

ALL CORRESPONDENCE TO BE ADDRESSED:-
THE COMMISSIONER
R.C.M. POLICE
OTTAWA



104749

ROYAL CANADIAN MOUNTED POLICE
OFFICE OF THE COMMISSIONER
OTTAWA



REF. NO. 39D269-4-E-83
C.11-19-4.

October 16th, 1939.

The Deputy Minister of Justice,
Ottawa, Ont.

Re: Procedure of Tribunals
Re: Walter Gronwald - Interned Enemy Alien.

Dear Sir:

A request for instructions has been received from Judge Reynolds in connection with the appeal of the above mentioned alien against internment. This request, which was addressed to the Director of Internment Operations, reads in part as follows:- "As this is the first Notice of Appeal directed to me, I would appreciate your forwarding to me the Regulations and any suggestions you have as to procedure in these matters. You might also advise if any person representing the Government will be present at the hearing".

Gronwald was interned on my orders on the 2nd instant as a person who "cannot consistently with the public safety be allowed at large", vide Regulation 25 (8), Defence of Canada Regulations, for his anti-British expressions of sentiment and for threats of sabotage.

I am informed that he will be represented by Counsel at the hearing of his appeal if this is permissible, as I presume it is. In any event, I would recommend the appointment of Counsel to represent the Crown to contest the appeal.

It is noted that Regulation 26, under which these appeals are entered, clause (3) provides that "The appeal shall be by way of rehearing and all relevant evidence may be considered"; in this connection I would point out that some of the evidence against Gronwald was obtained through the medium of a Police secret agent, the identity of whom it would be extremely undesirable to disclose.

agent?

06/09/2016 11:52

through the medium of secret agents, the identity of whom it would be extremely undesirable to disclose. I have suggested to the Police that in any case where the information which they have obtained comes from such a source it be not produced, even if by withholding it little in the way of other evidence to support an order for internment can be produced before the tribunal.

It may be that if you take up this matter with Judge Reynolds, he will consent to hearing the appeals of these persons in camera. I suggest that it is in the public interest that the proceedings be conducted without any publicity.

Certain aliens and other persons were arrested and interned under the provisions of Regulation 21 and an advisory committee appointed under Regulation 22, under Judge Smiley, came to the conclusion after perusing the files of the R. C. M. Police, that it was in the public interest that all hearings should be held in camera.

I think it likely, in view of the fact that we are at war, that any Judge hearing appeals under Regulation 26 would come to the same conclusion, especially in view of the fact that some of the information with respect to these prisoners is of a very confidential nature.

The persons dealt with under Regulation 26 are those who are interned under the provisions of Regulations 24 and 25. I am advised that most of them are aliens who, in the judgment of a registrar, cannot consistently with the public safety be allowed at large. See paragraph 8 of Regulation 25.

You will notice that under Regulation 26, which makes provision for appeal, the tribunal hearing the appeal merely makes a recommendation to the Minister of Justice for the appellant's release. The release is in the absolute discretion of the Minister and, therefore, if there are matters in connection with any particular case which should be brought specially to his attention, the Crown representative should make a special report in such a case.

... ..

06/09/2016 11:54

C O P Y

C A N A D A

J.C. Reynolds,
County Court Judge

Judge's Chambers,
Kingston, Ont.

October 27th. 1939.

Brigadier General Panet,
Director of Internment Operations,
Department of the Secretary of State,
O T T A W A, Ontario.

Dear Sir:

In your letter under date of October 11th, you advised me that Mr. J.F. MacNeill of the Department of Justice had been asked to communicate with me regarding the procedure in respect to the appeals of enemy aliens, and as to whether the Government would be represented at the hearings. I have received no communication from Mr. MacNeill. Since your letter of October 11th I have received six further appeals, making a total of eight.

Anticipating that these appeals would be coming on, I have been postponing some other appointments.

I would be pleased to hear from you at your convenience.

Yours truly,

(Sgd.) J.C. Reynolds.

should get in touch with ...
to be submitted to the tribunal. The Police have obtained some evidence ...
A. G. Slaght, Esq., K.C.,
1111 Canada Permanent Bldg.,
320 Bay Street,
TORONTO 2, Ontario.

MacN/WDJ

1st November, 39

660

JR.4565-39

My dear Judge:

I regret that I have not been able sooner to write to you regarding the disposition of appeals of enemy aliens under the provisions of Regulation 26 of the Defence of Canada Regulations. The delay has been due to the fact that the Government wished to appoint a competent counsel to assist you and other Judges who may be called upon to deal with these appeals, and the appointment was not made until the 31st ultimo.

Mr. A. G. Slaght, K.C., of Toronto, has generously offered his services in connection with this matter and will represent the Crown at the hearings. He is presently engaged at North Bay on some criminal cases which he does not expect to finish before Thursday, but he will get in touch with you as soon as possible after that date and arrange to proceed with the appeals.

