

miss and
we had a
Fall last
or summer or this
Pls attach

an

Q

from the Bureau

As requested herewith

copy of draft of some

sections. Will discuss at
your convenience.

J. B. Smith

FILE NO. 23-2-19.

CHARGED OUT

TO

RETURNED

NOV 8

~~Findlayson~~

DEC 21 1946

JAN - 3 1948

Brown

JAN 17 1948

Delivered to: ..Mr. Brown.....

Room:

From:A. MacNamara.....

Room:

Remarks: In looking the proposed

draft re Japanese I was wondering about Section 5. I think we might eliminate this. It seems to me that this is the section which might raise more debate than any other.

Dec-20/46

DRAFT II (Alternative)

10 - 11 GEORGE VI
Chapter

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

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

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

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

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

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

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

Short Title

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

Interpretation

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

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

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

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

3. The Minister may

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

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

General

5. Notwithstanding anything contained in this Act no displaced person shall settle in, or be permitted to settle in the coastal area of British Columbia.

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

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

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

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

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

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

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

10. Any person who contravenes or omits to comply with any of the provisions of this Act or any regulation or order made or given pursuant thereto is guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

11. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Act and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

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

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

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

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

Page 5	11. (1)
" 7	17 (1)
" 8	17 (4)
" 10	29 (1)
" 18	52. (1)(a)
" 26	74 (1)(L)
" 27	76

DRAFT II (Alternative)

10 - 11 GEORGE VI
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Persons of the Japanese Race

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- (d) "coastal area" means that area of the Province of British Columbia including all islands west of a line commencing at Boundary Point No. 7 on the International Boundary between the Dominion of

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- (b) employ persons of the Japanese race in the operation of any housing or employment projects or hostels administered or operated by the Department of Labour for the purposes of this Act, at such wage rates and terms as he deems advisable;
- (c) make rules or regulations governing the welfare, conduct or discipline of persons of the Japanese race in any hostel, camp or housing project administered or operated by the Department of Labour for the purposes of this Act;
- (d) make arrangements with any department or agency of the Government of Canada to assist in the administration of this Act;
- (e) with the approval of the Governor in Council enter into an agreement with any province with respect to any of the matters enumerated in this section.

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

General

5. Notwithstanding anything contained in this Act no displaced person shall settle in, or be permitted to settle in the coastal area of British Columbia.

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

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

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

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

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

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

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

10. Any person who contravenes or omits to comply with any of the provisions of this Act or any regulation or order made or given pursuant thereto is guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

11. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Act and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

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

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

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

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

TO: CENTRAL REGISTRY,
Roc [REDACTED] Conf. Bldg.

Please place attached on file

43-2

~~CONFIDENTIAL~~

H.T. Pammett.

B.F.

P.A.

MEMORANDUM TO THE SUB-COMMITTEE OF CABINET
ON JAPANESE AFFAIRS:

Progress Report on Japanese Repatriation
and Relocation.

I. Repatriation

(a) A total of 1774 voluntary Japanese repatriates have been returned to Japan on two ships leaving Vancouver on May 31 and June 16 of this year. The total consists of 1230 adults and 544 children.

(b) A third boatload of 1300 voluntary repatriates will sail around August 2.

(c) In addition, a fourth boat will probably be required for a further 300 to 600 volunteer repatriates but shipping accommodation for same before the end of August appears unlikely.

II. Relocation

(a) A number of former service quarters have been taken over from National Defence to establish hostels for Japanese moved from the settlements in British Columbia for relocation between Saskatchewan and the Maritimes. Hostels have been established as follows:

Moose Jaw, Sask.	--	maximum accommodation	400
Winnipeg, Man.	--	maximum accommodation	200
Neys, N. Ont.	--	maximum accommodation	800
Farnham, Que.	--	maximum accommodation	200

There is also hostel accommodation for some 100 at Toronto and London, Ontario. Family groups are being moved to these hostels and relocated as quickly as local employment and accommodation is found for them.

(b) Movement out of British Columbia settlements to points east has been heavy in the past three months. Figures from April 1 to June 30 are as follows:

To Alberta	--	470
To Saskatchewan	--	21
To Manitoba	--	114
To Ontario	--	1118
To Quebec	--	173
To Prince E. Island	--	7

Total 1973

Movement in July will include several hundreds coming East to the Neys, Ontario and other newly-opened hostels, and at least 400 into Saskatchewan.

(c) There were 14,695 Japanese in British Columbia at March 31, 1946, which was reduced to 10,838 at June 30. The number in the British Columbia Housing Projects at March 31, 1946, was 9,645, and at June 30 had decreased to 5,595. The number in these settlements will be still further reduced by 1,300 persons sailing for Japan about August 2, as well as the hundreds who will move East. It is estimated that the number remaining in our settlement centres in British Columbia may be reduced to 2,500 or 3,000 by Autumn. The Department of Labour is now in the process of closing several British Columbia Housing Projects as the people move out.

(d) The biggest obstacle at the present time to the resettlement of Japanese east of the Rockies and especially in Eastern Canada remains the lack of housing accommodation close to available employment.

III. Legislation

The Department of Labour recommended that legislation be brought in at the present Parliamentary Session to re-enact in statutory form the provisions of the existing Orders-in-Council for the relocation of Japanese in Canada and for control over their movements and residence during the period of relocation. The Cabinet decided that all emergency Orders covering Japanese including those relating to relocation in Canada should stand over for re-examination after the present Session and that no legislation be introduced at this Session on this subject.

July 16, 1946.



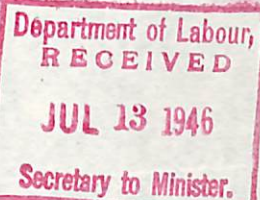
CANADA

CONFIDENTIAL

PRIVY COUNCIL OFFICE

CABINET SECRETARIAT

Ottawa, July 12th, 1946.

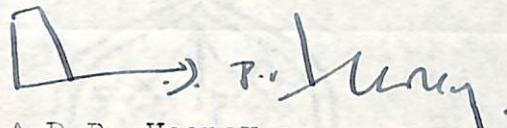


The Honourable Humphrey Mitchell, M.P.,
Minister of Labour,
Ottawa.

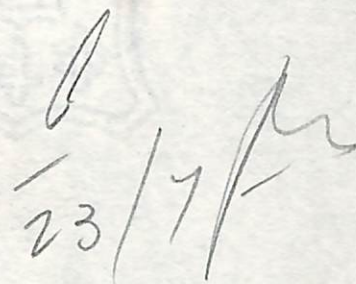
Dear Mr. Mitchell:

You will recall that, at yesterday's meeting of the Cabinet, during the discussion of the disposition of Orders in Council under emergency powers, it was agreed that all emergency Orders dealing with persons of Japanese race, including those relating to re-location in Canada, stand over for re-examination after the present session and that no legislation be introduced this year on this subject.

Yours sincerely,



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



TO: CENTRAL REGISTRY,
Room  Conf. Bldg.

Please place attached on file

23-2-19

H.T. Pammett.

B.F.

P.A.

Ottawa, July 9, 1946.

CONFIDENTIAL

Mr. A. D. P. Heesey,
Privy Council Office,
East Block,
O t t a w a.

Change

Dear Mr. Heesey:

I have your letter of July 5th with reference to legislation originating from this Department for introduction at the present session of Parliament. I beg to comment as follows:

1. It is agreed that the Bill to amend the Vocational Training Co-ordination Act need not be brought forward at the present session of Parliament.

2. The Bill to provide for repatriation and resettlement of persons of Japanese race. While it is not proposed by this Department that legislation should be brought in at this session of Parliament to re-enact in statutory form the provisions of existing Orders in Council with respect to the repatriation of Japanese, it is the opinion of the Department that legislation re-enacting in statutory form the provisions of existing Orders in Council which authorize the Minister to carry out the relocation of Japanese in Canada and to provide for measures of control over movement during the course of such relocation programme, should be introduced for the following reasons:

(a) Relocation will not be completed during the lifetime of the present Orders in Council. It is unlikely that relocation will be completely carried out before the end of next year.

(b) In order to carry out the relocation programme, it will be necessary for the Department to have continued authority over movement of Japanese for a further period of time otherwise the group in British Columbia will simply move back to the

*re Labour
legislation
bills
Ambery*

11/7/46

coastal area and large groups in other parts of Canada will have a tendency to move into the large centres of population and in this way precipitate further difficulties. The position of the Japanese presently located in Southern Alberta is not as yet clarified.

In these circumstances, since legislation will be required in any event, it seems advisable that this legislation should be brought in at the present session of Parliament rather than to face the possibility of being left without any controls for a period of time at least after the present Orders in Council expire.

Yours sincerely,

(SIGNED) HUMPHREY MITCHELL

1-23
↑
Change

Ottawa, July 5th, 1946.

The Honourable Humphrey Mitchell, M.P.,
Minister of Labour,
Ottawa.

Dear Mr. Mitchell:

You will recall that, at yesterday's meeting of the Cabinet, the remaining legislation for the present session was reviewed.

With respect to legislation originating from your department, it was agreed that the following be reviewed with the object, if possible, of deferring introduction until a later session:

- bill to provide for repatriation and re-settlement of persons of Japanese race;^x
- bill to amend the Vocational Training Coordination Act.

