

J-25-1

1941

1941



THE CANADA GAZETTE

LA GAZETTE DU CANADA

OTTAWA, WEDNESDAY, DECEMBER 17, 1941

ORDER IN COUNCIL

[9760]

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 16th day of December, 1941.

PRESENT:

HIS EXCELLENCY THE GOVERNOR
GENERAL IN COUNCIL

WHEREAS the Minister of Justice reports,—
That a Special Committee on Orientals in British Columbia which was appointed on October 1, 1940, to investigate the position of persons of Japanese and Chinese racial origin, who are resident in British Columbia, and to report upon the problem of Japanese and Chinese in that province from the point of view of national security, with particular reference to the question of military training, made a report on December 2, 1940, recommending *inter alia* that, both for purposes of civil security and in order to deprive persons hostile to the Japanese, of a constant and effective ground for complaint, there should be a re-registration of the Japanese population in British Columbia;

That the Cabinet War Committee considered and approved such recommendation and by Order in Council P.C. 117, dated January 7, 1941, a standing committee was appointed to assist the Government by overseeing the execution of such recommendations of the Special Committee as the Government might from time to time refer to it for action;

That the Commissioner of the Royal Canadian Mounted Police was asked to supervise such re-registration;

That such re-registration has been substantially completed by the Royal Canadian Mounted Police with the voluntary co-operation of most persons of the Japanese race in British Columbia who have completed the form contained in Schedule A hereto and have received a certificate of registration in the form contained in Schedule B hereto;

That, on instructions from the Cabinet War Committee, such re-registration has been extended to all persons of the Japanese race in Canada;

That, in view of the existence of a state of war between Canada and Japan, it is considered advisable that such re-registration, as extended to all persons of the Japanese race in Canada, be made compulsory.

Now, THEREFORE, His Excellency the Governor General 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 order and doth hereby order as follows,—

1. (1) Every person of the Japanese race who resides in Canada, who has attained his sixteenth birthday on or before a day to be fixed by the Commissioner of the Royal Canadian Mounted Police, and who has not heretofore registered with the Royal Canadian Mounted Police by completing the form contained in Schedule A to this order shall so register on or before the day fixed pursuant to this section and the Royal Canadian Mounted Police shall issue to each person so registering a Certificate of Registration in the form contained in Schedule B to this order.

(2) The Commissioner of the Royal Canadian Mounted Police shall publish in the *Canada Gazette* a notice of the day which he fixes pursuant to subsection (1) of this section at least two weeks prior to such day.

(3) Every person of the Japanese race who—

(a) attains his sixteenth birthday after the day fixed pursuant to subsection (1) of this section or

(b) owing to absence from Canada on or prior to the said date has not so registered

shall within thirty days from his sixteenth birthday or from his entry or re-entry into Canada, as the case may be, register in the manner prescribed in subsection (1) of this section.

(4) Every person who fails to register as required by subsection (1) or subsection (3) of this section on or before the day fixed under subsection (1)

of this section shall nevertheless so register after such day but such subsequent registration shall not relieve such person from any penalty incurred by reason of such failure to register as aforesaid.

2. (1) Any person who fails to register as hereinbefore required shall be guilty of an offence and shall be liable on summary conviction or on indictment to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment and to a further penalty not exceeding ten dollars for each day after the day fixed under section 1 of this order during which he continues to be unregistered.

(2) The burden of proving registration under this order shall lie upon the person who alleges it and any person to whom a registration certificate has not been issued shall be deemed to have failed to register.

3. (1) Every person to whom such a registration certificate has been issued either before or after the passing of this order shall at all times carry it upon his person and shall produce it for inspection upon reasonable demand to any peace officer, police officer or constable or to any other person designated for the purpose by the Attorney General of any province, and in particular, without limiting the generality of this section, any such peace officer, police officer or constable or other person may, at any time after the day fixed under section 1 of this order, require any person of the Japanese race who has attained his sixteenth birthday, present or attending at any public assembly, place of public resort or entertainment, ticket or telegraph office, or post office, or being in or upon any car, train or steamboat, to produce such registration certificate upon that occasion; and if any such person so required fails without reasonable excuse, to produce such registration certificate, he shall be guilty of an offence and liable to a fine not exceeding twenty dollars, and may be detained and taken immediately before a justice of the peace to be dealt with according to law.

