

C-20-5 Cabinet Documents (60-133) 1945

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MEMORANDUM TO THE CABINET:

CONFIDENTIAL
CABINET DOCUMENT
No. 118
Copy No. 22

Transfer to United Kingdom of German Prisoners
of War in Canada

Representations have been put before the United Kingdom Cabinet suggesting that the Canadian Government be invited to transfer to the United Kingdom all German prisoners of war in Canada. On instructions of the Defence Committee of the Cabinet (Canada), our High Commissioner has been advised that the Canadian Government will accept such a proposal when it is offered.

National Defence Headquarters has exchanged communications with British Army Staff, Washington, and it appears that when the United Kingdom Cabinet reaches a decision to effect the transfer, the United Kingdom could accept Canadian-held prisoners at the rate of ten thousand per month. War Office has suggested that if the decision is reached sufficiently early, the first group of prisoners might be shipped on the Mauretania in December and that on this basis the transfer might be completed by the end of March.

At the present time about eleven thousand prisoners are working in Canada in woods operations, principally in Northern Ontario, and the abrupt removal of these prisoners before spring would almost certainly result in serious complaints from lumber operators.

There are also between eight hundred and one thousand prisoners on individual farms, mostly dairy farms in Ontario and certain areas of Alberta. The withdrawal of this group might also result in complaints from agricultural authorities.

The employment of these prisoners is a profitable financial operation, netting approximately two million dollars for the fiscal year.

In addition to the foregoing, there are twenty thousand or more prisoners in internment camps who could be moved before prisoners are withdrawn from work projects.

As more civilian labour becomes available, there will probably be serious criticism of the continued employment of prisoners, although the policy at present being pursued is to withdraw prisoners from employment whenever civilian labour is available.

It has been suggested that giving priority to those prisoners in internment camps might result in charges of discrimination against the prisoners on work projects. If, however, prisoners of war were advised that repatriation is only to the United Kingdom and that they would be required to perform useful employment there, it is likely that the majority would prefer to remain in Canada.

The Department of Labour does not advocate the retention in Canada of prisoners of war solely because of the work they are performing. They have suggested, however, that repatriation should begin with those in internment camps and that those engaged in lumbering operations be the last to be removed. If this policy is followed, it is likely that winter woods operations will have been completed before the last of the prisoners could be repatriated.

It is understood that if the United Kingdom Government agrees to receive German prisoners of war from Canada as rapidly as they can be transported, their purpose is to relieve the labour shortage in the United Kingdom. Italian prisoners of war, large numbers of whom have been employed in the United Kingdom, are being repatriated to Italy and German prisoners would be used to take their place. Doubtless the United Kingdom Government would prefer to receive first prisoners from Canada who have been employed on work projects here and to leave to the last the movement of those who cannot be so employed, such as officers who do not volunteer for employment and other ranks not suitable for employment because of their physical condition or their attitude.

A.D.P. Heeney,
Secretary to the Cabinet.

Privy Council Office,
Ottawa, December 5, 1945.

MEMORANDUM TO THE CABINET

RE: REPARATIONS FROM GERMANY

SECRET

CABINET DOCUMENT

No. 103

Copy No. 22

Canadian Participation in the Reparations Conference to be Held in Paris November 9th, 1945.

At its meeting of October 25th the Cabinet, after discussing the questions raised in the memorandum from the Department of External Affairs of October 24th to the Secretary to the Cabinet, agreed as follows:

(1) that the government accept the invitation to participate in the conference on reparations; representatives and advisers to be selected by the Department of External Affairs in consultation with the Departments of Reconstruction and the Secretary of State;

(2) that the Canadian representatives be authorized to participate in the establishment of an inter-allied agency for making final reparations allocations in the western zones of Germany and in the determination of allocations; and

(3) that, pending inter-governmental agreement, the Canadian delegation reserve decision in respect of a reparations claim on behalf of Canada and in respect of German assets and holdings under the control of the Canadian Custodian.

Since these decisions were made the Under Secretary of State for External Affairs has had an opportunity of discussing in London with the representatives of other Governments, and in particular the United Kingdom authorities, the various questions which are likely to arise at the Paris Conference.

In the light of these discussions the Under Secretary of State for External Affairs has recommended that the Canadian delegation should be given more precise instructions along the following lines:-

1. That the Canadian delegation should urge that the Yalta reparations formula whereby reparations allocations are to be based both on the war effort of Allied countries as well as war damage inflicted on them should be abandoned, and that the claims of countries entitled to reparations from the western zones of Germany should be based solely on damage or loss sustained as a result of the war on land and sea. In this connection it may be recalled that the Soviet claim to reparations from the western zones of Germany has already been met by a fixed percentage of deliveries of industrial equipment, agreed to at the Potsdam Conference.

In support of this proposal it is argued that if the Yalta formula were followed the Canadian claim would be based almost entirely on the statistical indices of war effort, particularly the budgetary costs of the war. Under any formula it is almost certain that the percentage of reparations allotted to Canada would be small in comparison to the European countries devastated by the war. Public opinion here would be likely to regard the percentage of reparations as an index of the Canadian share in winning the war, and to be dissatisfied if relative war effort is used as a criterion. It would, therefore, be in

the Canadian interest for the war effort indices to be omitted entirely in the working out of reparations percentages. It is recognized that this would reduce the possible Canadian share to very small figures, comprising mainly shipping losses. On the other hand, if war damage were the recognized basis for reparations, it would avoid the possibility of the kind of misunderstanding indicated above and also reduce mutual recrimination between countries claiming reparations from Germany.

2. If the proposal to base allocations solely on war damage, is not accepted by the Conference, it is suggested that Canada should accept whatever percentage is allotted to us at the Paris Conference and should reserve the right to demand reparations deliveries up to that percentage.

3. It is further suggested that the Canadian delegation should not put forward any particular claims for advance deliveries on reparations account of German industrial plant and equipment. The total amount available of reparations deliveries in Germany is in any case small in comparison to the total claims already put forward by the Soviet Government or likely to be advanced by other countries who have suffered from German invasion and devastation.

4. As regards German external assets, the Under Secretary of State for External Affairs recommends that if it is proposed at the Conference that all German external assets should be pooled, the Canadian delegation should not object, provided the principle is established that payment for approved and essential imports into Germany is made a charge on these external assets.

5. If the external assets of Germany are not pooled, the Canadian delegation should reserve the position of Canada in respect of any German assets and holdings under the control of the Canadian Custodian.

6. With regard to German patents Mr. Robertson recommends that if a proposal is made to throw all German patents held abroad into public domain, the Canadian delegation should not raise objection at this stage. It is understood, however, that Mr. G.W. McPherson of the Custodian's Office, who will attend this Conference, is making a report to the Deputy Custodian on this matter and the Canadian delegation should be instructed to reserve the Canadian position at this stage pending further instructions.

7. Under any formula at all likely to be adopted, it is improbable that Canada would receive more than a negligible quantity of reparations from Germany. Therefore it is desirable that the Canadian representatives should support a position that can be easily explained and defended in Canada. The basing of reparations on war damage and losses is a simple and understandable formula, the equity of which it is hard to challenge. In addition to this, we should be concerned to ensure, first, that current deliveries from German production may be used in payment of essential imports and therefore that the exportable capacity of Germany is not taken up fully on reparations account, and, secondly, that bona fide Canadian private claims for war losses inflicted by Germany can be met out of German assets.

8. It is recommended that approval be given to the proposals set forth in paragraphs 1,2,3,4,5 and 6 of this memorandum, and that instructions in this sense be despatched to the Canadian delegation.

9. The Conference will open in Paris on November 9th and in accordance with the previous decision of the Cabinet, the following delegation has been appointed in consultation with the Prime Minister:

Lieutenant-General M. Pope,
Chairman;
Major-General D.E. Dewar, Department of
Reconstruction;
G.W. McPherson, Custodian's Office;
F.S. Rae, Canadian Embassy, Paris, and
D. Le Pan, Canada House, London.

Department of External Affairs,
6th November, 1945.

CONFIDENTIAL
CABINET DOCUMENT
No. 92
Copy No. 52

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Confidential

MEMORANDUM TO THE CABINET:

IMMIGRATION POLICY

In view of the increasing interest in Immigration, it is desirable to review the present policy and practice, and at the appropriate time to issue an official statement. The Minister of Mines and Resources submits for consideration the following:

The present regulations restrict the admission of immigrants to the undermentioned classes,-

1. British subjects born or naturalized in Canada, Great Britain or Northern Ireland, the Irish Free State, Newfoundland, New Zealand, Australia or the Union of South Africa, having sufficient means to maintain themselves until employment is secured.
2. United States citizens from the United States having sufficient means to support themselves until employment is secured.
3. The wife or unmarried child under 18 years of any person legally resident in Canada able to receive and care for his dependents.
4. The fiancée of any adult male legally resident in Canada in a position to receive, marry, and care for his intended wife.
5. Agriculturalists having sufficient means to farm in Canada.
6. A person honourably discharged from the Canadian Armed Forces.
7. Persons of Asiatic race only if the wife or unmarried child under 18 years of Canadian citizens able to receive and care for their dependents.
8. Persons of Chinese race only if merchants.

Special cases are dealt with by Order in Council waiving the restrictions applicable in each case. In this class are included elderly parents of Canadian residents having no other close family ties abroad, persons intending to invest considerable capital in Canada, others possessing technical skill or knowledge of a high order or having experience in or valuable connections with foreign trade.

.....

In considering any future immigration policy it is essential to differentiate between the immediate post-war period from now until the end of 1947 and the following years. At present overseas immigration is not possible nor is it desirable except in very limited numbers. This statement is based on the following facts:-

1. Transatlantic passenger accommodation for other than Service personnel, their dependents, and high priority passengers will not be available for a year and probably longer.
2. It is not possible to estimate the extent to which the country can absorb a continuous flow of immigrants until, -
 - (a) the re-establishment of Service personnel is well advanced.
 - (b) the reconversion of industry to peacetime activities is accomplished.
 - (c) there is information available on the re-establishment and expansion of our foreign trade.

Recommendation:

1. As it is not practicable now to determine a long range policy it is considered the existing regulations and procedure which prevailed prior to and during the war should not be changed until the country is well advanced toward normal conditions and its immigrant absorption possibilities can be accurately determined.