It was also agreed that, with respect to proposed bills, to replace existing authorities (indicated by ^x above) under the National Emergency Transitional Powers Act which it was desired to have continued be reviewed in the light of the decision taken respecting amendment of that statute.

Would you be good enough to let me know what decision is reached with regard to the above legislation.

Yours sincerely,

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

re proposed legislation

4/12/7/12

Department of Labour
MEMORANDUM

Privy Council Office

JUL 6 1946
Ottawa..... July 5, 1946.....

To:.....

Mr. MacNamara:

For information.

DRAFT LETTER

YOU HANDLE

SEE ME PLEASE

NOTE & RETURN

GET FILE FOR ME

178.

A.D.P.H.

ASST. CLERK



CANADA

PRIVY COUNCIL OFFICE

Confidential Department of Labour,
RECEIVED
JUL 6 1940
Secretary to Minister.

CABINET SECRETARIAT

Ottawa, July 5th, 1946.

The Honourable Humphrey Mitchell, M.P.,
Minister of Labour,
Ottawa.

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Yours sincerely,

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

Mac
H.M.

TO: CENTRAL REGISTRY
Room 7, Conf. Bldg.

Please place attached on file

23-2-19

H.T. Pammett.

B.F.

P.A.

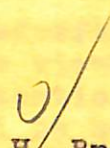
May 13

46.

to Mr. MacNamara.

In accordance with your request,
I have made an alternative draft of the
Japanese Bill and the attached are mimeographed
copies of the same.

Attached is a memo for your signature
to Mr. Wood giving instructions to call a
meeting of the Sub-Committee of the Cabinet to
discuss this matter.


A. H. Brown.

May 13

46.

to Group Captain B. F. Wood.

Will you arrange for a meeting of the Sub-Committee of the Cabinet on Japanese to consider proposals relating to the draft Bill on Japanese at as early a date as possible?

We have drafted an alternative Bill on this matter which represents the views of this Department as to what should be put forward by way of legislation at this session of Parliament.

The Bill thus redrafted conforms pretty closely also to the views expressed by Mr. Robertson. The intention is that the two alternative Bills will be before the Cabinet Committee for consideration.

Enc.

A. MacNamara.

AM:MM

Ottawa, May 10, 1946

01
Mr. H. B. Woods,
Deputy Minister of Veterans Affairs,
O t t a w a

Dear Mr. Woods:

I attach copy of letter from Mr. Mackenzie.
It has a bearing on the recent bill.

I am not sending you the inclosure referred
to.

Yours very truly,

Encl.

A. MacNamara

no inclosure sent

[Handwritten signature]

AM:MM

Ottawa, May 13, 1946

1
0
✓
Mr. N. A. Robertson,
Under Secretary of State for
External Affairs,
O t t a w a

Dear Mr. Robertson:

You will be interested in the attached
copy of letter from the Attorney General of British
Columbia addressed to Honourable Ian A. Mackenzie.

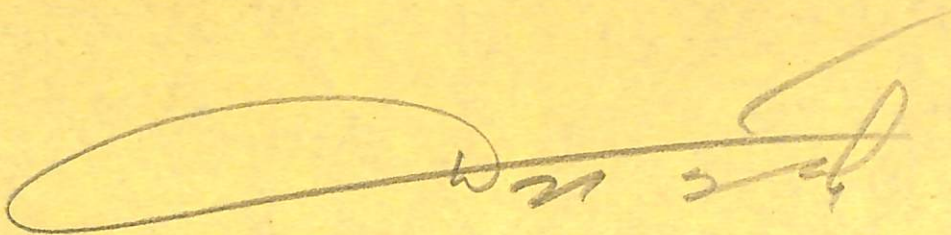
The Attorney General presents quite a
good argument.

Yours very truly,

Encl.

A. MacNamara

*re deputation
Bill*



Deliver to: ... Steno Pool

Room:

From: A. MacNamara

Room:

Remarks: Will you please make 3
copies of copy of letter to Hon. Ian
Mackenzie from Attorney General for
B.C. and return to Mrs. McBride.

15

Deliver to: ~~Mr. Brown~~

Room:

From: A. MacNamara

Room:

Remarks: To note, I don't know that any reply from us is indicated.

The Atty Gen. has just forwarded the argument in favor of including deportation provisions in the bill, very well. Perhaps the cabinet committee members should have a copy. *A. Brown*



CANADA

MINISTER OF VETERANS AFFAIRS

OTTAWA, 7th May, 1946.

Wogent

My dear Colleague,-

I herewith enclose copy of letter from the Attorney-General of British Columbia re Japanese situation.

I acknowledge receipt of your proposed Bill, and would hope to have this discussed as soon as possible. It is a good Bill.

Yours sincerely,

The Honourable Humphrey Mitchell,
Minister of Labour,
Ottawa.



C O P Y

OTTAWA, 6th May, 1946.

The Honourable Ian A. Mackenzie,
Minister of Veterans Affairs,
OTTAWA, Canada.

Dear Mr. Mackenzie:-

On the 15th day of December, 1945, His Excellency the Governor General in Council, by P.C. 7355, 7356 and 7357, made provision for the deportation to Japan of Japanese nationals and other named persons of the Japanese race. These Orders were passed under the authority of the War Measures Act, and constituted the announced policy of the Government in connection with Japanese resident in Canada.

Following the adoption of the Orders, representations were made to the Minister of Justice, by and on behalf of a number of Canadian organizations and societies, expressing the opinion that the Orders were ultra vires, and requesting a reference to the Supreme Court of Canada to test the question, and an action was commenced against the Attorney-General of Canada for declaration that the Orders-in-Council were ultra vires.

Accordingly, His Excellency the Governor General in Council submitted the question to the Supreme Court of Canada for hearing and consideration, and on the 20th day of February, 1946, that Court gave answers to the questions, as set out in the Certificate of the Registrar dated the 20th day of February, 1946.

There was considerable difference of opinion in the Court.

The Honourable Ian A. Mackenzie ..

-2-

The Chief Justice, Kerwin and Taschereau, JJ., were of opinion that the Orders in Council in question were not ultra vires of the Governor in Council, either in whole or in part.

Hudson and Estey, JJ., were of opinion that the Orders in Council were not ultra vires of the Governor in Council, with the exception of paragraph 4 of Section 2 of P.C. 7355.

Rand, J., was of opinion that -

"(1) Order in Council 7355 is not ultra vires of the Governor in Council in relation to Japanese nationals and to persons of the Japanese race, naturalized under the Naturalization Act of Canada, as well as to persons voluntarily leaving Canada; but is ultra vires in relation to the compulsory deportation of natural born British subjects resident in Canada, and of wives and children under 16 who do not come within the first two classes; and that

(2) Order in Council 7356 is not ultra vires insofar as it takes away incidental rights and privileges of persons of the Japanese race as Canadian nationals; but that it is ultra vires of the Governor in Council to the extent that it purports to revoke the naturalization of such persons under the Naturalization Act; and that

(3) Order in Council 7357 is not ultra vires of the Governor in Council, subject to the observance of the requirements of the Naturalization Act as to grounds for the revocation of naturalization."

Kellock, J., was of opinion that -

"(1) Order in Council 7355 is not ultra vires except in the following particulars:

- a) Subsection 3 of Section 2 and Section 3 are ultra vires insofar as they authorize the deportation of natural born British subjects who do not wish to leave Canada, and insofar as it prevents such persons from withdrawing consents at any time and in any manner.
- b) Subsection 4 of Section 2 is ultra vires in toto.

(2) Order in Council 7356 is not ultra vires with the exception of Section 1 thereof insofar as it provides for loss of the status of a British subject.

(3) Order in Council 7357 is not ultra vires save insofar as it may purport to authorize a departure from the provisions of the British Nationality and Status of Aliens Act 1914."

These judgments, for the most part, rest upon highly technical considerations, and in my view, although two of the learned Judges dissent from the proposition to some extent, it cannot be seriously contended that the Parliament of Canada has not the power to do that which the Orders-in-Council purport to do.

The argument on behalf of the Co-operative Committee on Japanese-Canadians is summed up in the judgment of the Chief Justice Kerwin and Taschereau, J.J., at page 7, and is dealt with in the judgment of all the Judges, and it will be seen that,

Honourable Ian A. Mackenzie ...

-4-

in the main, the objections go to the jurisdiction of the Governor in Council under the War Measures Act, and whether the language used in the Orders-in-Council is apt to bring about the result which the Orders-in-Council sought.

There is considerable difference of opinion, on the part of the Judges, on the issues, and in the result, certain features of the Orders-in-Council in question are held to be beyond the powers of the Governor in Council.

An appeal has been taken by counsel for the Co-operative Committee on Japanese-Canadians to the Privy Council, and this is expected to be heard at the June sittings of that tribunal.

It seems to me that, from the standpoint of British Columbia, the position is most unsatisfactory.

The Government of Canada, after full investigation, has announced a definite policy dealing with the Japanese question in Canada. Parliament is in Session, and yet we have the whole issue in doubt, not because of any serious question of the sovereign power of Parliament to carry out the policy of the Government, but because of the objection that the Government had no power to do it in the form of the Orders-in-Council.

The Supreme Court has held that parts of the Orders-in-Council are intra vires, and that other portions are ultra vires. There is danger that, in the Privy Council, other portions, or the whole of the Orders-in-Council, may be held to be ultra vires. In other words, the whole policy of the Government dealing with Japanese may be rendered abortive through legal considerations, many of them highly technical in their character, though there is no doubt whatever that such policy could be implemented and carried into effect if an Act of Parliament were passed for that purpose.