(2) Any peace officer, police officer or constable or any other person designated for the purpose by the Attorney General of any province may accost any person of the Japanese race who has attained his sixteenth birthday at any time after the day fixed under section 1 of this order and question him as to whether or not he has registered pursuant to the provisions of this order; and any person so accosted shall answer truthfully all relevant questions put to him concerning such registration, and if he answers untruthfully or evasively, or if the officer questioning such person shall have reasonable ground to believe that his answers are untruthful or evasive, such officer may detain such person and take him before a justice of the peace to be dealt with according to law.

4. If any person upon his registration under this order refuses to answer any question on his registration form, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

5. If any person upon his registration under this order wilfully gives a false or misleading answer to any question on his registration form, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

6. If any person having registered with the Royal Canadian Mounted Police in the form contained in Schedule A to this order, so registers again either under the same name or a different name, he shall be guilty of an offence and liable upon summary con-

viction to a fine not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not less than three months, or to both such fine and such imprisonment.

7. Every person who falsely represents himself to be a person who has received a registration certificate in the form contained in Schedule B to this order from the Royal Canadian Mounted Police, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

8. Every person who without lawful reason or excuse, the proof of which shall lie upon him, has in his possession

(a) a registration certificate in the form contained in Schedule B to this order or a document purporting to be such a registration certificate, which registration certificate was not lawfully received by him from the Royal Canadian Mounted Police; or

(b) a blank form of such a registration certificate or printed paper purporting to be such blank form

shall be guilty of an offence and liable upon summary conviction to imprisonment for any term not exceeding three years and not less than six months.

9. Every person who without lawful authority or excuse, the proof of which shall lie upon him, prints or makes a registration certificate in the form contained in Schedule B to this order or any printed paper purporting to be a blank form of such a registration certificate, shall be guilty of an offence and liable upon summary conviction or upon indictment to imprisonment for any term not exceeding three years and not less than six months.

10. Every person who—

(a) sells or offers to sell any registration certificate in the form contained in Schedule B to this order, any document purporting to be such a registration certificate, any blank form of such a registration certificate, or any printed paper purporting to be a blank form of such a registration certificate, or

(b) without lawful reason or excuse, the proof of which shall lie upon him, parts with the possession of any such registration certificate, any document purporting to be such a registration certificate, any blank form of such registration certificate, or any printed paper purporting to be a blank form of such a registration certificate,

shall be guilty of an offence and liable upon summary conviction to imprisonment for any term not exceeding three years and not less than six months.

11. Every person who counsels or advises any other person to refuse or omit to comply with any of the provisions of this order shall be guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

12. Every person registered with the Royal Canadian Mounted Police on the form contained in Schedule A to this order shall answer truthfully in writing, any question which may be submitted to him in print or in writing by or under the direction of the Commissioner of the Royal Canadian Mounted Police touching the answers upon his registration form, or requiring any information concerning any of the matters therein mentioned or referred to, and shall return his answers to any such question to the Commissioner of the Royal Canadian Mounted Police, or to any other officer as may be required,

either personally or by registered post, within ten days after the day when he shall have received the questionnaire; and every such person who refuses, fails or neglects without lawful excuse, to return his answers to such questions within the time aforesaid shall be guilty of an offence, and liable upon summary conviction to a fine not exceeding fifty dollars.

13. Any person registered with the Royal Canadian Mounted Police on the form contained in Schedule A to this order who, after such registration, has married or marries or has changed or changes his or her place of residence shall, within fourteen days of the date of this order or of such marriage or change of address, notify the Commissioner of the Royal Canadian Mounted Police at Ottawa of the date of his or her marriage, and of the name and place of residence of the person whom he married, or of the place of residence and post office address to which he has removed, as the case may be, and any such person who fails, without lawful excuse, to comply with the provisions of this section, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding fifty dollars.

14. In this order the expression "person of the Japanese race" shall include a person not wholly of the Japanese race if his father or mother is of the Japanese race and if the Commissioner of the Royal Canadian Mounted Police, by notice in writing, requires him to register.

15. No prosecution under this order shall be commenced without the leave of the Attorney General of Canada or of the province in which the offence is alleged to have been committed.

A. D. P. HEENEY,
Clerk of the Privy Council.

SCHEDULE A

Serial No.

REGISTRATION OF ORIENTALS UNDER

O.C. P.C. 117 by R.C.M. POLICE

Name... .. Status... ..
Address... .. Single or Married... ..
Place of Birth... .. Date of Birth... ..
Sex... ..Age... ..Height... .. Weight... ..
Hair... ..Eyes... ..Comp... ..

