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5 February 1945

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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

THE HONOURABLE

T. A. CRERAR

J. H. KING

I. A. MACKENZIE

C. G. POWER

J. L. ILSLEY

J. E. MICHAUD

C. D. HOWE

J. G. GARDINER

N. A. McLARFY

W. P. MULOCK

COLIN GIBSON

L. S. ST. LAURENT

H. MITCHELL

A. FOURNIER

L. R. LAFLECHE

APPROVED.
5 FEBRUARY 1943

May it please Your Excellency

The Proceedings of a Meeting of the Committee
of the Privy Council held on the fifth day of
February, 1943, contained in this Report, comprising
items numbered:

P.C. 368	P.C. 883	P.C. 919
P.C. 776	P.C. 884	P.C. 920
P.C. 818	P.C. 885	P.C. 921
P.C. 854	P.C. 886	P.C. 922
P.C. 855	P.C. 887	P.C. 923
P.C. 856	P.C. 888	P.C. 924
P.C. 857	P.C. 889	P.C. 925
P.C. 858	P.C. 890	P.C. 926
P.C. 859	P.C. 891	P.C. 927
P.C. 860	P.C. 892	P.C. 928
P.C. 861	P.C. 893	P.C. 929
P.C. 862	P.C. 895	P.C. 930
P.C. 863	P.C. 896	P.C. 931
P.C. 864	P.C. 898	P.C. 932
P.C. 865	P.C. 899	P.C. 933
P.C. 866	P.C. 900	P.C. 934
P.C. 867	P.C. 901	P.C. 935
P.C. 868	P.C. 902	P.C. 936
P.C. 869	P.C. 903	P.C. 937
P.C. 870	P.C. 904	P.C. 938
P.C. 871	P.C. 905	P.C. 940
P.C. 872	P.C. 906	P.C. 941
P.C. 873	P.C. 907	P.C. 942
P.C. 874	P.C. 908	P.C. 943
P.C. 875	P.C. 909	P.C. 944
P.C. 876	P.C. 910	P.C. 945
P.C. 877	P.C. 911	P.C. 946
P.C. 878	P.C. 912	P.C. 947
P.C. 879	P.C. 913	P.C. 948
P.C. 880	P.C. 914	P.C. 951
P.C. 881	P.C. 915	
P.C. 882	P.C. 916	

are submitted for Your Excellency's approval.

Government House,
Ottawa.

Approved
Atblow.

5.2.43.

Submitted for Your Excellency's information.

P.C. 894
P.C. 939

Major-General
the Most
Honourable
Order
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See PC 1275 - 16-2-43 93
" " 1422 - 23-2-43
" " 1841 - 8-3-43
" " 4002 - 17-5-43

Amended by PC 9743 - 24-12-43

See P.O. 468 - 23-1-45

Amended by PC 5637 - 16-8-45

" " " 5973 - 14-9-45

" " " 5993 - 18-12-45

" See P.O. 270 - 23-1-47

458 - 6-3-48

504 - 2-3-48

Amended by PC 804 2/3/48

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 5th day of FEBRUARY, 1943 (effective Apr. 1/49)

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council P.C. 1665 of March 4, 1942, the British Columbia Security Commission was established to plan, supervise and direct the evacuation from the protected areas of British Columbia of all persons of the Japanese race required to leave such areas by Order of the Minister of Justice under Regulation four of the Defence of Canada Regulations (Consolidation) 1941, as amended, and the placement and maintenance of such persons;

AND WHEREAS the Minister of Labour reports that the evacuation and initial placement of such persons has been substantially carried out and it is desirable to relieve the members of the said Commission, who are acting without remuneration, of responsibility for the administration relative to the further placement, control and maintenance of such persons;

AND WHEREAS it is deemed advisable, by reason of the state of war now existing, for the order and welfare of Canada to make provision for such administration and for the control of persons of the Japanese race in Canada;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased to make the following Regulations and they are hereby made and established accordingly.