I enclose herewith a copy of the Regulations and would call your attention to subsection (3) of Regulation 26. You will note from reading this Regulation that this Department cannot give you instructions as to procedure.

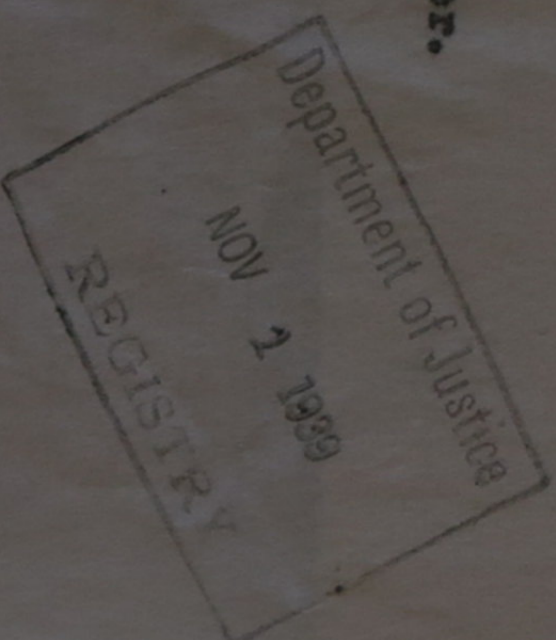
Yours truly,

W. Stuart Edwards

Enc.

Deputy Minister.

His Honour Judge J. C. Reynolds,
County Court Judge's Chambers,
KINGSTON, Ontario.



06/09/2016 11:54

SLAGHT, FERGUSON & CARRICK
BARRISTERS, SOLICITORS
NOTARIES, ETC.

ARTHUR G. SLAGHT, K.C. R. IRVIN FERGUSON, K.C.
DONALD D. CARRICK

TELEPHONE ELGIN 8136
CABLE ADDRESS "SLAGHT" TORONTO

1111 CANADA PERMANENT BUILDING
320 BAY STREET

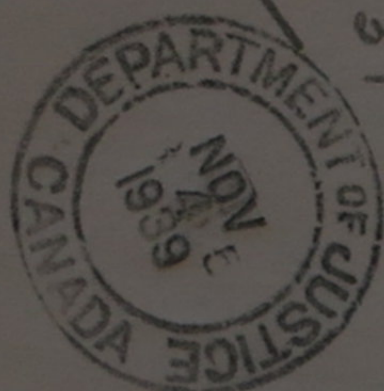
TORONTO - 2

3rd November 1939

W. Stuart Edwards, Esquire,
Deputy Minister of Justice,
OTTAWA

Dear Mr. Edwards,

Re JR 4565-39



I reached Toronto today, and confirming our understanding I shall be in your office on Monday morning for conference with yourself or Mr. McNeill as may be desired.

Yours sincerely,

A. H. Slaughter

AGS/MC

*Suspect Saul Rosen P.
should be connected or
conferred with on this
subject as he is in charge
of the enemy alien negoti-
ation of the police.*

Attn: [unclear]

His Honour Judge J. C. Reynolds,
County Court Judge's Chambers,
KINGSTON, Ontario.

NOV 2 1939
REGISTER

06/09/2016 11:54

WSE/W.J.

November 6,

39.

J.R. 4565/32.

Dear Mr. Slaght,

Referring to your generous offer to place yourself at the disposal of the Minister of Justice and of Commissioner Wood and his staff to act as an adviser or special prosecutor in connection with the suppression and punishment of any subversive activities, I am instructed to inform you that the Minister has authorized your appointment as counsel for the Crown on the hearing of appeals of any enemy aliens under section 26 of the Defence of Canada Regulations.

In your capacity as Crown counsel you are at liberty to examine all the relevant records in the hands of the Royal Canadian Mounted Police or of the internment officials, and you may produce this letter as evidence of such appointment and authority.

Yours very truly,

[W. Stuart Edwards

D. M. J.

Arthur G. Slaght, Esq., K.C., M.P.,
TORONTO, Ontario.

Department of Justice

NOV 8 1939

REGISTRY

06/09/2016 11:54

AK 41565/39
Ottawa, Ontario,
November 9th, 1939.

Mr. J. F. MacNeill, K.C.,
Justice Department,
Ottawa, Ontario.

Dear Mr. MacNeill:

Re: Alien Enemy Appeals at Fort Henry, Ont.

I expect to return to Toronto to-night and would like to summarize for you the present status of the eleven appeals at Fort Henry, Kingston, in which I have been asked to represent the Department.

1. We have confirmed with Judge Reynolds the fixing by him of Thursday next, the 16th November, at 10.00 a.m., at the Internment Camp at Fort Henry, for hearing these eleven appeals. The Judge will see that the written notice is delivered to each man to-day.

2. The Judge proposes to permit any appellant to have counsel, should he so desire.

3. The Judge proposes to hold the sittings in camera.

4. I have spent some time during the past few days with Inspector Saul and other officers here in preparing these appeals.