Special Marks of Identification:

Date of entry to Canada... ..
Port of Entry... .. Ex. S.S.
Father's Name... .. Father's Serial No....
Mother's Name... .. Mother's Serial No....
Name of Husband (Wife). Serial No. of Husband
(Wife).....

Occupation... ..

Number and type of Fishing Licence (if any)
.....

Property owned (Registration No. of Boat, if any)
.....

Address of Wife (Husband).....

Number of Children Under 16 Years of Age... ..

Name... ..Age... ..Address... ..

Number and Date of Birth and/or Naturalization
Certificate... ..

Is Japanese Nationality claimed as well as Canadian
Nationality?... ..

Is return to Japan contemplated?... ..
If so for what reason?... ..

Thumb Print

Photo

Applicant's Signature
.....

(REVERSE)

Police Record (if any)

Special Memo (to contain any information of
interest not covered on front of sheet)

Questionnaire completed by: (Signature)

Place... ..

Date... ..

Registration Card Issued (Yes) or (No)... ..

If not why?... ..

This space for any notation such as subsequent
change of status, death, etc., etc.

SCHEDULE B

Serial No.

Name... ..

Address... ..

Age... ..Height... .. Weight... ..

Thumb Print

Marks of Identification... ..

Occupation... ..

Signature... ..

(REVERSE)

The Bearer, whose photograph and specimen of
signature appear hereon, has been duly registered
in compliance with the provisions of Order in
Council P.C. 117.

Vancouver

(Date)

Photo

Issuing

Officer... .. Inspector R.C.M.P.
26-1

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

THE Commissioner of the Royal Canadian Mounted Police hereby directs for the information of all concerned that every person of the Japanese race who resides in Canada who has attained his sixteenth birthday on or before the 10th of January, 1942 and who has not heretofore registered with the Royal Canadian Mounted Police by completing the form set forth below in Schedule A shall so register on or before the 10th of January, 1942, with the Royal Canadian Mounted Police under the terms of Order in Council of the 16th of December, 1941, P.C. 9760.

It is further ordered that every person of the Japanese race who

(a) attains his sixteenth birthday after the 10th of January, 1942

or

(b) owing to absence from Canada on or prior to the 10th of January, 1942, has not so registered shall within thirty days from his sixteenth birthday or from his entry or re-entry into Canada, as the case may be, register in the manner prescribed above.

SCHEDULE "A"

Serial No.
REGISTRATION OF ORIENTALS UNDER
O.C. P.C. 117 by R.C.M. POLICE

Name... Status...
Address... Single or Married...
Place of Birth... Date of Birth...
Sex... Age... Height... Weight...
Hair... Eyes... Comp...

Special Marks of Identification:

Date of entry to Canada...
Port of Entry... Ex. S.S.
Father's Name... Father's Serial No...
Mother's Name... Mother's Serial No...
Name of Husband (Wife)... Serial No. of Husband (Wife)...
Occupation...

Number and type of Fishing Licence (if any)

Property owned (Registration No. of Boat, if any)

Address of Wife (Husband)...

Number of Children Under 16 Years of Age...
Name... Age... Address...

Number and Date of Birth and/or Naturalization Certificate...

Is Japanese Nationality claimed as well as Canadian Nationality? ...

Is return to Japan contemplated? ...

If so for what reason? ...

Thumb Print

Photo

Applicant's Signature

(REVERSE)

Police Record (if any)

Special Memo (to contain any information of interest not covered on front of sheet)

Questionnaire completed by: (Signature)

Place

Date

Registration Card Issued (Yes) or (No)...

If not why?.....

This space for any notation such as subsequent change of status, death, etc., etc.

OTTAWA: Printed by EDMOND CLOUTIER, Printer to the King's Most Excellent Majesty, 1941.

AT THE GOVERNMENT HOUSE AT OTTAWA
TUESDAY, the 16th day of DECEMBER, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Justice reports that owing to the war with Japan it is considered desirable that provision should be made to control vessels used or operated by persons of the Japanese race.

NOV., THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, concurred in by the Secretary of State for External Affairs and the Minister of National Defence for Naval Services, and under the authority of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows,-

"1. No person of the Japanese race shall use or operate any vessel within waters adjacent to the West coast of Canada without the authority in writing of the Commissioner of the Royal Canadian Mounted Police, or other officer designated by him for the purpose.