2. As in the early stages of the war it was necessary to reduce the immigration organization both overseas and in Canada, it will be essential to resume some of the former activities in progressive steps and as the exigencies of the Service demand. These include:-

- (a) The strengthening of international boundary inspectional staffs to meet traffic requirements. Within the past two months tourist and visitor travel has increased over fifty per cent in comparison with the previous two months period.
- (b) Determine the possibility of transferring from the United Kingdom to Canada Ex-Service personnel rehabilitation credits, as well as unemployment insurance and other social service benefits, to which British immigrants may be entitled in the United Kingdom.
- (c) The reopening of Agencies in the British Isles.
- (d) Examining the question of British juvenile immigration. This will involve consultation with the Provincial Governments, the United Kingdom Government and Societies overseas.

.....

- (e) Prepare up-to-date literature for use in the United Kingdom.
- (f) The reopening of inspectional offices at Continental ports.

The completion of these broadly outlined activities will depend on the progress made toward normal conditions during the next two years.

3. Immigration policy for the years beyond 1947 should be the subject of further review by Cabinet in the early months of that year.

Minister.

There is attached hereto a departmental memorandum which furnishes the background to the above recorded proposals.

Department of Mines and Resources,
September 5, 1945.

Confidential

MEMORANDUM RE IMMIGRATION:

In discussions on immigration such statements
as -

- "We need immigrants to fill Canada's vacant spaces"
- "Canada should be supporting a population of 15 (or 20) millions"
- "Canada requires a large immigrant population to widen the spread of and thus reduce taxation"
- "Immigrants create increased production"
- "Canada should embark on a policy of selective immigration", etc.,

are constantly brought to the attention of the public of this country but seldom, if ever, is any concrete suggestion offered as to the method that can be employed to accomplish what is being advocated. These phrases are an over simplification of a complicated national problem, the factors of which change with varying economic conditions. The claim is sometimes made that Canada's immigration laws reflect class and race discrimination: they do, and necessarily so. Some form of discrimination cannot be avoided if immigration is to be effectively controlled. In order to prevent the creation in Canada of expanding non assimilable racial groups, the prohibiting of entry to immigrants of non assimilable races is necessary. Many organizations have passed resolutions urging "selective immigration". The term is so general that it can be applied to mean almost anything from near exclusion to an extremely wide range of immigrant classes. Certainly it is not possible to have selective immigration on the one hand and no discrimination on the other. The very act of selection results in discrimination.

The quota system, which was adopted by the United States Government in 1921 is the nearest approach to the elimination of discrimination. It limits the number of aliens of any nationality to be admitted to the United States in any fiscal year to 2% of the number of foreign born persons of such nationality resident in the United States in 1890 as recorded by the census of that year. This quota limitation, however, is not applicable to nationals of countries in North, Central and South America. Further, the quota does not apply to what is termed the "Asiatic barred zone", from which territory immigrants cannot be admitted to the United States. 153,874 quota immigrants are admissible to the United States each year. About 19,000 non quota immigrants were admitted in 1944.

The quota system of admission is by no means as flexible as the existing Canadian legislation and thus is not as satisfactory. With a population of over one hundred

and thirty million people the movement of immigrants to areas where temporary unemployment exists would not be a serious matter but in Canada with its twelve million people and comparatively wider scattered communities, such an immigrant movement would have serious results. If adopted by Canada the quota system would be expensive to administer as officers would require to be assigned to many countries throughout the world to examine prospective immigrants and grant visas to those found admissible.

Any Immigration policy to be basically sound must be built upon the principle that the number of immigrants admitted in any given period do not exceed the capacity of the country to permanently absorb them and this principle is embodied in existing Immigration legislation which enables the Governor General in Council to impose restrictions and vary the requirements of admission of immigrants to meet changing conditions in the country.

Present Canadian regulations restrict the admission of immigrants to the following classes,-

- (a) (i) British subjects born or naturalized in Canada, Great Britain or Northern Ireland, the Irish Free State, Newfoundland, New Zealand, Australia or the Union of South Africa, having sufficient means to maintain themselves until employment is secured.
- (ii) United States citizens from the United States having sufficient means to support themselves until employment is secured.
- (iii) The wife or unmarried child under 18 years of any person legally resident in Canada able to receive and care for his dependents.
- (iv) The fiancée of any adult male legally resident in Canada in a position to receive, marry, and care for his intended wife.
- (v) Agriculturalists having sufficient means to farm in Canada.
- (vi) A person honourably discharged from the Canadian Armed Forces.

NOTE - The above described categories do not include persons of Asiatic race.

- (b) Persons of Asiatic race only if the wife and unmarried children of a Canadian citizen legally in Canada able to receive and care for his dependents.

NOTE - Not applicable to the nationals of countries in regard to which there is in operation a law, treaty, agreement, or convention regulating immigration. At present this proviso is only applicable to persons of Chinese race, their admission being governed by the Chinese Immigration Act.

- (c) Persons of Chinese race only if they are merchants within the meaning of the Chinese Immigration Act.

NOTE - Provision is made for the entry of University students as non-immigrants. Other classes, except those passing in transit through Canada under bond, are prohibited. By Order in Council under the War Measures Act, provision now exists for the entry of visitors and the waiving of bonding arrangements for persons in transit. Negotiations are in progress with the Chinese Government to provide a less discriminatory form of control.

The admission of contract labour is prohibited except by direction of the Minister; that is to say, an employer cannot bring immigrants to Canada for employment under contract either written or verbal, unless it is established by investigation that the labour required is not available in this country. Farmers, farm labourers and domestics are exempt from the regulation. Enemy aliens (other than those who establish they are opposed to enemy governments) are inadmissible.

All immigrants must be in good health and of good character, and with the exception of British subjects and United States citizens referred to in (a) (i) and (ii) above must possess valid passports properly vised.

The following figures give immigrant admissions to Canada for the past 20 years:-

Year	British	U.S. Citizens	Others	TOTALS
1924-25	56,737	13,171	41,454	111,362
1925-26	39,820	15,442	40,802	96,064
1926-27	52,617	17,820	73,552	143,989
1927-28	54,248	21,260	76,092	151,600
1928-29	62,558	26,539	78,626	167,723
1929-30	68,083	26,751	68,454	163,288
1930-31	31,082	20,723	36,418	88,223
1931-32	9,147	12,277	4,328	25,752
1932-33	5,089	11,172	3,521	19,782
1933-34	3,486	6,545	3,872	13,903
1934-35	3,177	5,104	3,855	12,136
1935-36	2,973	4,322	3,808	11,103
1936-37	3,263	4,301	4,459	12,023
1937-38	4,203	4,727	6,715	15,645
1938-39	4,748	4,685	7,695	17,128
1939-40	5,196	4,383	6,626	16,205
1940-41	5,492	5,295	709	11,496
1941-42	3,533	5,075	257	8,865
1942-43	3,868	3,457	120	7,445
1943-44	5,620	3,302	118	9,040
1944-45	11,471	3,627	148	15,306

From 1925 to 1930 the regulations provided for the admission of farm labourers, female domestic servants, as well as the fathers, mothers, single sons and daughters

(of any age) and single brothers and sisters of any legal resident of Canada, in addition to those described in paragraph (a) (iii) above. They were removed from the admissible classes in 1930 owing to the depression. This action, combined with the general economic situation, resulted in an immediate decrease of 50% in immigrant arrivals, the decrease continuing year by year until an all time low was reached in 1943.

As the control of immigration is by Order in Council under the authority of Sections 37 and 38 of the Immigration Act, and the regulations referred to on pages 2 and 3 are promulgated in several such Orders, the immigrant admission of individuals in other classes can only be legally provided for by the authority of the Governor General in Council waiving the restrictions applicable to their individual cases. During the past fifteen years such authority has been furnished for the admission of a number of aliens. These were chiefly refugees, many of them being industrialists with considerable capital available for investment, others possessed technical knowledge of a high order or valuable experience in world trade. The number whose admission was approved from 1930 to 1944 is shown below,-

<u>YEAR</u>	<u>NUMBER OF ALIENS AUTHORIZED BY ORDER IN COUNCIL</u>
1931	458
1932	746
1933	1357
1934	520
1935	1059
1936	819
1937	759
1938	1242
1939	2234
1940	682
1941	224
1942	101
1943	95
1944	99

A number of the aliens in question did not reach Canada but those actually admitted are included in the immigration figures shown in statement on page 4 of this memorandum.

Under normal conditions the Overseas Immigration Organization consists of,-

Commissioner and staff in London, England, responsible for all immigration activities in the United Kingdom and Europe.

Various Agencies in England, Scotland and Northern Ireland.

Inspectional staffs at Paris, Antwerp, Rotterdam, Hamburg and Danzig.

A representative at Hong Kong, whose chief duty is to examine Chinese in accordance with the provisions of the Chinese Immigration Act.

Medical officers supplied by the Department of National Health and Welfare are assigned to Agencies in the United Kingdom and at Continental ports. Immigrants from the United Kingdom and both immigrants and non-immigrants from Continental Europe are medically examined before embarkation for Canada.

Prior to the depression Agencies were maintained in the United States, primarily to interest agricultural residents of that country in Canadian farming and eventual settlement in this country. These Agencies were gradually withdrawn, the operation being completed in 1931.

Resumption of the Service in the United Kingdom and on the Continent will likely require to be considered in the very near future.

PRESENT PRACTICE

Following the cessation of hostilities in Europe there has developed a steadily increasing number of enquiries from British subjects in the United Kingdom for information regarding Canada, indicating a desire to migrate to this country; also a large number of applications are being received from Canadians of British birth for the admission of relatives. The first mentioned class are given general information relative to the regulations governing British subjects and are advised of the transportation situation with the added suggestion that they communicate with the Department's representative overseas when normal travel facilities are in sight. In the second mentioned class, which includes many former residents of Canada, the settlement conditions are investigated and if found satisfactory, the applicants are advised of the admissibility of their relatives when able to come forward. A number of British born subjects who married Canadian women while in Canada under the Empire Air Training Scheme are requesting permanent residence. Some are still in Canada and are granted admission on obtaining their discharge. Others will return from overseas. Some of R.A.F. personnel in the United States are applying for entry to Canada and are admitted on compliance with the regulations.

A gradual increasing number of applications is being received from residents of Canada for the entry of relatives from Continental Europe. These proposed immigrants are not of the admissible classes and the applicants are being advised of this fact and further informed that there are no facilities for transportation or immigration examination at this early date following the cessation of hostilities. Several hundred members of Allied Forces brought to Canada for enlistment or training therein have married Canadian women and a large proportion of them have one or more Canadian born children. Provision is made for their admission as they apply for permanent status in Canada. Others who have been temporarily in Canada for the same purpose, but who have not married, are refused permanent status, unless they can comply with the regulations, i.e., are farmers with sufficient capital to begin farming.