5. The procedure is new and it has been indicated to me that it is very undesirable in the public interest that our secret agents should be disclosed in connection with these appeals.

6. I am, therefore, endeavouring to have made available such testimony as may exist independent of our secret agents, in support of continued internment where continued internment is thought desirable by the Department officials.

7. In some of the above cases, the Department officials incline to the view that the limited internment already had will be a sufficient deterrent against actual overt acts and subversive influence by some of these men who have appealed, and in that case I expect to receive instructions from the Department approving a recommendation by the Tribunal to the Minister for their release.

8. It will be borne in mind that, if any of these persons, when released, should disclose any fresh tendency towards conduct which would mark them as dangerous, they may, by reason thereof, be re-interned, or of course prosecuted if they commit any overt acts against our Criminal Law.

Saul has been asked
Suggest. This is a
Suggest.

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9. A summary of the cases is as follows:

Re Walter GRONWALD (Ottawa case)--See my previous memorandum of the 6th November.

In addition thereto, Staff-Sergeant Miller has recently secured a statement from Rod Labarge at the Ottawa Brass, and I have told Miller and Inspector Saul that I should like to have Labarge come over to Kingston, Wednesday afternoon, the 15th, and report to me at the hotel and be available at Fort Henry Barracks, Thursday morning at 10.00 a.m. as a witness.

To-day, statement was taken by Miller from S.R. Lockeberg, which should be placed in the file. It does not amount to very much, and Insp. Saul will determine whether or not to bring Lockeberg over to Kingston to testify. If Labarge should turn out to be weak, it would be well to fortify his evidence with this second witness, particularly as I have been informed that, in this case, Mr. Connor of Ottawa and several other witnesses are going over to raise a row on behalf of Gronwald in an effort to secure his release.

Re Karl KROPP (Hanover, Ont.)--Inspector Saul has charge of the further preparation of this case. Kropp is a farmer, and the file indicates a witness, Joseph Russell, a neighbouring farmer, who heard Kropp make subversive statements, as per signed statement from Russell. If the internment order is to be supported at the appeal, it is desirable that Joseph Russell come to Kingston by not later than the afternoon train leaving Toronto at 3.00 p.m. on Wednesday the 15th, and if Const. Meyer, the Registrar who interned him, can come with him, so much the better.

Russell and Meyer should be instructed to report to me at the hotel in Kingston, after their arrival on the evening of the 15th, and should be advised that they will be required to attend the hearing at the Fort Henry Barracks on Thursday morning, the 16th, at 10.00 a.m.

The statement signed by Russell is in the hands of the Police at Owen Sound, Ont., and they should be written to, telling them to mail the original statement at once to Inspector Saul at Ottawa.

Let it be noted that there have been two files in this Kropp matter, and they should be consolidated so that all the material is brought to Kingston for me Wednesday night.

Re Wilhelm THEIS and Herbert THEIS -- See my memorandum of the 6th instant. The Department officials appear to feel, and I agree, that we should, in this case, approve of the allowance of the appeal and the release of these men.

06/09/2016 11:55

Mr. J.F. MacNeill, K.C.

- 3.

Series of cases from Kitchener--
Willi DAUTERT, August KORBBER, Heinz SCHWAMM,
Gustav KLEIN, Adolf BEUHLER-- See my memorandum in each case of the 6th November.

Since then, I understand that Inspector Saul has heard from Chief Hodgson at Kitchener that the agent, on whose statements these men were interned, cannot be made available as a witness.

They are pretty much parallel cases, and in the Dautert file there is a Minute Book in German, which Inspector Saul directed should be translated and any parts of value should be noted.

This translation should be ready and prepared, and, if possible, a copy sent to me at my Toronto address prior to the hearing, and the translation should be brought to Kingston.

If it contains serious implicating evidence, the translator should come to Kingston, in order to translate it under oath before the Judge, because otherwise it might be difficult to secure the admission of the translation.

If Chief Hodgson himself has knowledge that these men attended meetings of these organizations in Kitchener (other than Dautert, in whose custody the book was found), he should come to Kingston and bring any other witness to support his case.

I understand these men were all interned as a result of the activity of Chief Hodgson and his local assistants, and they, therefore, should have an interest in supporting the order under appeal, or in telling the Department that they think the time already served will be sufficient lesson and that these men can be released without danger.

I have formed the view that probably Willi Dautert is a dangerous man, having kept this Minute Book.

Since dictating the above, I understand from Inspector Saul that the translation of the Minute Book disclosed little more than a eulogy of Hitler and all that he has done, being a record of addresses delivered before the Society to this effect.

06/09/2016 11:55

J.F. MacNeill, K.C.

- 4.

I have indicated to Inspector Saul that I think that any extracts which go this far should be typed and translated and inserted in the file for my use in Kingston.

Re Hans KATZER -- This file is not available for me at the moment. My recollection is that it falls in with the group of Kitchener cases.

