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Orders

III

Council

31 May 1940

to

10 June 1940

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309 Athlone Ave. Ottawa Ontario

Case No. Sp. 3349

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Vol. 1423

31 May 1940

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TO HIS EXCELLENCY

The Right Honourable Sir Lyman Poore Duff, P.C., G.C.M.G.

Chief Justice of Canada,

ADMINISTRATOR OF THE GOVERNMENT OF CANADA.



*Report of a Committee of the Privy Council ON MATTERS
OF STATE.*

PRESENT:

The RIGHT HONOURABLE

W. L. MACKENZIE KING

THE HONOURABLE

T. A. CRERAR

THE RIGHT HONOURABLE

E. LAPOINTE

THE HONOURABLE

P. J. A. CARDIN

J. L. RALSTON

I. A. MACKENZIE

C. G. POWER

J. L. ILSLEY

J. E. MICHAUD

N. McL. ROGERS

C. D. HOWE

J. G. GARDINER

N. A. McLARTY

J. A. MacKINNON

P. F. CASGRAIN

31
APPROVED
MAY 1940

May it please Your Excellency

AT THE GOVERNMENT HOUSE AT OTTAWA
FRIDAY, the 31st day of MAY, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

WHEREAS the Minister of Justice reports that the Interdepartmental Committee on the Treatment of Enemy Aliens and Enemy Alien Property has reviewed Regulations 21 to 26, both inclusive, of the Defence of Canada Regulations, in the light of the experience obtained as a result of nearly nine months of war and having regard to representations which have been made to the effect that the Regulations should be modified or revised, and

That the said Committee, in its report dated the 22nd day of May, 1940, recommended that Regulations 21, 22, 23, 24 and 26 of the Defence of Canada Regulations, be amended for the reasons set out therein.

THEREFORE His Excellency the Administrator in Council, on the recommendation of the Minister of Justice and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased to amend the Defence of Canada Regulations and they are hereby amended as follows:

1. Regulation 21 is amended by adding thereto, immediately after paragraph (2), the following paragraph:

"(3) The Minister of Justice shall make a periodic report to Parliament showing the action taken under this Regulation, which report shall show:-

(a) the number of persons detained under orders made pursuant to this Regulation; and

(b) the number of cases, if any, in which the Minister of Justice declined to follow the advice of any advisory committee which may be appointed under the next following Regulation".

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Canada Gazette

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2.

2. Paragraph (1) of Regulation 22 is rescinded and the following substituted therefor:

"(1) For the purposes of the preceding Regulation the Minister of Justice may appoint one or more advisory committees, each such committee to consist of a person who holds or has held high judicial office."

3. Regulation 23 is amended by adding thereto, immediately after paragraph (3), the following paragraph:

"(4) The term 'prisoner of war' used in this Regulation shall include any person detained or interned under these Regulations".

4. Regulation 24(1) is rescinded and the following substituted therefor:

"24(1) All enemy aliens legally admitted to Canada and ordinarily resident in Canada, so long as they peacefully pursue their ordinary avocations, shall be allowed to continue to enjoy the protection of the law and shall be accorded the respect and consideration due to peaceful and law-abiding citizens, and they shall not be arrested, detained or interfered with, provided they comply with the requirements in respect of registration prescribed in the next following Regulation, unless the Minister of Justice is satisfied that they have acted, or may act, in any manner prejudicial to the public safety or the safety of the State."

5. Regulation 26, as amended by Order in Council, P.C. 3812, of the 23rd November, 1939, is rescinded and the following substituted therefor:

"26. Nothing in the two preceding Regulations shall prevent the Minister of Justice from ordering the release of any enemy alien from arrest, detention or internment, or from ordering the arrest, detention or internment of any enemy alien."

Samuel D. [Signature]

Approved

[Signature]

ADMINISTRATOR

31.5.40