

RG 2

RG 2 1912



0000196273

v. 1912

B-10-5

32926

Vol. 1650

14 September 1945

3292

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

I. A. MACKENZIE
J. L. ILSLEY
C. D. HOWE
J. G. GARDINER
J. A. MacKINNON
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D. C. ABBOTT
J. J. McCANN
H. F. G. BRIDGES
W. McL. ROBERTSON

APPROVED.
14 SEPTEMBER 1945

May it please Your Excellency

TO HIS EXCELLENCY
3299

Major-General the Right Hon.
the Most Noble Order of the Bath
Honourable Privy Counsellor
Order of the Bath
Saint Michael
Victorian
His



The Proceedings of a Meeting of the Committee
of the Privy Council held on the fourteenth day of
September, 1945, contained in this Report, comprising

items numbered:

P.C. 5569	P.C. 6040	P.C. 6074
P.C. 5929	P.C. 6041	P.C. 6075
P.C. 5972	P.C. 6042	P.C. 6076
P.C. 5973	P.C. 6043	P.C. 6077
P.C. 6008	P.C. 6044	P.C. 6078
P.C. 6009	P.C. 6045	P.C. 6079
P.C. 6010	P.C. 6046	P.C. 6080
P.C. 6011	P.C. 6047	P.C. 6081
P.C. 6012	P.C. 6048	P.C. 6082
P.C. 6013	P.C. 6049	P.C. 6083
P.C. 6014	P.C. 6050	P.C. 6084
P.C. 6015	P.C. 6051	P.C. 6085
P.C. 6016	P.C. 6052	P.C. 6086
P.C. 6017	P.C. 6053	P.C. 6087
P.C. 6018	P.C. 6054	P.C. 6088
P.C. 6020	P.C. 6055	P.C. 6089
P.C. 6021	P.C. 6056	P.C. 6090
P.C. 6022	P.C. 6058	P.C. 6093
P.C. 6023	P.C. 6059	P.C. 6102
P.C. 6024	P.C. 6060	
P.C. 6025	P.C. 6061	
P.C. 6026	P.C. 6062	
P.C. 6027	P.C. 6063	
P.C. 6028	P.C. 6064	
P.C. 6029	P.C. 6065	
P.C. 6031	P.C. 6066	
P.C. 6032	P.C. 6067	
P.C. 6033	P.C. 6068	
P.C. 6035	P.C. 6069	
P.C. 6036	P.C. 6070	
P.C. 6037	P.C. 6071	
P.C. 6038	P.C. 6072	
P.C. 6039	P.C. 6073	

are submitted for Your Excellency's approval.

Approved
Stimpert
Deputy Governor General

SEP 14 1945

Submitted for Your Excellency's information.

P.C. 6057
P.C. 6091
P.C. 6092

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 14th day of SEPTEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to amend the Defence of Canada Regulations (Consolidation) 1942, and they are hereby amended as follows:

1. By revoking Regulations five, five A, six, seven, eight, nine, ten, eleven, twelve, eighteen, eighteen A, eighteen B, twenty, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-three, thirty-four, thirty-five A, thirty-six, thirty-seven, thirty-seven B, thirty-eight D, thirty-nine D, thirty-nine E, forty A, forty-one A, forty-two, forty-three, forty-six, forty-six A, forty-seven, forty-eight A, forty-nine, fifty-one B, fifty-six B, sixty A and sixty-five thereof.
2. By revoking paragraph (2) of Regulation 23.
3. By revoking paragraph (11) of Regulation 35.
4. By striking out the words "Pensions and National Health" wherever they appear in Regulation 35 and substituting therefor the words "Veterans Affairs".
5. By revoking paragraph (1) of Regulation 37A and substituting therefor the following:

"(1) Notwithstanding anything contained in the Criminal Code or other law no person of the Japanese race shall have in his possession any firearm or any ammunition therefor or any dynamite, gunpowder or other dangerous explosive within Canada."
6. By revoking paragraph (6) of Regulation 37A and substituting therefor the following:

"(6) If any question arises under this Regulation, or in any proceeding instituted thereunder, or with reference to anything done or proposed to be done under the authority thereof as to whether any person is a person of the Japanese race, the onus of proof that any person so suspected or charged is not a person of the Japanese race shall lie upon the accused in such proceeding."

Sept. 17/45.

*Hearns
Justice
Labour
P.M.*

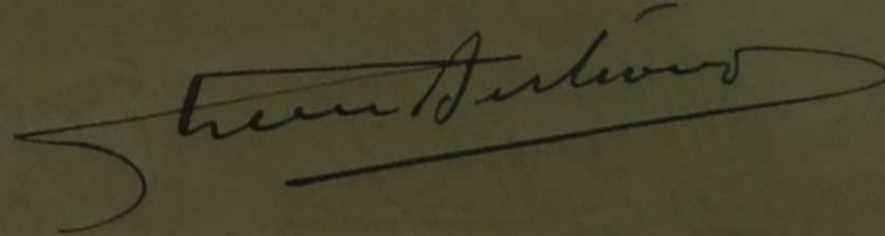
*Canadian War O. & Ry'ns.
Vol. 171 no. 12. Sept. 24/45. P. 451.*

7. By revoking paragraph (c) of Regulation 37C and substituting therefor the following:

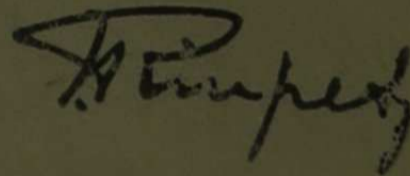
"(c) If the owner of such pistol or revolver fails to comply with the provisions of paragraph (b) of this Regulation, such pistol or revolver shall for the purposes of section one hundred and twenty-one A of the Criminal Code be deemed not to have been registered."