The Honourable Ian A. Mackenzie

-5-

Acting on behalf of British Columbia, which is mainly concerned, I feel that it would be most unfortunate if this situation were permitted to continue, and I would urge that steps be taken to bring this whole matter before Parliament, with a view to passing legislation clearly authorizing the Government to carry its announced policy into effect.

It seems to me that the question which is now being posed to the Privy Council, namely, the power of the Executive Council in the emergency of war, is largely academic.

I might state further that, as far as I can ascertain, there is no Order-in-Council or statute providing for the re-allocation of those Japanese who, if the policy of the Government were implemented, would remain in Canada, and there would, therefore, be no way to avoid those particular members of the Japanese race returning to British Columbia en bloc. If the Privy Council appeal succeeds, then their numbers would be augmented by all Japanese in Canada who wished to go there. This would create a most serious situation in our Province.

There are very many further reasons, apparent upon a perusal of the judgments of the members of the Supreme Court, which make it essential that the whole Japanese question should be dealt with by Parliament at this Session.

I should be glad if you would give this matter your consideration.

Yours faithfully,

ATTORNEY/GENERAL
for
British Columbia.

DEPARTMENT OF LABOUR

DEPUTY MINISTER'S OFFICE

OTTAWA, May 10, 1946.

MEMORANDUM To: Mr. A. H. Brown.

With reference to the attached, the Minister thinks we ought to do some revamping before we get ready to discuss it with the Committee. We ought to strip it down to what we really think ^{we} ~~it~~ needs.

Miss Gulev

A. MacNamara
A. MacNamara.

Mr. A. MacNamara

Deliver to.....

Room.....

From.....

Room.....

Remarks..... I am attaching letters received

..... from the Honourable Mr. Mackenzie and

..... Mr. Norman Robertson relative to the

..... draft bill on the repatriation and

..... resettlement of Japanese.


H. R. Wood



MINISTER OF VETERANS AFFAIRS

Department of Labour

To: *File*

DRAFT LETTER

YOU HANDLE

YOUR COMMENTS

SEE ME & FILE

FILE FOR ME

PA

OTTAWA, 9th May, 1946.

Dear Mr. Wood,-

I have your letter of the 6th instant, together with draft bill, prepared by the Department of Justice at the request of the Department of Labour, relative to the repatriation and resettlement of Japanese, together with covering memorandum incorporating the recommendations of the Department of Labour.

I would urge that this be discussed at an early meeting of the Cabinet Committee.

Yours very truly,

B.F. Wood, Esquire,
 Privy Council Office,
 East Block,
 Ottawa.



EXTERNAL AFFAIRS
CANADA

Department of Labour

REPLY TO BE ADDRESSED TO:
THE UNDER-SECRETARY OF STATE
FOR EXTERNAL AFFAIRS
OTTAWA

Ottawa, May 7, 1946.

Dear Mr. Wood:

I should like to refer to your letter of May 6th, under cover of which you forwarded a copy of a draft Bill that has been prepared to provide for the repatriation and resettlement of persons of Japanese origin together with a copy of recommendations submitted by the Department of Labour with regard to this matter.

I had previously received a copy of the draft Bill from the Deputy Minister of Justice. After examination of it, I may say that my views are very much in line with those of the Department of Labour. With the very strong public reaction that there has been to the Orders in Council of last December 15th, I feel that it would be most unwise to bring any legislation in the present session of Parliament which would restate the provisions of those Orders in statutory form. In addition to the public reaction on the merits of the question, I feel that the government might also be open to criticism as attempting to take action in a form which would legalize what many regard as an attempt to infringe the rights of citizens, which attempt has been frustrated in part by the Supreme Court. There is also for consideration the fact that the climate of opinion at present is strongly against enactments that might be regarded as discriminatory or as limitations upon the rights of a citizen.

I would agree with the suggestion by the Department of Labour that Sections 3 to 6 of the draft Bill should be dropped. Presumably the related paragraphs of the preamble would also be deleted if this were done.

So far as Section 7 is concerned, I think that the view of the Department of Labour is quite correct to the effect that resettlement on a quota basis is impracticable. It also seems that it might involve an undesirable precedent - namely that provinces could exercise a control upon immigration into their boundaries. The basis of allocation in proportion to population might also, I think, prove unsatisfactory and it seems to me that it is doubtful whether it will prove feasible to reduce the British Columbia quota to one that would have exact regard for the percentage of population within its area. For these reasons I feel that the Section should not be allowed to stand.

The following points have also occurred to me with regard to other Sections of the Bill:

Section 8 - I am not clear why it should be necessary to enact Sub-section (e) of this Section. Presumably, the arrangements will be rather a matter of administrative agreement than of formal compact and if this is the case there would not seem to be any necessity of statutory provision.

Section 9 - Would it not be desirable here to insert a limitation as to the time during which restriction on movement would be possible? I feel that such restriction is undesirable in principle however necessary it may be administratively for the time being. In view of this, I think that a limitation might be useful.

Section 10 - If such a provision were to be included at all, I feel that it too should carry a limitation as to time. On the whole, I doubt whether it would be desirable to have a provision of this type included in a statute. It would, I think, be particularly subject to criticism if it came up in the same session as a citizenship bill during the debate on which a great deal of emphasis has been given to the necessity for equal treatment of all citizens of whatever origin.

Sections 14 to 18 - It would appear that the provisions made by these Sections (which reproduce various Sections of Order in Council P.C. 7355) are much more stringent than would be necessary for a statute having to do purely with resettlement. Consequently, if Sections 3 to 6 are dropped, I feel that these should be carefully examined.

Section 19 - It seems to me that this provision would be particularly undesirable. I believe that something similar was included in one of the earlier drafts of Order in Council P.C. 7355 but was deleted before the Order passed. The Section would be subject to castigation both because it is a straight racial provision and because it shifts the conventional onus of proof.

On the whole, it seems to me that in legislation brought forward at this time, the government should limit itself to the provisions that are strictly necessary in order to carry out the relocation policy and should not go beyond that for the time being.

I have gone into some detail in commenting in this matter as it is probable that it will not be possible for me to attend any Cabinet Committee meeting to deal with the Japanese if one is held later ^{than} on this week.

I am sending copies of this letter to the Deputy Minister of Justice and the Deputy Minister of Labour.

Yours sincerely,



Under-Secretary of State
for External Affairs.

B. F. Wood, Esq.,
Secretary,
Cabinet Committee on Japanese,
Privy Council,
Ottawa, Ontario.

MEMORANDUM

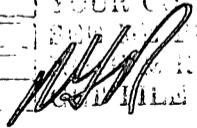
3

Department of External Affairs of Labour

Ottawa,.....May 17, 1946.....

Referred to the Deputy Minister
of Labour, for information.

YOU HANDLE
YOUR OWN BUSINESS
SEEK NO FAVOR
GIVE NO FAVOR
BE FAIR FOR ALL



CENTRAL REGISTRY DIVISION
MEMORANDUM

To: Miss W. [redacted]

FROM:

REMARKS:

See memo of May
6th to H. H. H., Mitchell
perhaps Mr. [redacted]
has it

DATE _____

[Signature]

OTTAWA, 6th May, 1946.

The Honourable Ian A. Mackenzie,
Minister of Veterans Affairs,
OTTAWA, Canada.

Dear Mr. Mackenzie:-

On the 15th day of December, 1945, His Excellency the Governor General in Council, by P.C. 7355, 7356 and 7357, made provision for the deportation to Japan of Japanese nationals and other named persons of the Japanese race. These Orders were passed under the authority of the War Measures Act, and constituted the announced policy of the Government in connection with Japanese resident in Canada.

Following the adoption of the Orders, representations were made to the Minister of Justice, by and on behalf of a number of Canadian organizations and societies, expressing the opinion that the Orders were ultra vires, and requesting a reference to the Supreme Court of Canada to test the question, and an action was commenced against the Attorney-General of Canada for declaration that the Orders-in-Council were ultra vires.

Accordingly, His Excellency the Governor General in Council submitted the question to the Supreme Court of Canada for hearing and consideration, and on the 20th day of February, 1946, that Court gave answers to the questions, as set out in the Certificate of the Registrar dated the 20th day of February, 1946.

There was considerable difference of opinion in the Court.

The Chief Justice, Kerwin and Taschereau, JJ., were of opinion that the Orders in Council in question were not ultra vires of the Governor in Council, either in whole or in part.

Hudson and Estey, JJ., were of opinion that the Orders in Council were not ultra vires of the Governor in Council, with the exception of paragraph 4 of Section 2 of P.C. 7355.

Rand, J., was of opinion that -

"(1) Order in Council 7355 is not ultra vires of the Governor in Council in relation to Japanese nationals and to persons of the Japanese race, naturalized under the Naturalization Act of Canada, as well as to persons voluntarily leaving Canada; but is ultra vires in relation to the compulsory deportation of natural born British subjects resident in Canada, and of wives and children under 16 who do not come within the first two classes; and that

(2) Order in Council 7356 is not ultra vires insofar as it takes away incidental rights and privileges of persons of the Japanese race as Canadian nationals; but that it is ultra vires of the Governor in Council to the extent that it purports to revoke the naturalization of such persons under the Naturalization Act; and that

(3) Order in Council 7357 is not ultra vires of the Governor in Council, subject to the observance of the requirements of the Naturalization Act as to grounds for the revocation of naturalization."