Canadian War O. & Regs

Vol. 1 No. 6, 15-2-43 p. 359.

Definitions/

9 Feb, 1943

- 1 Laborn*
- 1 Kearns*
- 1 Finance*
- 1 P.M.*
- 2 C.C.C.*
- 2 A.G.*
- 2 Comp.*

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Definitions

1. In these Regulations, unless the context otherwise requires,
 - (a) "Advisory Board" or "Board" means the Advisory Board established by these Regulations;
 - (b) "Commission" means the British Columbia Security Commission established by Order in Council P.C. 1665 of March 4, 1942;
 - (c) "Commissioner" means the Commissioner of Japanese Placement appointed pursuant to these Regulations;
 - (d) "Deputy Minister" means the Deputy Minister of Labour;
 - (e) "Minister" means the Minister of Labour;
 - (f) "person of the Japanese race" means any person wholly or partly of the Japanese race required to leave any protected area of British Columbia by order of the Minister of Justice under regulation four of the Defence of Canada Regulations (Consolidation) 1942, as amended, and who is within any such protected area or who was ordinarily resident within any protected area but who has left or leaves such area after February 5, 1942;
 - (g) other words and phrases shall have the same meaning as in the Defence of Canada Regulations.

(2) The Interpretation Act and every provision thereof shall be applicable to and in respect of every order, rule or regulation made by the Minister pursuant to these Regulations except insofar as any such provision is inconsistent with the intent or object of such order, rule or regulation, or would give to any word, expression or clause thereof an interpretation repugnant to the subject matter or the context, or is in any such order, rule or regulation, declared not applicable thereto.

Duties of the Minister

2. It shall be the duty of the Minister to plan, supervise and direct the evacuation from the protected areas of British Columbia of all persons of the Japanese race and the placement and control of such persons elsewhere in Canada and to take such measures as he deems necessary to provide or to arrange for the transportation, housing, feeding, care, protection, employment and welfare of such persons.

Powers/

Powers of the Minister

3. (1) The Minister may -
- (i) determine the time and order of the evacuation from any protected areas of British Columbia of persons of the Japanese race and their mode of transportation in such evacuation;
 - (ii) determine from time to time the localities in which persons of the Japanese race shall be placed or may reside;
 - (iii) take such measures as he deems advisable to provide or to arrange for the transportation, housing, feeding, care, protection, employment and welfare of persons of the Japanese race;
 - (iv) employ persons of the Japanese race for such purposes at such rates of wages and on such terms and conditions as he deems advisable;
 - (v) take such measures as he deems advisable to provide or to arrange for the care of dependents resident in Canada, including therein dependent parents, of any person of the Japanese race who is engaged in employment pursuant to these Regulations or pursuant to the provisions of Order in Council P.C. 1348 of February 19, 1942, or otherwise, by requiring such person to assign a portion of his wages, or by making deductions or requiring deductions to be made from his wages, or otherwise, and for such purpose may make such orders or regulations as he deems advisable;
 - (vi) take such measures as he deems advisable to provide or to make arrangements for the provision of direct relief, including necessary medical services, to any indigent person of the Japanese race;
 - (vii) require, by order, any person of the Japanese race in any place in Canada to proceed to any other place in Canada at such time and in such manner as he may prescribe;
 - (viii) make orders, rules or regulations respecting the conduct, activities or discipline of persons of the Japanese race as defined in these Regulations, or of other persons resident anywhere in Canada who are wholly of the Japanese race, or who have a father or a mother who is or was wholly of the Japanese race, and may by order prohibit such persons of the Japanese race or such other persons, from engaging in any activities, employment or business, or in any specified

activities

activities, employment or business, in Canada, from moving or travelling anywhere in Canada, from residing in any place in Canada or from associating or communicating with any persons, except subject to a permit issued by or on behalf of the Minister and on such terms and conditions as may be prescribed by him or by any person authorized to act on his behalf under these Regulations.

Enforcement

4. (1) Any person who contravenes or omits to comply with any of these Regulations or any order, rule or regulation made pursuant to these Regulations shall be guilty of an offence under these Regulations and liable on 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.

