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Orders

Co 'ncil

22 June 1942

to

30 June 1942



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VOLUME 1764

309 Athlone Ave. Ottawa Ontario

Case No. Sp. 3349

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Vol. 1512

29 June 1942

2591

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 HONOURABLE

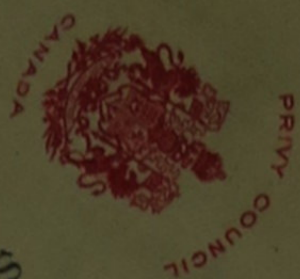
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J. H. KING
J. L. RALSTON
I. A. MACKENZIE
C. G. POWER
J. L. ILSLEY
J. G. GARDINER
J. A. MacKINNON
C. W. G. GIBSON
A. L. MACDONALD
J. T. THORSON
L. S. ST. LAURENT
H. MITCHELL

JUNE 1942

29

May it please Your Excellency

GOVERNOR
His Majesty's Person
Victorian Order, Comp
Saint Michael and Saint
Order of the Bath, Grand Master
Honourable Privy Council, Knight Gr
the Most Noble Order of the Garter, a M
Major-General the Right Honourable the Earl
2591
TO HIS EXCELLENCY



The Proceedings of a Meeting of the Committee
of the Privy Council held on the twenty-ninth day of
June, 1942., contained in this Report, comprising
items numbered:

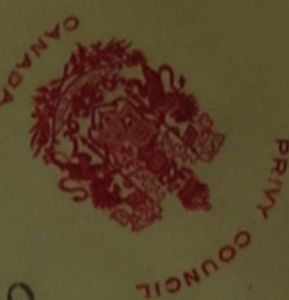
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P.C. 5574

are submitted for Your Excellency's approval.

Government House,
Ottawa.

Approved
Athol
29.VI.42

GOVERNMENT
His Majesty's
Victorian Order,
Saint Michael and
Honourable Privy Council, R.
the Most Noble Order of the G.
Major-General the Right Honourable
TO HIS EXCELLENCY
2591



P.C. 5523

*Exempted by P.C. 6885 - 4-8-42
Revised by P.C. 469 - 19-1-43*

AT THE GOVERNMENT HOUSE AT OTTAWA
Monday, the 29th day of June, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

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

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

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

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

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and the Minister of Pensions and National Health and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the following regulations and they are hereby made and established accordingly:-

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

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

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

11-7-42. p. 175.

(b)/

"Japanese Company" means any corporation of which the majority of the shares issued by it are owned by persons of the Japanese race, or of which the majority of the directors are persons of the Japanese race;

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

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

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

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

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

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

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

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or at all reasonable times and inspect any agricultural land in a protected area of British Columbia, owned by any person of the Japanese race or by any Japanese company, or which is reasonably believed by such inspector to be or to have been owned by any such person or company;

- (ii) examine orally any person occupying or having any interest in agricultural land in a protected area of British Columbia, which is reasonably believed by such inspector to be or to have been owned by a person of the Japanese race or a Japanese company;
- (iii) require any person occupying or having any interest in agricultural land in a protected area of British Columbia, which is reasonably believed by such inspector to be owned by a person of the Japanese race or a Japanese Company, or having in his possession any documents relating to any such land, to furnish any information in his possession or such documents to such inspector.

6. The production by any person of any document purporting to be signed by the Director and purporting to authorize such person to act as an inspector under these regulations, shall be evidence of the authority of such person to act as an inspector.

7. Any person,

- (i) who purchases, leases, or otherwise acquires, or sells, leases or otherwise disposes of or agrees to purchase, lease or otherwise acquire, or to sell, lease or otherwise dispose of, any agricultural land in any protected area of British Columbia, owned by any person of the Japanese race or by any Japanese company otherwise than in accordance with these regulations; or
- (ii) who wilfully delays or obstructs an inspector in the exercise of any power conferred upon him under these regulations; or
- (iii) who fails to give any information or to produce any documents in his possession if required to do so under these regulations; or
- (iv) who refuses to reply to any reasonable question asked him by an inspector acting under these regulations,

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

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

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

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

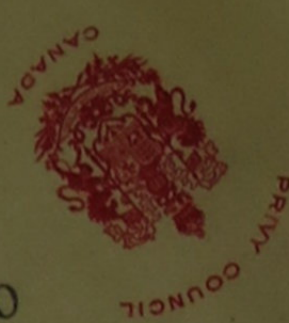
W. Curran

Approved.

Athlone.

29.VI.42

His Majesty the King
Order of the Most Noble Privy Council
Major-General the Honourable P. J. ...



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GM/K



OFFICE OF
THE DIRECTOR OF SOLDIER SETTLEMENT
OTTAWA, CANADA

June 26, 1942.

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

Dear Mr. Heeney,-

I send you herewith joint submission to Council signed by the Honourable T.A. Crerar, Minister of Mines and Resources, and the Honourable Ian Mackenzie, Minister of Pensions and National Health, with reference to agricultural lands held by persons of the Japanese race or Japanese companies in the Pacific Coast Defence Area of the Province of British Columbia.

Generally speaking, these lands have been used by the Japanese along specialized lines, such as the production of strawberries, raspberries, asparagus, garden truck, and poultry. There are also a number of properties equipped with expensive greenhouses used in the production of cucumbers and tomatoes. So far as is known at the present time there is a total of approximately 1,096 of these Japanese properties outside the limits of incorporated towns and cities in the defence area.

The evacuation of Japanese owners results in a variety of problems, such as the conservation of the continuity of production and the tendency or local opportunity to take advantage of the extremity confronting some of these Japanese people, resulting in hastily drawn lease agreements or sales at sacrifice prices.

The British Columbia Security Commission lack authority to deal with these properties and the Official Custodian of enemy alien properties has no authority to touch these farms unless and until they have been actually abandoned. Generally, there has been thus far an absence of other Government agencies staffed with sufficient personnel experienced in land administration.

On or about May 1st last I was authorized by my Minister to take an inventory and make an appraisal of these lands. Up to the present time approximately 50% of this work has been done, and it becomes more apparent every day that consolidated control of the disposition or of administration of these lands will be in the public interest.

The real worth of many of these properties depends on continuity of occupation and efficient operation, but labour shortage is a factor which is

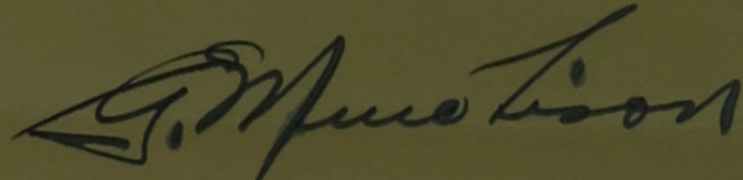
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bound to have an adverse effect on values as they existed prior to the removal of the Japanese. The operation of many of these properties in 1943 is going to present some difficulties and any delay in setting up unified control would not tend to minimize these difficulties. Present indications are that these properties have a present day value of approximately \$1,500,000.

Yours very truly,



Director.

Enclosure.

29.11.42