

Ottawa, December 18, 1945.

TO THE HONOURABLE THE TREASURY BOARD

The undersigned has the honour to report:

THAT by Order in Council P.C. 7355 of December 15, 1945, the Minister of Labour was given authority to proceed with the deportation of certain persons of the Japanese race resident in Canada who applied to be repatriated to Japan and was authorized to provide for their transportation, maintenance and welfare in the course of deportation and to make to each such person a grant of funds to the extent that such persons are not themselves in receipt of the amount of monies so specified as payable by way of a grant. The Order in Council further provided that such funds would be provided from the amounts allotted by the War Appropriation to the Department of Labour for Japanese Administration; and

THAT it is proposed that repatriation of these persons will be proceeded with after the new year as quickly as shipping is available for their movement to Japan. Present arrangements are for shipment on American troop transports from Seattle. Sailing dates are uncertain and it may be necessary to make provision for substantial movements of repatriates on short notice. In view of this, it is necessary to make provision for an immediate allotment of funds of a substantial amount to provide for outlays involved under the aforesaid Order in Council:

The undersigned, therefore, recommends that the amount of One Million Dollars (\$1,000,000.00) be appropriated from the War Appropriation to the Department of Labour, Japanese Administration, to provide for the expenses of repatriation of persons of the Japanese race to Japan and that an immediate allotment of Five Hundred Thousand Dollars (\$500,000) be made for this purpose.

Respectfully submitted,



Ottawa, December 18, 1945.

TO THE HONOURABLE THE TREASURY BOARD

The undersigned has the honour to report:

THAT by Order in Council P.C. 7355 of December 15, 1945, the Minister of Labour was given authority to proceed with the deportation of certain persons of the Japanese race resident in Canada who applied to be repatriated to Japan and was authorized to provide for their transportation, maintenance and welfare in the course of deportation and to make to each such person a grant of funds to the extent that such persons are not themselves in receipt of the amount of monies so specified as payable by way of a grant. The Order in Council further provided that such funds would be provided from the amounts allotted by the War Appropriation to the Department of Labour for Japanese Administration; and

THAT it is proposed that repatriation of these persons will be proceeded with after the new year as quickly as shipping is available for their movement to Japan. Present arrangements are for shipment on American troop transports from Seattle. Sailing dates are uncertain and it may be necessary to make provision for substantial movements of repatriates on short notice. In view of this, it is necessary to make provision for an immediate allotment of funds of a substantial amount to provide for outlays involved under the aforesaid Order in Council:

The undersigned, therefore, recommends that the amount of One Million Dollars (\$1,000,000.00) be appropriated from the War Appropriation to the Department of Labour, Japanese Administration, to provide for the expenses of repatriation of persons of the Japanese race to Japan and that an immediate allotment of Five Hundred Thousand Dollars (\$500,000) be made for this purpose.

Respectfully submitted,



TOP SECRET

December 17, 1945.

The Honourable Humphrey Mitchell,  
Minister of Labour,  
OTTAWA, Ontario.

Dear Mr. Mitchell:

At a meeting of the Cabinet held on Saturday, December 15th, at which you were present, consideration was given to several matters pertaining to the repatriation of persons of the Japanese race in Canada.

The Cabinet, after considerable discussion, agreed:

(a) that, for the present, the scope of the enquiries of the proposed Loyalty Commission should extend only to persons of Japanese nationality and naturalized Canadians of Japanese race;

(b) that repatriation of Canadian-born Japanese should be confined to those who wished to be sent to Japan; and,

(c) that Orders in Council to provide for deportation, to revoke British and Canadian status of deportees and to establish the Loyalty Commission be approved in accordance with the above decisions.

The approved Orders in Council to implement these decisions are numbered 7355, 7356 and 7357, December 15, 1945.

A copy of this letter is being sent to Mr. MacNamara.

Yours very truly,

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

*Original on  
23-2-2-7*



REPORT TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

*Graft  
Submission  
to Council  
re PC 7355*

THE UNDERSIGNED HAS THE HONOUR TO REPORT THAT:

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 desirable that provision 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, the undersigned has the honour to recommend that Your Excellency in Council, under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, be pleased to make the following Order:

ORDER

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;
  - (c) "Minister" means the Minister of Labour;
  - (d) "recorded" means on record as having been received by a Department of the Government of Canada;
  - (e) "request for repatriation" includes 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, December 8th, 1941, by the Government of Canada against Japan, made a request for repatriation to Japan; 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 and was so detained as at midnight of September 1st, 1945;

may be deported to Japan pursuant to the provisions of this Order.

(2) Every naturalized British subject of the Japanese race of sixteen years of age or over resident in Canada who applies in writing to be sent to Japan may be deported thereto pursuant to the provisions of this Order; Provided that such person has not revoked in writing such application 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 applies in writing to be sent to Japan may be deported thereto pursuant to the provisions of this Order; Provided that such person has not revoked in writing such application prior to the making by the Minister of an order for deportation.

(4) The wife and children under sixteen years of age of any persons for whom the Minister makes an order for deportation pursuant to the provisions of this Order, 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 or an application to be sent to Japan 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.
5. An order for deportation made by the Minister pursuant to the provisions of this Order shall be in force and effect from the date of the order.
6. (1) Any person for whom an order for deportation is made pursuant to the provisions of this Order shall be entitled, notwithstanding anything contained in any regulation under the Foreign Exchange Control Board
- (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 nine 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 for such deposit and transfer such money, less transfer charges, to such person wherever reasonably possible following upon his deportation, and the Custodian of Enemy Property when authorized so to do by such person may purchase foreign exchange and transfer the same as hereinbefore provided for the transfer of money;

(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 deported pursuant to the provisions of this Order has not been sold or otherwise disposed of prior to deportation 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 deportation advance to or for a person being deported pursuant to the provisions of this Order 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. 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.

9. No court or judge or officer thereof shall have jurisdiction to review, quash, restrain, or otherwise interfere with any proceeding, decision or order had, made, or given by or pursuant to the provisions of this Order.

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. (1) 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.

(2) Every document purporting to be or to contain or to be a copy of a request for repatriation and certified as such by the Commissioner of Japanese Placement, appointed pursuant to Order in Council P.C. 9469, of the 5th day of February, 1943, shall be prima facie evidence of such request for repatriation 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.

Respectfully submitted,



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 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.

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.



This is the Sec. viz 7 (2)  
that probably prompted  
someone to collect the  
# 18.28 from Japanese  
Exata & Kajima.

P.C. 73 55  
 Was revoked by P.C.  
 S' 638 effective Feb 28/49  
 July 23. 2. 2. 5. Vol 2  
 H. 6/58



P.C. 7355.

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) 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.



P.C. 7355

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.

Certified to be a true copy  
*A. M. Hill*  
A. M. HILL  
Ass't. Clerk of the Privy Council.

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 (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 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 Commission 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.



P.C. 7357

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.D.P. Heency,

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 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.

The Honourable  
the Minister of Labour

Copies to:  
Mr. Black  
Mr. McLeod  
Mr. Brown  
Mr. Pannett  
Mr. Anderson  
Mr. Walker  
Mr. Bump

29/12/45



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.

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.



P.C. 7355.

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) 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.



P.C. 7355

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. D. P. Heeney.

A.D.P. Heeney,

Clerk of the Privy Council.



DEPARTMENT OF LABOUR

OTTAWA, December 12, 1945.

MEMORANDUM to Honourable Mr. Mitchell,  
Minister of Labour.

*Hold for  
Comm. on  
H.M.*

Re: Japanese Deportation Order

In view of the possible objections that may be raised to the provisions of the present Section 9 of the above Order, it is understood that Mr. Norman Robertson has suggested the following as a substitute therefor:

- "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 four of this Order shall, while so detained or restrained, be deemed to be in legal custody."

This provision would not deprive the court of authority to review an order for deportation but would probably meet an application for Habeas corpus based on an order made for detention pending deportation.

  
A. H. Brown.



DEPARTMENT OF LABOUR

OTTAWA. December 10, 1945.

MEMORANDUM to Honourable Mr. Mitchell,  
Minister of Labour.

*Noted for  
committee  
H.M.*

Re: Japanese Deportation Order and  
the provisions of Section 9 thereof.

The provisions in the Immigration Act and the Mobilization Regulations which correspond to the provisions of Section 9 of the Deportation Order are as follows:

- (a) Section 23 of the Immigration Act, Chapter 93, R.S.C. 1927, reads as follows:

"23. No court and no judge or officer thereof shall have jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision, or order of the Minister or of any board of inquiry or officer in charge, had made or given under the authorities and in accordance with the provisions of the Act relating to the intention for deportation of any rejected immigrant, passenger, or other person, upon any ground whatsoever unless such person is a Canadian citizen or has a Canadian domicile."

For the purposes of the Immigration Act, Canadian domicile can only be acquired by a person having his domicile for at least five years in Canada after having been lawfully admitted.

- (b) The provisions of the National Selective Service Mobilization Regulations are contained in Section 9, sub-section (5) thereof and read as follows:

"(5) No proceeding authorized or pending before a Board and no decision of a Board shall, by means of an injunction, prohibition, mandamus, certiorari, habeas corpus or other process, issuing out of court, by enjoined, restrained, stayed, removed or subjected to review or consideration on any ground whether arising out of alleged absence of jurisdiction in a Board, nullity, defect or



irregularity of the proceedings or any other cause whatsoever, nor shall any such proceedings or decision be questioned, reviewed or reconsidered in any court."

A. H. Brown.



, December 6, 1945.

THE UNDERSIGNED HAS THE HONOUR TO REPORT THAT:

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 desirable that provision 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 the undersigned has the honour to recommend, with the concurrence of the Secretary of State for External Affairs, that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, Your Excellency in Council may be pleased to make an Order as follows:

ORDER

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.

*sent to Germany  
on Dec 7*



(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.

.....



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



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 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.



8. (Cont'd.)

(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. No court or judge or officer thereof shall have jurisdiction to review, quash, restrain, or otherwise interfere with any proceeding, decision or order had, made, or given by or pursuant to the provisions of this Order.

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.

Respectfully submitted,

Minister of Labour.

Concurred in:

Secretary of State for External Affairs.





CANADA

Privy Council Office

Cabinet Secretariat

Ottawa, Canada

CONFIDENTIAL

December 6, 1945

The Honourable Humphrey Mitchell,  
Minister of Labour,  
OTTAWA, Ontario.

Dear Mr. Mitchell:

I am enclosing draft legislation relative to the repatriation of residents of Canada of Japanese race, prepared by the sub-committee appointed for this purpose.

This legislation and the report of Canadian Government representatives who recently visited Washington will be discussed by a meeting of the Cabinet Committee to be held in the office of the Minister of Veterans Affairs, Room 273, House of Commons, on Friday, December 7th, at 10.00 a.m.

---

Yours sincerely,

B. F. Wood,  
Secretary.



MOST SECRET

This document on loan from the  
PRIVY COUNCIL OFFICE-CANADA

194

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

DEPARTMENT OF JUSTICE

Ottawa, December 4th, 1945

MEMORANDUM

B. F. Wood, Esq., Secretary of Special Committee of the Cabinet appointed to consider the repatriation and relocation of persons of the Japanese race in Canada.

The Sub-committee appointed pursuant to the decision of the Committee at its meeting on November 5th, 1945, has prepared two Reports to Council, copies of which I enclose in duplicate. One report provides for the repatriation of certain persons of the Japanese race, and the other provides that a British subject or Canadian national deported pursuant to the first-mentioned report shall cease to be either a British subject or a Canadian national when so deported.

With reference to the first-mentioned report, the sub-committee desires that the attention of the Committee be drawn particularly to section 9, which purports to take away the jurisdiction of any court with respect to proceedings under the proposed Order. It was considered that this provision might be necessary to prevent undue delay in carrying out the intention of the Order, but the sub-committee thought that the question as to whether or not this provision should remain in was one of policy for determination by the Committee.

As you are aware, the members of the sub-committee are, P. M. Anderson, K.C., Department of Justice, Chairman; J. E. Read, K.C., Department of External Affairs; R. G. Robertson, Department of External Affairs; A. H. Brown, Department of Labour; W. P. J. O'Meara, K.C., Department of the Secretary of State.