(2) In any prosecution for an offence under these Regulations it shall be presumed that the accused is a person of the Japanese race as defined in these Regulations, or is a person who is wholly of the Japanese race or is a person whose father or mother is or was wholly of the Japanese race, until the contrary is proved and the burden of such proof shall be upon the accused.

(3) Any peace officer may arrest without warrant any person whom he finds committing or whom he has reasonable grounds for believing has committed any offence under these Regulations.

(4) Every document, purporting to be, or to contain or to be a copy of an order, rule, regulation, permit or authority made or given by the Minister, the Deputy Minister or the Commissioner pursuant to these Regulations and purporting to be signed by the Minister, the Deputy Minister or the Commissioner shall be evidence of such order, rule, regulation, permit or authority.

Administration

5. The Deputy Minister may exercise all powers conferred on the Minister under these Regulations.

6. There shall be a Commissioner of Japanese Placement who shall, under the Minister and the Deputy Minister, be the Chief Executive Officer charged with the Administration of these Regulations and who may under their control and direction exercise each and every power conferred by these Regulations on the Minister, including any power involving the exercise of a discretion.

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7. (1) The Minister may employ such professional, technical or other officers, clerks and employees as he deems necessary for the purpose of the administration of these Regulations and may, with the approval of the Governor in Council, fix their remuneration.

(2) Notwithstanding anything contained in subsection one of this section, all officers, clerks and employees who are employed by the Commission immediately prior to the coming into operation of these Regulations, may be employed by the Minister for the purpose of the administration of these Regulations at their present rate of remuneration and shall perform such duties as are assigned to them by the Minister.

8. (1) The Minister may enter into contracts and acquire real and personal property on behalf of His Majesty but no contract shall be entered into by him pursuant to these Regulations involving an expenditure in excess of fifteen thousand dollars except with the approval of the Governor in Council.

(2) No real property shall be purchased on behalf of His Majesty pursuant to the provisions of these Regulations except with the approval of the Governor in Council.

9. The Minister may, for the purpose of carrying out his duties under these Regulations, enter into arrangements with any Department of the Government of Canada or into agreements on behalf of the Government of Canada with the Government of any Province for the use or occupation of any Dominion or Provincial Crown lands.

10. The Minister may enter into an agreement on behalf of the Government of Canada with the Government of any Province relative to the placement in such province of persons of the Japanese race and any such agreement may provide that any such persons will be removed from such Province upon the termination of the state of war now existing between Canada and Japan.

Advisory Board

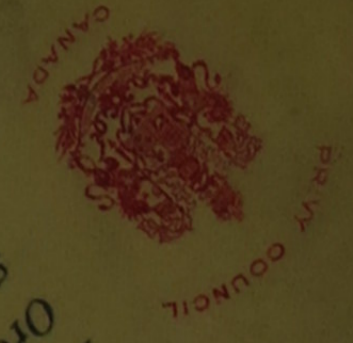
11. (1) There shall be constituted an Advisory Board to advise the Minister on the performance of his duties under these Regulations.

(2) The Board shall consist of the Deputy Minister who shall be the Chairman of the Board, the Commissioner who shall be the Vice Chairman of the Board and Austin C. Taylor, Esq., of Vancouver, John Shirras of Vancouver, B.C., Assistant Commissioner of British Columbia Provincial Police Force and Frederick John Mead of Ottawa, Ontario, Assistant Commissioner, R.C.M.P., together with other persons as the Minister may nominate shall be members thereof.

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(3) The meetings of the Board shall be held at the call of the Chairman or the Vice Chairman.

(4) The Board may make bylaws for the conduct of its business.

(5) Each member of the Board shall be paid a fee of ten dollars for each day he is absent from his usual place of residence while attending meetings of the Board and his actual and reasonable disbursements incurred in connection therewith.