Inspector Saul might be good enough to look at the file and make sure that it does or does not, and himself take any appropriate steps necessary to enable us to present the case.

I am taking away only one copy of my several memoranda of the 6th instant, and there are at least two other complete copies left with the Department, one copy of which in each case might be appropriately placed on the top of the file.

I shall rely on Inspector Saul, or some other officer, to meet me at Kingston on the evening of the 15th at the hotel with the files and original documents, as I am taking nothing away from the Department. I will reach Kingston at seven o'clock from Toronto.

Yours very truly,

AGS/WL

A. G. Slaght, K.C.

Dictated by Mr. Slaght, November 9th, before his departure for Toronto, but not read by him.

06/09/2016 11:55

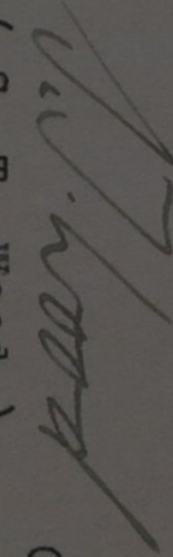
The Deputy Minister of Justice - 2.

I would also draw to your attention the provisions of Regulation 26 (5), whereby you will note that notwithstanding any recommendation by a Tribunal the Minister of Justice may order the release or continued interment of an appellant as he may deem proper.

It is presumed that the matter of supplying the Tribunals, as requested by Judge Reynolds, with the Regulations will be undertaken by your Department.

Yours very truly,

DCS/WL


(S. T. Wood)

Comm'r.

06/09/2016 11:52

MacN/WDJ

OTTAWA,.....21st November, 1939.

MEMORANDUM FOR MR. EDWARDS:

Re Amendment to Regulation 26 --
Procedure on Appeals of Enemy Aliens

Judge Hyndman, who has consented to act as a Tribunal under the provisions of Regulation 26 of the Defence of Canada Regulations, has suggested certain amendments to that Regulation in order to clarify the situation with regard to these appeals.

At present paragraph (1) provides that the appeal shall be to the nearest person designated by the Minister of Justice. When this provision was originally framed it was expected that enemy aliens would be held in local jails and lock-ups until such time as their appeals could be disposed of by local judges. When the Police arrested these persons, however, instead of leaving them for the required time in the locality in which they were apprehended, they moved them as soon as possible to internment camps located at three places, namely, Quebec, Kingston and Kananaskis.

The action of the Police and the Director of Internment Operations was taken with a view to effecting economy in handling this situation, but it made it difficult for the machinery set out in 26 to function as it was originally intended. The result now is, for example, persons interned at Fort Henry and Quebec are to be moved to a central camp at Petawawa on the Military Reserve there and therefore persons who appeal to a judge at Quebec or Kingston prior to removal will either have to be brought back to one or the other of these places or such appeals must be heard by a County Court judge at Pembroke, because that judge would be the nearest judge to the camp.

It is therefore proposed to strike out the word "nearest" in the Regulation and simply provide that the appeal shall be "to the person designated by the Minister of Justice;" then the Minister may designate a person, in this instance Judge Hyndman, and all appeals

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will be to him instead of to several County and Superior Court judges in the various areas near the internment camps.

The advantage of this, of course, is that we will have one uniform method of dealing with all these people and, if by reason of added enemies we have more appeals than one man can deal with, other persons may be appointed by the Minister of Justice and he could give directions as to the disposition of the appeals.

At present paragraph (2) provides that a written notice of appeal signed by the appellant shall be filed with the Tribunal by the person having the custody of such appellant, who shall transmit a copy thereof to the Registrar General of Enemy Aliens.

Judge Hyndman has re-written this paragraph and in my opinion improved it. He says: "A written notice of appeal, signed by the appellant, shall be delivered to and filed with the person having the custody of such appellant, who shall forthwith transmit a true copy thereof to the Registrar General of Enemy Aliens and shall notify the Tribunal thereof."

At present paragraph (s) provides that the Tribunal shall give directions for the prompt and just disposition of the appeal; and further, that the appeal shall be by way of re-hearing and all relevant evidence may be considered.

In the experience which we have had to date with the judges dealing with this paragraph, we have found that they are bothered by the wording of the second sentence, which states that the appeal shall be by way of re-hearing, the difficulty being that there has been no original hearing in most cases and therefore this cannot be a re-hearing.

Judge Hyndman has deleted this second sentence and his proposed paragraph (3) reads as follows:

"(3) The Tribunal on receipt of notice of such appeals shall give such directions as may be convenient and necessary for the prompt and just hearing and disposition thereof."

He also suggests that a paragraph (3A) be inserted providing that the Tribunals may administer oaths and receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper.

06/09/2016 11:56

I think that this suggestion is a useful one as Judge Reynolds at Kingston was bothered by the fact that he had no authority under the Regulation to administer oaths.