(Sgd) P. M. Anderson  
Chairman

Encls.

Privy Council Office,  
Ottawa, December 5, 1945.



REPORT TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

---

The undersigned has the honour to report that by Order in Council P.C. of 1945, provision has been 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.

The undersigned has the honour to recommend, therefore, with the concurrence of the Secretary of State for External Affairs, that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, Your Excellency in Council may be pleased to make an Order as follows:

1. Any person who being a British subject or a Canadian national is deported from Canada under the provisions of Order in Council P.C. of 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.

Respectfully submitted,

Secretary of State



REPORT TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

---

THE UNDERSIGNED HAS THE HONOUR TO REPORT THAT:

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 desirable that provision 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 the undersigned has the honour to recommend, with the concurrence of the Secretary of State for External Affairs, that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, Your Excellency in Council may be pleased to make an Order as follows:

ORDER

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. (Cont'd)

(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) 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;



6. (Cont'd)

- (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.



8. (Cont'd)

(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. No court or judge or officer thereof shall have jurisdiction to review, quash, restrain, or otherwise interfere with any proceeding, decision or order had, made, or given by or pursuant to the provisions of this Order.

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.

Respectfully submitted,

Minister of Labour



~~Secret~~



~~Security~~  
Royalty Com.

PMA/G

PLEASE ADDRESS  
THE DEPUTY MINISTER OF JUSTICE  
OTTAWA

OTTAWA December 4th, 1945.

Memorandum

J.R. 10-529-45

B. F. Wood, Esq., Secretary of Special Committee of the Cabinet appointed to consider the repatriation and relocation of persons of the Japanese race in Canada.

The sub-committee appointed pursuant to the decision of the Committee at its meeting on November 5th, 1945, has prepared two Reports to Council, copies of which I enclose in duplicate. One report provides for the repatriation of certain persons of the Japanese race, and the other provides that a British subject or Canadian national deported pursuant to the first-mentioned report shall cease to be either a British subject or a Canadian national when so deported.

With reference to the first-mentioned report, the sub-committee desires that the attention of the Committee be drawn particularly to section 9, which purports to take away the jurisdiction of any court with respect to proceedings under the proposed Order. It was considered that this provision might be necessary to prevent undue delay in carrying out the intention of the Order, but the sub-committee thought that the question as to whether or not this provision should remain in was one of policy for determination by the Committee.

As you are aware, the members of the sub-committee are, P. M. Anderson, K.C., Department of Justice, Chairman; J. E. Read, K.C., Department of External Affairs; R. G. Robertson, Department of External Affairs; A. H. Brown, Department of Labour; W. P. J. O'Meara, K.C., Department of the Secretary of State.

Encls.

*P. M. Anderson*

Chairman



Secret

REPORT TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

---

The undersigned has the honour to report that by Order in Council P.C. of 1945, provision has been 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.

The undersigned has the honour to recommend, therefore, with the concurrence of the Secretary of State for External Affairs, that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, Your Excellency in Council may be pleased to make an Order as follows:

1. Any person who being a British subject or a Canadian national is deported from Canada under the provisions of Order in Council P.C. of 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.

Respectfully submitted,

Secretary of State



CANADA  
DEPARTMENT OF LABOUR  
360 Homer Street,  
VANCOUVER, B. C.

AIRMAIL

30th October 1945.

Attention: Mr. Brown.

A. MacNamara Esq.,  
Deputy Minister of Labour,  
OTTAWA

Re: PROPOSED STATEMENT WHICH MIGHT BE  
USED BY THE MINISTER

I enclose copy of statement we have prepared which might be suitable for the Minister to use in the House of Commons. I do not know whether this is just the form in which you wish this prepared, but I thought that we might do a better job on it by writing it as we thought the Minister might speak in the House. I realise that it is pretty long but if you think necessary, it can be condensed.

We have tried to make two or three main points, and in this I hope we have been successful. First, we thought it would be important to review the main features of the policy as outlined in the Prime Minister's speech. Then to show that at the time this speech was delivered it received fairly general approval by many of those who are condemning the policy at this time. From there go on to prove that in the carrying out of the policy we have done nothing which is inconsistent with its provisions.

The other main point was to try to prove that there was no pressure used, so far as we are concerned or officers of the R.C.M.P., to obtain signatures for repatriation. We have also tried to make a case supporting the position that any people of Japanese origin, regardless of status, who signed these applications, did something which might leave seriously open to question where their allegiance does lie.

There are still one or two blanks where figures will have to be filled in later. Checks are not being made and these figures will be sent down as soon as possible. I hope what we have prepared will be useful in the final preparation of the Minister's statement.

(Sgd.) T. B. Pickersgill,  
Commissioner.



DRAFT OF SUGGESTED STATEMENT WHICH  
MIGHT BE USED BY THE MINISTER.

We have heard during this debate, Mr. Speaker, severe criticism from some honourable members, of the Government policy and the administration of that policy, respecting people of Japanese origin living in this country. During recent months certain sections of the press and a number of organizations have been critical of the policy, particularly as it effects the status of Japanese Canadians. With many of the principles enunciated by the critics, this Government, Mr. Speaker, are in complete accord. The Government have not deplored but have welcomed this criticism, because it supports strongly fundamentals in which members of this Government so firmly believe. But what our critics have failed to do in my humble judgment, and I say this in an attitude of kindness, is to study sufficiently carefully the basic features of the policy and to secure all the facts as to the manner in which it is being carried out.

On August 4th, 1944, the Prime Minister spoke at considerable length in this House, outlining the policy which was to be followed. This is on the record and does not need repetition by me. I would like, however, to summarize briefly the main features of this policy and then to review the steps which have been taken to give it effect.

Firstly, the Prime Minister expressed recognition of the concern felt by British Columbia at the possibility of again having concentrated within its borders virtually the entire population of people of Japanese origin in Canada. As he stated, in the past this has led to so much bitterness and strife, that it must be avoided in the future. This should be done, not only in the interests of the people of British Columbia, but also of the people of Japanese origin themselves.



Secondly, for the future protection of people of Japanese origin who have remained loyal to Canada during the war, as well as to eliminate those who have shown that their true allegiance is not to Canada but to Japan, a basic feature of the policy was that those who have shown disloyalty to this country during the war, should not have the privilege of remaining here.

Thirdly, that in the years after the war, without any declaration which would be binding indefinitely into the future, Japanese immigration should not be permitted.

Finally, and most important, even though problems of assimilation are extremely difficult, people of Japanese origin who have been guilty of no disloyal act or who have not displayed any disloyal intent, that such persons must be treated fairly and justly. As stated by the Prime Minister - "For the Government to act otherwise would be an acceptance of the standards of our enemies and the negation of the purposes for which we are fighting."

The Prime Minister then outlined tentative measures for carrying out the policy outlined. He said it would be necessary to establish a quasi-judicial commission to examine into the background, loyalties and attitudes of all persons of the Japanese race in Canada to ascertain those who should not be allowed to remain here. The Government's intention was to have these persons, whether Japanese nationals, British subjects by naturalization or by birth, deported to Japan as soon as physically possible. He said also that there may be some who voluntarily indicate a desire to proceed to Japan. For these, he said, no further examination would be required and whatever their national status they would be allowed and encouraged to go as soon as could be arranged. Then he stated that the remainder, if properly admitted to this country and wishing to remain here, should be allowed to do so, but added for



the reasons cited, - "They should not be allowed once more to concentrate in British Columbia."

I have, Mr. Speaker, briefly reviewed the features of the policy and the proposed measures for two reasons. First, to recall to your minds that this statement was received with fairly general approval by members of this House favouring a generous and liberal policy toward people of the Japanese race. The main criticism at that time came from members who despaired of any solution except total expulsion, which would relieve British Columbia of having the majority of the problem on the West Coast. One of the chief exponents of the rights of these people has been the honourable member for Vancouver East. His courage in rising to their defence despite what the political consequences might have been to his party or to himself, has won the admiration of many of us. The honourable member was, I believe, in Australia when the policy was announced. I understand from reports which have come to me, that he generally approved the objectives of the policy but has been critical of some aspects of its administration. In a despatch from Toronto carried in the "New Canadian", Japanese language newspaper, the honourable member is quoted as follows:

"Angus MacInnis, C.C.F. member for Vancouver East, said here that Prime Minister Mackenzie King should follow up his proposal of August 4 last that Orientals be dispersed across Canada, reported the Canadian Press April 19,

"All restrictions against loyal Japanese should be removed," he said, "except that they should not be allowed to return to British Columbia until after the war."

"He was elaborating on a speech he made at a public meeting here. Loyal Japanese should be permitted to settle anywhere in Canada without disadvantages or prejudices, he added. After the war, B.C. should be prepared to take her share.

"The Japanese problem before the war," he said, "was essentially a British Columbia problem, but now it is a Dominion problem and should be handled as one."

His colleague, the honourable member for Rosetown-Biggar, spoke briefly on the question. While he expressed himself as being bitterly opposed to discrimination against any people because of their race,



colour or creed, the honourable member did say this - "I am in the fullest accord with the Prime Minister when he says that any person of Japanese origin who has been disloyal to this country should be denied the right to live here when the war is over. They should be interned now and deported to their country when this war is over like any other alien of similar attribute."

In concluding a discussion on the Japanese question a few days later, the honourable member for Winnipeg North centre had this to say:

"In other words, the Prime Minister has many behind him, even as he has many on all sides of the House, who are liberal-minded so far as this issue is concerned and who want Canada to be a country in which no racial lines shall be drawn."

In a signed article, August 6th, 1944, in the Vancouver Province, the Editor (himself Canadian-born of Japanese ancestry) of the 'New Canadian', the Japanese language newspaper, stated that Japanese Canadians would welcome the establishment of a loyalty commission, and that no one could deny that the deportation of disloyal Canadian-born or naturalized citizens was a fair one. "They themselves are probably anxious to go to Japan in any case", he wrote.

The following excerpt is taken from an article published in the 'New Canadian' of February 24th, 1945, entitled - "C.C.F. Urges Just Rights As Tories Flaunt Racist Cry", and expresses the attitude of C.C.F. members of the B.C. Legislature:

"The Wednesday session heard the C.C.F. party through Herbert Gargrave, reaffirm its policy that Japanese Canadians should be distributed across Canada.

"Because of the anti-democratic stand of some of our people, we believe in the policy of having them dispersed all over the Dominion instead of settling in one community."

In the same issue, the quotation below is the first paragraph taken



from the lead editorial entitled - "The Delay is Dangerous."

"The continued delay in a more detailed clarification of federal government resettlement plans announced now over six months ago, has raised the unfortunate prospect that definite action may be ruled out by the expected dominion election for several months more. It is to be earnestly hoped that this prospect will not prove true. For there is evidence that the current instability of the situation is helping to defeat the very objectives which Mr. King himself formulated in his House of Commons statement."

In a leading editorial published by the "Winnipeg Free Press", March 28th, 1945, which was shortly after the repatriation and relocation posters were released, there is much in the way of criticism of certain aspects of the policy. The Free Press did, however, have this to say as to the desirability of effecting an even distribution of these people throughout Canada:

"For the unity of Canada it is highly desirable that British Columbia should not be compelled to face this problem alone. For the welfare of the Japanese it is certain that they should not return to the Coast after the war lest they create more serious friction, certain discrimination by every legal means and probably violence as well. It is to be noted that the C.C.F. members of the British Columbia legislature, who advocate votes for Orientals and are sincere enemies of racial hatreds, agree that the policy of diluting the Japanese problem is sound."

My second reason for reviewing the main features of the policy is so that these would be more vividly recalled, as I describe the steps which have been taken for their implementation. Because I think I can show, Mr. Speaker, that in what we have done to carry out the policy, the methods used have not been inconsistent with the spirit of the policy, nor have the results achieved been different from those which were hoped would be obtained from carrying it out.

