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TO HIS EXCELLENCY



*Major-General the Right Honourable the Earl of Athlone, Knight of the Most Noble Order of the Garter, a Member of His Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Grand Master of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of the Royal Victorian Order, Companion of the Distinguished Service Order, one of His Majesty's Personal Aides-de-Camp.*

GOVERNOR GENERAL AND COMMANDER IN CHIEF  
OF THE DOMINION OF CANADA

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

PRESENT

The RIGHT HONOURABLE

W. L. MACKENZIE KING  
RAOUL DANDURAND

THE HONOURABLE

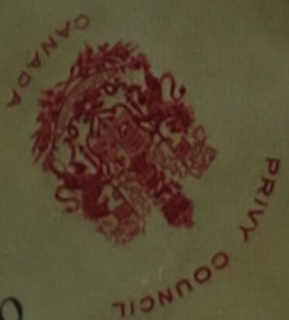
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W. P. MULOCK  
C. W. G. GIBSON  
A. L. MACDONALD  
J. T. THORSON

APPROVED.  
10 DECEMBER 1941

*May it please Your Excellency*

GOVERNMENT  
His Majesty  
Victorian Order  
Saint Michael and  
Order of the Bath,  
Honourable Privy Coun  
the Most Noble Order of  
Major-General the Right Hon

TO HIS EXCELLENCY  
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The Proceedings of a Meeting of the Committee  
of the Privy Council held on the tenth day of  
December, 1941, contained in this Report, comprising  
items numbered:

- P.C. 9200
- P.C. 9587
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- P.C. 9601
- P.C. 9616
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- P.C. 9668
- P.C. 9669
- P.C. 9670
- P.C. 9671
- P.C. 9672

are submitted for Your Excellency's approval.

Government House,  
Ottawa.

*Approved*

*Athol*

*10<sup>th</sup> Dec. 1941*

GOVERNMENT  
His Majesty's  
Victorian Order  
Saint Michael and  
Order of the Bath  
Honourable Privy Council  
the Most Noble Order  
Major-General the R



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P.C. 9661

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AT THE GOVERNMENT HOUSE AT OTTAWA

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS paragraph (1) of Regulation 40, Defence of Canada Regulations (Consolidation) 1941, provides as follows:

"Every vessel within the ports of Canada or Canadian waters, as defined in the Customs Act, shall comply with such orders as to the navigation and mooring of vessels as may be issued by, or on behalf of, the Minister of National Defence, and shall obey any orders given, whether by signal or otherwise, by any officer in command of any of His Majesty's Canadian ships or of any other of His Majesty's ships or any naval, military or air force officer engaged in the defence of the coasts of Canada."

*2 B. D. Murphy. 13<sup>th</sup> Dec. 1941  
1 Justice  
1 P. M.  
1 Keams  
1 K.*

AND WHEREAS the Minister of National Defence for Naval Services reports that instances have occurred where orders which have been issued under the said Regulation have been disregarded by those to whom the said orders were intended to relate, but difficulty has been experienced in prosecuting those who offended against said orders due to the impracticability of proffering legal proof of the issuance of said orders;

That, for the reasons aforesaid, for the safety of the State and the efficient prosecution of the war, it is desirable that more stringent measures be taken with respect to regulating the entry of vessels to the ports of Canada, particularly the defended ports, and with respect to their compliance with orders regulating their movement, navigation, pilotage, anchorage, mooring, berthing, lighting and related matters;

That, for the foregoing purposes, appropriate authorities should be empowered to issue the requisite orders and regulations; and

That provision be made whereby the fact that said regulations had been issued can, as a matter of law, be established together with legal proof thereof.

*Canada Gazette  
27-12-41. p. 2515*

THEREFORE/

GOVERNOR GENERAL  
His Majesty's Personal Aides-  
Victorian Order, Companion of  
Saint Michael and Saint George  
Order of the Bath, Grand Master  
Honourable Privy Council, Knight  
the Most Noble Order of the Garter  
Major-General the Right Honourable



P.C. 9661

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NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence for Naval Services, concurred in by the Acting Minister of Justice, and under and by virtue of the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to amend and doth hereby amend The Defence of Canada Regulations (Consolidation) 1941, made by Order in Council P.C. 5295, of July 15th, 1941, by revoking Regulation 40 thereof and substituting the following therefor,-

"40. (1) Every vessel within the ports of Canada or Canadian waters, as defined in the Customs Act, shall comply with such orders regulating the movement, navigation, pilotage, anchorage, mooring, berthing, lighting and related matters with respect to the vessel as may be issued by or on behalf of the Minister of National Defence or the Minister of National Defence for Naval Services and shall obey any orders incidental to such matters issued by the Naval Officer in charge of the Port or the Naval Officer charged with the administration of the Port and shall obey any order given, whether by signal or otherwise, by any Officer in Command of any of His Majesty's Canadian ships or any other of His Majesty's ships or any Naval, Military or Air Force officer engaged in the defence of the coasts of Canada.

(2) Every vessel of Canadian registry or licence wheresoever it may be shall comply with such orders regulating the movement, navigation, pilotage, anchorage, mooring, berthing, lighting and related matters as may be issued by or on behalf of the Minister of National Defence or the Minister of National Defence for Naval Services, and shall obey any orders incidental to such matters given, whether by way of signal or otherwise, by any officer in command of any of His Majesty's Canadian ships or of any other of His Majesty's ships, or by any Naval, Military or Air Force officer engaged in the defence of the coasts of Canada.

(3) If the master or other person in command or charge of such vessel fails to comply with or to obey any order issued or given under this Regulation, he shall be guilty of an offence against this Regulation.

(4)/

pc. 9661

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(4) Any person acting on behalf of His Majesty may, in relation to any vessel, use such force as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the vessel.

(5) (a) Proof of the issuance of any order made by or on behalf of the Minister of National Defence or the Minister of National Defence for Naval Services under this Regulation may be made:

(i) by the production of a copy thereof duly certified under the hand of the Minister of National Defence or the Minister of National Defence for Naval Services; or

(ii) by the production of a copy of the Canada Gazette in which such order has been published.

(b) Proof of the issuance of any order made by the naval officer in charge of a port or the naval officer charged with the administration of a port under this Regulation may be made:

(i) by the production of a copy of the order duly certified by the said naval officer as being an order made by him; or

(ii) by production of a copy of the Royal Gazette of the particular Province in which such order has been published; or

(iii) by the production of a copy of a weekly or daily newspaper published in or in the vicinity of the place where such port is located, having a circulation in such place, in which such order has been published.

(6) The preceding provisions of this Regulation shall apply in relation to water borne aircraft on the surface of the water as those provisions apply in relation to vessels, and water borne aircraft taking off from or alighting on the water shall be deemed, for the purpose of this Regulation, to be on the surface of the water while in contact therewith."

*R. Handman*

*Approved.*

*A. L. ...*

10.11.41

TO HIS  
Major-General the Right Honourable  
the Most Noble Order of the Garter  
Honourable Privy Council, Knight  
Order of the Bath, Grand Master  
Saint Michael and Saint George  
Victorian Order, Companion  
His Majesty's Privy Council  
GOVERNMENT OF CANADA  
PRIVY COUNCIL