Judge Hyndman thought that we should also consider the granting of powers under the Inquiries Act as he felt that the right to summon witnesses might be useful on some occasions. While this is so, it might also add to the expense of dealing with these appeals and also might give the prisoners the idea that they could, by asking the Tribunal to issue summonses to witnesses, have the right to have the expenses of their witnesses paid from the public treasury. If for any reason it becomes necessary for the Tribunal to conduct an extensive investigation in a matter such as this, a Commission could be issued under the Inquiries Act in such a special case.

I suggest that an Order in Council be obtained amending present Regulation 26 by rescinding the first three paragraphs and inserting the following in lieu thereof:

" 26(1) Any enemy alien who has been interned under the provisions of this part, may within thirty days from the date of such internment, appeal against such internment to the person designated by the Minister of Justice for the purpose of hearing such appeals, hereinafter referred to as 'The Tribunal'.

(2) A written notice of appeal, signed by the appellant, shall be delivered to and filed with the person having the custody of such appellant, who shall forthwith transmit a true copy thereof to the Registrar General of Enemy Aliens and shall notify the Tribunal thereof.

(3) The Tribunal on receipt of notice of such appeals shall give such directions as may be convenient and necessary for the prompt and just hearing and disposition thereof.

(3A) The Tribunal may administer oaths and may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper."

J.F.MacN....

06/09/2016 11:56

MacN/WDJ

21st November,

39.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL

IN COUNCIL:

The undersigned has the honour to report:

1. That the procedure relating to appeals by enemy aliens against internment, set out in paragraphs (1), (2) and (3) of Regulation 26 of the Defence of Canada Regulations, has not resulted in a prompt and just disposition of such appeals.
2. That in the opinion of the undersigned a more speedy disposition of such appeals would result by the designation by the Minister of Justice of one or more persons for the hearing of such appeals, who would proceed to the various internment camps and dispose of same.
3. That the person designated, referred to in the Regulation as a Tribunal, should be empowered to administer oaths and to receive and accept such evidence and information on oath, affidavit or otherwise as in his discretion he may deem fit and proper.

The undersigned therefore has the honour to recommend that Your Excellency in Council, under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, order and direct:

1. That the procedure set out in paragraphs (1), (2) and (3) of Regulation 26 of the Defence of Canada Regulations shall apply only to appeals of enemy aliens, notice of which were filed with the Director of Internment Operations before the first day of November, 1939.

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2. That the Defence of Canada Regulations be amended by rescinding paragraphs (1), (2) and (3) of Regulation 26 and by substituting therefor the following paragraphs, which shall apply to appeals of enemy aliens filed with the Director of Internment Operations on and after the first day of November, 1939:

26(1) Any enemy alien who has been interned under the provisions of this Part, may within thirty days from the date of such internment, appeal against such internment to the person designated by the Minister of Justice for the purpose of hearing such appeals, hereinafter referred to as "The Tribunal".

(2) A written notice of appeal, signed by the appellant, shall be delivered to and filed with the person having the custody of such appellant, who shall forthwith transmit a true copy thereof to the Registrar General of Enemy Aliens and shall notify the Tribunal thereof.

(3) The Tribunal on receipt of notice of such appeals shall give such directions as may be convenient and necessary for the prompt and just hearing and disposition thereof.

(3A) The Tribunal may administer oaths and may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper.

Respectfully submitted,
Ernest B. Bennett
Minister of Justice.

Department of Justice

NOV 23 1939

REGISTRY

the Regulation and accordingly provide that the appeal shall be "to the person designated by the Minister of Justice" then the Minister may designate a person, in this instance Judge Hyndman, and all appeals

2651
COPY

P.C. 16/3854

Certified to be a true copy of a Minute of a Meeting
of the Treasury Board, approved by His Excellency the
Governor General in Council, on the 28th November 1939.

JUSTICE:

The Board recommend that Judge F.L.Simley,
member of the Tribunal appointed by the Minister of
Justice to hear appeals of persons interned under the
provisions of Regulation 21 of the Defence of Canada
Regulations, be granted a living allowance of \$12.00
per diem, in accordance with the terms of the Travelling
Expense Regulations.

(Signed) H.W.Lothrop

Asst.Clerk of the Privy Council.

The Right Honourable

The Minister of Justice.

06/09/2016 11:56

1055
1st December,

39.

TO HIS EXCELLENCY
THE GOVERNOR GENERAL

IN COUNCIL:

The undersigned has the honour to report:

1. That in a Report to Council, dated November 15, 1939, a recommendation was made to the effect that a living allowance of \$12.00 per diem be granted to Judge F. L. Smiley, Mr. W. P. J. O'Meara and Jacques Fortier, members of the Tribunal appointed by the Minister of Justice to hear appeals of persons interned under the provisions of Regulation 21 of the Defence of Canada Regulations.