Following the Prime Minister's announcement, a great deal of work was done by officers of the Department of External Affairs, the R.C.M.P., and my own Department, in drawing up a proposed procedure. These were carefully considered at several sessions of



the Cabinet. Early in 1945, a decision was reached to conduct a survey of all people of Japanese origin to determine those who did not intend to remain permanently in this country and who were interested in repatriation to Japan as soon as that could be arranged. At the same time, an increase in the effort which had been persistently made since the evacuation of these people from the coastal area, was to be exerted toward the relocation outside of British Columbia of Japanese Canadians wishing to remain in Canada. For it was clear, Mr. Speaker, when there were still in British Columbia, 15,583, out of a total of 23,902 in Canada, that if future concentration in that Province were to be avoided in the future, many more would have to live in other provinces of Canada. The desirability of that objective has not been disputed.

The only important deviation from the policy decided later by the Government, was to delay the establishment of the Loyalty Tribunal until after the survey of those desiring repatriation was completed. I think all will agree that was logical for the reason cited by the Prime Minister, "That for those no further examination would be necessary." The soundness of this decision is substantiated by the fact that over 10,000, including dependent children, are involved in those requesting repatriation. This is approximately 45% of the total number in Canada. In accordance with announcement in the policy that those voluntarily indicating a desire to go to Japan should be "allowed and encouraged to go", the Government assured those desirous of going to Japan that the proceeds from the sale of their property and assets would be secured to them. They were also told that free passage would be provided for themselves and for what personal effects they might take with them. I wish to have placed on the record, Mr. Speaker, a copy of the statement which I issued on behalf of the Government,



outlining what provisions were to be extended people of Japanese origin voluntarily requesting repatriation. I wish also to table copies of the official declaration forms used for this purpose. I want at the same time to have written into the record, a copy of the statement to Japanese Canadians residing in British Columbia, signed by the Commissioner of Japanese Placement at Vancouver. This statement summarized what the Government was prepared to do to assist evacuated Japanese Canadians wishing to remain in Canada to relocate outside of British Columbia, and stated a response to this appeal was the only way by which the Government policy of a more even distribution of these people throughout Canada, might be accomplished.

Both of these statements were printed in the form of posters in the English and Japanese languages. The one outlining the provisions concerning repatriation advised people of Japanese origin that a special detachment of R.C.M.P. officers would visit the particular settlement or area where they resided and, at a certain place on specific dates would take applications from those wishing repatriation. These posters were displayed in all the interior housing settlements in B.C., where these people reside, and in all areas of the Province where others were engaged in self-supporting employment, for three weeks before the R.C.M.P. officers began taking applications at the first settlement.

We have been asked on several occasions, Mr. Speaker, why these people should ever have been questioned about desiring repatriation and if there were reasons for doing so, why was this survey made to coincide with a concerted effort to relocate outside of British Columbia employable Japanese Canadians not desiring repatriation? The answers to both of these questions are simple and logical.



Following the attack on Pearl Harbour, during the evacuation, and since this was accomplished, not hundreds, Mr. Speaker, but thousands of these people, the actual count is        expressed a desire for repatriation to Japan during the war if possible, or as shortly thereafter as could be arranged. Many of these requests were made to the Spanish Consular authorities, acting as the Protecting Power in Canada for the Japanese Government. Others were made to the Department of External Affairs, more to our own Department, and many to the R.C.M.P. The majority of the requests were by individual letters, but in some cases lists of names were submitted of those wishing to be repatriated. These requests were not confined to nationals of Japan but included many naturalized and Canadian-born Japanese. Reports emanating from our interior housing settlements indicated there were many more who did not intend remaining in this country but had not filed actual requests for repatriation. With this number actually expressing a desire to go to Japan, and knowing many more to be interested, we realized a sound and intelligent programme of distribution throughout Canada of those remaining here could not be effected until we learned how many wished repatriation. The only way we could learn this with any degree of accuracy was to ask them all. It was also necessary that their requests should be recorded on a uniform declaration form. When the main object in doing this was to determine the number who would have to be relocated in order to achieve a distribution throughout Canada, it was only sensible and right at the same time to advise Japanese Canadians in British Columbia what would be necessary of them if this part of the policy was to be productive of any result. In telling many of them relocation from British Columbia was the only way they could co-operate in meeting the policy, we had to indicate to them what employment opportunities were available and what the Government would do to assist them to move to their new place of employment and the help they would receive after arrival.



So I submit, Mr. Speaker, these two aspects of the policy are complementary and could only logically be carried out simultaneously.

We have heard that the policy itself was designed and methods applied in carrying it out, to obtain the maximum number of signatures for repatriation. Many have argued that the policy was attractive only to those who signed and the alternatives were harsh and unacceptable. It has also been said that pressure was exerted in order to get names on the dotted line for repatriation. These allegations are not correct and cannot be supported by the facts. I stated a few moments ago that three weeks were allowed from the time the posters were displayed and the first applications for repatriation were taken. At the time the posters were displayed the supervisor of each of the six Interior Housing settlements was provided with a circular explaining in detail all phases of the question. He was instructed to call in the representatives of the Japanese committees and discuss this with them thoroughly. During the three week period, the Commissioner of Japanese Placement visited personally all of the settlements and met the committees. Innumerable questions were asked to which verbal replies were given. Several of the committees requested answers in writing to detailed questions submitted in writing. This request was of course granted, and several lengthy letters were written to the committees. Some of the committees submitted a second list of questions which also received replies. I think all will agree these letters are better evidence as to what was said to these people before the survey was taken, than what a lot of people heard from a lot of other people. I will be happy to have these letters tabled if requested.

In conversation with the committees and in the subsequent letters, it was stressed over and over again, the signing



of applications for repatriation was strictly voluntary. Also when asked if applications once signed could later be cancelled, they were told by the Commissioner that he didn't know, but if they were in any doubt about the validity of the document they would be well advised not to sign. It was explained to the Committees that it was the desire of the Government, in order to minimize further racial antagonism and bitterness, that people of Japanese origin remaining in Canada should, in their own interest, and in the general interest, distribute themselves more evenly throughout Canada. They were told that the Department would render every possible aid in effecting their relocation outside British Columbia. They were told verbally and in writing that Japanese Canadians wishing to remain in Canada should follow the example of some thousands who since 1942 had moved eastward into employment but no one was expected to go East unless offered specific and suitable employment. They were told further, that no Japanese Canadians who were engaged in self-supporting employment in British Columbia prior to the survey would be expected to give up that employment to go East. They were told that compassionate reasons making relocation a hardship would be considered sympathetically at all times. This has been particularly so in the case of illness or accident. Aged and unemployable Japanese Canadians were told they were not expected to relocate.

The Japanese Canadians were informed that all transportation expenses incurred for themselves, members of their families, and effects, in moving East, would be paid by the Department of Labour. A sustenance allowance to be used while in transit would be advanced covering each person relocating; and a sum of money based on the size of the family to aid in relocation, would be made available immediately on arrival at the new place of employment.



Five placement offices are maintained by the Department to assist in the resettlement of Japanese Canadians. These are at Lethbridge, Winnipeg, Fort William, Toronto and Montreal. Sympathetic officials are employed and are available at all times to aid relocation and deal with any emergencies which may arise. The housing shortage in many urban centres was recognized. Japanese Canadians were told that where housing was not available for the families of men going East, or where relocation for any in the family was not possible for some time, they would be housed at public expense at a special relocation centre at Kaslo, to be used exclusively for Japanese Canadians wishing to remain in Canada. It was realized many, for a variety of reasons, could not relocate immediately, but we did not think they should be expected to remain in the same settlements as those expressing, while the war was still raging, a preference for Japanese citizenship to Canadian.

Japanese Canadians were told that the Department would continue to assume responsibility for their welfare after relocating East. Those who might lose their employment or otherwise become economically distressed would be adequately maintained at public expense until our officers could find new, suitable employment for the workers. When asked about education for their children, they were told no people of Japanese origin had been relocated to cities or districts where their children were denied the right to attend public schools.

Now this is the programme of assistance offered to Japanese Canadians if they would co-operate in the Government policy of wider distribution. Is this to be described as the harsh and unacceptable alternative to requesting repatriation? If the Government were only concerned with swelling the total of those signing for repatriation, and were not in the least interested



about those remaining in Canada, why would these measures to aid relocation have been instituted and made known to them weeks before they made a decision about repatriation? No Japanese Canadians were told, Mr. Speaker, that unless they signed for repatriation they would have to get out of B. C. immediately. The R. C. M. P. officers who took the applications for repatriation from those in the settlements never discussed anything about employment or relocation. Their duty began and ended with explaining the declaration form, making sure the contents were understood, arranging for an interpreter where this was required, and then asking if they wished to sign or not. After, and not before, they had indicated their desire concerning repatriation, and had left the R. C. M. P. officers, Department of Labour placement officers interviewed employable Japanese Canadians who wished to stay in Canada, to give them full details about jobs available East of the Rockies. Why would we have established the special project at Kaslo to house temporarily Japanese Canadians unable or unwilling to relocate, if we intended to compel them to leave B. C. immediately?

Many Japanese Canadians now wishing to cancel their requests for repatriation say they signed because then they could stay in B. C. Naturally, those who requested repatriation were told they would be kept in B. C. until the boats were ready to sail for Japan. Would there have been any point in moving them Eastwards only to have them retrace their steps on the journey to that country? With an urgent demand for labour it would have been senseless not to have permitted them to engage in essential work in B. C. until time for going to Japan, particularly when they would have to be maintained at public expense, if they did not work.

I now wish to say something of the results of



the survey, and the numbers and the reasons given by those who requested repatriation in April and May of this year, and now wish to cancel those requests. Certain observations can be made from these results, which I believe will remove any idea that a large number of these people, especially Canadian-born, signed applications through pressure exerted by our officials or the R. C. M. P. I think too, these observations will make many reflect further, who argue that there should be no thought of sending to Japan any who signed for repatriation and have since changed their minds.

There are a total of 10,347 involved in the voluntary declarations for repatriation. Of this number, 6,844 actually signed forms. The remainder are dependent children under sixteen years of age. There were 2,923 Japanese nationals, 1,461 naturalized Canadians, and 2,460 Canadian-born who signed. Of the 10,347 involved in the requests, 7,273 or more than 70% were residing in the Interior Housing settlements in B. C. when the survey was taken. This is a very important point to bear in mind, Mr. Speaker, when considering this question. Since the evacuation from the coastal area was completed, the population in these settlements has remained practically static. In March 1943, there were 11,937 living in the settlements. By March, 1945, two years later, the population was 10,418 or only 1,519 less. This was the result of two years of persistent effort by our officials to persuade these people to leave the settlements for essential work which badly needed doing to help win the war. It is these people in the settlements, the most of whom rejected offers of employment outside, who comprise the majority of those signing for repatriation. They are the ones who made this request while Canada was still engaged in a life and death struggle in a war against Japan, which then looked far from won. They are the ones who, since the defeat of



Japan, have been applying by the hundreds for cancellation of their repatriation requests. By August 15th, the day of the Japanese surrender, we had received requests for cancellation involving 112 persons. This included children under sixteen years of age. By October 15th this number had increased to 2,056. In other words, 94.5% of those requesting cancellation have done so since the defeat of Japan. It is also significant that of the total number asking for cancellation, 77.8% live in our settlements. They expressed a desire to be Japanese citizens rather than be British subjects and asked to be sent to that country as soon as could be arranged. They did this while Japan was still fighting. It now suits their purpose, after Japan has been beaten, to say they did not mean what they said, and now want to stay in Canada. There was little disagreement, Mr. Speaker, that those whose records showed that their true allegiance was to Japan and not to Canada should be sent to Japan. That was an important feature of the policy as announced by the Prime Minister. I submit, that where the true allegiance lies, of those signing for repatriation, when they did, is seriously open to question. I think we should look carefully into these requests from Japanese Canadians for cancellation of their repatriation requests before assenting.