Department of Mines and Resources,
September 5, 1945.

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C-20-5

First Session, Twentieth Parliament, 9 George VI, 1945.

THE HOUSE OF COMMONS OF CANADA.

BILL .

An Act respecting Nationality, Citizenship, Naturalization
and Status of Aliens.

First reading, October , 1945.

THE SECRETARY OF STATE.

OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1945

45998

1st Session, 20th Parliament, 9 George VI, 1945.

THE HOUSE OF COMMONS OF CANADA.

BILL .

An Act respecting Nationality, Citizenship, Naturalization and Status of Aliens.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title. 1. This Act may be cited as *The Canadian Citizenship Act*. 5

INTERPRETATION.

Definitions.

Canadian "citizen."

"Canadian ship."

1934, c. 44.

"certificate of citizenship."

"certificate of naturalization."

"Clerk" or "Clerk of the Court."

"consulate."

2. In this Act, unless the context otherwise requires,
- (a) "Canadian citizen" means a person who is a Canadian citizen under this Act;
- (b) "Canadian ship" means a 'ship registered in Canada' within the meaning of the *Canada Shipping Act, 1934*; 10
- (c) "certificate of citizenship" means a certificate of citizenship granted under this Act;
- (d) "certificate of naturalization" means a certificate of naturalization granted under any Act heretofore in force in Canada; 15
- (e) "Clerk" or "Clerk of the Court" includes all officers exercising the functions of prothonotary, registrar or clerk of any court having jurisdiction under this Act, and where a person is designated by the Governor in Council as a court under this Act means the said person; 20
- (f) "consulate" means the office of a Canadian consular officer and includes the office of a Canadian Ambassador, Minister or High Commissioner or of a Canadian Trade Commissioner; and includes the office of a consular or other officer of any other country of the 25 British Commonwealth where a register of births is kept;

"country of the British Commonwealth."

(g) "country of the British Commonwealth" means a country listed in the First Schedule to this Act or a country declared for the purposes of this Act to be a country of the British Commonwealth of Nations by proclamation issued under this Act, and includes, in the case of any such country, all colonies, dependencies or territories thereof; 5

"Court."

(h) "Court" means any Superior, Circuit or County Court, and includes in the province of Quebec any district magistrate, and in the Northwest Territories and in the Yukon Territory any stipendiary magistrate or any other person designated by the Governor in Council under this Act; 10

"disability."

(i) "disability" means the incapacity of a minor, a lunatic or an idiot; 15

"domicile" and "Canadian domicile."

(j) "domicile" and "Canadian domicile" have the same meaning respectively as under the provisions of the *Immigration Act* in force immediately before the coming into force of this Act;

R.S., c. 93.

"minor."

(k) "minor" means a person who has not attained the age of twenty-one years; 20

"Minister."

(l) "Minister" means the Secretary of State of Canada;

"regulation."

(m) "regulation" means a regulation made by the Governor in Council under this Act;

"responsible parent."

(n) "responsible parent" means the father: except that where the father is dead, or where the custody of a child has been awarded to his mother by order of a court of competent jurisdiction, or where a child was born out of wedlock and resides with the mother, "responsible parent" means the mother; 25 30

Declaration of Canadian citizenship an adequate statement of national status.

3. Where, under any Act of the Parliament of Canada or an order or a regulation made under such an Act, a person is required to state or declare his national status, any person who is a Canadian citizen under this Act may state or declare himself to be a Canadian citizen and his statement or declaration to that effect shall be a good and sufficient compliance with such requirement. 35

PART I.

NATURAL-BORN CANADIAN CITIZENS.

Natural-born Canadian citizens born before the coming into force of the Act.

4. The following persons, born before the coming into force of this Act, are, and shall be deemed to have been from birth, natural-born Canadian citizens:— 40

(a) any person born in Canada or on board a Canadian ship who has not become an alien at the time of the coming into force of this Act; and

- (b) any person born outside of Canada otherwise than on a Canadian ship whose father, or in the case of a person born out of wedlock, whose mother
- (i) was born in Canada or on board a Canadian ship and had not become an alien at the time of that person's birth, or
 - (ii) was, at the time of that person's birth, a British subject who had Canadian domicile,
- if, at the time of the coming into force of this Act, that person has not become an alien, and has either been lawfully admitted to Canada for permanent residence or is a minor.

Natural-born Canadian citizens born after the coming into force of the Act.

5. (1) The following persons, born after the coming into force of this Act, are natural-born Canadian citizens:—

(a) any person born within Canada or on board a Canadian ship; and

(b) any person born outside of Canada otherwise than on a Canadian ship, if

(i) his father, or in the case of a child born out of wedlock, his mother, at the time of that person's birth, was a Canadian citizen by reason of having been born within Canada or on board a Canadian ship, or having been granted a certificate of citizenship under this Act or having been a Canadian citizen on the coming into force of this Act, and

(ii) the fact of his birth is registered at a consulate or with the Minister, within two years after its occurrence or within such extended period as may be authorized in special cases by the Minister, in accordance with the regulations.

Conditions for retention of Canadian citizenship by persons born outside of Canada.

(2) Notwithstanding anything contained in subsection one of this section, a person born outside of Canada otherwise than on a Canadian ship after the coming into force of this Act shall cease to be a Canadian citizen upon the expiration of one year after he attains the age of twenty-one years unless after attaining that age and before the expiration of the said year

(a) he asserts his Canadian citizenship by a declaration of retention thereof, registered in accordance with the regulations; and

(b) if he is a national or citizen of a foreign country under the law of which he can, at the time of asserting his Canadian citizenship, divest himself of the nationality or citizenship of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality or citizenship:

Proviso.

Provided that in any special case the Minister may extend the time during which any such person may assert his

Canadian citizenship and divest himself of the other nationality or citizenship, in which case upon so doing within the said time he shall thereupon again become a Canadian citizen.

Foundlings.

6. Every foundling who is or was first found as a deserted infant in Canada, shall, until the contrary is proved, be deemed to have been born in Canada. 5

Child born after death of his father.

7. Where a child is born after the death of his father, the child shall, for the purposes of this Part, be deemed to have been born immediately before the death of the father. 10

PART II.

CANADIAN CITIZENS OTHER THAN NATURAL-BORN.

Persons other than natural-born Canadian citizens who are Canadian citizens.

8. (1) A person other than a natural-born Canadian citizen who, immediately prior to the coming into force of this Act, was a British subject and who has Canadian domicile or who has been naturalized under any Act of the Parliament of Canada, is a Canadian citizen. 15

How deemed to have become Canadian citizens.

(2) A person who is a Canadian citizen under subsection one of this section shall be deemed to have become a Canadian citizen:

(a) where the said person was granted a certificate of naturalization or his name was included in a certificate of naturalization granted to his parent, as of the date of the said certificate; 20

(b) where the said person became a British subject in consequence of marriage, as of the date of the marriage; and 25

(c) in any other case, as of the date the said person acquired Canadian domicile.

Persons granted certificate become naturalized Canadian citizens.

9. A person to whom a certificate of citizenship has been granted under this Part thereupon becomes a naturalized Canadian citizen. 30

Condition for the grant of a certificate of Canadian citizenship.

10. (1) The Minister may grant a certificate of Canadian citizenship to any person who is not a Canadian citizen, and who makes application for that purpose and satisfies the Court that:—

(a) either he has filed in the office of the Clerk of the Court for the judicial district in which he resides, not less than one nor more than five years prior to the date of his application a declaration of intention to become a Canadian citizen, the said declaration having been filed by him after he attained the age of 40 35

eighteen years; or he is the spouse of and resides in Canada with a Canadian citizen; or he is a British subject;

(b) he has been lawfully admitted to Canada for permanent residence therein;

(c) he has resided continuously in Canada for a period of one year immediately preceding the date of the application and, in addition, unless he is the spouse of a Canadian citizen residing with the Canadian citizen in Canada, has also resided in Canada for a period of not less than four years during the six years immediately preceding the date of the application;

(d) he is of good character;

(e) he has an adequate knowledge of either the English or the French language;

(f) he has an adequate knowledge of the responsibilities and privileges of Canadian citizenship; and that

(g) he intends, if his application is granted, either to reside permanently in Canada or to enter or continue in the public service of Canada or of a province thereof.

Conditions for the grant of a special supplementary certificate.

(2) The Minister may grant a special supplementary certificate of citizenship to a minor child of a person to whom a certificate of citizenship is, or has been, granted under this Act, on the application of the said person,

(a) if the said person is the responsible parent of the child, and

(b) if the child was born before the date of the certificate granted to the said person and has been lawfully admitted to Canada for permanent residence.

Period in the armed forces or in the public service of Canada equivalent to residence.

(3) Any period during which a person who makes application under subsection one of this section served in the armed forces of Canada or was employed out of Canada in the public service of Canada or of a province thereof, otherwise than as a locally engaged person, shall be treated as equivalent to a period of residence in Canada for the purpose of subsection one of this section.

Time in penitentiary etc., not to be counted.

(4) No time spent by a person who makes application under subsection one of this section while confined in or as an inmate of any penitentiary, gaol, reformatory, prison, or asylum for the insane, in Canada, shall be counted in the period of residence in Canada required by this section.

Minister may grant certificate of citizenship in special cases.

11. The Minister may, in his discretion, upon application, in such special cases as he thinks fit, grant,—

(a) a certificate of citizenship to any person with respect to whose status as a Canadian citizen a doubt exists and the certificate may specify that the grant thereof is made for the purpose of removing doubts as to whether the person named therein is a Canadian citizen

and the granting of the certificate shall not be deemed to establish that the person to whom it is granted was not previously a Canadian citizen;

(b) a certificate of citizenship to any minor in any special case whether or not the conditions required by this Act have been complied with; or

(c) a certificate of citizenship to any person who was an alien and who was naturalized under any Naturalization Act in force in Canada before the passing of *The Naturalization Act, 1914*, on such terms and conditions as he thinks fit.

1914, c. 44.

Certificate not effective till oath of allegiance taken.

12. A certificate of citizenship granted to any person under this Part, other than to a minor under the age of fourteen years, shall not take effect until the applicant has taken the oath of allegiance set forth in the Second Schedule to this Act.

Certificate not to be granted to persons under a disability.

13. Except as provided by this Act in the case of minors, a certificate of citizenship shall not be granted to any person under a disability.

Rehearing.

14. (1) Before granting a certificate of citizenship to any person whose application has been approved by the court, the Minister may refer the application to the court for another hearing to be known as a rehearing.

Notice.