2. That by letter dated November 27th, 1939, Mr. W. C. Ronson, Acting Secretary of the Treasury Board, notified the Deputy Minister of Justice that the per diem allowance to Judge Smiley had been granted, but that no allowances were authorized for Messrs. O'Meara and Fortier because the Board does not make a practice of authorizing allowances for employees of the Government travelling in Canada.

3. That the two civil servants referred to were appointed to perform duties of a judicial character as members of a Committee set up under the provisions of the Defence of Canada Regulations and are, therefore, not engaged in the performance of ordinary administrative civil service duties, for that while so employed they are required to travel and live with the Chairman, who is a member of the judiciary, and furthermore all members of this Committee are of equal standing in the performance of their duties under the provisions of the Regulations.

06/09/2016 11:56

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IN COPY
THE CHAIRMAN
TO HIS EXCELLENCY

- 2 -

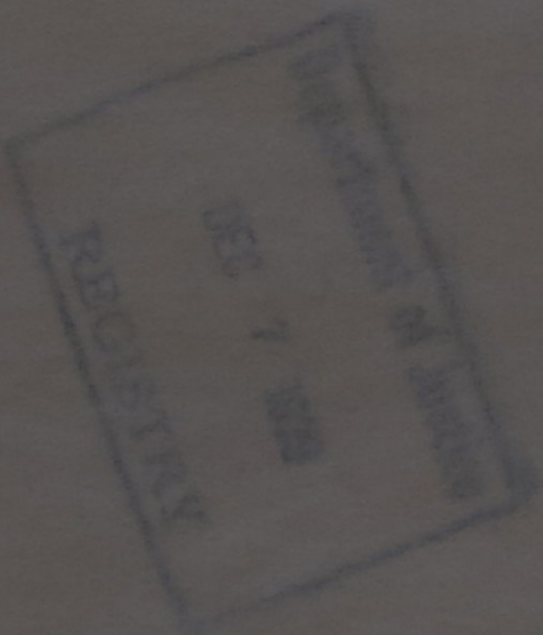
5. That during the war when civil servants are required to travel in the performance of extraordinary duties, it is desirable that they should be treated in precisely the same way in which other persons doing the same work are treated.

The undersigned therefore has the honour to recommend that in addition to their actual and reasonable travelling expenses while away from Ottawa on the work of the Committee, authority be granted for the payment of a living allowance of \$12.00 per diem to Mr. W. P. J. O'Meara and Mr. Jacques Fortier, members of the Committee appointed by the Minister of Justice to hear appeals of persons interned under the provisions of Regulation 21 of the Defence of Canada Regulations.

Respectfully submitted,

(Sgd.) E. L.

Minister of Justice.



06/09/2016 11:56

CANADIAN NATIONAL TELEGRAM

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D. E. GALLOWAY, ASSISTANT VICE-PRESIDENT, TORONTO, ONT.

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THE MINISTER OF JUSTICE

153

OTTAWA ONT

AM RETAINED AS COUNSEL BY EDWARD AND GUSTAV BLOCK DETAINED
AT YORKTON SASK FOR INTERMENT WHO WISH TO APPEAL UNDER
SECTION 26 DEFENCE OF CANADA REGULATIONS PLEASE WIRE NAME
OF NEAREST APPELLATE TRIBUNAL.

C B MCGREGOR

1036AM

the provincial authorities and his expenses
directly under any particular Regulation.

Yours truly,

Deputy Minister.

H. T. Wilson, Esq.,
Chief Treasury Officer,
Dept. of Justice,
OTTAWA.

06/09/2016 11:57

WDJ

TELEGRAM

Ottawa, June 4, 1940.

C. B. McGregor
Barrister
Sturgis, Sask.

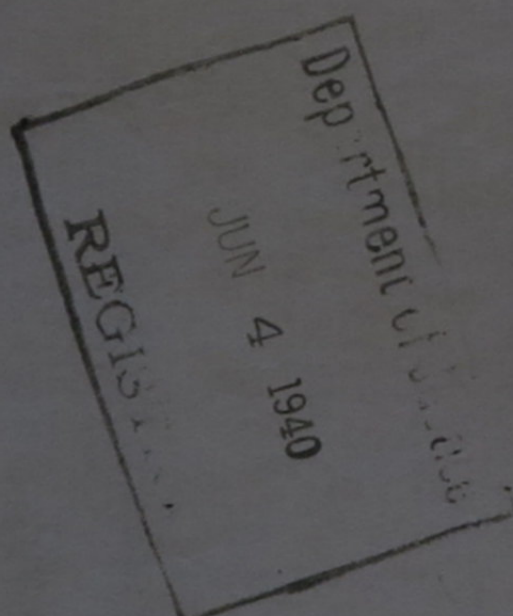
Re your wire third. Stop Right of appeal abolished by
Order in Council, P.C. 2322, May 31, 1940 Stop Not yet
published Canada Gazette.

W. STUART EDWARDS,

Deputy Minister of Justice.