We have heard that those people signed applications under pressure, not really aware of what they were doing. I think my explanation, of what was said and done before they made their decision, effectively replies to that charge. There are however, some observations on the results which would suggest that if there was pressure on any Canadian-born Japanese to request repatriation, the source of that pressure was not us but their own parents. Of the total number of requests for repatriation, there are very few cases where members of the same



family, living as a group, did not all sign. It is also interesting and significant that of the 2,460 Canadian-born who signed applications, only 406 were married. A much smaller proportion of married Canadian-born Japanese signed than did the unmarried. It is also interesting to note that of the 2,460 Canadian-born signing applications, 1,488 lived in the settlements, 374 elsewhere in B. C., and 598 outside of B. C. Of the total number of Canadian-born Japanese living in the settlements at the time the survey was taken, 97.2% signed applications, but only 23.6% of Canadian-born living elsewhere in B. C. signed and only 16.3% of Canadian-born living outside B. C. signed. Again the large proportion signing were in the settlements. If pressure was used to obtain signatures for repatriation, why did the technique not produce more uniform results? With the same R. C. M. P. officer doing the work, why did 74.4% of those in the Slocan project sign forms but only 22% of those in Manitoba? Why did the officer taking applications at the Lemon Creek project get 87.4% to sign but could only get 2.7% of those in Quebec? Why did 66.8% in the Tashme project but only 9.6% of those in Ontario sign applications when the same man did the asking? The high percentage of those who had relocated were not interested in repatriation. This is reasonable evidence of their satisfaction with their decision and what we are trying to do to assist them. We have used this argument without much success for those still in the settlements who claim relocation impossible because of so many uncertainties. We have told them if they were really concerned about uncertainties, they should get out of those settlements, accept our assistance to get re-established while there was still a heavy demand for labour and a wide choice of employment available.

I have already referred to the                      who  
requested repatriation before the official survey was taken. Hundreds



of these repeated those requests on the declaration form. This is fair evidence that many were not high pressured into signing but were merely restating their intentions. I also mentioned that many of these previous requests were made to the Spanish Consular authorities. Most of these requests were from those in the settlements and were by no means limited to Japanese nationals. There were requests made to the Spanish Consul by Japanese nationals, by naturalized Canadians and by Canadian-born. It was through the Protecting Power that these people could make contact with Japan.

I am not trying to suggest, Mr. Speaker, that all Japanese Canadians in the settlements who have remained there month after month despite our efforts to persuade them to leave for essential work, should be classed as disloyal. I do suggest however that the 70% of them who signed requests for repatriation, did not do so under pressure exerted by anything we did, and that they knew well what they were doing. Their own newspaper, the 'New Canadian', through its editorial columns, warned Japanese Canadians of the seriousness of the decisions and urged them not to sign. I contend further that those who signed for repatriation at the time they did, while others were co-operating by going out to essential employment, are not deserving of very much consideration. I do not want to suggest that those in the settlements who did not request repatriation, even though they have, and continue to resist our efforts to have them relocate, should be considered as disloyal. They may not be co-operating with out policy, but that is a far cry from disloyalty. It is the 70% who signed repatriation applications to whom I refer. We can well wonder where their true allegiance lies. I say again that those requesting cancellation of their signed forms, particularly requests received after the defeat of Japan, should be carefully examined by the Loyalty Tribunal before they are granted.



May I close with this thought. I think our concern should now be concentrated on those people of Japanese origin who did not request repatriation, thereby indicating their desire to stay in Canada. The exceptions would be any where there was concrete evidence - not mere heresay - on their records, which would show that their allegiance is not to Canada but to Japan. There are almost 14,000 who have not requested repatriation. I believe our efforts to get them distributed reasonably evenly throughout Canada should be continued, using methods of persuasion and not compulsion, so as to reduce the danger of future concentrations which has led to so much bitterness and strife. As soon as we can complete the repatriation of those going to Japan, a conference will be called of all the provinces. An attempt will be made to secure agreement that those remaining in this country will be subject to no restrictions which are not applicable to all other Canadians, regardless of the province in which they may live. I feel reasonably confident that once relocated and established, inter-provincial travel restrictions will not be necessary to prevent a reconcentration in British Columbia. They have had enough of moving around and will most likely be content to remain where they are settled. Until our relocation effort has been completed after those who are going have left for Japan, and until we get an understanding with all of the provinces, I believe it will be in their own interests for some of our present regulations to remain in effect. In this way we will know exactly where they are, how the distribution is progressing, and will be better able to look after emergencies if they arise. Once the agreements are finalized with all of the provinces, the present restrictions should be discarded so that they may take their place on a basis of equality with all other citizens of the community.

---



23-2-2-5

October 6,

43.

Re: Recent Changes in Controls Over  
Japanese in Canada.

Owing to the cessation of hostilities, several changes have been made in Wartime Regulations covering movement, placement and care of Japanese evacuated from Pacific Coast protected areas.

Order in Council P.C. 3637 of August 10, 1945, transferred from the Defence of Canada Regulations to P.C. 946 (the basic Japanese Control Order) authorization for the continued internment of Japanese civilian internees, with provision for the Minister of Justice to consider applications for release as heretofore.

Order in Council P.C. 5972 of September 14, 1945, amended the Defence of Canada Regulations concerning firearms but provided for continued prohibition on Japanese possessing or carrying firearms or explosives anywhere in Canada.

Order in Council P.C. 5973 of September 14, 1945, continued the prohibition on Japanese purchasing or leasing property (for more than a year) without a permit, and transferred from the Minister of Justice to the Minister of Labour the authority to grant permits for such purchase or lease by Japanese.

Copy on 23-2-2-14

12/10/95





AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 14th day of SEPTEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under the authority of the War Measures Act, is pleased to amend the regulations established by Order in Council P.C. 946 of the 5th day of February, 1943, and they are hereby further amended by adding immediately after Regulation 3A thereof the following:

- "3B.(1) No person of the Japanese race and no Japanese company shall, except as hereinafter provided, have the capacity, after the twenty-fourth day of February, 1942, during the continuation of the state of war now existing to acquire or hold land or growing crops in Canada.
- (2) No conveyance made or executed after the twenty-fourth day of February, 1942, shall be effective to convey to or for the benefit of a person of the Japanese race or of a Japanese company any land or growing crops in Canada.
- (3) (a) Nothing in this Regulation shall deprive a person of the Japanese race or a Japanese company of capacity to hold land or growing crops acquired or held by such person or company before the twenty-fourth day of February, 1942, or acquired by such person or company after the twenty-fourth day of February, 1942, pursuant to the terms of a written contract or agreement executed before the twenty-fourth day of February, 1942, or under a will or intestacy.
- (b) Nothing in this Regulation shall deprive a person of the Japanese race of capacity to lease any building or part of a building for a term not exceeding one year or from month to month or for some lesser periodic tenancy.

The Honourable  
the Minister of Labour

*Copies to*  
*Mr. Brown*  
*Mr. Pickering*  
*Mr. Pannett*  
*Black*  
*Mr. Carr*  
*Mr. Helman*  
*Research*  
*Room*

(4)/



- (4) (a) The Minister of Labour may, if it appears to him to be in the public interest so to do, grant to a person of the Japanese race or to a Japanese company, a licence to acquire or hold land or growing crops in Canada or any interest therein which such person or company would by reason of this Regulation be denied the capacity to acquire or hold.
  - (b) A person of the Japanese race or a Japanese company to whom or to which such a licence is granted shall have the capacity to acquire or hold land or growing crops in Canada or any interest therein in accordance with the terms and conditions of such licence.
  - (c) A conveyance of land or growing crops made in conformity with any such licence shall be effective according to its terms.
- (5) Any person who after the twenty-fourth day of February, 1942, makes or executes any conveyance other than a conveyance made in conformity with a licence granted hereunder or a lease granted in accordance with sub-paragraph (b) of paragraph (3) of this Regulation, of any land or growing crops to or for the benefit of any person whom he knows to be of the Japanese race or to a company which he knows 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.
- (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.
- (6) In this Regulation:
- (a) "conveyance" shall include a gift, conveyance, transfer, agreement for sale, appointment, lease, settlement, mortgage, charge, encumbrance, or other conveyance by deed, bill of sale or other instrument made inter vivos, and "convey" shall have a meaning corresponding with "conveyance";
  - (b) "Japanese company" means any corporation of which the majority of the shares issued by the company are owned by persons of the Japanese race, or of which a majority of the directors are persons of the Japanese race;
  - (c) "land" shall include land and any real or



immovable property and any interest, legal or equitable therein and the right to possession thereof;

- (d) "person of the Japanese race" means a person wholly of the Japanese race."

A. D. Henry.

Clerk of the Privy Council.





See 23-2-2-14

Ottawa, August 18, 1945.

Mr. F. P. Varcoe,  
Deputy Minister of Justice,  
Justice Building,  
Ottawa.

Re: Restrictive Orders Affecting Japanese in Canada.

Dear Sir:

I am sending the attached sets of restrictive orders re Japanese in accordance with our conversation.

A list of the Orders is given below for convenience.

- P.C. 365 -- January 16/42 -- Minister of Justice to control enemy aliens and require evacuation of protected areas.
- P.C. 1348 -- February 19/42 -- establishes work camps for Japanese enemy aliens under control of Ministers of Labour and of Mines and Resources.
- P.C. 1457 -- February 24/42 -- prohibited Japanese buying or leasing real property without permit from the Minister of Justice, except yearly residential leases.
- P.C. 1665 -- March 4/42 -- British Columbia Security Commission to evacuate all Japanese from protected areas with full powers over residence, movement and activities. Custodian authorized to control and manage Japanese evacuee property.
- P.C. 2483 -- March 27/42 -- clarifies powers of British Columbia Security Commission and Custodian under P.C. 1665.
- P.C. 8173 -- September 11/42 -- broadens P.C. 1348 to include other persons of Japanese racial origin.
- P.C. 10773 -- November 26/42 -- provides for loss of citizenship on petition to Protecting Power or application for repatriation to enemy country.
- P.C. 469 -- January 19/43 -- broadens Custodian Powers to enable him to sell or otherwise dispose of evacuee property.
- P.C. 946 -- February 5/43 -- transfers powers of British Columbia Security Commission to the Minister of Labour who is given full control over residence, movement, employment and other activities of all Japanese in Canada.



- P.C. 9702 -- December 20/43 -- amends P.C. 1457 (Section 39E of Defence of Canada Regulations) to allow Japanese to lease buildings yearly for business purposes without permit.
- P.C. 9743 -- December 24/43 -- clarifies relation between Departmental Regulations affecting Japanese under P.C. 946 and National Selective Service Regulations.

Departmental Orders in effect (New Series).

- No. 1 -- July 30/43 -- controlling travel and change of residence.
- No. 2 -- February 19/44 -- controlling fishing by Japanese in British Columbia.
- No. 3 -- February 19/44 -- controlling use of long distance telephone by Japanese in British Columbia.

I believe that the only other restriction on Japanese imposed by the Dominion Government and still in effect is the amendment to the Election Act passed by Parliament in July 1944, withholding the federal franchise for the period of the War from Japanese evacuees who moved out of British Columbia.

The restrictions may be summarized:

- (1) Restriction on travel and change of residence.
- (2) Restriction on entering protected areas.
- (3) Restriction on control of their property within protected areas, if still unsold.
- (4) Restriction on purchasing real property.
- (5) Restriction on fishing in British Columbia.
- (6) Restriction on long distance telephoning in British Columbia.
- (7) Restriction on 415 civilian internees.
- (8) Restriction on Japanese aliens who are required to report monthly to R.C.M.P.
- (9) Restriction on federal franchise for Japanese.

Yours very truly,

A. H. Brown,  
Assistant to the Deputy Minister.

224422



Ottawa, February 19, 1945.

Mr. F. P. Varese, K.C.,  
Deputy Minister of Justice,  
Department of Justice,  
O t t a w a .

Re: J. R. 10,039-45


We have your letter of February 15th enclosing copy of recommendation to Council signed by the Minister of Justice and forwarded to Council for the amendment of Section 39E of the Defence of Canada Regulations.

In making provision for the issue of licenses to Japanese to acquire real property, we would like to have provision made whereby the authority given to the Minister of Labour to issue such licenses could be exercised by either the Deputy Minister or the Commissioner of Japanese Placement as Chief Executive and Administrative Officer for the administration of Japanese affairs. To accomplish this, we would suggest, for your consideration, that subsection six of Section 39E of the Defence of Canada Regulations be amended by adding after paragraph (c) the following:

"(cc) 'Minister of Labour' shall include the Deputy Minister of Labour and the Commissioner of Japanese Placement appointed pursuant to Order in Council P.C. 946 of February 5, 1943."

and that this amendment be provided for in the submission now going forward for the consideration of Council.