(2) Where the Minister refers an application for a rehearing, he shall give notice in writing of the rehearing to the applicant at the postal address shown in the application, and the rehearing shall not be proceeded with until the expiration of at least thirty days after the mailing of the said notice.

Production of evidence.

(3) An applicant shall, on a rehearing, produce to the court such evidence that the court may require that he is qualified and fit to be granted a certificate of citizenship and shall also personally appear before the court for examination.

Decision to be final.

(4) The decision of the court on a rehearing shall be final and conclusive.

PART III.

LOSS OF CANADIAN CITIZENSHIP.

Acquiring nationality of other country.

15. A Canadian citizen who, when outside of Canada and not under a disability, by any voluntary and formal act other than marriage, acquires the nationality or citizenship of a country other than Canada shall thereupon cease to be a Canadian citizen.

Declaration
renouncing
Canadian
citizenship.

16. Where a natural-born Canadian citizen, at his birth or during his minority, became under the law of any other country a national or citizen of that country, if, after attaining the full age of twenty-one years, he makes, while not under disability, and still such a national or citizen, a declaration renouncing his Canadian citizenship, he shall thereupon cease to be a Canadian citizen. 5

Child of
parent ceasing
to be a
Canadian
citizen.

17. (1) Where the responsible parent of a minor child ceases to be a Canadian citizen under section fifteen or section sixteen of this Act, the child shall thereupon cease to be a Canadian citizen if he thereupon, under the laws of any other country, acquires the nationality or citizenship of that country. 10

Declaration
for resuming
Canadian
citizenship.

(2) A person who has ceased to be a Canadian citizen under subsection one of this section may, within one year after attaining the age of twenty-one years or in special circumstances with the consent of the Minister within any longer period than one year, make a declaration that he wishes to resume Canadian citizenship and he shall thereupon again become a Canadian citizen. 15

Residence
outside of
Canada for
six years.

18. A Canadian citizen other than a natural-born Canadian citizen ceases to be a Canadian citizen if he resides outside of Canada for a period of at least six years unless, during such residence outside of Canada, 20

(a) he is in the public service of Canada or of a province thereof; 25

(b) he is a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada or of an international agency of an official character in which Canada participates;

(c) he resides outside of Canada on account of ill-health or disability; 30

(d) he is the spouse or minor child of, and has resided outside of Canada for the purpose of being with a spouse or parent who is a Canadian citizen residing outside of Canada for any of the objects or causes specified in paragraphs (a) to (c) inclusive of this section; 35

(e) he is the spouse of, and is residing outside of Canada for the purpose of being with a spouse who is a natural-born Canadian citizen; 40

(f) he has served in the Armed Forces of Canada in time of war and has been honourably discharged therefrom;

(g) he secures from the officer in charge of any Consulate an endorsement of his certificate establishing that he has appeared before such officer prior to the expiration of the said period of six years and has established 45

(i) that his absence from Canada is of a temporary nature; and

(ii) that he has a *bona fide* intention to return to Canada for permanent residence as a Canadian citizen;

which endorsement may include an extension of his Canadian citizenship in such form and for such period as may be prescribed by Regulation. 5

Revocation
of Canadian
citizenship.

19. (1) The Governor in Council may direct that any person other than a natural-born Canadian citizen shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that the said person either 10

(a) has, during any war in which Canada is or has been engaged, unlawfully traded or communicated with the enemy or with the subject of an enemy state or has been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; 15

(b) remains, according to the law of a state at war with Canada, a citizen of that state;

(c) was not of good character at the time he became a Canadian citizen; 20

(d) has obtained a certificate of naturalization or of Canadian citizenship by false representation or fraud or by concealment of material circumstances; or

(e) has, within five years after becoming a Canadian citizen, been sentenced by any court in Canada to imprisonment for a term of not less than twelve months or to a fine of not less than five hundred dollars; 25

(f) has, since becoming a Canadian citizen, been for a period of not less than six years ordinarily resident out of Canada and has not maintained substantial connection with Canada; 30

(g) has shown himself by act or speech to be disaffected or disloyal to His Majesty.

Notice and
reference for
inquiry.

(2) The Minister before making a report under this section shall cause notice to be given or sent to the last known address of the person in respect of whom the report is to be made, giving him an opportunity of claiming that the case be referred for such inquiry as is hereinafter specified and if said person so claims in accordance with the notice, the Minister shall refer the case for inquiry accordingly. 40

Inquiry by
Commission.

(3) An inquiry under this section shall be held by a commission constituted for the purpose by the Governor in Council upon the recommendation of the Minister, presided over by a person appointed by the Governor in Council who holds or has held high judicial office, and shall be conducted in such manner as the Governor in Council shall direct, provided that any such inquiry may, if the Governor in Council thinks fit, instead of being held as aforesaid, be held by the superior court of the province 45

in which the person concerned resides, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

Powers of
Commission.

(4) The members of any commission appointed under this section shall have all such powers, rights and privileges as are vested in any superior court or in any judge thereof on the occasion of any action in respect of 5

(a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or a request to examine witnesses abroad; 10

(b) compelling the production of documents; and

(c) punishing persons guilty of contempt;

and a summons signed by one or more members of the Commission may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents. 15

Cancellation
of certifi-
cate.

(5) Where the Governor in Council, under this section, directs that any person ceases to be a Canadian citizen, the order shall have effect from such time as the Governor in Council may direct and thereupon the said person shall give up and surrender for cancellation any certificate of citizenship or naturalization issued to him and any person omitting to give up the said certificate shall be liable on summary conviction to a fine not exceeding five hundred dollars. 20 25

Revocation
of certificate
granted in
other
country of the
British Com-
monwealth.

20. The Governor in Council may, with the concurrence of a government of a country of the British Commonwealth other than Canada, revoke a certificate of naturalization granted in the said country to a person who resides in Canada and the provisions of section nineteen of this Act shall apply *mutatis mutandis* in respect of the said revocation. 30

Citizenship
of spouse
or minor
children.

21. (1) Where a person ceases to be a Canadian citizen under section eighteen or section nineteen or a British subject under section twenty of this Act, the citizenship or status of the spouse and minor children of the said person shall not be affected thereby except as provided in this section. 35

When wife or
child shall
cease to be a
Canadian
citizen.

(2) Where a person has ceased to be a Canadian citizen under section eighteen or section nineteen or a British subject under section twenty, if 40

(a) the wife of the said person became a British subject by reason only of her marriage to the said person; or 45

(b) the said person is the responsible parent of a child, the Governor in Council may by order direct that the said wife or the said child shall cease to be a Canadian citizen or a British subject, as the case may be.

Declaration
renouncing
Canadian
citizenship.

(3) The wife of a person who has ceased to be a Canadian citizen under section eighteen or section nineteen or a British subject under section twenty of this Act, may within six months thereafter make a declaration renouncing her Canadian citizenship or her status as a British subject and thereupon any minor children of her husband and herself shall cease to be Canadian citizens or British subjects as the case may be. 5

Prior
nationality
effective.

22. Where a person ceases to be a Canadian citizen under section eighteen or section nineteen or ceases to be a British subject under section twenty of this Act, that person shall be regarded as a citizen or a national of the country of which he was a citizen or national immediately prior to the time he acquired Canadian citizenship or the status of a British subject, as the case may be. 15

Saving of
obligations
incurred
before loss of
citizenship.

23. Where a person ceases to be a Canadian citizen or a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act or thing done or omitted before he ceased to be a Canadian citizen or a British subject. 20

PART IV.

STATUS OF CANADIAN CITIZENS AND RECOGNITION OF BRITISH SUBJECTS

Canadian
citizen a
British
subject.

24. A Canadian citizen is a British subject.

Rights and
obligations.

25. A Canadian citizen other than a natural-born Canadian citizen shall, subject to the provisions of this Act be entitled to all political and other rights, powers and privileges and be subject to all obligations, duties and liabilities to which a natural-born Canadian citizen is entitled or subject and, on and after becoming a Canadian citizen, shall, subject to the provisions of this Act, have a like status to that of a natural-born Canadian citizen. 25

British sub-
jects under
the laws of
other coun-
tries of the
British com-
monwealth.

26. A person who has acquired the status of British subject by birth or naturalization under the laws of any country of the British Commonwealth other than Canada to which he was subject at the time of his birth or naturalization, shall be recognized in Canada and elsewhere as a British subject. 30 35

PART V.

STATUS OF ALIENS.

Rights of
aliens.

27. (1) Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born Canadian citizen; and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural-born Canadian citizen. 5

Disabilities.

(2) This section shall not operate so as to
 (a) qualify an alien for any office or for any municipal, parliamentary or other franchise; or 10
 (b) qualify an alien to be the owner of a Canadian ship; or
 (c) entitle an alien to any right or privilege as a Canadian citizen except such rights and privileges in respect of property as are hereby expressly given to him; or 15
 (d) affect an estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the fourth 20 day of July, one thousand eight hundred and eighty-three, or in pursuance of any devolution by law on the death of any person dying before that day.

Trial of
alien.

28. An alien shall be triable at law in the same manner as if he were a natural-born Canadian citizen. 25

PART VI.

PROCEDURE AND EVIDENCE.

Application,
where made.

29. An application for a certificate of citizenship shall be made to the Court in the judicial district in which the applicant resides or as otherwise prescribed by regulation.

To be filed
with the clerk
of the Court.

Posting.

30. An application for a certificate of citizenship shall be filed with the Clerk of the Court and shall be posted by the Clerk in a conspicuous place in his office, or as otherwise prescribed by regulation, continuously for a period of at least three months before the application is heard by the Court. 30

Filing of
opposition.

31. At any time after the filing of an application for a certificate of citizenship and previous to the hearing of the application, any person objecting to the granting of 35

the certificate to the applicant may file in the Court an opposition in which shall be stated the grounds of his objection.

Production
of evidence.

Applicant to
appear
personally.

Copy of
favourable
decision
transmitted
to the
Minister.

Issuance and
delivery of
certificate.

Oath of
allegiance.

Date of
certificate.

Instructions
in the respon-
sibilities and
privileges of
Canadian
citizenship.

Proceedings
in Court.