Departmental Assistance

12. All departments and agencies of the Government of Canada shall assist the Minister by lending to the Minister such personnel and by furnishing such medical aid, hospitalization, food, clothing, transportation, use of land, buildings, equipment, utilities, and other supplies and services as are available, and may be required by the Minister, and in particular, but without restricting the generality of the foregoing, there shall be furnished to the Minister

- (a) assistance by the Royal Canadian Mounted Police in the compiling of information concerning the persons to be evacuated under these Regulations in the segregation and concentration of such persons and in the maintenance of public security in respect thereof;
- (b) assistance by the Department of Transport in the transportation of persons evacuated under these Regulations;
- (c) assistance by the Department of National Defence by furnishing personnel to advise on and assist in the housing, feeding and clothing of persons evacuated under these Regulations;
- (d) assistance by the Department of Munitions and Supply in advising upon and entering into contracts or other arrangements to provide housing, food, supplies and services for such persons;
- (e) assistance by the Royal Canadian Mounted Police and/or the Department of National Defence in the protection of persons evacuated under these Regulations and in the maintenance of public security in respect thereof;

Provided, however, that notwithstanding the provisions of these Regulations any Minister responsible for the administration of any of the departments or agencies of the Government shall have the right to determine whether or not any item of assistance requested can be made available.

General

13. (1) All real and personal property or any interest therein held by the Commission shall on and after the coming into operation of these Regulations, be vested in His Majesty in right of Canada.

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 the Most Noble Order of
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 Saint George
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(2) All rights, duties and obligations of the Commission under any agreements entered into by the Commission with the Government of any province of Canada or under any contract entered into by the Commission with any person shall, on and after the coming into operation of these Regulations be vested in and assumed by His Majesty in right of CANADA, represented by the Minister, who shall be the successor to the Commission in respect thereof.

(3) The Minister may, in the name of the Commission, execute any conveyance, 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.

14. (1) Paragraphs numbered 2 to 11 inclusive and 13 to 16 inclusive of Order in Council P.C. 1665 of March 4, 1942, and Order in Council P.C. 1666 of March 4, 1942, are revoked effective on and after the date of the coming into operation of these Regulations.

(2) All orders, rules or regulations made pursuant to any power conferred by Order in Council, P.C. 1665, of March 4, 1942, effective immediately prior to the coming into operation of these Regulations shall, notwithstanding the revocation of said paragraphs of such Order in Council, continue to be valid and in full force and effect unless or until revoked or varied by the Minister pursuant to these Regulations and shall be deemed to have been made by the Minister pursuant to these Regulations and the power of the Minister to make orders, rules or regulations pursuant to these Regulations shall include power to revoke or vary such orders, rules or regulations.

15. (1) The General Supervisor of Japanese Evacuation and Maintenance appointed by Order in Council, P.C. 1/11037 of December 3, 1942, shall be the Commissioner for the purposes of these Regulations unless and until his appointment is revoked.

(2) The paragraph of the Order in Council, P.C. 1/11037 of December 3, 1942, commencing "The undersigned further recommends that the duties and functions" and ending "... on the Commissioners" is revoked.

(3) The term "General Supervisor of Japanese Evacuation and Maintenance" wherever it appears in said Order in Council P.C. 1/11037 of December 3, 1942, is deleted and the term 'Commissioner of Japanese Placement' is substituted therefor.

16. All expenses or costs incurred by the Minister or by any department or agency of the Government of Canada in connection with the enforcement or administration of these Regulations shall be paid out of monies appropriated by Parliament to carry out measures deemed necessary in consequence of the existence of a state of war.

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Privy Council
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Order of the Right Honourable Privy Councillor
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17. Nothing contained in these Regulations shall be construed to limit or to derogate from the powers conferred on any authority by the Defence of Canada Regulations or any Statute of the Parliament of Canada.

18. These Regulations shall be deemed to have come into operation on the 25th day of January, 1943.

W. A. Woodhouse

Approved

Attest

FEB 5 1943

MAJOR-GENERAL THE HONOURABLE P. STUART
PRIME MINISTER
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