2. Where any person of the Japanese race uses or operates a vessel without the authority aforesaid, such vessel may be seized and detained on behalf of His Majesty by any officer of the Royal Canadian Navy, Royal Canadian Mounted Police, Provincial Police of British Columbia, or of the Department of Fisheries, and any such vessel shall be released from such seizure and detention at any time on the instructions of the Commissioner of the Royal Canadian Mounted Police or the Minister of Justice: Provided that any such seizure and detention shall be without prejudice to any proceedings under the Order respecting Prize enacted on the twenty-seventh day of September, 1939,

....

J-25-1

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 16th day of DECEMBER, 1941.

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HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

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....

as P.C. 2892: And provided further that any seizure made after the eighth day of December, 1941, and prior to the coming into force of this Order of any vessel on the ground that it has been used or operated by a person of the Japanese race shall, nevertheless, be deemed to have been duly made pursuant to this Order.

3. Every one who contravenes the provisions of this Order shall be guilty of an offence and shall be 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."

A.D.P. Heeney,

Clerk of the Privy Council.

1-25-1

December 12, 1941.

URGENT

BY HAND

Dear Sir,

You will recall that the Report of the Special Committee on Measures to be Taken in the Event of War with Japan contained, as Part II of Appendix A, a draft Order in Council to make compulsory, throughout Canada, the registration of persons of Japanese race.

File
Separately
7-197
Pacific

2. Cabinet War Committee considered this draft on August 13, 1941, and did not approve it. However, they authorized the extension to the rest of Canada of the voluntary registration of Japanese previously commenced in British Columbia. (See our letter to you of August 28, enclosing copy of a letter to the Commissioner of the Royal Canadian Mounted Police).

3. Now that we are at war with Japan, the effect of the Defence of Canada Regulations, as amended by P.C. 9591 of December 7, 1941, is to compel the registration, under the Regulations, of Japanese nationals, Japanese who have been naturalized since September 1, 1922, and persons of Japanese race who are nationals of foreign countries other than the United States.

4.. Mr. F.J. Hume, Chairman of the Standing Committee on Orientals in British Columbia, has (through Assistant Commissioner Mead of the R.C.M.P.) called our attention to the fact that there is nothing to compel the registration of Japanese not covered by the Defence of Canada Regulations, i.e., of British-born Japanese or those naturalized before September 1, 1922.

5. I think that this should be corrected, without, however, making these persons subject to the enemy-alien provisions of the Defence of Canada Regulations. Mr. Wershof

The Deputy Minister of Justice,

O t t a w a.

of this Department has discussed the matter with Mr. Jackett of your Department, and their view is that the best way to meet the situation is to ask Council to enact now the Order mentioned in paragraph 1 of this letter - subject to the minor changes suggested by your predecessor in his letter of August 14 and to other minor changes made necessary by the change from peace to war.

6. If you agree, I presume that the formal Recommendation to Council will be made by the Minister of Justice.

7. The proposed Order will overlap with the Defence of Canada Regulations but this could be corrected later on by slight changes in those Regulations. In the meantime, I think it is desirable that the proposed Order should be enacted within the next day or two and published in an Extra Canada Gazette. I am informed by the Secretary to the Cabinet that, on request, he could circulate the proposed Order to the Ministers for their signature, thus avoiding the delay of waiting for the next meeting of Council.

8. I should be most grateful for a reply today, if possible.

Yours sincerely,

N A Robertson

Under Secretary of State
for External Affairs.

J-25-1

P. C. 9590

AT THE GOVERNMENT HOUSE AT OTTAWA
SUNDAY, the 7th day of DECEMBER, 1941.

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS it is considered necessary and expedient, with a view to preventing any of the resources in Canada of residents of the Japanese Empire and Japanese occupied and/or controlled territory from falling under the control or being used to the advantage of the enemy, to place under custody all property in Canada of persons residing in the Japanese Empire and Japanese occupied and/or controlled **territory** including Indo China, and to regulate trading with such persons;

AND WHEREAS the Prime Minister, for the Secretary of State, reports that the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939), and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in the Japanese Empire and Japanese occupied and/or controlled territory which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Prime Minister, for the Secretary of State, concurred in by the Minister of Finance, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:

From and including the seventh day of December, 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the Japanese Empire and Japanese occupied and/or controlled territory as proscribed territory.

Sgd. A.D.P. Heeney

Clerk of the Privy Council.