Your consideration of the foregoing will be appreciated.

  
A. MacNamara.



Could you include in the order  
in command a Japanese ordering  
article ~~to~~ to position 29E by  
the adding of the Japanese (C) the following  
"(C) Transfer of Sabour" which include  
the Deputy Transfer of Sabour  
and the Commander of Japanese Pleasure  
affairs forward to order Grand PC 946 of  
Feb 1972."





Department of Labour

17 1945

DRAFT LETTER  
YOU HANDLE  
YOUR COMMENTS  
SEE ME PLEASE  
NOTE & RETURN  
GET FILE FOR ME

PLEASE ADDRESS  
THE DEPUTY MINISTER OF JUSTICE  
OTTAWA

OTTAWA

February 15, 1945.

To: The Deputy Minister of Labour,  
O t t a w a.

J.R. 10,039-45

I enclose herewith for your  
information copy of a recommendation to  
Council which was signed by the Minister  
of Justice and forwarded to Council today.

*F.P. Varcoe*  
Deputy Minister.

Encl.

*for Council  
to review*



Ottawa, February 13th, 1945.

REPORT TO

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

---

The undersigned, with the concurrence of the Minister of Labour, has the honour to recommend

THAT, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, paragraph (b) of section (3) and paragraph (a) of section (4) of regulation 39E of the Defence of Canada Regulations (Consolidation) 1942, as amended, be revoked and the following substituted therefor, respectively,-

- (3) "(b) Nothing in this Regulation shall deprive a person of the Japanese race of capacity to lease any land, building or part of a building for a term not exceeding one year or from month to month or for some lesser periodic tenancy."
- (4) "(a) The Minister of Labour may, if it appears to him to be in the public interest so to do, grant to a person of the Japanese race or to a Japanese company, a licence to acquire or hold land or growing crops in Canada or any interest therein which such person or company would by reason of this Regulation be denied the capacity to acquire or hold."

Respectfully submitted,

"Louis S. St. Laurent"

Minister of Justice



AIR MAIL

Ottawa,  
May 27, 1944.

Mr. George Collins,  
Commissioner,  
B.C. Security Commission,  
360 Homer Street,  
Vancouver, B.C.

Dear Mr. Collins:

I enclose herewith for your information copy of Order in Council, P.C. 3777 dated May 19, 1944, which amends Regulation 39(E) of the Defence of Canada Regulations to penalize occidentals who acquire or hold property on behalf of Japanese.

Copies of this Order in Council are being sent to the various Placement Offices.

Yours very truly,

HTP/DEP  
Encl.

A. MacNamara



PRIVY COUNCIL



CANADA

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 13 OCTOBER 1944

The Committee of the Privy Council have had  
before them a report dated 4th October, 1944, from the  
Minister of Labour, representing,-

1. That pursuant to Order in Council P.C. 1665 of March 4, 1942, the British Columbia Security Commission, under date of July 7, 1942, entered into a lease as lessee with the owners of the property known as the Trites Ranch situate near Hope, B.C. and consisting of fifteen hundred acres of land, more or less, together with buildings situated thereon, for the period of the duration of the war with Japan and a reasonable time thereafter, not to exceed one year after the cessation of hostilities, at a rental of \$500. a month;
2. That the said property was leased for the purpose of accommodating approximately 2500 persons of the Japanese race evacuated from the protected area of British Columbia and, in order to provide necessary accommodation for these persons, the Commission, with the authority of the Governor-in-Council, has erected buildings thereon and made improvements thereto at a cost of upwards of \$200,000, and which buildings the said Commission is authorized under the terms of the lease to remove at any time prior to the expiry of the lease;
3. That pursuant to the provisions of Order in Council P.C. 946 of February 5, 1943, the powers, responsibilities and authority formerly vested in the British Columbia Security Commission, have been vested in the Minister of Labour;
4. That it is anticipated the final resettlement in other parts of Canada of persons of the Japanese race evacuated from the protected areas of British Columbia, or their return to Japan, as in the particular circumstances may be the case, may extend over a considerable period of time and that it will be necessary, pending their final disposition, to retain the use of some of the settlement sites in which evacuated persons of the Japanese race are presently located, including the Trites Ranch property;
5. That the owners of the Trites Ranch property, who are the executors of the Trites Estate, are anxious to realize on the property in order to wind up the estate; and
6. That in view of the large investment which the Government of Canada now has in the Trites Ranch property in the form of buildings and improvements, and the consequent necessity for protecting the same, and in view of the probability that the property will be required for use in the

The Honourable  
The Minister of Labour

administration/

*Copies to:*  
*Mr. Brown*  
*" Bammett*  
*" Black*  
*" McCord*

*Copy to Collins Oct 19th*



administration of Japanese affairs for an uncertain period of time in the future, it is considered advisable that the Government should make present provision to enable it to retain the continued use of the Trites Ranch property for as long as may be necessary for the purposes for which it is presently used.

The Committee, therefore, on the recommendation of the Minister of Labour, advise that pursuant to the provisions of Order in Council P.C. 946 of February 5, 1943, the Minister of Labour be authorized,-

(1) To acquire an option for the purchase of the property known as the Trites Ranch and now held under lease of the Minister of Labour at a price not exceeding \$80,000 exercisable within a period up to three months following the expiration of the term of the said existing lease;

(2) To pay to the owners of the said property an amount not exceeding \$2,000 as a consideration for the said purchase option;

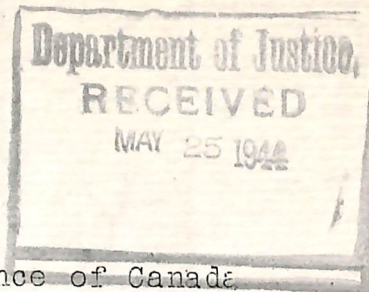
(3) To exercise the said option acquired pursuant to this Order for the purchase of the said property at such time, if ever, as the Minister of Labour in his discretion deems advisable to exercise the same in the discharge of his duties under Order in Council P.C. 946 of February 5, 1943, and to acquire the said property for the Government of Canada at a price not exceeding the maximum purchase price set out in paragraph one; and

(4) To pay any expenditures made pursuant to this Order out of the appropriation of the Department of Labour for the administration of Japanese affairs.

A. J. P. Henry.

Clerk of the Privy Council.





Order in Council amending the Defence of Canada  
Regulations.

P. C. 3797

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."

Certified to be a true copy.

A. D. P. Heeney,

Clerk of the Privy Council.



Ottawa, February 2, 1944.

Mr. George Collins,  
Commissioner,  
B.C. Security Commission,  
360 Homer Street,  
Vancouver, B.C.

I have yours of January 24th in  
reference to Order-in-Council P.C. 9702.

The amendment, of course, leaves  
the sub-section reading as follows:

"Nothing in this Regulation shall  
deprive a person of the Japanese race of  
capacity to lease any building or part of a  
building for a term not exceeding one year  
or from month to month or for some lesser  
periodic tenancy."

You are quite right in saying that  
this does give authority for the leasing of buildings  
only and would not cover the leasing of farm lands  
for farming purposes although the leasing of building  
premises would or could quite properly include the  
enjoyment and use of the land which the occupant of  
the building would ordinarily have the use and enjoy-  
ment of.

We would be quite free to say that we  
don't know why the amendment was quite so restricted  
as it is. However, we were not consulted by the  
Department of Justice as to the terms of the amendment.

A. MacNamara.



Deliver to: *Mr. A. Brown*

Room: .....

From: *A. Mac Namara*

Room: .....

Remarks: *I think we*

*should be pretty*  
*restrictive just now*



DEPARTMENT OF  
LABOUR



Department of Labour

JAN 31 1944

To: .....

<input type="checkbox"/>	DRAFT LETTER
<input type="checkbox"/>	YOU HANDLE
<input type="checkbox"/>	YOUR COMMENTS
<input type="checkbox"/>	SEE ME PLEASE
<input type="checkbox"/>	NOTE & RETURN
<input type="checkbox"/>	GET FILE FOR ME

BRITISH COLUMBIA SECURITY COMMISSION

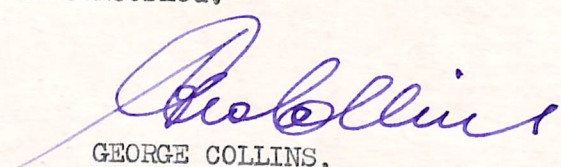
January 24th, 1944.

A. MacNamara, Esq.,  
Deputy Minister,  
Department of Labour,  
O T T A W A, Ontario.

There is a point in connection with Order-in-council P.C. 9702 which I think we will have to ask to be clarified. My interpretation has been that this Order-in-council was passed to permit persons of the Japanese race to lease buildings only. However, it has been brought to my attention in a letter received by Mr. Halonen that:

"This relaxation will permit any Japanese who care to do so to lease farms or business properties without a license and you should exercise certain discretion in seeing that there is no undue concentration of Japanese for this purpose in any one area where such concentration might create local hostility. "

Would you kindly advise me the correct interpretation of this Order-in-council insofar as the leasing of land is concerned,

  
GEORGE COLLINS,  
Commissioner.

GC/DS



Ottawa, January 4, 1944.

Mrs. M. T. O'Connell,  
B.C. Security Commission Placement Officer,  
c/o Selective Service Office,  
276 St. James St., W.,  
Montreal, P.Q.

Dear Mrs. O'Connell:

I enclose copy of Order in Council 9702 which revises P.C. 1457 (Section 39E of the Defence of Canada Regulations) by deleting the phrase in paragraph 3 (b) "for residential purposes only".

This new Order in effect permits Japanese to lease property for business or productive purposes as well as for residential purposes, and is a relaxation which should be of encouragement to the Japanese trying to re-establish themselves. Some control should be exercised over the leasing done by Japanese, however, to prevent any concentration of a number of business projects in a small area.

Mr. B. Uyeda of 5977 LaSalle Blvd., Verdun, Montreal, wrote me early in November stating that he wished to lease property to set up a dry goods business in Montreal. Would you please get in touch with him and advise him that he may now lease the necessary property

2/over



- 2 -

on a yearly basis without application to the Minister of Justice. Re purchase of the business itself, I presume that he has cleared this matter with the Wartime Prices and Trade Board. I believe that if he purchases a going concern, a W.P.T.B. licence is not required.

Yours very truly,

HTP/MM

A. MacNamara.

Enc.



Ottawa, January 4, 1944.

AIR MAIL

Commissioner George Collins,  
B.C. Security Commission,  
360 Homer Street,  
Vancouver, B.C.

I attach for your information copy of Order in Council P.C. 9702 which was recently passed on the instigation of this Department and the recommendation of the Minister of Justice.

This Order deletes the phrase "for residential purposes only" from Section 3 (b) of the old Order P.C. 1457. Thus Japanese are now permitted to lease property for business or productive purposes as well as for residential purposes on a yearly basis, without securing licence from the Minister of Justice. The above mentioned licence will, of course, still be necessary for any purchase of property as heretofore.

The placement officers at Toronto and Montreal have been given copies of this new Order in Council, and are both aware of the importance of advising Japanese against any undue concentration of business or residence in their respective areas.

HTP/MM  
Enc.

A. MacNamara.



Order in Council amending Defence of Canada Regulations  
(Consolidation) 1942.

P.C. 9702

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 20th day of DECEMBER, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL --

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, Revised Statutes of Canada, 1927, is pleased to amend the Defence of Canada Regulations (Consolidation), 1942, and they are hereby amended by revoking clause (b) of paragraph 3 of Regulation 39E thereof and substituting therefor the following:

"(b) Nothing in this Regulation shall deprive a person of the Japanese race of capacity to lease any building or part of a building for a term not exceeding one year or from month to month or for some lesser periodic tenancy."

Certified to be a true copy.

A. D. P. Heeney,

Clerk of the Privy Council.





CANADA

DEPARTMENT OF THE SECRETARY OF STATE

Ottawa, January 19, 1943.