32. The applicant for a certificate of citizenship shall produce to the Court such evidence as the Court may require that he is qualified and fit to be granted a certificate under the provisions of this Act, and shall personally appear before the Court for examination unless it is established to the satisfaction of the Court that he is prevented from so appearing by some good and sufficient cause. 5

33. If the Court decides that the applicant for a certificate of citizenship is a fit and proper person to be granted such certificate and possesses the required qualifications, a certified copy of the decision shall be transmitted by the Clerk of the Court to the Minister together with the application and such other papers, documents and reports as may be required by regulation. 10 15

34. When the Minister receives a decision of the Court under section thirty-three of this Act, he may thereupon issue a certificate of citizenship and shall send the certificate to the Clerk of the Court by whom such decision was forwarded, or as otherwise prescribed by regulation, and upon the applicant taking the oath of allegiance, the Clerk shall deliver the certificate to the applicant after having endorsed thereon the date of the taking of the oath of allegiance which date shall be the date of the certificate of citizenship. 20 25

35. The Minister, with the approval of the Governor in Council, shall take such measures as to him may appear fitting to provide facilities to enable applicants for certificates of citizenship to receive instruction in the responsibilities and privileges of Canadian citizenship. 30

36. The Court, in the conduct of proceedings under this Act, shall, by appropriate ceremonies, impress upon applicants the responsibilities and privileges of Canadian citizenship.

PART VII.

GENERAL.

Regulations.

37. The Governor in Council may make regulations generally for carrying into effect the purposes and provisions of this Act, and in particular with respect to the following matters:— 35

- (a) the forms to be used under this Act including the form and manner of registration of declarations and of certificates;
- (b) the time within which the oath of allegiance is to be taken after the issue of a certificate of citizenship; 5
- (c) the persons before whom the oath of allegiance may be taken and the persons before whom any declarations under this Act may be made;
- (d) the form in which the taking of oaths of allegiance is to be attested and the registration thereof; 10
- (e) the persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths;
- (f) the imposition and application of fees in respect of any registration authorized to be made by this Act 15 or any Act heretofore in force in Canada and in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act or any Act heretofore in force in Canada, and in respect of the administration or registration of any 20 oath;
- (g) the expedient and fitting procedure to be followed in the conduct of proceedings before the Court to impress upon applicants the responsibilities and privileges of Canadian citizenship; and 25
- (h) the manner of proof of Canadian citizenship and the granting of special certificates for such purpose.

Evidence of
declarations.

38. Any declaration made under this Act or under any Act heretofore in force may be proved in any legal proceeding by the production of the original declaration or of any 30 copy thereof certified to be a true copy by the Minister or by any person authorized by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned. 35

Evidence of
certificate.

39. A certificate of citizenship or a certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the officer or persons authorized to issue such certificate of citizenship or such certificate 40 of naturalization or by any person authorized by such officer or person in that behalf.

Evidence of
entries and
certification
of copies.

40. Entries made in any register in pursuance of this Act or under any Act heretofore in force may be proved by such copies and certified in such manner as may be 45 directed by the Minister, and the copies of any such entries shall be evidence of any matters, by this Act or by any

regulation of the Governor in Council or of the Minister, authorized to be inserted in the register.

Question of
domicile,
how
determined.

R.S., c. 93.

41. Where any question arises under this Act as to whether any person had Canadian domicile immediately prior to the coming into force of this Act, the question shall be determined by the same authority and in a like manner as if it arose under the *Immigration Act* and the determination thereof in such manner shall be final and conclusive for the purposes of this Act. 5

Penalty for
representation
or statement.

42. If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall be guilty of an offence and liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months. 10 15

Acts
repealed.

43. The *Naturalization Act*, chapter one hundred and thirty-eight of the Revised Statutes of Canada, 1927, and the *Canadian Nationals Act*, chapter twenty-one of the Revised Statutes of Canada, 1927, are repealed.

Saving.

44. Notwithstanding the repeal of the *Naturalization Act* and the *Canadian Nationals Act*, this Act is not to be construed or interpreted as depriving any person who is a Canadian national, a British subject or an alien as defined in the said Acts or in any other law in force in Canada of the national status they possess at the time of the coming into force of this Act. 20 25

Construction
as to facilities
for becoming
Canadian
citizen.

(2) This Act is to be construed and interpreted as affording facilities for any person mentioned in the last preceding subsection if he should so desire to become a Canadian citizen if he is not a natural-born Canadian citizen as defined in this Act, and if he possesses the qualifications for Canadian citizenship as defined in this Act. 30

Coming into
force.

45. This Act shall come into force upon a date to be fixed by proclamation of the Governor in Council.

SCHEDULES

FIRST SCHEDULE

List of countries in the British Commonwealth.

The United Kingdom.

The Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island).

5

The Dominion of New Zealand.

The Union of South Africa.

Newfoundland

SECOND SCHEDULE.

Oath of Allegiance.

I, A.B., swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, his Heirs 10 and Successors, according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

So help me God.

Consolidated with Agenda, Sept. 18

J-25-1

C-20-5

TOP SECRET	
CABINET DOCUMENT	
No.	<i>65</i>
Copy No.	<i>22</i>

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT
OF CANADA

TOP SECRET

MEMORANDUM TO THE CABINET:

Repatriation and re-location of persons
of Japanese race

1. On September 5th, the Minister of Labour submitted to the Cabinet a memorandum setting out a proposed programme for repatriation and re-location of persons of Japanese race in Canada (Cabinet Document 47). The Cabinet referred these proposals to a Special Cabinet Committee consisting of the Minister of Labour (Convener), the Minister of Veterans Affairs, the Minister of National Defence and the Solicitor General, with the Under-Secretary of State for External Affairs, for consideration and report.

2. The Special Cabinet Committee have now considered the proposals of the Department of Labour and have agreed to recommend to the Cabinet as follows:

"(1) that the Department of External Affairs communicate immediately with the Supreme Allied Commander in Japan (General MacArthur), through the appropriate channel, stating that the government wished to repatriate, as soon as possible, some 10,000 Japanese and enquiring how soon conditions would be such that this movement could be made;

(2) that, upon receipt of information from the Supreme Allied Commander in reply to the telegram mentioned above, immediate steps be taken to effect the repatriation of:

(a) all persons of Japanese race who had requested repatriation, with the exception of Canadian citizens who had made application for revocation of their request for repatriation prior to midnight, September 1st, 1945; and

(b) all persons of Japanese race who were interned under the Defence of Canada Regulations;

(3) that immediate action be taken to revoke the status as Canadian citizens and British subjects of all persons of Japanese race who would be repatriated under the procedure recommended in the preceding paragraph;

(4) that the proposals for financial provision for repatriates set out in paragraphs (7), (8) and (9) of the memorandum submitted by the Department of Labour be approved; and

(5) that the remaining questions dealt with in the said memorandum, including proposals for the establishment and procedure of a "Loyalty Commission" and relocation of Japanese in Canada be deferred for further consideration."

3. With the approval of the Prime Minister, a communication in the sense indicated in paragraph (1) of the Committee's report has been sent to General MacArthur and decision is required upon the other recommendations submitted.

A.D.P. Heeney,
Secretary to the Cabinet.

Privy Council Office,
September 18th, 1945.

Circulated with Agenda, Sept 18
(later withdrawn)
Copy filed W-22-5-6

MEMORANDUM TO CABINET ON RULINGS ON
QUESTIONS OF POLICY

C-20-5

SECRET
CABINET DOCUMENT
No. <i>61</i>
Copy No. <i>22</i>

1. The United States Embassy has transmitted to the Department of External Affairs an invitation that the Canadian Government should submit claims to reparations from Germany as provided for in the Berlin Protocol of August 1, 1945. The Governments of the United States, United Kingdom, and France are associated in this invitation. A copy of the proposal is annexed, together with a copy of the text of the Berlin Protocol of August 1, 1945.
2. Paragraph 3 of the Protocol provides that the reparations claims of the United States, the United Kingdom, and other countries entitled to reparations are to be met by the removal of industrial capital equipment surplus to peace-time German economy from the Western zones and from appropriate German external assets. The U.S.S.R. takes a part of the reparations available in the western zones (approximately an additional 10% of industrial equipment) and it is only the balance which is divisible among countries receiving the invitation.
3. It will be observed that the request for data is framed in such a manner that the reparations claim must be regarded as founded on two elements. The first element is damage suffered from war action. The second element is contribution to the war against Germany. On the basis of damage suffered, the Canadian claim would be insignificant as compared with that of other countries entitled to reparation. On the basis of contribution to the war against Germany, the Canadian share would be very substantial. On the other hand, any ratio between actual reparations and the cost of the war to the belligerent countries will tend to be infinitesimal.
4. It is unlikely that there will be any precise apportionment of the very moderate reparations which will be available from the western zones. It is more likely that there will be a very rough and ready apportionment of the total assets upon a percentage basis and that the Canadian share will be insignificant.
5. On the other hand, the Custodian has German assets already under his control and while there will undoubtedly be substantial claims against them, it is important to protect our position and we should not surrender these assets for an uncertain but probably insignificant share of reparations. Only the surplus available (if any) after paying local claims can be made available for distribution as German external assets. It might even be desirable to consider abandoning any claim in the total reparations recovered rather than to impair in any way the priorities of Canadian claimants as against German property held by the Custodian in Canada.
6. The request for data involves a number of items embracing the ordinary sort of reparations claim by individuals and business enterprises. In the United Kingdom, the Government is not officially advertising for claims, but it has issued press releases advising the setting up of a register and commercial organizations in the United Kingdom have available some figures also available. In the United States, the Government is not advertising for claims, but is making out an account on the basis of forms filled out by individuals and corporations showing their foreign assets in Germany apparently comparable to the information filed in Canada with the Foreign Exchange Control Board in September, 1939. Small property claims will be based upon

See: CABINET Doc #68 - revision

weighting of total claims. In Canada, the Custodian throughout the war has been the authorized agency to receive and record claims against Germany and there are already very substantial claims listed with his office. On the other hand, there has been no general advertising for claims and current correspondence suggests that there are a very large number of claims by Canadian citizens outstanding which have not yet been listed and which are unlikely to be reflected in any statistical figures. A statement of the Custodian's position is appended.

7. The question is therefore raised as to whether Canada should advertise for claims. Annexed, for consideration is a draft advertisement.

If it is considered that advertising should be made immediately, there is a danger of getting an inflated total of claims out of proportion to all German assets available for distribution. In addition, these claims, in all probability, could not be compiled for inclusion in the data to be submitted by October 1.

As an alternative, the Government could make a public statement, explaining the Canadian policy on reparations, and such a statement could indicate that only a limited amount of German assets might be available to meet bona fide Canadian claims for restitution and compensation for damage suffered in the war. Thereafter, the Custodian could make an advertisement. There is, in any advertising, the danger that some people might believe the Canadian Government assumes responsibility for compensation; the last paragraph of the draft advertisement is designed to protect the Government against this contingency. The argument for publishing an advertisement is the real necessity of advising those individuals who have small claims exactly what procedure should be followed if they have hopes of benefitting from a reparation claim made by their Government.