Kellock, J., was of opinion that -

"(1) Order in Council 7355 is not ultra vires except in the following particulars:

a) Subsection 3 of Section 2 and Section 3 are ultra vires insofar as they authorize the deportation of natural born British subjects who do not wish to leave Canada, and insofar as it prevents such persons from withdrawing consents at any time and in any manner.

b) Subsection 4 of Section 2 is ultra vires in toto.

(2) Order in Council 7356 is not ultra vires with the exception of Section 1 thereof insofar as it provides for loss of the status of a British subject.

(3) Order in Council 7357 is not ultra vires save insofar as it may purport to authorize a departure from the provisions of the British Nationality and Status of Aliens Act 1914."

These judgments, for the most part, rest upon highly technical considerations, and in my view, although two of the learned Judges dissent from the proposition to some extent, it cannot be seriously contended that the Parliament of Canada has not the power to do that which the Orders-in-Council purport to do.

The argument on behalf of the Co-operative Committee on Japanese-Canadians is summed up in the judgment of the Chief Justice Kerwin and Paschereau, JJ., at page 7, and is dealt with in the judgment of all the Judges, and it will be seen that, in the main, the objections go to the jurisdiction of the Governor in Council under the War Measures Act, and whether the language used in the Orders-in-Council is apt to bring about the result which the Orders-in-Council sought.

There is considerable difference of opinion, on the part of the Judges, on the issues, and in the result, certain features of the Orders-in-Council in question are held to be beyond the powers of the Governor in Council.

An appeal has been taken by counsel for the Co-operative Committee on Japanese-Canadians to the Privy Council, and this is expected to be heard at the June sittings of that tribunal.

It seems to me that, from the standpoint of British Columbia, the position is most unsatisfactory.

The Government of Canada, after full investigation, has announced a definite policy dealing with the Japanese question in Canada. Parliament is in Session, and yet we have the whole issue in doubt, not because of any serious question of the sovereign power of Parliament to carry out the policy of the Government, but because of the objection that the Government had no power to do it in the form of the Orders-in-Council.

The Supreme Court has held that parts of the Orders-in-Council are intra vires, and that other portions are ultra vires. There is danger that, in the Privy Council, other portions, or the whole of the Orders-in-Council, may be held to be ultra vires. In other words, the whole policy of the Government dealing with Japanese may be rendered abortive through legal considerations, many of them highly technical in their character, though there is

no doubt whatever that such policy could be implemented and carried into effect if an Act of Parliament were passed for that purpose.

Acting on behalf of British Columbia, which is mainly concerned, I feel that it would be most unfortunate if this situation were permitted to continue, and I would urge that steps be taken to bring this whole matter before Parliament, with a view to passing legislation clearly authorizing the Government to carry its announced policy into effect.

It seems to me that the question which is now being posed to the Privy Council, namely, the power of the Executive Council in the emergency of war, is largely academic.

I might state further that, as far as I can ascertain, there is no Order-in-Council or statute providing for the re-allocation of those Japanese who, if the policy of the Government were implemented, would remain in Canada, and there would, therefore, be no way to avoid those particular members of the Japanese race, returning to British Columbia en bloc. If the Privy Council appeal succeeds, then their numbers would be augmented by all Japanese in Canada who wished to go there. This would create a most serious situation in our Province.

There are very many further reasons, apparent upon a perusal of the judgments of the members of the Supreme Court, which make it essential that the whole Japanese question should be dealt with by Parliament at this Session.

I should be glad if you would give this matter your consideration.

Yours faithfully,

ATTORNEY/GENERAL
for
British Columbia.

May 6,

46.

To: Honourable Mr. Mitchell

Herewith copy of Bill proposed by
Justice Department and copy of memorandum G/C Wood is sending
out to your colleagues who are members of the Cabinet Sub-commit-
tee re Japanese.

A. MacNamara.

AM/LL

23-2-19

DEPARTMENT OF LABOUR

Department of Labour,
RECEIVED
MAY 3 1946
Secretary to Minister 46

DEPUTY MINISTER'S OFFICE

OTTAWA, May 3,

MEMORANDUM Honourable Humphrey Mitchell:

The Department of Justice has prepared a proposed draft Bill giving the Department of Labour authority to deal with the Japanese after the present powers have lapsed.

Honourable L.S. St. Laurent took quite an interest, I understand, in the Bill.

I propose that we send the memo, copy attached, to the Sub Committee of the Cabinet established to deal with Japanese affairs and call a meeting to consider whether the Bill should go forward or not.

A. MacNamara
A. MacNamara

Mr. A. H. Brown

Delivered to:

Room:

A. MacNamara

From:

Room:

Remarks: Will you please attach

this to the rest of the file and

oblige.

Memorandum re Proposed Legislation "The Japanese
Repatriation and Resettlement Act, 1946"

1. The attached draft Bill prepared by the Department of Justice for submission to Parliament at the present session incorporates in sections three to six inclusive the provisions of the existing Orders in Council relating to deportation and repatriation of Japanese. The remainder of the Bill incorporates the provisions of existing Orders in Council giving authority relative to the relocation and resettlement of evacuated Japanese in Canada with necessary provisions for control over movement and residence for this purpose.

2. The Department of Labour recommends

(a) that sections three to six inclusive relative to deportation be dropped. If further legislation on this matter beyond that contained in the present Orders in Council is required, this could be introduced at the next session of Parliament.

(b) that section seven be dropped firstly, because resettlement of Japanese on a provincial quota basis is impracticable from an administrative point of view and secondly, because, at the present time, Alberta is the only Province with which difficulty is being encountered in the settlement of Japanese. This difficulty arises out of the provisions of the existing agreement with the Province. It is quite possible that these difficulties will be adjusted in the course of time.

(c) Special attention is directed to the provisions of section ten for consideration.

3. The Department of Labour recommends that subject to the modifications in the Bill suggested above, the Bill be introduced at the present session of Parliament.

DEPARTMENT OF LABOUR

DEPUTY MINISTER'S OFFICE

OTTAWA, May 3, 1946

MEMORANDUM Mr. A.H. Brown

I think the draft memorandum which accompanied your letter of May 2 relative to draft Bill regarding Japanese should go forward.

annex
A. MacNamara

*E
4/5/46*

*re Japanese &
Repatriation &
Resettlement Bill
1946*

May 2nd

46.

to Group Captain B. F. Wood,
Privy Council Office.

We are enclosing twelve copies of draft Bill
"The Japanese Repatriation and Resettlement Act, 1946"
with covering memo.

Would you please have this circulated among
the members of the Cabinet Committee on Japanese and arrange
for an early meeting to consider the same.

Enc.

A. MacNamara.

2
4/5/46

Ottawa, May 2, 1946.

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

Re: Deportation and Resettlement of
Persons of the Japanese Race

Thanks for your memo of April 25th enclosing draft Bill for the resettlement of the Japanese. We are proposing to bring the Bill before the Cabinet Committee on Japanese for consideration at an early date.

We very much appreciate the attention you have given to this matter.

A. MacNamara.

S
4/5/46

Memorandum re Proposed Legislation "The Japanese
Repatriation and Resettlement Act, 1946"

1. The attached draft Bill prepared by the Department of Justice, at the request of the Department of Labour, for submission to Parliament at the present session incorporates in sections three to six inclusive the provisions of the existing Orders in Council relating to deportation and repatriation of Japanese. The remainder of the Bill incorporates the provisions of existing Orders in Council giving authority relative to the relocation and resettlement of evacuated Japanese in Canada with necessary provisions for control over movement and residence for this purpose.

2. The Department of Labour recommends
 - (a) that sections three to six inclusive relative to deportation be dropped. If further legislation on this matter beyond that contained in the present Orders in Council is required, this could be introduced at the next session of Parliament.

 - (b) that section seven be dropped firstly, because resettlement of Japanese on a provincial quota basis is impracticable from an administrative point of view and secondly, because, at the present time, Alberta is the only Province with which difficulty is being encountered in the settlement of Japanese. This difficulty arises out of the provisions of the existing agreement with the Province. It is quite possible that these difficulties will be adjusted in the course of time.

 - (c) Special attention is directed to the provisions of section ten for consideration.

3. The Department of Labour recommends that subject to the modifications in the Bill suggested above, the Bill be introduced at the present session of Parliament.

2
DEPARTMENT OF LABOUR

Department of Labour

DEPUTY MINISTER'S OFFICE

OTTAWA, May 2nd

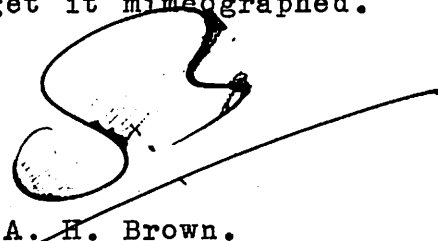
19 46.

MEMORANDUM to Mr. MacNamara.

Herewith draft memo which it is proposed to attach to the Japanese Bill to be circulated among the members of the Cabinet Committee.

With reference to Section 10 of the Bill barring Japanese from the Coast, I personally take very strong exception to the same. The principle of barring Canadians, whatever their racial origin may be, from any portion of Canada for an indefinite period of time is entirely wrong and in my opinion, it is unnecessary in this situation.