Dear Mr. MacNamara, -

I have received your letter of the 18th enclosing the draft recommendation providing for the transfer of the powers of the British Columbia Security Commission, relative to the evacuation of Japanese from prohibited areas in British Columbia and places elsewhere, to the Minister of Labour.

I think it would be very confusing if paragraph 12 of P.C. 1665 should be re-enacted in its present form, for the following reasons:

1. The exception relating to fishing vessels was, in substance, deleted by Order in Council approved 20th July, 1942, (P.C. 6427) transferring all unfinished business of the Committee dealing with the disposition of fishing vessels to the Custodian.

2. The policy decided upon at the meeting of the Sub-Committee of Cabinet on January 11th was for liquidation of property in appropriate cases and a recommendation to that effect is already before Council. Your proposed Order would, provided the present recommendation is approved, be subsequent in date. My suggestion, therefore, is that you might delete from the revocation of P.C. 1665 paragraph 12, and revoke the other paragraphs of the Order. This course would have the advantage of not disturbing the existing Regulations in respect to the property of the persons evacuated. Since neither the British Columbia Security Commission nor its proposed successor is charged with responsibilities in respect to the property of the evacuated persons, it is not essential, in my opinion, that the new Order should make any reference to property. While it might be convenient to have all the regulations in a compact form, I would be a little afraid that we might run into some unnecessary complications.

Will you please consider these observations and let me have an expression of your opinion .

It seems to me that the advantage, from the point of view of your Department would be that you could state that you have not assumed responsibilities in connection with the property of the persons evacuated.

Yours sincerely,

A. MacNamara, Esq.,  
Associate Deputy Minister of Labour,  
O t t a w a .

A handwritten signature in dark ink, appearing to read "J. H. Macnamara", written over a horizontal line.



## CANADA

DEPARTMENT OF THE SECRETARY OF STATE

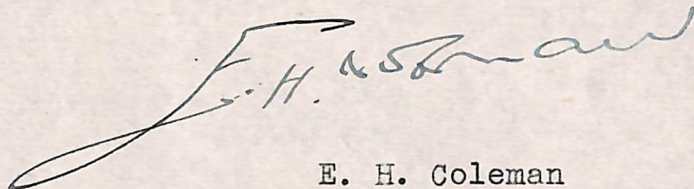
9

Ottawa, January 19, 1943.

Dear Mr. MacNamara,-

Since writing you earlier in the day it has been brought to my attention that Regulation 12 of P.C. 1665 was rescinded in P.C. 2483 of the 27th March, 1942, and a substitution made for it. I think my remarks in respect to Regulation 12 of P.C. 1665 apply with equal force to the amending Order P.C. 2483.

Yours sincerely,



E. H. Coleman  
Under Secretary of State.

7  
A. MacNamara, Esq.,  
Associate Deputy Minister of Labour,  
O t t a w a .





*File on  
Cotton-  
land  
Order  
file  
Japanese*

## 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;

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



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

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.

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

Canada/



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.

A. P. Henry.

Clerk of the Privy Council.



Ottawa, January 18, 1943.

Honourable Norman McLarty,  
Secretary of State,  
Ottawa.

My dear Colleague:-

I have read the draft of Order in Council covering certain changes in the responsibilities of the Custodian of Enemy Property with regard to the agricultural lands and fishing vessels of Japanese who have been evacuated from the protected areas of British Columbia.

The recommendations seem to be unobjectionable from the point of view of this Department.

Very sincerely yours,

Daley/HMM.

(SIGNED) HUMPHREY MITCHELL



MEMORANDUM

TO:

A. MacNamara, Esq.,  
Deputy Minister of Labour,  
Department of Labour,  
OTTAWA.

The effect of the draft recommendation is to relieve the Directors of the S. S. B. of further duties relative to approval of sale or leasing of Japanese agricultural lands and appraisal thereof (such appraisals having now been completed) thus leaving full control of such property in the hands of the Custodian of Enemy property.

P. C. 6247 of July 1942, transferring control over fishing vessels and equipment of Japanese from the Smith Committee to the Custodian of Enemy Property, is amended to give more complete effect to the intent thereof.

The recommendation appears unobjectionable insofar as the Minister of Labour is concerned.

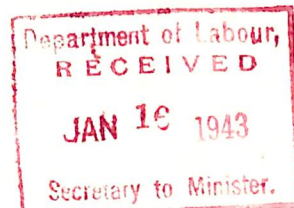
Yours very truly,



A. H. Brown.

AHB/LT  
January 18th, 1943.





THE SECRETARY OF STATE OF CANADA  
LE SECRÉTAIRE D'ÉTAT DU CANADA

Ottawa, January 15, 1943.

My dear Colleague,-

You will recollect that at the meeting on Monday of the Sub-Committee of Cabinet dealing with matters arising out of the evacuation of persons of the Japanese race from the protected areas of British Columbia, the Committee reviewed certain difficulties which have arisen in administration and came to the conclusion that certain amendments should be made to the Orders in Council regulating the responsibilities of the Custodian in respect to various types of property.

It was agreed that I should recommend to Council the necessary amending Order.

I am enclosing a draft of a recommendation which I propose to make. You will observe that the draft states that the recommendation is made with your concurrence and I hope this may be satisfactory in view of the general discussion which took place at our meeting. I shall, therefore, be pleased if you will advise me if you have any objection to the recommendation being made in the form proposed.

Yours sincerely,

Secretary of State.

The Honourable Humphrey Mitchell,  
Minister of Labour,  
O t t a w a .



TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL :

The undersigned, the Secretary of State of Canada, has the honour to report:

(1) That by Order of Your Excellency in Council approved on the 29th June, 1942, (P.C. 5523) amended by Order of Your Excellency in Council approved on the 4th August, 1942, (P.C. 8685) 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;

(2) 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;

(3) That by Order of Your Excellency in Council, approved on the 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 the 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;

(4) 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;

(5) That by Orders made by Your Excellency 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 the owner on being evacuated from the protected areas was able to take with him;

(6) 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.

The undersigned, therefore, with the concurrence of the Minister of Mines and Resources, the Minister of Pensions and National Health, the Minister of Labour and the Minister of Fisheries, has the honour to recommend that an Order, under the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, be made by Your Excellency in Council, as follows :



1. That Order in Council approved on the 29th June, 1942, (P.C. 5523) and amending Order in Council approved on the 4th August, 1942, (P.C. 5685) be revoked.

2. That paragraphs numbered 3 and 4 in Order in Council of the 20th July, 1942, (P.C. 6247) be rescinded and the following substituted therefor:

3. All right, title and interest to or in any vessels or equipment purported to have been disposed of by the said Committee are hereby vested in the Custodian as on and from the 1st August, 1942, and the Custodian is vested as on and from the 1st August, 1942, with power to complete any such purported sales and to execute any conveyances or grants requisite to convey title to the purchasers.

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.

5. That wherever, under Orders made by Your Excellency in Council under the War Measures Act, Chapter 206 of the Revised Statutes of 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 that 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.

All of which is respectfully submitted.

Secretary of State.

Ottawa, January , 1943.



DRAFT OF LETTER

FROM - Deputy Minister of Labour  
TO - Under Secretary of State.

*Mrs. C. H. Coleman, R. 6  
West Block  
Ottawa*

*Send Mr. In  
Send*

I am enclosing herewith a draft recommendation to Council providing for the transfer of the powers of the British Columbia Security Commission relative to the evacuation of Japanese from prohibited areas in British Columbia and placement elsewhere, to the Minister of Labour and the appointment of a General Supervisor as Chief Executive Officer in charge of such work. The draft order provides for the dissolution of the British Columbia Security Commission and the revocation of P.C. 1665 of March 4, 1942.

Paragraph 12 of P.C. 1665 provided for the vesting of Japanese property in the Custodian of Enemy Property.

Paragraph <sup>12</sup>~~10~~ of the enclosed draft incorporates therein the provisions of said Paragraph 12 of P.C. 1665 unchanged.

Will you please advise if the provision is satisfactory in present form.

I would appreciate it if the matter could be given early consideration.

Yours faithfully,

*OK.  
A. Burns*

January 16th, 1943.





10

DWM/DC

PLEASE ADDRESS  
THE DEPUTY MINISTER OF JUSTICE  
OTTAWA

OTTAWA January 14th, 1943.

J.R. 7451-42

Referring to your letter of December 18th relative to the position of the General Supervisor of Japanese Evacuation and Maintenance and pursuant to conversations with Mr. A.R. Brown, I enclose draft recommendation to Council designed to transfer to the Minister of Labour, in the place of the British Columbia Security Commission, the administration in relation to persons of the Japanese race, and to abolish the Commission.

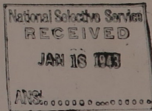
I understand that the substance is in accordance with your wishes. The enclosed draft recommendation would appear to be in proper legal form.

Enc.

*F.P. Varcoe*

Deputy Minister.

A. MacNamara, Esq.,  
Associate Deputy Minister,  
Department of Labour,  
OTTAWA.





January 13, 1943.

Mr. E.H. Coleman, K.C.,  
Under Secretary of State,  
West Block,  
O t t a w a.

Dear Mr. Coleman:

I am enclosing herewith a draft recommendation to Council providing for the transfer of the powers of the British Columbia Security Commission relative to the evacuation of Japanese from prohibited areas in British Columbia and placement elsewhere, to the Minister of Labour and the appointment of a General Supervisor as Chief Executive Officer in charge of such work. The draft order provides for the dissolution of the British Columbia Security Commission and the revocation of P.C. 1665 of March 4, 1942.

Paragraph 12 of P.C. 1665 provided for the vesting of Japanese property in the Custodian of Enemy Property.

Paragraph 12 of the enclosed draft incorporates therein the provisions of said Paragraph 12 of P.C. 1665 unchanged.

Will you please advise if the provision is satisfactory in present form.

I would appreciate it if the matter could be given early consideration.

Yours very truly,

A. MacNamara.



TO HIS EXCELLENCY

THE GOVERNOR GENERAL

IN COUNCIL:

The undersigned has the honour to report:

That 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.

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;

That the undersigned is of opinion that it is 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.

Now therefore the undersigned has the honour to recommend that Your Excellency in Council, under and by virtue of the powers conferred by the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, be pleased



to order that the following Regulations be made:

#### Definitions

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) "Deputy Minister" means the Deputy Minister of Labour;
- (d) "General Supervisor" means the General Supervisor of Japanese Evacuation and Maintenance appointed pursuant to these Regulations;
- (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, <sup>rule or regulation,</sup> 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, <sup>rule or regulation,</sup> 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 of the Minister

3. (1) The Minister may
- (i) 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;
  - (ii) 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.

(2) Notwithstanding anything contained in subsection one of this section, the power of the Minister to place any person of the Japanese race in any locality shall be restricted to making provision for the temporary placement only of such person during the state of war now existing between Canada and Japan.

#### 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 a person who is wholly of the Japanese race or 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 General Supervisor pursuant to these Regulations and purporting to be signed by the Minister, the Deputy Minister or the General Supervisor 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 General Supervisor of Japanese Evacuation and Maintenance 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 ~~of the 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) 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 <sup>advise</sup> the Minister ~~to advise him~~ 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 General Supervisor who shall be the Vice Chairman of the Board and Austin C. Taylor, Esq., of Vancouver, Shirras of and Assistant Commissioner Mead of Ottawa, Ontario, 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.

#### 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. 298 of January 13th, 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 of 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 section, 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 interest 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.

#### Departmental Assistance

13. 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 be required by the Minister, and in particular, but without restricting the generality of the foregoing, there shall be furnished to the Minister

- (a) 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.

<sup>14</sup>  
~~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 ~~and are hereby vested in and assumed by~~ His Majesty in right of Canada, 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.

<sup>15</sup>  
~~14~~. (1) Orders in Council P.C. 1665 and 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 these Regulations shall, notwithstanding the revocation 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.

<sup>16</sup>  
~~15~~. (1) The General Supervisor of Japanese Evacuation and Maintenance appointed by Order in Council, P.C. 11037 of December 3, 1942, shall be the General Supervisor for the purposes of these Regulations unless and until his appointment is revoked.

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

<sup>17</sup>  
~~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.



<sup>18</sup>  
~~18~~. 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.