8. From a consideration of paragraph 4 of the Allied Commission on Reparation it appears that the data requested will be for presentation at a conference to agree on the allocation of reparation deliveries from the western zones of Germany among the countries entitled thereto. Canada is one of the countries which presumably should participate in the conference. If data is provided, it is suggested it should be provided with the reservation outlined in paragraph 5, namely, that Canada reserves its position as regards the German assets under its control. However, in providing the required data it might be wise to indicate clearly that our data is bound to be incomplete until such time as Canada has had access to information regarding German assets and claims against them both in Canada and overseas.

9. It is desirable that a Cabinet decision should be obtained upon the following points -

- (a) whether action should be taken immediately to prepare the data requested in the memorandum of the Governments of the United Kingdom, United States and France;
- (b) whether the data on the General Reparation claim should be communicated by October 1 or as soon as possible. If so, should the Canadian Government give notice that it reserves its position as to the assets held by the Custodian?

- (c) whether Canada, in supplying the data as requested, should seek representation at the Conference to be held as outlined in paragraph 4 of the memorandum of the Allied Commission on Reparation;
- (d) whether the Government of Canada, bearing in mind the incomplete nature of its records, should
 - (i) proceed immediately to advertise for claims;
 - (ii) advertise for claims after it has made a public statement on Reparations;
 - (iii) press for access to German records in order to establish German assets controlled by it and to verify Canadian claims to German assets;
- (e) whether a standing interdepartmental committee should be set up to study the Reparation question and to submit advice and recommendations to the Custodian from time to time.

Sept 12/45.

ALLIED COMMISSION ON REPARATION
MEMORANDUM TO VARIOUS UNITED NATIONS

1. On August 1, 1945, the heads of government of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Socialist Soviet Republics signed a Protocol on German Reparations, a copy of which is enclosed. Particular attention is called to Paragraph 3 of the Protocol which reads as follows:-

"The reparations claims of the United States, the United Kingdom and other countries entitled to reparations shall be met from the Western Zones and from appropriate German external assets."

2. The Provisional Government of France and the Governments of the United Kingdom of Great Britain and Northern Ireland, and the United States of America, being the three powers with zones of occupation in Western Germany, invite the Government of Canada to supply by October 1, 1945, data relating to the reparation claim of the Government of Canada against Germany and the value of pre-war German assets situated in its territory. Suggestions as to the nature of the data to be included and the form in which they are to be presented are set forth in the Annexes A and B to this memorandum.

3. The data under reference may be supplied through regular diplomatic channels. It is suggested that 2 copies of the data requested be supplied to the diplomatic representatives of France, United Kingdom and United States respectively.

4. It is contemplated that a conference will be arranged for the conclusion of a general agreement on the allocation of reparation deliveries from the Western Zones of Germany among the countries entitled thereto.

See revision produced by EXT AH
& filed W-22-5-G
V.4.

ANNEX A

Suggestions with regard to presentation of data concerning Reparation claims

Without prejudice to the factors which will be taken into consideration for the determination of reparation claims, the data submitted by each nation should be such as to reflect losses of and damage to property and persons as well as the contribution of each country towards organising the victory and its war burdens. For the sake of uniformity, damage and loss should as far as practicable be stated in quantitative units and in 1938 replacement values, expressed both in terms of the monetary unit of the claimant country and in terms of 1938 U.S. dollars. So far as possible data should be reported on an annual basis.

In all cases the data should relate to the war against the European Axis Powers and exclude those relating to the war against Japan.

I.

Damage to and loss of property other than military equipment and installations (in the strict sense of the term) in the course of hostilities against Germany, including damage and loss resulting from scorched earth policies; in so far as they are not included in the figures given under Paragraph IV below.

1. Industry and Commerce (including mining and power): structures; installations, equipment; stocks of raw materials and goods and goods in process.
2. Ocean Shipping and Coastwise Shipping

3. Harbor

3. Harbor and Port Works and Installation
4. Railway and Inland Water Transport, Civil Aeronautic and Automotive Transport: structures; installations; equipment.
5. Roads and Highways: including Bridges.
6. Agriculture: Productive structures; equipment; livestock, grain stocks, damage to arable lands and forests. (Indicate how long each area damaged, mined or flooded, has been or will remain non-productive)
7. Public Institutions and Municipal Enterprises.
8. Household Articles and Personal Effects.
9. Gold, silver coins and bars, national banknotes, foreign currency, securities, jewelry and valuables, works of art, or works of historical, scientific, educational and religious interest.
10. Houses and buildings not otherwise included. (Give as many details of the nature and extent of the damage as possible.)
11. Other Material Damage and Loss not included in the foregoing categories.

II.

Budgetary expenditures allocatable to the war against Germany exclusive of those reported in I above or IV and V below.

III.

1. Man-years allocatable to the war effort against Germany.
2. Man-years lost to the national economy by the deportation of labor to Germany and forced labor at the order of Germany on national territory.
3. Loss of life or health and injuries sustained by civil and military victims of the war and occupation.

IV.

Costs of German occupation (exclusive of items, reported in II above or V below):

1. Forced

1. Forced payments and extensions of credit to the German State or to German agencies such as (a) the Reichskreditkassen and (b) the Deutsche Verrechnungskasse.
2. Other costs (specify).

V.

All other claims of a governmental or private nature against Germany arising out of or during the war with Germany.

VI.

Any other statistical data which the claimant Government desires to put forward for consideration.

(For each category of property, lost or damaged, There should be indicated, for information, not only the quantity and value of each category of properties lost or damaged, but also the total amount existing before the war for the purpose of furnishing a basis for a comparison between the various countries of the damage sustained in relation to their resources.)

ANNEX B

Suggestions with regard to presentation of data concerning German Assets or Holdings abroad in the country concerned immediately before the date of the entry of that country into the war or its occupation by the enemy.

The following information* is desired:

- I. List of firms in which Germans have interest.
 1. Total value of assets locally owned by such firms.
 2. Total value of foreign holdings of such firms.
 3. Total value of German interest in such firms.

This list should classify these firms as follows:

Industrial, banks, insurance, finance or holding companies, merchandising establishments, retail or wholesale, transport companies, travel and other service establishments.

II. German Bank Balances, securities holdings, etc.

A. Bank balances.

1. Of German State, in clearings, or official funds of any sort.
2. Of German State-controlled institutions or companies.
3. Of German nationals (or on behalf of same).

B. Securities accounts, safe deposits held in name of or on behalf of Germans.

C. Gold on deposit, other types of holdings.

*If full information is not available by October 1, please supply such information as is available by that date and the rest later.

EXTRACT FROM THE BERLIN PROTOCOL SIGNED BY THE
HEADS OF GOVERNMENT OF THE UNITED STATES OF AMERICA,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE UNION OF SOCIALIST SOVIET REPUBLICS, ON AUGUST 1, 1945

IV. Reparations from Germany. In accordance with the Crimea decision that Germany be compelled to compensate to the greatest possible extent for the loss and suffering that she has caused to the United Nations and for which the German people cannot escape responsibility, the following agreement on reparations was reached:

1. Reparation claims of the U.S.S.R. shall be met by removals from the zone of Germany occupied by the U.S.S.R. and from appropriate German external assets.

2. The U.S.S.R. undertakes to settle the reparation claims of Poland from its own share of reparations.

3. The reparation claims of the United States, the United Kingdom and other countries entitled to reparations shall be met from the western zones and from appropriate German external assets.

4. In addition to the reparations to be taken by the U.S.S.R. from its own zone of occupation, the U.S.S.R. shall receive additionally from the western zones:

(A) 15 per cent of such usable and complete industrial capital equipment, in the first place from the metallurgical, chemical and machine manufacturing industries, as is unnecessary for the German peace economy and should be removed from the western zones of Germany, in exchange for an equivalent value of food, coal, potash, zinc, timber, clay products, petroleum products, and such other commodities as may be agreed upon.

(B) 10 per cent of such industrial capital equipment as is unnecessary for the German peace economy and should be removed from the western zones, to be transferred to the Soviet Government on reparations account without payment or exchange of any kind in return.

Removals of equipment as provided in (A) and (B) above shall be made simultaneously.

5. The amount of equipment to be removed from the western zones on account of reparations must be determined within six months from now at the latest.

6. Removals of industrial capital equipment shall begin as soon as possible and shall be completed within two years from the determination specified in paragraph 5. The delivery of products covered by 4(A) above shall begin as soon as possible and shall be made by the U.S.S.R. in agreed installments within five years of the date hereof. The determination of the amount and character of the industrial capital equipment unnecessary for the German peace economy and therefore available for reparations shall be made by the control council under policies fixed by the Allied Commission on Reparations, with the participation of France, subject to the final approval of the zone commander in the zone from which the equipment is to be removed.

7. Prior to the fixing of the total amount of equipment subject to removal, advance deliveries shall be made in respect of such equipment as will be determined to be eligible for delivery in accordance with the procedure set forth in the last sentence of paragraph 6.

8. The Soviet Government renounces all claims in respect of reparations to shares of German enterprises which are located

in

in the western zones of occupation in Germany as well as to German foreign assets in all countries except those specified in paragraph 9 below.

9. The Governments of the United Kingdom and the United States of America renounce their claims in respect of reparations to shares of German enterprises which are located in the eastern zone of occupation in Germany, as well as to German foreign assets in Bulgaria, Finland, Hungary, Rumania and Eastern Austria.

10. The Soviet Government makes no claims to gold captured by the Allied troops in Germany.

CUSTODIAN STATEMENT OF ASSETS
AND CLAIMS AS AT DECEMBER 31, 1944

GERMAN ASSETS -

\$6,459,923.86

NOTE: Securities included in this figure are taken at their nominal or per value and no estimate of the value of German patents seized is included. It is believed that if the securities were valued at market price and German patents valued there would be a substantial increase in the figure given. It should also be pointed out that the figure includes only assets reported to the Custodian and if information could be obtained from Germany additional assets might be located.

CLAIMS AGAINST GERMANY -

28,763,947.81

NOTE: No advertisement has been published calling for claims and this figure includes claims for commercial debts and property lost in German territories. This might be substantially increased if an advertisement were published and all types of claims included.