If you approve the draft memo, will you please return it and we will get it mimeographed.



Att:

A. H. Brown.

Minister's Council
133

at request of the Dept of Labour,

15 copies

Memorandum re Proposed Legislation "The Japanese
Repatriation and Resettlement Act, 1946"

1. The attached draft Bill prepared by the Department of Justice, for submission to Parliament at the present session incorporates in sections three to six inclusive the provisions of the existing Orders in Council relating to deportation and repatriation of Japanese. The remainder of the Bill incorporates the provisions of existing Orders in Council giving authority relative to the relocation and resettlement of evacuated Japanese in Canada with necessary provisions for control over movement and residence for this purpose.

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 - (c) Special attention is directed to the provisions of section ten for consideration.

3. The Department of Labour recommends that subject to the modifications in the Bill suggested above, the Bill be introduced at the present session of Parliament.

Mr. Brown

attach to
your journal
Bill

The Cabinet Committee I think
is the answer & I would
recommend sending it to
G/cap Wood & recommend:-

- ① That Bill be presented to House
- ② That the sections authorizing
deportation be eliminated &
taken care of by amendment
at next session if found
necessary.
- 3 Eliminate section 7 as
being somewhat ~~un~~ unnecessary
as Alberta is only province
objecting & even they may
change.
- 4 I like section 10.

Allan

DEPARTMENT OF LABOUR

OTTAWA, April 30, 1946.

MEMORANDUM - Mr. A. MacNamara:

Re Bill on Japanese

Attached is a draft Bill prepared by the Department of Justice covering repatriates and re-settlement of Japanese. This Bill differs considerably from the draft which we sent to the Department of Justice and which simply gave us authority to proceed with re-settlement together with temporary powers on the movement of Japanese and which expires on December 31, 1946.

Mr. Varcoe has spent a good deal of time, I believe, on the re-draft and has had some discussion thereon with his Minister.

The Bill combines the existing provisions of the Orders-in-Council relating to deportation and the necessary provisions for re-location and re-settlement of Japanese in Canada now contained in Order-in-Council P.C. 946. }

The provisions with respect to deportation are necessary if the government proposes to carry through on such proceedings and if the same will not be completed by the 31st of December next. If the Privy Council decision is delayed until October, as may well be the case, it is quite possible that deportation action might be protracted beyond the 31st of December.

On the other hand, there is no doubt that this portion of the Bill will run into a lot of opposition in Parliament. There is considerable doubt as to whether the government wishes to press the deportation proceedings very far. One advantage of including the deportation provisions in the Bill is that one of the objections raised by the Co-operative Committee is that the grounds taken by ^{two} ~~four~~ of the judges for declaring invalid the provisions for deportation of wives and children will be answered and therefore the appeal to the Privy Council on this ground would be academic. On the other hand, it is quite likely that the Act would be challenged in ~~one~~ ^{one} event and further litigation would ensue even if only for the purposes of the above delay.

With respect to the provisions for re-settlement you will note that Section 7 contemplates agreements to be made with the provinces to accept a quota of Japanese, where such agreements cannot be reached ~~and~~ put the balance of the Japanese apparently in the Northwest Territories.

I am of the opinion that this section be struck out as being impracticable. I understand, however, that this section is the direct suggestion of the Minister of Justice himself.

Note also section 10 which ^{prohibits} ~~deals with~~ the settlement of the Japanese in the coastal areas in British Columbia. This is a good political gesture and would certainly quiet any hopes that the Japanese might have on getting back to that area. It would, therefore, stimulate re-location elsewhere. Personally, I do not consider it necessary to go this far as long as we retain, for the present, control of the movement of Japanese.

With respect to legislation in general there is no doubt that we require permanent legislation to enable us to discharge our responsibilities for re-settlement, otherwise the Department will be powerless at the end of the calendar year.

Politically the fact that the government is introducing legislation and if the Minister can say so at the proper time it would be helpful, I should think, in dealing with Japanese affairs in the House during the present session.

Mr. Gordon Robertson has copy of this draft Bill. I am wondering whether we should discuss the same with Mr. N.A. Robertson or have the Bill brought up before Cabinet in its present form minus Section 7 for discussion and decision as soon as possible.



A. H. Brown

10 - 11 GEORGE VI
ChapterAn Act to provide for the Repatriation or Resettlement
of Displaced Persons of the Japanese Race

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

AND WHEREAS on the Fifteenth day of December, 1945, the Governor in Council under the authority of the War Measures Act made Orders in Council (P.C. 7355, 7356 and 7357) which provided for the repatriation and deportation to Japan of certain persons of the Japanese race and for the cessation of the rights as a British subject or Canadian national of any person so deported who is a British subject by naturalization, and for the appointment of a Commission to inquire into the activities, loyalty and co-operation during the War of Japanese nationals and naturalized persons of the Japanese race;

AND WHEREAS the Orders in Council aforesaid are now before the Judicial Committee of the Privy Council for consideration as to their validity;

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

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

AND WHEREAS it is deemed necessary in the circumstances that Parliament should make further provision for the repatriation and deportation of certain Japanese nationals and others of the Japanese race and for the resettlement of all other displaced persons of the Japanese race;

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

AND WHEREAS such responsibility may best be met by means of a policy whereby the displaced persons would in so far as it is practicable, be resettled throughout Canada; ~~under agreements to be entered into with the several provinces.~~

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

Short Title

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

Interpretation

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

- (a) "Minister" means the Minister of Labour
- (b) "Deportation" means the removal, pursuant to the authority of this Act, of any person from any place in Canada to Japan and "deported" has a corresponding meaning.
- (c) "displaced person" means a person of the Japanese race who left the coastal area of British Columbia during the war after the fifteenth day of February, one thousand nine hundred and forty-two
- (d) "person of the Japanese race" means a person who
 - (i) is wholly or partly of the Japanese race,
 - (ii) was, on the fifteenth day of February, one thousand nine hundred and forty-two, ordinarily resident in the coastal area of British Columbia, and
 - (iii) left that area on or after the said fifteenth day of February.
- (e) "coastal area" means that area of the Province of British Columbia including all islands west of a line commencing at Boundary Point No. 7 on the International Boundary between the Dominion of Canada and Alaska, thence following the line of the "Cascade Mountains," as defined by paragraph 2 of section 24 of the Interpretation Act of British Columbia, being Chapter 1 of the Revised Statutes of 1936, to the northwest corner of Lot 1410, Range 5, Coast Land District, thence due east to a point due north of the northwest corner of Lot 373, Range 5, Coast Land District, thence due south to said northwest corner of Lot 373 being a point on the aforementioned line of the "Cascade Mountains", (being the area surrounding the village Municipality of Terrace), thence following said line of the "Cascade Mountains" to the western boundary of Township 5, Range 26, west of the sixth Meridian, thence following the northerly, easterly and southerly boundaries of said Township 5, to the southwest corner thereof, being a point on the line of the "Cascade Mountains," (being the area surrounding the Village Municipality of Hope); thence following the "Cascade Mountains" to the southerly Boundary of the Province.
- (f) "proportion of the province" or "its proportion" means the number of displaced persons which bears the same proportion to all the displaced persons in Canada on the day this Act comes into force as the population of the province bears to the population of Canada according to the General Census taken in the year one thousand nine hundred and forty-one.

- (g) "removal" means the removal of a person of the Japanese race from one place in Canada to another pursuant to this Act.
- (h) "request for repatriation" means a written request or statement of desire to be repatriated or sent to Japan.

Repatriation and Deportation

3. (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 the eighth day of December, nineteen hundred and forty-one, 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 fifth day of February, nineteen hundred and forty-three, as amended by P.C. 5637, of the sixteenth day of August, nineteen hundred and forty-five, and was so detained as at midnight of the first day of September, nineteen hundred and forty-five.

shall be subject to deportation 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 shall be subject to deportation to Japan; Provided that such person has not revoked in writing such request prior to midnight the first day of September, nineteen hundred and forty-five.

(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 to be repatriated or sent to Japan shall be subject to deportation to Japan; Provided that such person has not revoked in writing such request prior to the making by the Minister of an order for his 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 shall be subject to deportation to Japan.

(5) Every person of the Japanese race resident in Canada who is found by a Commission appointed by the Governor in Council under the Inquiries Act for the purpose to have so conducted himself during the War as to make his deportation desirable in the national interest shall be subject to deportation to Japan.

4. The Minister may order the deportation to Japan of any person subject to deportation as provided in the next preceding section.

5. (1) Any person of the Japanese race 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 or departure 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 six 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 or departure;
- (c) at the time of his deportation or departure 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 of the Japanese race 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.

6. (1) The Minister may at or immediately prior to the time of departure advance to or for a person of the Japanese race 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;
- (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.

(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.

Resettlement

7. (1) The Minister shall confer with the government of each of the provinces for the purpose of negotiating an agreement, if possible, for the resettlement in such province of its proportion of displaced persons.

(2) Upon reaching an agreement with the government of a province the Minister may order the removal to such province of displaced persons to the number which such province agrees to accept.

(3) After negotiation, if it appears that there are displaced persons for whom no provision for resettlement in any province has been made, the Minister may, if requested to do so by the Lieutenant-Governor in Council of the province in which they reside, order the removal of such persons remaining unprovided for from such province to some part of Canada not within the geographical limits of any province.

