of the Privy Council.

The Honourable,
The Minister of Justice.

06/09/2016 12:42

July 4,

44.

06/09/2016 12:42

J. R. 9336-44
RE: Defence of Canada Regulation
number 39E

Dear Sir:

I acknowledge your letter of June 29th.

By Order in Council, P. C. 3797 of May 19, 1944 the following paragraph was inserted immediately after paragraph (5) of Regulation 39E as paragraph (5A):

"(5A) Every person who acquires or holds land or growing crops for the benefit of any person known to him to be of the Japanese race or a company known to him to be a Japanese company shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months."

Two licenses have been granted by the Minister of Justice under Regulation 39E, authorizing the acquisition of land by a person of the Japanese race. One of these licenses was granted at the request of the Custodian of alien enemy property to assist in realizing certain property of a Japanese person. The other was granted to permit one Japanese part-owner of property to acquire the full ownership in order to sell the property to a white person.

Yours truly,

W. H. Golding, Esq., M. P.
House of Commons,
Ottawa, Ontario

F. P. Varcoe
Deputy Minister.

July 5/44

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F. P. Varcoe

Clerk of the Privy Council.

The Honourable,
The Minister of Justice.

person who purchases,
rights or payments to
purchase land for or for
the benefit of Jap, as
agent, trustee or otherwise

Person who receives
money for purchase the

See ~~Alaska~~ Alaska
Land Sales Prohibition Act
1942



06/09/2016 12:39

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06/09/2016 12:39

March 28, 1944.

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DRIEDGER:

It is now proposed to amend reg. 39E of the D.O.C.R. to make it an offence to accept a conveyance from a Jap or to negotiate such a transaction. See Mr. Maitland's letter of March 27 herewith.

Please prepare the necessary draft, but before doing so consult Deputy Commissioner Mead of the R.C.M.P. and also Mr. Mundell.

F.P.V.

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VICTORIA

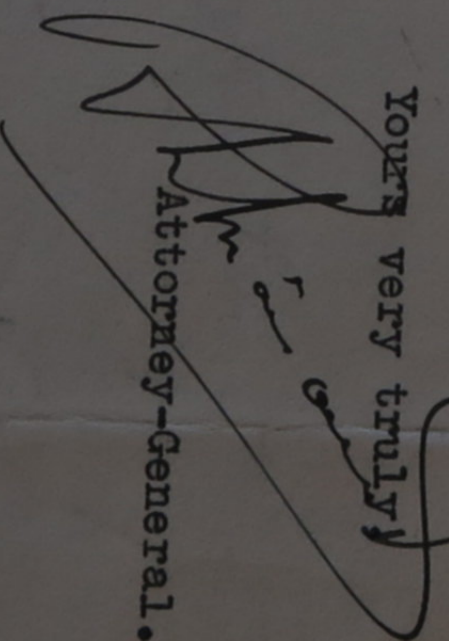
April 14th. 1944.

The Honourable L. St. Laurent, K.C.,
Minister of Justice,
Ottawa, Canada.

Dear Mr. St. Laurent:-

Referring to my letter of March 27th.,
written to you while I was in Ottawa, in reference to
transfers of property to Japanese, and an amendment to
the Regulations, I would be glad to know whether or not
any progress has been made regarding this amendment.

Yours very truly,


Attorney-General.

8587-43

06/09/2016 12:40

File Away

Ottawa, April 25, 1944.

MEMORANDUM FOR THE DEPUTY MINISTER:

A short time ago, the Attorney General of British Columbia wrote to the Minister of Justice suggesting that Regulation 39E of the Defence of Canada Regulations be amended so as to prohibit under penalty the purchase of property in trust for persons of the Japanese race. It is represented that persons in British Columbia are receiving money from Japanese and buying property for them.

You asked me to draft the necessary amendment but before doing so to discuss the matter with Mr. Mandell and Deputy Commissioner Mead of the R.C.M.P. I got in touch with the Deputy Commissioner shortly after I received your instructions but I was not able to arrange a discussion with him until a week or ten days later. When he came to see me, I looked for the file but discovered it was no longer on my desk. I have attempted to trace it through the files room but without success. The Deputy Commissioner did say that he had written to you on this very subject and it occurs to me that possibly you called for the file and it may now be in the possession of the Minister. I am therefore setting out here the result of my conversation with the Deputy Commissioner and will be glad to have your further instructions.