POTENTIAL CLAIMS -

France -	21,825,813.79
Netherlands -	1,087,871.55
Belgium -	3,912,253.88
Denmark -	445,157.16
Norway -	1,420,974.68
Poland -	3,355,513.87
Yugoslavia -	150,159.62
Czechoslovakia -	19,815,414.55
Channel Islands -	<u>224,600.43</u>
	52,237,759.53

NOTE: The figures shown represent claims filed with the Custodian of the same type as referred to in the total given for claims against Germany. These figures should not be taken as final since no information is available as to the state of property in these countries claimed by residents of Canada. They may be potential claims against Germany rather than against the occupied countries.

It will be apparent from the above figures and notes that it is impossible for the Custodian to give complete figures as to total German assets in Canada and total claims against Germany.

September 11, 1945.

N O T I C E

REPARATION and OTHER WAR CLAIMS

The Secretary of State of Canada acting in his capacity as Custodian hereby gives notice that every person residing in Canada (including a corporation, the Dominion or a Provincial Government, Municipal Authority, Department, Agency or Corporation owned or controlled by any such Government or Municipal Authority) may file a statement with the Custodian not later than the day of _____, 1945 giving full particulars of any claim arising out of the prosecution of the present war or resulting from enemy action.

The claims above referred to shall include those in the following categories:

A. Debts (including bank balances) due from persons residing or carrying on business in enemy or proscribed territory or territory that is or was occupied by the enemy. The name and address of the debtor and the date upon which the debt became due shall be given.

B. Securities, including securities issued by enemy governments or any body of persons constituted or incorporated within the above mentioned territories. The date upon which, the place where and the person from whom the securities were acquired and where the securities are now physically located shall be given.

C. Other property situated in the above mentioned territories. A description of the property, its location and the name and address of the person, if any, in whose care the property was placed shall be given.

D. Industry and commerce (including mining and power) structures, installations, equipment, stocks of raw materials and goods, and goods in process.

E. Ocean shipping and coastwise shipping.

F. Harbor and port works and installations.

G. Railway and inland water transport, civil aeronautic and automotive transport, structures, installations, equipment.

H. Household articles and personal effects.

I. Gold, silver coins and bars, national bank notes, foreign currency, securities, jewelry and valuables, works of art or works of historical, scientific, educational and religious interest.

J. Other material damage and loss not included in the foregoing categories.

K. All other claims of a governmental or private nature, giving particulars as to the government against which such claims are made.

The statement shall contain the name of the claimant in full. If the claimant be an individual he shall also state his nationality at birth and give particulars of any change of nationality which has taken place together with the countries in

which he has resided on and since the 2nd September, 1939. If the claimant be an incorporated company it shall give particulars of its incorporation.

The statement shall give full particulars concerning the nature of the claim and the category within which it falls as listed above.

Any person who has already notified the Custodian of his claim is also required to comply with the terms of this Notice, stating the Custodian's file number.

A claimant is also required to give full particulars of any claim he may have filed with any other government or government agency relating to the same property or claim.

The action of the Custodian will be confined to entering upon the record claims of which particulars are supplied to him, and it shall in no way commit the Custodian or the Government of Canada either to responsibility for the correctness of the claim entered or to taking any action or proceeding for the recovery or payment of the claim or property in question.

Claims are to be filed at the office of the undersigned, 7 O'Connor Street, Ottawa.

Secretary of State of Canada
acting in his capacity as
Custodian.

(Note. If the advertisement is defined it might require reconsideration and possible revision).

MEMORANDUM TO CABINET

<u>CONFIDENTIAL</u>
CABINET DOCUMENT
No. <u>154</u>
<u>22</u>

Release for residence in Canada of German prisoners of war held in this country

Since the surrender of Germany, several Departments of Government have received applications from German prisoners of war in Canada to be permitted to remain in Canada to take up residence. Relatives in Canada of prisoners of war have also submitted applications that prisoners be released to take up residence in this country. Including a mass petition from one prisoner of war camp, such applications are now numbered in the thousands.

The working policy has been to reply that no consideration will be given at present by the Government of Canada to applications from German prisoners of war to remain in Canada.

An agreement has recently been reached with the United Kingdom to transfer to that country all German prisoners of war held in Canada. Arrangements for the movement are well in hand and shipment will commence this month.

In view of the immediate transfer of prisoners of war to the United Kingdom it is desirable that the Government lay down a policy for dealing with applications from POW to be permitted to remain in Canada and it is recommended that such applications be rejected.

Department of External Affairs,
Ottawa, February 6th, 1946.

Totals	-	(a) Service	1,000
		(b) Civilian	100

6,000 (plus approx. 500) x 2

* Cabinet authority has been obtained to carry these commitments over and above the regular Plan B strength.

3. Latest figures indicate the following current strengths of Service personnel:

(a) Overseas	10,000
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S E C R E T

MEMORANDUM TO THE CABINET:

RE JAPANESE DEPORTATION POLICY

In accordance with the decision of Cabinet the Cabinet Committee appointed to consider the repatriation and relocation of persons of the Japanese race met on Wednesday, February 27th, to consider future action in light of the Supreme Court decision.

The Minister of Labour reviewed a memorandum which had been prepared and distributed to members of the Committee in which it was suggested that the following principles should govern the issue of deportation orders:

- (a) husbands and wives will not be separated by forced deportation measures except in instances where domestic relations of a man and wife have already been broken up in which case each will be dealt with as a single individual.
- (b) Canadian born persons will not be deported against their wishes.

Mr. Mitchell suggested three possible courses of action:

- (1) that the appeal to the Privy Council be proceeded with if the parties so desire and that the hearing be expedited. In the meantime, that we content ourselves with making preliminary arrangements and if possible by despatching Japanese Nationals who have no minor children and voluntary repatriates.
- (2) that those who are interesting themselves in the case be told of the principles that the government proposes to follow in not separating husbands and wives and not deporting Canadian born persons against their wishes. If this policy were accepted reference to the Privy Council would then become unnecessary.
- (3) To proceed with deportation within the limits of the Supreme Court decision and notwithstanding that an appeal is taken.

The Committee was advised that Mr. Brewin who acted as Junior Counsel on behalf of the Japanese in the recent reference before the Supreme Court had asked whether it would be possible for a delegation of six or seven persons representing the Committee to discuss the Japanese question with the government. The delegation would particularly wish to raise the following points:

- (1) In view of the difference of opinion in the Supreme Court judgments the Japanese orders should be withdrawn and the matter dropped.
- (2) Failing an abandonment of the orders they would regard it as/satisfactory solution if the government would agree that all those who are subject to deportation and who are not willing to go should have the right to have their cases heard by the Loyalty Commission which is to be established.

- (3) If there is to be no change in government policy the Committee would like to have assurance that the matter would not be proceeded with pending the outcome of an appeal to the Privy Council.

Officials of the Department of Labour charged with the responsibility of administering Japanese affairs pointed out that under the Supreme Court decisions approximately 7,000 Japanese could be legally deported but that this would mean separating parents from their children. If, however, the government decided that families should not be broken up the number to be deported might be reduced to approximately 1,500.

The Committee after lengthy discussion decided to make the following recommendations to Cabinet:

- (1) That the government facilitate an appeal to the Privy Council.
- (2) Pending the outcome of the appeal the government would repatriate only those who still expressed a desire to be returned to Japan.
- (3) The government would proceed with efforts at dispersal of Japanese to all parts of Canada other than the Pacific Coast.
- (4) The setting up of a Commission of Appeal would be deferred until the decision of the Privy Council had been announced and the government would reconsider the terms of reference of this Commission in the light of Privy Council decision.

Privy Council Office,
February 27th, 1946.

A.D.P. Heeney,
Secretary to Cabinet.

MEMORANDUM TO THE CABINET

CONFIDENTIAL	
CABINET DOCUMENT	
No.	201
Copy No.	22

Immigration Policy

The Minister of Mines and Resources has submitted a report prepared by an interdepartmental committee and approved by the Cabinet Committee on Immigration Policy. The report states:

1. that applications for permission to enter Canada are now being made by thousands of prospective immigrants, many of whom are residents of the United Kingdom eligible to come to Canada under existing regulations. Other applicants are people of continental origin who are either displaced persons or refugees, or who are anxious to leave their homes because of unsatisfactory postwar conditions. A new element of importance amongst the prospective immigrants is the greatly increased group of people with technical or professional training, or with business experience, who would normally make a livelihood in commerce and industry rather than in agriculture. Many of the applicants wish to bring substantial funds with them to this continent, although restrictions on capital movements will make this difficult for some time to come;
2. that it appears desirable to permit a somewhat increased movement of immigrants to Canada in the postwar period and that a policy governing the selection of desirable immigrants should be formulated as soon as possible. Certain factors, however, will prevent any early large scale movement of people. It is still difficult for the ordinary traveller to obtain shipping space and it is improbable that any large number of immigrants could find passage across the Atlantic within the next eighteen months. The unsettled condition of the continent will hinder the early re-establishment of an expanded immigration service capable of handling large numbers of applicants;
3. that two immediate steps might be considered in the light of the current situation:

(a) Short-term measure -

The adoption of revisions in the present immigration regulations, in order to provide

for the admission to Canada of such approved persons as it seems possible to transport and receive within the next eighteen months. The suggested revisions, outlined below, have been formulated with a view to admitting immigrants who could be both maintained and provided with housing by relatives in Canada, and with a view to going some way to meet the pressing demands which are being made for the admission to Canada of persons who are refugees or displaced persons. The movement contemplated would not consist entirely of refugees; it would, however, permit the entry of a certain number of approved immigrants whose relatives in Canada are anxious to provide them with homes;

(b) Long-term policy -

The general question of immigration should be made the subject of a thorough examination with a view to determining policy. It is not thought that a policy for the long-term period should be formulated without the most careful scrutiny of previous experience, both in Canada and in other countries. Consideration should also be given to the effect on immigration and emigration policies of recent changes in social and economic conditions.

The report makes the following recommendations:

1. that Order in Council P.C. 3016, of November 29, 1938, the passport regulation, be amended by the addition of the following paragraph:

"(4) That a travel document establishing the identity of the holder may be accepted in lieu of a passport, in the case of an immigrant who has been displaced from his country of origin as the result of the war, and who is not in possession of a valid passport.";
2. that Order in Council P.C. 695 of March 21, 1931, as amended, the occupational regulation, be further amended so as to provide for the admission of the following additional classes:
 - (a) The father or mother, the unmarried son or daughter, eighteen years of age or over, the unmarried brother or sister, the orphan nephew or niece under sixteen years of age, of any person legally admitted to and resident in Canada, who is in a position to receive and care for such relative.

The term 'orphan' as used in this clause means a child bereaved of both parents.