8. The Minister may

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

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

- 6 -

General

10. Notwithstanding anything contained in this Act no displaced person shall enter or settle in, or be permitted to enter or settle in the coastal area of British Columbia.

11. The Minister may

- (a) take such measures as he deems advisable to provide or arrange for the deportation or removal of persons of the Japanese race, and for their transportation, detention, discipline, feeding, shelter, health or welfare, pending their deportation or removal.
- (b) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Act.

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

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

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

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

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

14. Any person for whom an order for deportation or removal is made and who is detained pending deportation or removal or who is placed under restraint in the course of deportation or removal by virtue of any order or measure made or taken under this Act shall, while so detained or restrained, be deemed to be in legal custody.

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

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

17. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Act and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

18. The Governor in Council may prescribe penalties by way of fine not exceeding five hundred dollars or by way of imprisonment for a term not exceeding six months or by way of both such fine and such imprisonment that may be imposed for violation of any order or regulation made under this Act and may also prescribe where and the circumstances in which the said penalties shall be imposed upon summary conviction or upon indictment or upon either summary conviction or indictment.

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

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

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

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

FPV: B Department of Labour

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA April 25, 1946

Re: Deportation and Resettlement of
Persons of the Japanese Race

After discussing the matter with the
Minister of Justice, I have made a very extensive
revision of the draft Bill prepared in your Depart-
ment for the resettlement of the Japanese.

I enclose revised draft for your considera-
tion. A copy has been forwarded to External Affairs.

F. P. Varese

Deputy Minister

Enc.

Deputy Minister
Department of Labour
O T T A W A

*6 copies of Bill
Min. of Labour*

23-2-19

C O P Y

10 - 11 GEORGE VI
Chapter

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

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

AND WHEREAS on the Fifteenth day of December, 1945, the Governor in Council under the authority of the War Measures Act made Orders in Council (P.C. 7355, 7356 and 7357) which provided for the repatriation and deportation to Japan of certain persons of the Japanese race and for the cessation of the rights as a British subject or Canadian national of any person so deported who is a British subject by naturalization, and for the appointment of a Commission to inquire into the activities, loyalty and co-operation during the War of Japanese nationals and naturalized persons of the Japanese race;

AND WHEREAS the Orders in Council aforesaid are now before the Judicial Committee of the Privy Council for consideration as to their validity;

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

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

AND WHEREAS it is deemed necessary in the circumstances that Parliament should make further provision for the repatriation and deportation of certain Japanese nationals and others of the Japanese race and for the resettlement of all other displaced persons of the Japanese race;

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

AND WHEREAS such responsibility may best be met by means of a policy whereby the displaced persons would in so far as it is practicable, be resettled throughout Canada under agreements to be entered into with the several provinces.

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

Short Title

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

Interpretation

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

- (a) "Minister" means the Minister of Labour
- (b) "Deportation" means the removal, pursuant to the authority of this Act, of any person from any place in Canada to Japan and "deported" has a corresponding meaning,
- (c) "displaced person" means a person of the Japanese race who left the coastal area of British Columbia during the war after the fifteenth day of February, one thousand nine hundred and forty-two
- (d) "person of the Japanese race" means a person who
 - (i) is wholly or partly of the Japanese race,
 - (ii) was, on the fifteenth day of February, one thousand nine hundred and forty-two, ordinarily resident in the coastal area of British Columbia, and
 - (iii) left that area on or after the said fifteenth day of February.
- (e) "coastal area" means that area of the Province of British Columbia including all islands west of a line commencing at Boundary Point No. 7 on the International Boundary between the Dominion of Canada and Alaska, thence following the line of the "Cascade Mountains," as defined by paragraph 2 of section 24 of the Interpretation Act of British Columbia, being Chapter 1 of the Revised Statutes of 1936, to the northwest corner of Lot 1410, Range 5, Coast Land District, thence due east to a point due north of the northwest corner of Lot 373, Range 5, Coast Land District, thence due south to said northwest corner of Lot 373 being a point on the aforementioned line of the "Cascade Mountains", (being the area surrounding the village Municipality of Terrace), thence following said line of the "Cascade Mountains" to the western boundary of Township 5, Range 26, west of the sixth Meridian, thence following the northerly, easterly and southerly boundaries of said Township 5, to the southwest corner thereof, being a point on the line of the "Cascade Mountains," (being the area surrounding the Village Municipality of Hope); thence following the "Cascade Mountains" to the southerly Boundary of the Province.
- (f) "proportion of the province" or "its proportion" means the number of displaced persons which bears the same proportion to all the displaced persons in Canada on the day this Act comes into force as the population of the province bears to the population of Canada according to the General Census taken in the year one thousand nine hundred and forty-one.

- (g) "removal" means the removal of a person of the Japanese race from one place in Canada to another pursuant to this Act.
- (h) "request for repatriation" means a written request or statement of desire to be repatriated or sent to Japan.

Repatriation and Deportation

3. (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 the eighth day of December, nineteen hundred and forty-one, 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 fifth day of February, nineteen hundred and forty-three, as amended by P.C. 5637, of the sixteenth day of August, nineteen hundred and forty-five, and was so detained as at midnight of the first day of September, nineteen hundred and forty-five.

shall be subject to deportation 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 shall be subject to deportation to Japan; Provided that such person has not revoked in writing such request prior to midnight the first day of September, nineteen hundred and forty-five.

(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 to be repatriated or sent to Japan shall be subject to deportation to Japan; Provided that such person has not revoked in writing such request prior to the making by the Minister of an order for his deportation.

(4) The wife and children under sixteen years of age of any person for whom the Minister makes and order for deportation to Japan shall be subject to deportation to Japan.

(5) Every person of the Japanese race resident in Canada who is found by a Commission appointed by the Governor in Council under the Inquiries Act for the purpose to have so conducted himself during the War as to make his deportation desirable in the national interest shall be subject to deportation to Japan.

4. The Minister may order the deportation to Japan of any person subject to deportation as provided in the next preceding section.

5. (1) Any person of the Japanese race 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 or departure 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 six 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 or departure;
- (c) at the time of his deportation or departure 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 of the Japanese race 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.

6. (1) The Minister may at or immediately prior to the time of departure advance to or for a person of the Japanese race 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;
- (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.

(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.

7. (1) The Minister shall confer with the government of each of the provinces for the purpose of negotiating an agreement, if possible, for the resettlement in such province of its proportion of displaced persons.

(2) Upon reaching an agreement with the government of a province the Minister may order the removal to such province of displaced persons to the number which such province agrees to accept.

(3) After negotiation, if it appears that there are displaced persons for whom no provision for resettlement in any province has been made, the Minister may, if requested to do so by the Lieutenant-Governor in Council of the province in which they reside, order the removal of such persons remaining unprovided for from such province to some part of Canada not within the geographical limits of any province.

8. The Minister may

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

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

General

10. Notwithstanding anything contained in this Act no displaced person shall enter or settle in, or be permitted to enter or settle in the coastal area of British Columbia.

11. The Minister may

- (a) take such measures as he deems advisable to provide or arrange for the deportation or removal of persons of the Japanese race, and for their transportation, detention, discipline, feeding, shelter, health or welfare, pending their deportation or removal.
- (b) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Act.

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

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

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

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

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

14. Any person for whom an order for deportation or removal is made and who is detained pending deportation or removal or who is placed under restraint in the course of deportation or removal by virtue of any order or measure made or taken under this Act shall, while so detained or restrained, be deemed to be in legal custody.

15. Any person who resists or obstructs or attempts to resist or obstruct any peace officer or other person from carrying out any order made pursuant to the provisions of this Act shall be guilty of an offence against the Act.
16. Any person who contravenes or omits to comply with any of the provisions of this Act 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.
17. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Act and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.
18. The Governor in Council may prescribe penalties by way of fine not exceeding five hundred dollars or by way of imprisonment for a term not exceeding six months or by way of both such fine and such imprisonment that may be imposed for violation of any order or regulation made under this Act and may also prescribe where and the circumstances in which the said penalties shall be imposed upon summary conviction or upon indictment or upon either summary conviction or indictment.
19. When any question arises in any prosecution under this Act as to whether the accused person is a person of the Japanese race as defined in this Act, the onus of proof that the accused person is not a person of the Japanese race shall lie upon the accused.
20. The costs and expenses incurred in the administration of this Act shall be paid out of moneys appropriated by Parliament for that purpose.
21. After the close of each fiscal year the Minister shall as soon as possible prepare an annual report respecting the administration of this Act and shall lay the said report before Parliament.
22. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council and shall expire on a day to be fixed by such a proclamation.

C O P Y

10 - 11 GEORGE VI
Chapter

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

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

AND WHEREAS on the Fifteenth day of December, 1945, the Governor in Council under the authority of the War Measures Act made Orders in Council (P.C. 7355, 7356 and 7357) which provided for the repatriation and deportation to Japan of certain persons of the Japanese race and for the cessation of the rights as a British subject or Canadian national of any person so deported who is a British subject by naturalization, and for the appointment of a Commission to inquire into the activities, loyalty and co-operation during the War of Japanese nationals and naturalized persons of the Japanese race;

AND WHEREAS the Orders in Council aforesaid are now before the Judicial Committee of the Privy Council for consideration as to their validity;

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

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

AND WHEREAS it is deemed necessary in the circumstances that Parliament should make further provision for the repatriation and deportation of certain Japanese nationals and others of the Japanese race and for the resettlement of all other displaced persons of the Japanese race;

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

AND WHEREAS such responsibility may best be met by means of a policy whereby the displaced persons would in so far as it is practicable, be resettled throughout Canada under agreements to be entered into with the several provinces.

