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Orders

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Council

31 May 1940

to

10 June 1940

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309 Athlone Ave. Ottawa Ontario

Case No. Sp. 3349

20916

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4 June 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. CHERAR

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

4 APPROVED
JUNE 1940

May it please Your Excellency

Report of a
OF STATE

ADMINISTRATOR

Chief

TO HIS EXCELLENCY

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P.C. 2363

See 8022 Oct 14/43 6

AT THE GOVERNMENT HOUSE AT OTTAWA
TUESDAY, the 4th DAY of JUNE, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

WHEREAS the Minister of Justice reports

1. That he considers it desirable to amend the Defence of Canada Regulations by adding to regulation 2 thereof a definition of the expression "justice of the peace", and amending sub-paragraph (h) of paragraph (1) of that regulation so as to permit an inspector of a police force in a city or town with a population of not less than ten thousand to exercise the powers of a senior police officer;
2. That he is advised that there are within Canada numerous organizations of a subversive character which are intended, or are likely, to be prejudicial to the safety of the State or the efficient prosecution of the War, certain of which organizations are hereinafter referred to or mentioned;
3. That in these circumstances it is desirable that such organizations should be prohibited and that a regulation should be made for this purpose and added to the Defence of Canada Regulations;
4. That it is considered desirable to make all commissioned officers of the Royal Canadian Mounted Police justices of the peace for the purpose of issuing search warrants.

NOW, THEREFORE, His Excellency the Administrator in Council, on the recommendation of the Minister of Justice and under the authority of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend the Defence of Canada Regulations made by Order in Council P.C. 2483 of the 3rd September, 1939, and they are hereby amended as follows:

1.

*Canada Gazette
8-6-40 S. 3860*

*Justice 5 June 1940
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2.

1. By adding immediately after sub-paragraph (e) of paragraph (1) of regulation 2 the following:

"(ee) "justice of the peace" includes a police magistrate, a stipendiary magistrate, or any person having the power or authority of two or more justices of the peace."

2. By revoking sub-paragraph (h) of paragraph (1) of regulation 2 and substituting therefor the following:

"(h) "senior police officer" means any officer of the Royal Canadian Mounted Police not below the rank of inspector; any officer of like or superior rank of any provincial police force or of any police force of a city or town with a population of not less than ten thousand; or any person upon whom the powers of a senior police officer are for the purposes of these Regulations conferred by the Governor in Council."

3. By adding immediately after regulation 39B the following:

"39C.(1) The following associations, societies, groups or organizations are hereby declared to be, and shall be deemed to be, illegal organizations, viz:-

(a) The Auslands Organization of the National Sozialistische Deutsche Arbeiterpartei;

The Deutsche Arbeitsfront;

The Canadian Society for German Culture (Deutscher Bund fur Kanada);

The National Unity Party;

Canadian Union of Fascists;

The Communist Party of Canada;

The Young Communist League of Canada;

The Canadian Labour Defence League;

The League for Peace and Democracy;

The Ukrainian Labour Farmer Temple Association;

The Finnish Organization of Canada;

The Russian Workers and Farmers Club;

The

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3.

The Croatian Cultural Association;
The Hungarian Workers Club;
The Polish People's Association;
and
The Canadian Ukrainian Youth Federation;

(b) any association, society, group or organization which the Governor in Council, by notice published in the Canada Gazette, declares to be an illegal organization.

(2) Every person who after the publication of this regulation in the Canada Gazette continues to be or becomes an officer or member of an illegal organization, or professes to be such, or who advocates or defends the acts, principles or policies of such illegal organization shall be guilty of an offence against this regulation.

(3) In any prosecution under this regulation, if it be proved that the person charged has

(a) attended meetings of an illegal organization; or

(b) spoken publicly in advocacy of an illegal organization; or

(c) distributed literature of an illegal organization by circulation through the Post Office mails of Canada, or otherwise;

it shall be presumed, in the absence of proof to the contrary, that he is a member of such illegal organization."

4. By adding to regulation 58 as paragraph (3) the following:

"(3) For the purposes of this regulation every commissioned officer of the Royal Canadian Mounted Police shall be a justice of the peace."

Approved

[Signature]

ADMINISTRATOR

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