8. By adding to Regulation 37C immediately after paragraph (c) thereof the following paragraph:

"(d) If any person is reasonably suspected of having in his possession or upon his premises, contrary to the provisions of this Regulation, any pistol or revolver for which registration has been cancelled pursuant to this Regulation, or if the Attorney General of the province is satisfied that it is in the interest of the public safety or the safety of the State so to do, and so directs, he may be searched, or his premises or any place occupied or believed to be occupied by him may be searched for any pistol or revolver by any constable without warrant, and if any such pistol or revolver be found upon any such person or his premises, or in any such place as aforesaid, the same shall be seized and forfeited to the Crown to be disposed of as the Attorney General of the province in which such forfeiture takes place may direct."



Approved

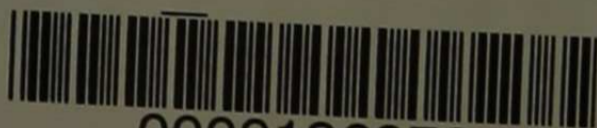


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Approved
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Deputy Governor General

SEP 14 1945

Submitted for Your Excellency's information.

P.C. 6057
P.C. 6091
P.C. 6092



AT THE GOVERNMENT HOUSE AT OTTAWA
FRIDAY, the 14th day of SEPTEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under the authority of the War Measures Act, is pleased to amend the regulations established by Order in Council P.C. 946 of the 5th day of February, 1943, and they are hereby further amended by adding immediately after Regulation 3A thereof the following:

- "3B.(1) No person of the Japanese race and no Japanese company shall, except as hereinafter provided, have the capacity, after the twenty-fourth day of February, 1942, during the continuation of the state of war now existing to acquire or hold land or growing crops in Canada.
- (2) No conveyance made or executed after the twenty-fourth day of February, 1942, shall be effective to convey to or for the benefit of a person of the Japanese race or of a Japanese company any land or growing crops in Canada.
- (3) (a) Nothing in this Regulation shall deprive a person of the Japanese race or a Japanese company of capacity to hold land or growing crops acquired or held by such person or company before the twenty-fourth day of February, 1942, or acquired by such person or company after the twenty-fourth day of February, 1942, pursuant to the terms of a written contract or agreement executed before the twenty-fourth day of February, 1942, or under a will or intestacy.
- (b) Nothing in this Regulation shall deprive a person of the Japanese race of capacity to lease any building or part of a building for a term not exceeding one year or from month to month or for some lesser periodic tenancy.

(4)/

Sept. 17/45

*Keenan
Justice
Lebow
P.M.*

*Canadian War & Reg's.
Vol. III No. 12. Sept. 24/45. P. 453.*

- (4) (a) The Minister of Labour may, if it appears to him to be in the public interest so to do, grant to a person of the Japanese race or to a Japanese company, a licence to acquire or hold land or growing crops in Canada or any interest therein which such person or company would by reason of this Regulation be denied the capacity to acquire or hold.
- (b) A person of the Japanese race or a Japanese company to whom or to which such a licence is granted shall have the capacity to acquire or hold land or growing crops in Canada or any interest therein in accordance with the terms and conditions of such licence.
- (c) A conveyance of land or growing crops made in conformity with any such licence shall be effective according to its terms.
- (5) Any person who after the twenty-fourth day of February, 1942, makes or executes any conveyance other than a conveyance made in conformity with a licence granted hereunder or a lease granted in accordance with sub-paragraph (b) of paragraph (3) of this Regulation, of any land or growing crops to or for the benefit of any person whom he knows to be of the Japanese race or to a company which he knows to be a Japanese company shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.
- (5A) Every person who acquires or holds land or growing crops for the benefit of any person known to him to be of the Japanese race or a company known to him to be a Japanese company shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.
- (6) In this Regulation:
- (a) "conveyance" shall include a gift, conveyance, transfer, agreement for sale, appointment, lease, settlement, mortgage, charge, encumbrance, or other conveyance by deed, bill of sale or other instrument made inter vivos, and "convey" shall have a meaning corresponding with "conveyance";
- (b) "Japanese company" means any corporation of which the majority of the shares issued by the company are owned by persons of the Japanese race, or of which a majority of the directors are persons of the Japanese race;
- (c) "land" shall include land and any real or

immovable property and any interest, legal or equitable therein and the right to possession thereof;

- (d) "person of the Japanese race" means a person wholly of the Japanese race."

Paul Martin

Approved

J. R. [Signature]

DEPUTY GOVERNOR GENERAL

SEP 14 1945

His Majesty
 the King
 Order of the
 Most Noble
 Prince of Wales
 Major-General the
 Honourable
 the
 Privy Council
 Governor-General
 of the
 Dominion of
 Ontario