<sup>19</sup>  
~~19~~. These Regulations shall come into operation on and after the day of 1943.

Respectfully submitted,

Minister of Labour.



ORDERS-IN-COUNCIL AFFECTING JAPANESE IN CANADA

<u>NUMBER</u>	<u>DATE</u>	<u>SUBJECT</u>
365	January 16, 1942	Minister of Justice empowered to control enemy aliens.
987	February 8 "	Sale of Japanese fishing boats by Smith Committee.
1271	February 17 "	Establishment of Canadian-Japanese Construction Corps.
1348	February 19 "	ESTABLISHMENT OF MINES AND RESOURCES WORK CAMPS FOR JAPANESE MEN.
1365	February 19 "	Amendment of Defence of Canada regulations as applied to naturalized Japanese.
1457	February 24 "	Prohibition to Japanese <del>for</del> leasing or buying land or crops.
1665	March 4 "	ESTABLISHMENT OF B.C. SECURITY COMMISSION.
1666	March 4 "	Appointment of B.C. Security Commission members and Advisory Board.
1968	March 16 "	Lease of part of Vancouver Exhibition Grounds (Hastings Park) as a clearing centre.
2237	March 23 "	Correction in name of Assistant Commissioner Mead.
2483	March 27 "	Control over movement of Japanese and over their property.
2541	March 30 "	RELIEF AND EMPLOYMENT OF JAPANESE.
2542	March 31 "	Deferment of organization of Canadian-Japanese Construction Corps.
2616	April 1 "	Funds for reconstruction in B.C. "ghost" towns.
2972	April 14 "	Lease of part of Vancouver exhibition grounds.
3213	April 21 "	B.C. SECURITY COMMISSION EMPOWERED TO ENTER AGREEMENTS WITH PROVINCES RE JAPANESE.
3903	May 11 "	Authority for agreement with Ontario for Japanese farm labour.
4615	June 2 "	Concurrence in agreement with Alberta re Japanese.
5151	June 18 "	Approval of expropriation of Nicola townsite.
5523	June 29 "	Director of Soldier Settlement authorized to control Japanese farm lands.
5533	June 29 "	Authority for purchase of 1,000 tents and erection of housing at Slocan, Kaslo and Nicola.



<u>NUMBER</u>	<u>DATE</u>	<u>SUBJECT</u>
5651	July 2, 1942	Lease of part of Vancouver Exhibition Grounds.
5965	July 10, 1942	Authority for additional \$30,000.00 for housing at Slocan, Kaslo, Sandon and Greenwood.
6242	July "	Transfer of control of Japanese fishing vessels from Smith Committee to Custodian of Alien Property.
6611	July 28 "	Authority for purchase of 1,000 tents from Simpson Company at total \$39,000.00
6758	July 31 "	Japanese employed by Mines and Resources and B.C. Security Commission deemed Government employees for compensation purposes.
7387	August 18 "	AUTHORITY FOR B.C. SECURITY COMMISSION TO BUILD HOUSES, PROVIDE HOSPITAL FACILITIES AND COMMUNITY IMPROVEMENTS AND AN EDUCATIONAL SYSTEM IN INTERIOR HOUSING CENTRES.
8173	September 11, 1942	Powers of B.C. Security Commission extended over all persons of Japanese racial origin.
10773	November 26 "	Loss of citizenship on application for repatriation to enemy country.
10849	December 3 "	Purchase of properties in <sup>Interior</sup> Housing Centres by B.C. Security Commission.
1/11037	December 3 "	Appointment of Collins as General Supervisor of B.C. Security Commission.
469	January 19, 1943	CONTROL OF ALL JAPANESE PROPERTY (EXCEPT LIQUID ASSETS) VESTED IN CUSTODIAN OF ENEMY PROPERTY WITH POWER TO SELL OR DISPOSE OF SAME.
946	February 5 "	DISSOLUTION OF B.C. SECURITY COMMISSION AND REVERTING OF POWERS TO MINISTER OF LABOUR WITH COMMISSIONER OF JAPANESE PLACEMENT AS CHIEF EXECUTIVE OFFICER.
1422	February 23 "	SETS ASIDE ANY B.C. LAWS, LEASES, CONTRACTS, ETC. PROHIBITING ORIENTALS FROM EMPLOYMENT IN TIMBER INDUSTRY.
1841	March 8 "	Approval of purchase of Lot 4877 in Kootenay district (Rosebery, B.C.)
2643	April 1 "	Authority for additional payment of \$13,258.64 for the 1000 tents purchased by the B.C. Security Commission.



DWM/BG



PLEASE ADDRESS  
THE DEPUTY MINISTER OF JUSTICE  
OTTAWA

OTTAWA 27th February 1942

J.R. 6586-42

Dear Sir:

As requested in your letter of February 24, I enclose herewith copy of Order in Council P.C.1457 of February 24, 1942 which prohibits the acquisition of land by any person of the Japanese race after the date of that Order.

Yours truly,

Deputy Minister.

A. MacNamara, Esq.,  
Associate Deputy Minister,  
Department of Labour,  
O t t a w a.

Enc.





AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of DECEMBER, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Labour reports with reference to Order in Council, dated March 4, 1942, (P.C. 1665), which empowers the British Columbia Security Commission, inter alia, to hold property, real or personal, but orders that no real property shall be purchased by the Commission, except with the approval of the Governor in Council,-

1. That he is advised by the said Commission that,-

(a) in order properly to house and care for the several thousand persons of Japanese race which it is evacuating from the protected areas of British Columbia to abandoned mining townsites in the interior of that Province, it is expedient for the Commission to acquire title to sufficient building sites in and about said townsites on which to erect buildings additional to those now available there and necessary for said purposes,

(b) the Commission, having firm offers from the owners of the properties described in paragraph 2 hereunder to sell said properties to it at the prices therein set forth, that said properties are well located for the required purposes and that said prices are all reasonable,

(c) several of said properties contain considerable stands of timber, most of which can be expeditiously and economically processed by the Commission for the aforesaid building purposes and for fire-wood now urgently required for the evacuees,

(d) the work of cutting, processing and moving said timber will provide desirable employment for many of the evacuees;



2. That the names and addresses of the vendors, the legal descriptions and the quoted sales prices of the properties above referred to are as follows:

(1) Hugh William Robertson, Broker, Nelson, B.C.

<u>Legal Description:</u>	<u>Purchase Price</u>	
Lots A & B, Block 3 )	\$3,500.00	
" A & B, " 4 )		
" A & B, " 6 )		
" A & B, " 7 )		
" A & B, " 8 )		
" A & B, " 9 )		
" " 10 )		
" " 11 )		
" " 12 )		
" " 13 )		
" " 14 )		
" " 15 )		
All in Lot 382, Kootenay District, Plan 1002. (349.55 acres)		

(2) Robert Bruce Kirk, Miner, 1629 Haro Street, Vancouver, B.C.

<u>Legal Description:</u>	<u>Purchase Price</u>
All the unsubdivided balance of Lot 549, Kootenay District, Plan 557. (80 acres more or less)	\$1,000.00

(3) Denis St.Denis, Trustee of the Estate of Lingle & Johnson, Authorized Assignors. (St.Denis is the Manager of the Nelson Civic Centre, Nelson, B.C.)

<u>Legal Description:</u>	<u>Purchase Price</u>
Lots 19, 20 & 21, of Lot 381, G. 1, and that portion of Lot 395, G. 1, Kootenay District, as described in Cert. of Title #38458-I, registered in the Land Registry Office, Nelson, B.C.	\$ 500.00
	Plus taxes 180.00

(Property adjoins City of Slocan & comprises approx. 100 acres).

(4) Corporation of Slocan City.

<u>Legal Description:</u>	<u>Purchase Price</u>
Lots 1 & 2, Block 12, District Lot 292, G. 1, Kootenay District, plan 496	\$ 110.00

(5) Colin Clifford, Accountant, New Denver, B.C.

<u>Legal Description:</u>	<u>Purchase Price</u>
Lots 1 & 2, Block B, Lots 1 & 2, Block C, All of Block D, all of Block E, Lots 1 & 2, Block 1 and lots 1 & 2, Block 2, all in Lot 549, Kootenay District, Plan 557.	\$ 100.00

(6) Andrew Jacobson, Hotel Proprietor, New Denver.

<u>Legal Description:</u>	<u>Purchase Price</u>
	\$ 31.00



Block 24, of Lot 549, Kootenay District,  
Plan 557. (Purchase price \$1.00 plus unpaid taxes)

- (7) Arnold Francis, Physician & Surgeon, New Denver, B.C.

Legal Description:

Purchase Price \$75.00

Block 32, Lot 549, Kootenay District,  
Plan 557.

- (8) Government of the Province of British Columbia:

Legal Description:

Purchase Price \$110.00

Lots 1-36, Block 2, Lots 1-20, Block 17,  
" 1-29, " 3, " 1-12, " 18,  
" 1-14, " 8, " 1-40, " 19,  
" 1-21, " 9, " 11-40, " 22,  
" 1-40, " 12, " 1-6, " 23,  
" 1-22, " 13, " 1-14, " 24  
" 1-16, " 14,

Plan 569, Townsite of Roseberry.

- (9) Government of the Province of British Columbia.

Legal Description:

Purchase Price \$ 70.00

Blocks 23 & 25, Part of D.L. 549, Plan 557, &  
Blocks 7, 8 & 9, D.L. 432, Government Map,  
New Denver.

- (10) Zincton Mines Limited, Head Office, Stock Exchange  
Building, Vancouver, B.C.

Legal Description:

Purchase Price \$100.00

Lots 1 to 14, Block 4, Lots 1 to 16, Block 7,  
Town of Roseberry, Plan 569.

- (11) Halcyon Carson, wife of E.C. Carson, of 625 Elliott Street,  
Victoria, B.C.

Legal Description:

Purchase Price \$450.00

Block 27, D.L. 549, Plan 557, New Denver.

- (12) Henry Aylwin, Retired, and Elizabeth Mary Aylwin, Spinster,  
both of New Denver, B.C.

Legal Description:

Purchase Price \$450.00

Block 28, D.L. 549, Plan 557, New Denver.

- (13) Joseph Chmelar, Section man, New Denver.

Legal Description:

Purchase Price \$1,500.00

North 1/2 of Block 30, & all of Blocks 26, 29 &  
31, D.L. 549, Plan 557, New Denver

\$8,176.00



3. That the aforesaid Commission has requested that formal approval be granted for the purchase by it of the aforementioned properties at the respective prices above set forth.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under authority of the War Measures Act (Chapter 206 of the Revised Statutes of Canada, 1927), is pleased to approve and doth hereby approve the purchase by the British Columbia Security Commission of the properties described in paragraph 2 above, at the respective prices therein set forth.

A. J. P. Henry.

Clerk of the Privy Council.



Order in Council stating that persons repatriated to enemy territory in time of war should not be allowed to retain their status as British Subjects or as Canadian Nationals

P.C. 10773

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of NOVEMBER, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Secretary of State, with the concurrence of the Secretary of State for External Affairs, reports that arrangements have been made with the Japanese Government for the repatriation of persons of Japanese race, together with their wives and minor children, from Canada to Japan in exchange for Canadian nationals and other persons repatriated from Japan and Japanese-occupied territory to Canada;

That it is possible that similar arrangements may be made from time to time with the governments of other enemy states; and

That it is undesirable that any persons so repatriated to enemy territory in time of war should be allowed to retain their status as British subjects or as Canadian nationals;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State, 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) Any person who is a British subject by reason of marriage, or by reason of birth or naturalization in Canada, or by reason of the birth or naturalization of his father in Canada, and who makes application for repatriation to any country which at the time of the application is at war with Canada, shall, as from the date of his departure from Canada for repatriation, cease to be a British subject, and any person who is a Canadian national but not a British subject, who makes application for repatriation to any country which at the time of the application is at war with Canada, shall, as from the date of his departure from Canada for repatriation, cease to be a Canadian national.

(b) The wife and minor children of any person who ceases to be a British subject by virtue of paragraph (a) of this clause, shall, if they are included in that person's application for repatriation, cease to be British subjects as from date of their departure from Canada.