Charge Justice
(Ad. Branch)

C. B. R.
4-13.



06/09/2016 11:57

C O P Y

Reynolds,
County Court Judge

Judge's Chambers,
Kingston, Ont.

C A N A D A

October 19th. 1939.

Lieut.Col. Stethem,
Assistant Director, Internment Operations,
Department of Secretary of State,
Ottawa, Canada.

Dear Sir:-

I have for acknowledgement your letter enclosing seven further appeals. As I intimated over the telephone, I have received a letter from Brigadier General Panet, under date of October 11th, advising that Mr. J.M. MacNeill has been requested to communicate with me regarding the procedure, and as to whether the Government will be represented at the hearing of these appeals.

It would therefore appear that I can not take any steps in regard to these appeals until I hear from Mr. MacNeill.

I might also advise you that I have not had any communication from the R.C.M.P.

Yours truly,

(Sgd.) J. Reynolds.

06/09/2016 11:52

appeals?

SLAGHT, FERGUSON & CARRICK

BARRISTERS, SOLICITORS
NOTARIES, ETC.

ARTHUR G. SLAGHT, K.C. RALPHIN FERGUSON, K.C.
DONALD D. CARRICK

TELEPHONE ELGIN 8136
CABLE ADDRESS "SLAGHT" TORONTO

1111 CANADA PERMANENT BUILDING
320 BAY STREET

TORONTO - 2

23rd October 1939

For Attention of the
Deputy Minister

Honourable Ernest Lapointe,
Minister of Justice,
OTTAWA

Dear Mr. Lapointe,

I have been in communication with Mr. Coleman, Under Secretary of State, in connection with Ontario matters which Price, Waterhouse & Company are handling for you in your capacity as Official Custodian, and appreciate the message which Mr. Coleman extended to me from yourself with reference to any work I am doing in an advisory capacity in that regard. I am sure I am only too happy to make this minor contribution to existing war conditions, and to relieve you and your staff in part at least in connection with urgent matters that crop up here in this administration.

I am prompted to make a further suggestion to you in connection with any prosecutions instituted in Ontario in the criminal courts by the Royal Canadian Mounted Police or the Secret Service Branch thereof, namely that I shall be only too glad to act as an advisor or special prosecutor in connection with the suppression and punishment of any subversive activities in this Province, and to place myself unreservedly at your disposal and the disposal of Commissioner Wood and his staff operating in this Province, - or as a matter of fact in any other Province of Canada other than Quebec, where my lack of knowledge of French would destroy my efficiency.

I have noted recently in the press some prosecutions of matters of this kind outside of Toronto before local magistrates and local authorities in which the press reports indicate that there has been difficulty in securing prompt convictions. This may be due entirely to lack of evidence and doubt as to the guilt of the accused. I know it is in no part due to lack of efficiency on the part of the R.C.M.P. and Secret Service staff, because they are tremendously efficient not only in the securing of evidence, but in the preparation of cases for hearing in court.

06/09/2016 11:53

Hon. Ernest Lapointe

(2)

23rd October 1939

It may just be that in country places the local Crown Prosecutors or those representing the Mounted Police have not had very great experience in connection with criminal law.

My offer, therefore, is to be available at any time that it might be desired to call on me to confer and advise with the Mounted Police and the law enforcement officials anywhere in Ontario, and if desired to attend hearings as counsel either in conjunction with local authorities or alone.

The Crown Attorney in Toronto is a most excellent and efficient officer and also has a very efficient staff, and it is therefore probable that in outside places it might be possible that your Mounted Police and law enforcement officers would welcome some senior legal assistance.

We have I think up to date been singularly free from efforts at sabotage, and that situation may continue, - or, of course, may at any time become more acute.

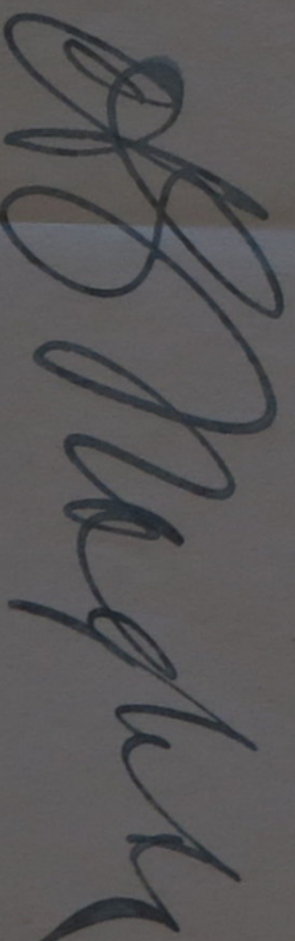
I am assured that you will appreciate that my only desire is to make some contribution in war time in the way in which I feel I can be of most service to the country.

As I am satisfied you will be absent from Ottawa for a short further period, I am marking this letter for attention of the Deputy Minister of Justice, and desire that on your return it should also be brought to your personal attention.