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

Short Title

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

Interpretation

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

- (a) "Minister" means the Minister of Labour
- (b) "Deportation" means the removal, pursuant to the authority of this Act, of any person from any place in Canada to Japan and "deported" has a corresponding meaning.
- (c) "displaced person" means a person of the Japanese race who left the coastal area of British Columbia during the war after the fifteenth day of February, one thousand nine hundred and forty-two
- (d) "person of the Japanese race" means a person who
 - (i) is wholly or partly of the Japanese race,
 - (ii) was, on the fifteenth day of February, one thousand nine hundred and forty-two, ordinarily resident in the coastal area of British Columbia, and
 - (iii) left that area on or after the said fifteenth day of February.
- (e) "coastal area" means that area of the Province of British Columbia including all islands west of a line commencing at Boundary Point No. 7 on the International Boundary between the Dominion of Canada and Alaska, thence following the line of the "Cascade Mountains," as defined by paragraph 2 of section 24 of the Interpretation Act of British Columbia, being Chapter 1 of the Revised Statutes of 1936, to the northwest corner of Lot 1410, Range 5, Coast Land District, thence due east to a point due north of the northwest corner of Lot 373, Range 5, Coast Land District, thence due south to said northwest corner of Lot 373 being a point on the aforementioned line of the "Cascade Mountains", (being the area surrounding the village Municipality of Terrace), thence following said line of the "Cascade Mountains" to the western boundary of Township 5, Range 26, west of the sixth Meridian, thence following the northerly, easterly and southerly boundaries of said Township 5, to the southwest corner thereof, being a point on the line of the "Cascade Mountains," (being the area surrounding the Village Municipality of Hope); thence following the "Cascade Mountains" to the southerly Boundary of the Province.
- (f) "proportion of the province" or "its proportion" means the number of displaced persons which bears the same proportion to all the displaced persons in Canada on the day this Act comes into force as the population of the province bears to the population of Canada according to the General Census taken in the year one thousand nine hundred and forty-one.

- (g) "removal" means the removal of a person of the Japanese race from one place in Canada to another pursuant to this Act.
- (h) "request for repatriation" means a written request or statement of desire to be repatriated or sent to Japan.

Repatriation and Deportation

3. (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 the eighth day of December, nineteen hundred and forty-one, 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 fifth day of February, nineteen hundred and forty-three, as amended by P.C. 5637, of the sixteenth day of August, nineteen hundred and forty-five, and was so detained as at midnight of the first day of September, nineteen hundred and forty-five.

shall be subject to deportation 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 shall be subject to deportation to Japan; Provided that such person has not revoked in writing such request prior to midnight the first day of September, nineteen hundred and forty-five.

(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 to be repatriated or sent to Japan shall be subject to deportation to Japan; Provided that such person has not revoked in writing such request prior to the making by the Minister of an order for his 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 shall be subject to deportation to Japan.

(5) Every person of the Japanese race resident in Canada who is found by a Commission appointed by the Governor in Council under the Inquiries Act for the purpose to have so conducted himself during the War as to make his deportation desirable in the national interest shall be subject to deportation to Japan.

4. The Minister may order the deportation to Japan of any person subject to deportation as provided in the next preceding section.

5. (1) Any person of the Japanese race 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 or departure 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 six 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 or departure;
- (c) at the time of his deportation or departure 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 of the Japanese race 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.

6. (1) The Minister may at or immediately prior to the time of departure advance to or for a person of the Japanese race 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;
- (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.

(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.

7. (1) The Minister shall confer with the government of each of the provinces for the purpose of negotiating an agreement, if possible, for the resettlement in such province of its proportion of displaced persons.

(2) Upon reaching an agreement with the government of a province the Minister may order the removal to such province of displaced persons to the number which such province agrees to accept.

(3) After negotiation, if it appears that there are displaced persons for whom no provision for resettlement in any province has been made, the Minister may, if requested to do so by the Lieutenant-Governor in Council of the province in which they reside, order the removal of such persons remaining unprovided for from such province to some part of Canada not within the geographical limits of any province.

8. The Minister may

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

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

General

10. Notwithstanding anything contained in this Act no displaced person shall enter or settle in, or be permitted to enter or settle in the coastal area of British Columbia.

11. The Minister may

- (a) take such measures as he deems advisable to provide or arrange for the deportation or removal of persons of the Japanese race, and for their transportation, detention, discipline, feeding, shelter, health or welfare, pending their deportation or removal.
- (b) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Act.

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

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

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

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

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

14. Any person for whom an order for deportation or removal is made and who is detained pending deportation or removal or who is placed under restraint in the course of deportation or removal by virtue of any order or measure made or taken under this Act shall, while so detained or restrained, be deemed to be in legal custody.

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

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

17. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Act and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

18. The Governor in Council may prescribe penalties by way of fine not exceeding five hundred dollars or by way of imprisonment for a term not exceeding six months or by way of both such fine and such imprisonment that may be imposed for violation of any order or regulation made under this Act and may also prescribe where and the circumstances in which the said penalties shall be imposed upon summary conviction or upon indictment or upon either summary conviction or indictment.

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

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

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

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

23-2-19

Ottawa, March 30, 1946.

Mr. F. P. Varcoe, K.C.,
Deputy Minister of Justice,
O T T A W A.

Dear Mr. Varcoe: Re: Japanese Legislation

This Department will require statutory authority to enable it to continue to provide beyond the current year for the re-establishment and care of Japanese in Canada after The National Emergency Transitional Powers Act, 1945, expires.

Attached is a draft Bill which will be forwarded to Cabinet for consideration after it has been reviewed by you.

The authority asked for in section 4 of the Bill is for the purpose of promoting re-location and re-settlement of the evacuated Japanese in such manner as will conform to the announced government policy of dispersal of Japanese across Canada. You will no doubt consider whether Parliament has authority to so legislate.

While it is desired to make provision for assistance in re-location and re-settlement, it is not the intention to relieve any province or municipality of responsibilities which it may have with respect to any person of the Japanese race by reason of residence therein or to deprive any such person of any rights or privileges to which he otherwise may have or be ordinarily entitled to as a resident of any province or municipality.

I enclose herewith, also, copy of P.C. 946 of February 5, 1943, under the authority of which the Department now administers matters relating to the Japanese, for reference.

Will you kindly have this matter dealt with promptly and oblige.

Very truly yours,

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WHEREAS following the declaration of war by Canada against Japan on the day of December, 1941, the Government of Canada considered it necessary for the security and defence of Canada to remove from the protected areas of the Province of British Columbia all persons of the Japanese race resident therein and accordingly, all persons of the Japanese race resident in the said areas were evacuated from the said protected areas pursuant to an order made by the Minister of Justice under date of February 5, 1942;

AND WHEREAS temporary provision has been made by the Governor in Council under the authority of the War Measures Act and the National Emergency Transitional Powers Act, 1945 for the housing, maintenance and welfare of persons of the Japanese race so evacuated and for assistance in their relocation and re-establishment on a self-supporting basis in Canada;

AND WHEREAS it is considered necessary to obtain authority extending beyond the life of the National Emergency Transitional Powers Act, 1945, continuing the provisions of the aforesaid nature:

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

1. This Act may be cited as The Japanese Canadian Relocation and Re-establishment Act 1946.

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

(a) "Commission" means the British Columbia Security Commission established under the authority of Order in Council P.C. 1665 of March 4, 1942;

(b) 'Minister' means the Minister of Labour;

(c) 'persons of the Japanese race' means a person wholly or partially of the Japanese race who was ordinarily resident in any protected area of British Columbia on February 5, 1942 and who ~~has~~ left such area after February 5, 1942.

(d) 'protected area of British Columbia' means any area in the Province of British Columbia designated as a protected area under the authority of the Defence of Canada Regulations (Consolidated) 1942.

3.

The Minister may:

(a) take such measures as he deems advisable to assist persons of the Japanese race to re-establish themselves on a self-supporting basis in Canada and to provide for shelter, maintenance, employment, care and welfare of such persons in the meantime;

(b) employ persons of the Japanese race in the operation of any housing or employment projects or hostels administered or operated by the Department of Labour under this Act, ~~for such purposes and at~~ such wage rates and terms as he deems advisable;

(c) make rules or regulations governing the ^{and welfare,} conduct or discipline of persons of the Japanese race resident in any settlement or hostel administered or operated by the Department of Labour under this Act;

(d) for the purposes of paragraph (a) of this section, enter into contracts and acquire real or personal property on behalf of His Majesty, or lease or dispose of the same but no such contract shall be entered into by him for an amount in excess of fifteen thousand dollars nor shall any real property be purchased or disposed of by him pursuant to this Act except with ^{the} approval of the Governor in Council as to the terms of purchase or ^{disposition} sale;

(e) make arrangements with any department or agency of the Government of Canada to assist in the administration of this Act;

(f) with the approval of the Governor in Council, enter into an agreement with any province with respect to any of the matters covered by this section.

4. With a view to facilitating the re-establishment of persons of the Japanese race in Canada, the Governor in Council may make regulations governing the movement of such persons in any area in Canada or from one ^{place or} area to another ^{place or} area in Canada which shall not have effect, however, beyond December 31, 1947, and may prescribe penalties that may be imposed for the violation of such regulations or any orders made thereunder or for violation of rules or regulations made by the Minister under paragraph (c) of section three.