(c)



P.C. 10773

(c) Notwithstanding the provisions of section 15 of the Naturalization Act, Chapter 138 of the Revised Statutes of Canada, 1927, a minor child of a person who ceases to be a British subject by virtue of paragraph (a) of this clause, shall not cease to be a British subject by reason only that his parent has ceased to be a British subject, unless he is included in his parent's application for repatriation and actually departs from Canada.

2. (a) Any person who is a British subject by reason of marriage, or by reason of birth or naturalization in Canada, or by reason of the birth or naturalization of his father in Canada, and who makes application for protection to the Protecting Power of a state at war with Canada, or who asserts allegiance to such state, or who makes application for repatriation to such a state but is not so repatriated, may, in the discretion of the Secretary of State, be deprived of his status as a British subject, and any other person who is a Canadian national and who applies for protection or repatriation as aforesaid may, at the discretion of the Secretary of State, be deprived of his status as a Canadian national.

(b) The wife and minor children of a person who is deprived of his status as a British subject, or of his status as a Canadian national, under paragraph (a) of this clause, may, in the discretion of the Secretary of State, be deprived of their status as British subjects.

3. The Secretary of State shall publish in the Canada Gazette the names of all persons who have lost their status as British subjects or as Canadian nationals by virtue of this Order in Council.

Certified to be a true copy.

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



Order in Council establishing regulations re agricultural  
land owned by Japanese.

P. C. 5523

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 29th day of JUNE, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Mines and Resources and the Minister of Pensions and National Health report that persons of the Japanese race ordinarily resident in the protected areas of British Columbia have been required by Orders of the Minister of Justice, under Regulation 4 of the Defence of Canada Regulations (Consolidation) 1941, to leave such protected areas;

That many such persons of the Japanese race were or are engaged in agriculture and have been or shall be compelled to abandon farming operations on lands owned by them or by companies which they control;

That it is in the public interest to ascertain the actual number of such Japanese farms, to carry out an appraisalment of their fair present day value, and to consolidate the control of the disposition of these lands by sale, lease, or otherwise;

AND WHEREAS the Ministers are of opinion that by reason of the state of war now existing it is advisable for the security, peace, order and welfare of Canada to make provision for the matters aforesaid;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and the Minister of Pensions and National Health and under the authority of 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:-

- R E G U L A T I O N S -

1. In these regulations, unless the context otherwise requires:

(a) "Director" means the Director of Soldier Settlement of Canada;

(b)/



P. C. 5523

- (b) "Japanese Company" means any corporation of which the majority of the shares issued by it are owned by persons of the Japanese race, or of which the majority of the directors are persons of the Japanese race;
- (c) "Agricultural land" means land and any real or immovable property and any interest, legal or equitable therein, and the right to possession thereof, situated otherwise than within the boundaries of any incorporated city or town;
- (d) "Minister" means the Minister of Mines and Resources;
- (e) "person of the Japanese race" means any person wholly of the Japanese race;
- (f) "protected area in British Columbia" means any area in the province of British Columbia, now or hereafter declared, pursuant to the provisions of Regulation 4 of the Defence of Canada Regulations (Consolidation) 1941, to be a protected area for the purposes of such Regulation.

2. Except with the approval in writing of the Director and in accordance with any terms or conditions therein set out, no person shall, after the date hereof,

- (i) purchase, lease or otherwise acquire or agree to purchase, lease or otherwise acquire, or
- (ii) either for himself or on behalf of the owner, sell, lease or otherwise dispose of or agree to sell, lease or otherwise dispose of,

any agricultural land in a protected area of British Columbia, owned by any person of the Japanese race or by any Japanese Company.

3. The Director may, in his sole discretion, refuse to approve or approve, either unconditionally or subject to such terms or conditions as to him seem fair and reasonable, the purchase, sale, lease or other acquisition or disposition, or any agreement therefor, of any agricultural land in a protected area of British Columbia owned by any person of the Japanese race or by any Japanese company.

4. The Director shall cause an appraisal to be made of the fair present-day value of all agricultural lands in any protected area of British Columbia owned by persons of the Japanese race or by Japanese companies, and shall report thereon to the Minister.

5. Any person authorized in writing by the Director to act as an inspector under these regulations may, for the purpose of making any appraisal under the last preceding section, or for the purpose of ascertaining whether any person of the Japanese race or any Japanese company is the owner of any agricultural land in a protected area of British Columbia, or for the purpose of determining whether the provisions of these regulations are being or have been complied with,

(i)/



P. C. 5523

- (i) enter at all reasonable times and inspect any agricultural land in a protected area of British Columbia, owned by any person of the Japanese race or by any Japanese company, or which is reasonably believed by such inspector to be or to have been owned by any such person or company;
  - (ii) examine orally any person occupying or having any interest in agricultural land in a protected area of British Columbia, which is reasonably believed by such inspector to be or to have been owned by a person of the Japanese race or a Japanese company;
  - (iii) require any person occupying or having any interest in agricultural land in a protected area of British Columbia, which is reasonably believed by such inspector to be owned by a person of the Japanese race or a Japanese Company, or having in his possession any documents relating to any such land, to furnish any information in his possession or such documents to such inspector.
6. The production by any person of any document purporting to be signed by the Director and purporting to authorize such person to act as an inspector under these regulations, shall be evidence of the authority of such person to act as an inspector.
7. Any person,
- (i) who purchases, leases, or otherwise acquires, or sells, leases or otherwise disposes of or agrees to purchase, lease or otherwise acquire, or to sell, lease or otherwise dispose of, any agricultural land in any protected area of British Columbia, owned by any person of the Japanese race or by any Japanese company otherwise than in accordance with these regulations; or
  - (ii) who wilfully delays or obstructs an inspector in the exercise of any power conferred upon him under these regulations; or
  - (iii) who fails to give any information or to produce any documents in his possession if required to do so under these regulations; or
  - (iv) who refuses to reply to any reasonable question asked him by an inspector acting under these regulations,
- shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

8. The burden of proof that any purchase, sale, lease or other acquisition or disposition, or any agreement therefor, of any agricultural land in a protected area of British Columbia, is not a violation of any of the provisions of these regulations, shall be upon the accused.

9. Nothing in these regulations shall be deemed to apply to, or to affect enemy property as defined by the CONSOLIDATED REGULATIONS RESPECTING TRADING WITH THE ENEMY (1939).

10. All expenses or costs incurred by the Director in connection with this Order shall be payable out of the moneys appropriated by Parliament to carry out measures deemed necessary in consequence of a state of war.

Sgd. A.D.P. Heeney  
Clerk of the Privy Council.



June 24, 1942

For the Consideration of the Minister

Re: Japanese Evacuation

Temporary Housing

1. That in Slocan City, Kaslo and Nicola the British Columbia Security Commission proceed to build 50 houses at each place at a cost of approximately \$300 per house.
2. That in addition tents will be obtained and will be used for temporary housing in these three towns. Every effort will be made to get at least 1000 tents. Tents to be floored and walled and doors put on.
3. Under the two plans above, provision to be made for a total of 1000 families or between 5000 and 6000 individuals.
4. Japanese to be sent as family units. The men of the families will be temporarily accommodated in the tents to be used for constructing the houses.
5. Total cost of the above plan to be in the neighbourhood of \$100,000.
6. The understanding being that the families will be located in these towns and re settled on farms as soon as possible.

Farm Placement

1. That the plan of placing Japanese on farms will be proceeded with just as rapidly as possible but, in view of the fact that they will be settled as individual families, this cannot be done rapidly.
2. That we will rely on provincial officials and authority to make the actual farm settlements with such assistance from the Dominion as they require.
3. That the plan for farm settlement will be sufficiently all-embracing to include (a) settlement on specified farms and a contract with an individual farmer and, (b) settlement in empty houses in small villages or wherever they can be



obtained on the basis of the British Columbia Security Commission agreeing to pay a reasonable rent in order that the employable members of the family can obtain the work that is available in the community.

Indian Schools.

That use will be made of the Edmonton Residential School during the summer of 1942 on the understanding that arrangements will be made with the United Church of Canada Home Mission Board to simply house and feed the number of families which can be accommodated in the present building. Arrangements have to be made with the Home Mission Board on the basis of a rate per month. The plan to be that the families so housed will be moved not later than the end of September. This school can be used as a clearing station for families to be settled on farms. A total of 50 families can probably be accommodated.

The foregoing is recommended by Assistant Commissioner Mead, Dr. Hodgins and Colonel Goodwin Gibson after several conferences at Ottawa and after conferring with the provincial authorities at Toronto. It is presented as a skeleton plan with the recommendation that the British Columbia Security Commission feel free to vary and extend it as circumstances demand.

RECOMMENDED

APPROVED

(sgd.) A. MacNamara  
Associate Deputy Minister

Minister



AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 24th day of FEBRUARY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by reason of the existence of a state of war between Canada and Japan, it is necessary for the security, defence, peace, order and welfare of Canada to regulate in certain respects the activities in Canada of persons of the Japanese race and of Japanese controlled companies;

AND WHEREAS for this purpose it is deemed advisable to regulate the acquisition of land or any interest therein or growing crops in Canada by persons of the Japanese race and by such companies;

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, R.S.C. 1927, is pleased to amend the Defence of Canada Regulations (P.C.5295) (Consolidation) 1941, and they are hereby amended 15 July, by adding thereto the following regulation as 1941. Regulation 39 E.

39 E.(1) No person of the Japanese race and no Japanese company shall, except as herein-after provided, have the capacity, after the date of this regulation, during the continuation of the state of war now existing, to acquire or hold land or growing crops in Canada.

(2) No conveyance made or executed after the date of this regulation shall be effective to convey to or for the benefit of a person of the Japanese race or of a Japanese company any land or growing crops in Canada.

(3) (a) Nothing in this regulation shall deprive a person of the Japanese race or a Japanese company of capacity to hold land or growing crops acquired or held by such person or company before the date of this regulation or acquired by such person or company after the date of this regulation pursuant to the terms of a written contract or agreement executed before the date of this regulation or under a will or on intestacy.

(b)/



P. C. 1457

(b) Nothing in this regulation shall deprive a person of the Japanese race of capacity to lease any building or part of a building for residential purposes only, for a term not exceeding one year or from month to month or for some lesser periodic tenancy.

(4) (a) The Minister of Justice may, if it appears to him to be in the public interest so to do, grant to a person of the Japanese race or to a Japanese company, a licence to acquire or hold land or growing crops in Canada or any interest therein which such person or company would by reason of this regulation be denied the capacity to acquire or hold.

(b) A person of the Japanese race or a Japanese company to whom or to which such a licence is granted shall have the capacity to acquire or hold land or growing crops in Canada or any interest therein in accordance with the terms and conditions of such licence.

(c) A conveyance of land or growing crops made in conformity with any such licence shall be effective according to its terms.

(5) Any person who after the date of this regulation, makes or executes any conveyance other than a conveyance made in conformity with a licence granted hereunder or a lease granted in accordance with subsection (b) of section 3 of these regulations, of any land or growing crops to or for the benefit of any person whom he knows to be of the Japanese race or to a company which he knows to be a Japanese company shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$500.00 or to imprisonment for a term not exceeding three months.

(6) In this regulation:

(a) "Conveyance" shall include a gift, conveyance, transfer, agreement for sale, appointment, lease, settlement, mortgage, charge, encumbrance, or other conveyance by deed, bill of sale or other instrument made inter vivos, and "convey" shall have a meaning corresponding with "conveyance."

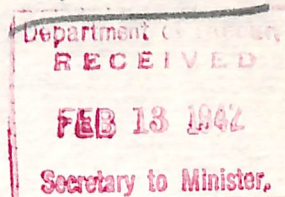
(b) "Japanese company" means any corporation of which the majority of the shares issued by the company are owned by persons of the Japanese race, or of which a majority of the Directors are persons of the Japanese race.

(c) "Land" shall include land and any real or immovable property and any interest, legal or equitable therein and the right to possession thereof.

(d) "Person of the Japanese race" means, as well as any person wholly of the Japanese race, 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 pursuant to Order in Council P.C. 9760 of December 16, 1941.

Sgd. A.D.P. Heeney  
Clerk of the Privy Council.



*Files*

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/



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.