I am also sending a copy of it to Commissioner Wood.

Yours sincerely,

AGS/NC



06/09/2016 11:53

MacN/WDJ

26th October, 1949. 39.

JR.4565-39

Re Procedure of Tribunals of the Defence of Canada
Walter Cronwald - Interned Enemy Alien

Dear Sir:

I acknowledge receipt of your letter of the 16th instant, in which you state that Judge Reynolds asked for instructions in connection with appeals of enemy aliens under the provisions of sections of the Defence of Canada Regulations dealing with the apprehension and internment of such persons.

This Department is not authorized by the Regulations to give any instructions to the Judge hearing appeals under the said provisions. Regulation 26 provides, inter alia, that the tribunal hearing any such appeals shall give such directions as may be necessary for the prompt and just disposition of the appeal; and further that the appeal shall be by way of rehearing and all relevant evidence may be considered.

If you have evidence which has been obtained through the medium of a Police secret agent, the identity of whom it would be extremely undesirable to disclose, then I suggest that you are not compelled to, and should not, produce such evidence even if by withholding it you may have little in the way of other evidence to support the order for internment. The recommendation of the tribunal is only a recommendation and not a judgment, and the release of the appellant after the finding of the tribunal is a matter which is in the absolute discretion of the Minister of Justice and he may, without assigning any reason, order the further internment or the release of the appellant.

In cases where you do not disclose confidential information to the tribunal, you should notify this Department so that all the facts may be brought before the Minister when he is called upon to act in the matter.

... ..

The Commissioner,
R. C. M. Police,
OTTAWA.

06/09/2016 11:53

In the last paragraph of your letter you state that it is presumed that the matter of supplying Judge Reynolds with the Regulations will be undertaken by this Department.

This matter was attended to by the Printing Bureau and every Judge in Canada was supplied with a copy of the Defence of Canada Regulations. If, however, he has lost his copy or has mislaid it, then I suggest that you forward a copy to him as we have given your Force all the copies which we had available in the Department for distribution. Further copies can be obtained from the King's Printer.

I am taking up with the Minister's Office the matter of nominating an agent to assist your Force in contesting appeals before the tribunal.

Yours truly,

W. Stuart Edwards
Deputy Minister.

26th October,

39.

MEMORANDUM FOR MR. EDWARDS:

The R. C. M. Police suggest that the Crown be represented on the hearing of appeals of enemy aliens under section 26 of the Defence of Canada Regulations.

I suppose that in view of the fact that some of these aliens will be represented by counsel, that it might be well to have the Crown represented by a competent lawyer who could cross-examine the appellant and any witnesses which he may produce to prove his harmfulness or whatever he must prove under the Regulation to satisfy the Judge that he should be allowed to remain at liberty.

If you approve of this suggestion of the Police, then I think it would be better to have one man appointed in Kingston to work with the Police in connection with this matter, than to have a different agent appointed for every appeal that is taken. In fact I think it would be decidedly against the public interest to have too many lawyers looking into the Police files on enemy aliens. I strongly urge, therefore, that one man be appointed at Kingston to handle this business and if necessary at other places when we get to the point that appeals are being heard in other provinces.

J.F. MacN....

P.S. In view of Mr. A. G. Slaght's offer to assist the Police in matters of this kind, I suggest that he be appointed to assist the Police in dealing with these cases throughout Canada.

I read Mr. Slaght's letter offering his services to the Government as a contribution toward war activities after I dictated the above. He would be a splendid man to have assist the Police in these matters and as he has offered to take on work of this kind not only in Ontario but throughout Canada, it would simplify matters a good deal if he were appointed as a special representative to aid the Police in disposing of all these cases.

J.F. MacN....

06/09/2016 11:53

MAON/WDJ

30th October,

39.

JR.4565-39

Dear Mr. Slight:

With further reference to your letter of the 23rd October, in which you place yourself at the disposal of the Minister of Justice and the R. C. M. Police in connection with war activities.

I have to advise you that some difficulties have arisen in connection with appeals of enemy aliens interned under the provisions of the Defence of Canada Regulations and the R. C. M. Police have asked to have a counsel appointed to assist them in this connection.

I suggested to Mr. Lapointe, in view of your offer, that you be appointed to assist the Police in connection with this matter and he has now approved of the suggestion. If, therefore, you are free to act, I should be obliged if you would let me know as soon as possible as eight aliens presently interned at Fort Henry, Kingston, have appealed to the local County Court Judge as he is one of the persons designated by the Minister of Justice under the provisions of Regulation 26 to hear such appeals.

The prisoners, or at least some of them, will be represented by counsel and it is important that the person who represents the Crown should get in touch with the R. C. M. Police and discuss the evidence to be submitted to the tribunal. The Police have obtained some evidence

... ..

A. C. Slight, Esq., K.C.,
1111 Canada Permanent Bldg.,
320 Bay Street,
TORONTO 2, Ontario.

06/09/2016 11:53