5. (1) There shall be a Commissioner of Japanese Placement who shall be appointed by the Governor in Council under the direction of the Minister and Deputy Minister and who shall be the Chief Executive Officer of the Department of Labour charged with the administration of this Act.

(2) Such other officers, clerks and employees as are necessary for the administration of this Act shall be appointed and their remuneration fixed in the manner provided by law.

(3) Notwithstanding anything contained in this section, the officers, clerks and employees who are employed by the Minister pursuant to Order in Council P.C. 946 of February 5, 1943 immediately prior to the coming into effect of this Act may be employed by the Minister for the purposes of the administration of this Act at their present rate of remuneration and shall perform such duties as are assigned to them by the Minister.

6. (1) All real and personal property or any interest therein acquired by or vested in His Majesty in right of Canada by or pursuant to the provisions of Order in Council P.C. 946 of February 5, 1943, shall be deemed to have been acquired and may be dealt with or disposed of by the Minister pursuant to the provisions of this Act.

(2) The Minister may in the name of the Commission execute any conveyance or 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 in right of Canada.

DEPARTMENT OF LABOUR

DEPUTY MINISTER'S OFFICE

13 / 23-2-19

OTTAWA, March 28

1946

MEMORANDUM Mr. A.H. Brown:

Re attached, I propose to put this before the Minister for signature.

I think we should ask for the whole bill and let someone else trim it down.

Do you wish to re-write it before it goes forward?



A. MacNamara

7. (1) In any prosecution for an offence under this Act or any regulations made under this Act, it shall be presumed that the accused is a person of the Japanese race as defined in this Act until the contrary is proven and the burden of such proof shall be upon the accused.

(2) Every document purporting to be or to contain or to be a copy of an order, rule, regulation, or authority made or given by the Minister, the Deputy Minister or the Commissioner of Japanese Placement appointed pursuant to this Act shall be evidence of such order, rule, regulation, permit or authority.

8. The expenses or costs incurred by the Minister in the administration of this Act shall be paid out of monies appropriated by Parliament for that purpose.

9. The Minister shall make an annual report on the administration of this Act which shall be tabled in Parliament within fifteen days of the commencement of the next ensuing session thereof.

10. This Act shall come into effect on a day to be fixed by the Governor in Council.

23-2-19



Ottawa, March 28, 1946

Dear Mr. Heeney:

The Department will require authority for the re-establishment and care of Japanese in Canada after 1946.

The attached "Bill" is submitted for consideration and if adopted "in principle" will be sent to the Justice Department for review.

Yours sincerely,

Mr. A.D.P. Heeney,
Clerk of the Privy Council,
O t t a w a

13

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2/4/46

Miss Callery

Mr A. Heeney for Mr's sign

The Department will require authority for the re-establishment and care of Japanese in Canada after 1946.

The attached "Bill" is submitted for consideration and if adopted "in principle" will be sent to the Justice Dept for review.

Mr ~~Black~~ Brown

Re attached I propose to put this before Mr's for sign' —

I think we should ask for the whole bill and let someone else trim it down.

Do you wish to re-write before it goes forward.

23-2-19

DEPARTMENT OF LABOUR

DEPUTY MINISTER'S OFFICE

OTTAWA, March 27th 1946.

MEMORANDUM to Mr. MacNamara.

Herewith a draft bill to obtain legislative authority for continued assistance in the matter of Japanese relocation and re-establishment.

The following points are drawn to your attention:

1. In section 3, subsection (d) I have included provision not only for the purchase of real estate but for resale for the purposes of the Act. This would enable us to buy property and resell it to Japanese. I believe, however, we should limit our authority for purchasing real estate to such purchases as may be necessary in connection with our housing projects in B.C. or any other place where this may be necessary and not open up at this session the question of individual settlement projects involving the purchase and sale of land to individual Japanese or the loaning of money and taking security therefor.

2. Please note Section 4 which purports to give the Governor in Council authority to make regulations governing the movement of Japanese in Canada. I think it is very doubtful that there is legal authority to make a provision of this nature and even if valid, there may be some difficulty raised in Parliament in connection with this section.

I will be glad to have any comments you may care to make on this matter.



A. H. Brown.

WHEREAS following the declaration of war by Canada against Japan on the day of December, 1941, the Government of Canada considered it necessary for the security and defence of Canada to remove from the protected areas of the Province of British Columbia all persons of the Japanese race resident therein and accordingly, all persons of the Japanese race resident in the said areas were evacuated from the said protected areas pursuant to an order made by the Minister of Justice under date of February 5, 1942;

AND WHEREAS temporary provision has been made by the Governor in Council under the authority of the War Measures Act and the National Emergency Transitional Powers Act, 1945 for the housing, maintenance and welfare of persons of the Japanese race so evacuated and for assistance in their relocation and re-establishment on a self-supporting basis in Canada;

AND WHEREAS it is considered necessary to obtain authority extending beyond the life of the National Emergency Transitional Powers Act, 1945, continuing the provisions of the aforesaid nature:

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

1. This Act may be cited as The Japanese Canadian Relocation and Re-establishment Act 1946.

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

(a) "Commission" means the British Columbia Security Commission established under the authority of Order in Council P.C. 1665 of March 4, 1942;

(b) 'Minister' means the Minister of Labour;

(c) 'persons of the Japanese race' means a person wholly or partially of the Japanese race who was ordinarily resident in any protected area of British Columbia on February 5, 1942 and who has left such area after February 5, 1942.

(d) 'protected area of British Columbia' means any area in the Province of British Columbia designated as a protected area under the authority of the Defence of Canada Regulations (Consolidated) 1942.

3.

The Minister may:

- (a) take such measures as he deems advisable to assist persons of the Japanese race to re-establish themselves on a self-supporting basis in Canada and to provide for shelter, maintenance, employment, care and welfare of such persons in the meantime;
- (b) employ persons of the Japanese race in the operation of any housing or employment projects or hostels administered or operated by the Department of Labour under this Act for such purposes and on such wage rates and terms as he deems advisable;
- (c) make rules or regulations governing the conduct or discipline of persons of the Japanese race resident in any settlement or hostel administered or operated by the Department of Labour under this Act;
- (d) for the purposes of paragraph (a) of this section, enter into contracts and acquire real or personal property on behalf of His Majesty or lease or dispose of the same but no such contract shall be entered into by him for an amount in excess of fifteen thousand dollars nor shall any real property be purchased or disposed of by him pursuant to this Act except with ^{the} approval of the Governor in Council as to the terms of purchase or sale;
- (e) make arrangements with any department or agency of the Government of Canada to assist in the administration of this Act;
- (f) with the approval of the Governor in Council, enter into an agreement with any province with respect to any of the matters covered by this section.

4. With a view to facilitating the re-establishment of persons of the Japanese race in Canada, the Governor in Council may make regulations governing the movement of such persons in any area in Canada or from one area to another area in Canada which shall not have effect, however, beyond December 31, 1947 and may prescribe penalties that may be imposed for the violation of such regulations or any orders made thereunder or for violation of rules or regulations made by the Minister under paragraph (c) of section three.

5. (1) There shall be a Commissioner of Japanese Placement who shall be appointed by the Governor in Council under the direction of the Minister and Deputy Minister and who shall be the Chief Executive Officer of the Department of Labour charged with the administration of this Act.

(2) Such other officers, clerks and employees as are necessary for the administration of this Act shall be appointed and their remuneration fixed in the manner provided by law.

(3) Notwithstanding anything contained in this section, the officers, clerks and employees who are employed by the Minister pursuant to Order in Council P.C. 946 of February 5, 1943 immediately prior to the coming into effect of this Act may be employed by the Minister for the purposes of the administration of this Act at their present rate of remuneration and shall perform such duties as are assigned to them by the Minister.

6. (1) All real and personal property or any interest therein acquired by or vested in His Majesty in right of Canada by or pursuant to the provisions of Order in Council P.C. 946 of February 5, 1943, shall be deemed to have been acquired and may be dealt with or disposed of by the Minister pursuant to the provisions of this Act.

(2) The Minister may in the name of the Commission execute any conveyance or 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 in right of Canada.

7. (1) In any prosecution for an offense under this Act or any regulations made under this Act, it shall be presumed that the accused is a person of the Japanese race as defined in this Act until the contrary is proven and the burden of such proof shall be upon the accused.

(2) Every document purporting to be or to contain or to be a copy of an order, rule, regulation, or authority made or given by the Minister, the Deputy Minister or the Commissioner of Japanese Placement appointed pursuant to this Act shall be evidence of such order, rule, regulation, permit or authority.

8. The expenses or costs incurred by the Minister in the administration of this Act shall be paid out of monies appropriated by Parliament for that purpose.

9. The Minister shall make an annual report on the administration of this Act which shall be tabled in Parliament within fifteen days of the commencement of the next ensuing session thereof.

10. This Act shall come into effect on a day to be fixed by the Governor in Council.

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- 2—Shows the reason for the routing.
- 3—Shows where it is routed and enables the user to indicate additional routing.
- 4—Provided for the user to Bring Forward the file at a later date, if necessary.
- 5—Provides space for the user to initial the entry when action is completed.
- 6—Central Records enters the date on which the file is returned from the user.

CENTRAL RECORDS