Deputy Commissioner Mead is opposed to imposing further restrictions on the Japanese. He says that the best policy is to disperse them across Canada but execution of this policy is now being hampered to some extent by present restrictions. Further restrictions would make it even more difficult to carry out this policy. Because of property restrictions, the Japanese cannot establish themselves elsewhere in the Dominion. I understand that he has written to you fully on this point.

From a drafting point of view, it is to be noted that no Japanese could at the present time acquire an interest in property in this way. S.s.1 says that no person of the Japanese race shall have the capacity to acquire or hold land. Land is defined as including any real or immovable property and any legal or equitable interest therein. Consequently, even if a Japanese did give a person money to buy land for him, he could acquire no interest therefrom. Legally, the property purchased would belong to the "agent" although he could under Regulation 39E lease the property for a term not exceeding one year. There is probably no objection to leasing such property because it is quite lawful to lease any property.

Moreover, any such amendment would, of course, apply to the whole of Canada. Deputy Commissioner Mead is not satisfied that there is a problem in British Columbia but in any case there appears to be no need for a prohibition of this kind so far as Canada as a whole is concerned.

E. A. D.

April 27, 1944.

MR. DRIEDGER:

Let this matter stand for the present.

F.P.V.

06/09/2016 12:40

May 4, 1944.

DRIEDGER:

Please consider whether an amendment should be made to 39E of the D.O.C.R. to put it beyond doubt that it is an offence to accept a conveyance as well as to execute one.

F.P.V.

06/09/2016 12:40

Ottawa

MINISTER:

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Deputy Commissioner Mead further restrictions on the Japanese best policy is to disperse them ac

[Defence of Canada]

May 3, 1944.

SECRET

Dear Mr. Bernier,

Further to our communication with enclosure, dated April 10th, 1944, relative to the allegation that Japanese agents were buying land in the Kamloops area; we would especially refer you to Sgt. Barnes' report, dated 14-4-44, paragraphs 7 and 8, re the "Campbell Ranch Deal".

2. We would appreciate being advised whether the Minister has issued a license, under Regulation 39E of the Defence of Canada Regulations, covering the matter in question. Should your reply be in the negative, then we would ask you whether it would suffice if the principals involved were informed that they apply for the requisite license forthwith.

Yours sincerely,

S. T. Wood.

J. M. Bernier, Esq.,
Private Secretary to the Hon.
the Minister of Justice,
Ottawa, Ontario.

IN ANY case there appears to be no need for a prohibition of this kind so far as Canada as a whole is concerned.

E. A. D.

April 27, 1944.

MR. DRIDGER: Let this matter stand for the present.
F.P.V.

06/09/2016 12:40

V SILVER JUBILEE
FOR CANADA

HONORARY SECRETARY,
DEPUTY MINISTER OF HEALTH,
NATIONAL BUILDING, OTTAWA,
HONORARY SECRETARY,
DEPUTY MINISTER OF PENSIONS AND
HONORARY TREASURER,
DEPUTY MINISTER OF FINANCE,
HONORARY SOLICITOR,
DEPUTY MINISTER OF JUSTICE,
OFFICERS

COMMISSIONER,
C. M. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE
FILE NO. [Balance of Carrol]

OTTAWA,
CANADA

May 3, 1944.

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S. F. Wood
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J. M. Bernier, Esq.,
Private Secretary to the Hon.
the Minister of Justice,
Ottawa, Ontario.

IN ANY CASE THERE APPEARS TO BE NO NEED FOR
A PROHIBITION OF THIS KIND SO FAR AS CANADA AS A WHOLE
IS CONCERNED.

E. A. D.

April 27, 1944.

MR. DRIEDGER: Let this matter stand for the present.
F.P.V.

06/09/2016 12:41

May 9, 1944.

ANDERSON:

Mr. Maitland has suggested that the D.O.C.R. be amended to prevent lands being purchased by eligible persons on behalf of Japanese. The Minister has under consideration the question whether in this connection s. 39E should be amended to make it an offence to purchase as well as to sell. Mr. Driedger has a draft in hand, and you might speak to him about it.

I would like to have you consider the material herewith in connection with the situation at Kamloops. I may say that the Inter-departmental Committee on Japanese now studying the situation tends, I think, to recommend relaxing the restrictions and would advise against any new restrictions.

F.P.V.

J. M. Bernier, Esq.,
Private Secretary to the Hon.
the Minister of Justice,
Ottawa, Ontario.

AN MOUNTED POLICE
QUARTERS

OTTAWA,

CANADA

May 9, 1944.

06/09/2016 12:41

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