- (b) A person entering Canada with sufficient capital to establish an essential industry;
3. that an inquiry into immigration policy be immediately authorized, to be made by some agency of government, especially commissioned for the purpose and provided with the necessary resources to undertake a thorough study, a report with recommendations to be prepared and submitted within the next twelve months.

A.D.P. Heeney,
Secretary to the Cabinet.

Privy Council Office,
April 30, 1946.

5-14

SECRET	
CABINET DOCUMENT	
No.	220
Copy No.	22

C-20-5

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

MEMORANDUM FOR THE CABINET:

Subsidies on small fishing vessels

The Minister of Fisheries has submitted a report to Council recommending an amendment to Order in Council P.C. 3978 of June 1st, 1944. This Order provides for the payment of a subsidy and the granting of a special depreciation allowance to groups of fishermen, of not less than four, in the construction of fishing vessels of the dragger or long line type, measuring not less than 55 feet, overall length, and not more than a maximum to be fixed by the Minister of Fisheries.

In some localities, where the need for this type of vessel is urgent, the restriction of the subsidy to groups of fishermen of not less than four, is not practicable and is opposed by fishermen.

The recommended amendment would lift the restriction aforesaid, but only as to vessels between 55 and 60 feet, inclusive, and would make the subsidy available to one or more individual fishermen as well as to groups of four.

A.D.P. Heeney
Secretary to the Cabinet

Privy Council Office,
May 28, 1946.

MEMORANDUM TO CABINET

REPARATION

1. The Inter-Departmental Committee on Reparation, authorized by Cabinet decision of September 28th, 1945, and consisting of representatives of various Government departments and agencies directly concerned with or interested in reparation, has been meeting from time to time to discuss reparation problems arising out of the war. The Committee is of the opinion that it is appropriate at this time to bring three important matters to the attention of the Cabinet.

- (a) Approval of a policy concerning the espousal of claims for restitution of property;
- (b) Designation by the Cabinet of one department or agency of the Government to be responsible for the domestic handling of reparations problems;
- (c) The formation of an interim policy for the guidance of such a department or agency.

Reparation Problem

2. Under the terms of the Final Act of the Paris Conference on Reparation, to which the Canadian Government is a signatory, a distinction is made between "restitution" and "reparation".

Restitution. Restitution appears to be the obligation to restore and the right to exact the return of specific identifiable property wrongfully taken from the victor or its approved claimants.

Reparation. Reparation appears to be the obligation of the vanquished to compensate the victor to the greatest possible extent for war loss, budgetary cost, and damage to property arising out of the war.

3. Debts and obligations owing by enemy or ex-enemy Governments or their nationals prior to the opening of hostilities are not understood as coming within the foregoing description.

4. Under the terms of the Paris Agreement on Reparation, respective shares of reparation, as determined in the Agreement, are to be taken by the Canadian Government as covering all its claims and the claims of its nationals against Germany arising out of the war. The handling of individual claims for compensation for war loss or damage and for restitution is thus seen to be a matter lying within the domestic jurisdiction of the Canadian Government.

Domestic Handling of Problem

Reparation

5. Under the revised Regulations respecting

Trading with the Enemy (1943), the Custodian is required to keep a record of claims, which are filed with him, in regard to property in enemy territory belonging to Canadian residents. However, in listing these claims the Custodian assumes no responsibility for the investigation, recovery, or compensation of the claim in question. Up to the present claims for both compensation for war loss or war damage and for restitution have been filed in the first instance either with the Custodian's Office or with the Department of External Affairs.

Restitution

6. It is the practice of the Department of External Affairs, when a claim for restitution is brought to its attention, to examine the claim and to pursue it through the regular diplomatic channels, in order that diplomatic protection may be extended to the Canadian interest involved. Claims for compensation for war loss or damage are referred to the Custodian's Office.

Recommendations

Restitution

7. The Committee is of the opinion that claims for restitution should receive immediate action once they are brought to the attention of the Government so that the rights of Canadian residents in any property situated in enemy or ex-enemy territory can be given full protection. In view of the above, the Committee recommends that:

- (a) When a claim for restitution is filed with any department of government, such a claim be referred immediately to the Department of External Affairs, and that, if approved, diplomatic representations be made to protect Canadian interest in any enemy or ex-enemy occupied country concerned.
- (b) That the Canadian Government should assist the following categories of claimants for restitution:
 - (i) Canadian citizens;
 - (ii) British subjects permanently resident in Canada;
 - (iii) Firms, partnerships, companies, municipalities, commercial or charitable organizations, clubs or any other bodies constituted or incorporated under the laws of Canada or its provinces;
 - (iv) Aliens permanently resident in Canada who have applied for Canadian citizenship, provided they waive their right to claim through the Government of the country of which they are at present nationals.

Government Departments Responsible for Claims for Compensation
for War Loss or Damage

8. The Committee is of the opinion that responsibility for claims for compensation for war loss or damage arising out of the war should now be assumed by one Government department or agency. In view of the fact that the Custodian is charged with the administration of all enemy property in Canada and that all claims for compensation for loss or damage arising out of the war are being listed with the Custodian, the Committee recommends that:

- (a) The Department of the Secretary of State, Custodian's Office, assume the responsibility for the domestic handling of all matters pertaining to reparation from enemy countries.
- (b) That the Department of Reconstruction and Supply, through the War Assets Corporation, be the agent to receive and dispose of any reparation in kind allocated to Canada by the Inter-Allied Reparation Agency in the same manner as surplus war assets are now administered.
- (c) That any proceeds from reparation be accounted for and the net proceeds be paid into the Consolidated Revenue Fund in a manner to be determined by the Comptroller of the Treasury.

Interim Policy

9. Considering the uncertainty of the value of the Canadian share in reparation from enemy countries and also in view of the fact that claims already filed with the Custodian (without advertisement) exceed enemy assets under the Custodian's control, the Committee cannot at this time recommend any final policy regarding settlement of the Canadian claims for compensation for war loss or war damage.

10. The Inter-Departmental Committee, however, recommends that some of the functions of the Department designated in paragraph 8(a) should be:

- (a) To recommend at the appropriate time, in co-operation with the Inter-Departmental Committee on Reparation, a policy for dealing with Canadian claims for compensation for war loss or damage (excluding claims for restitution).
- (b) To review all claims now listed with the Custodian in order that claims for restitution may be extracted and forwarded to the Department of External Affairs for action recommended in (a) above.

11. In the event that the Cabinet agrees with the recommendations enunciated herein, the Inter-Departmental Committee on Reparation is of the opinion that, in respect to the Department of the Secretary of State, Custodian's Office, the Committee should be the consultative body to assist that Department and other Government departments and agencies concerned in matters relating to the co-ordination

of Canada's domestic and external reparation policy, and in the formulation of policies of major importance relating to the domestic handling of reparation questions. In so far as Canada's external policy for reparation is concerned, the Inter-Departmental Committee feels that it should continue in its capacity of a consultative body of interested departments and agencies to advise the Secretary of State for External Affairs.

Acting Secretary of State
for External Affairs.

Department of External Affairs,

August 21st, 1946.

MEMORANDUM TO CABINET

CONFIDENTIAL
No. 283
Copy No. 22

PUBLICITY REGARDING DAMAGE TO AND LOSS OF PROPERTY ARISING
OUT OF THE WAR

INTRODUCTION

1. In a memorandum submitted to Cabinet on September 24th, 1945, it was recommended that advertisement for claims should be deferred pending the conclusion of an agreement on the allocation of reparation from the Western Zones of Germany among the countries entitled thereto. The Cabinet approved this recommendation on September 28, 1945.
2. Such an agreement was reached at the Paris Conference on Reparations and was embodied in the Final Act of the Conference signed on behalf of Canada on the 30th of January, 1946.
3. In the light of recent developments, the Inter-Departmental Committee on Reparations, at its meeting on August 12, 1946, considered the advisability of giving publicity in Canada to facilities available for the presentation of claims for restitution, restoration, or compensation for loss of or damage to property arising out of the war in enemy or enemy occupied territories.

ARMISTICE AND ALLIED CONTROL DIRECTIVES

4. In its consideration of the problem, the Inter-Departmental Committee has taken notice of the following facts:
 - a. Under the terms of the Armistices, Bulgaria, Finland, Hungary and Roumania agreed to restore all property of the United Nations and their nationals or pay compensation, the amount to be fixed at a later date;
 - b. The Allied Control Authorities for Germany and Austria have issued directives for the protection of Allied properties in those two countries;
 - c. The Allied Control Authorities have also provided facilities for the registration of claims by persons who have been dispossessed of their property in Germany or Austria through Nazi persecution or discrimination.

ACTION BY UNITED KINGDOM AND UNITED STATES AUTHORITIES

5. The Inter-Departmental Committee has noted that United Kingdom authorities have now invited registration of claims for:
 - a. Restoration or compensation in respect of property owned by residents of the United Kingdom and located in Bulgaria, Finland, Hungary and Roumania. These claims are to be filed before the 31st of December, 1946;
 - b. Protection of British property in Austria and in Germany;
 - c. Losses arising out of dispossession of property through Nazi persecution or discrimination in Germany and Austria.

(Registration of claims has not been invited in the case of Italy and the Far East).

6. The United States Authorities have advertised for registration of claims of American nationals relating to war loss or damage to their properties in Italy, Bulgaria, Finland, Hungary, and Roumania. (Registration of claims has not been invited in the case of the Far East).

USE OF UNITED KINGDOM FACILITIES FOR CANADIAN CLAIMS

7. The United Kingdom Authorities have offered to make available to the Canadian Government the facilities which they have established for the pursuit of property claims in respect of Finland, Hungary and Roumania. If the Canadian Government wishes to avail itself of these facilities, it is felt that the United Kingdom practice should be followed and claims registered by December 31, 1946.

RECOMMENDATIONS

8. The Inter-Departmental Committee on Reparation therefore recommends that:

a. In regard to property located in Finland, Hungary and Roumania, the following categories of persons publicly be invited to furnish particulars of their claims for restoration or compensation:

- (i) Canadian citizens,
- (ii) British subjects permanently resident in Canada,
- (iii) Aliens permanently resident in Canada who have applied for Canadian citizenship;
- (iv) Companies, municipalities or any other bodies constituted or incorporated under the laws of Canada or its provinces.

Such claimants be informed that the Canadian Government will accept no responsibility for the satisfaction of their claims but will endeavour to promote favourable consideration of claims which come within the categories for which the Enemy Governments concerned have accepted liability in principle under the terms of the several Armistices.

b. In regard to property located in Germany and Austria, the categories of claimants mentioned in paragraph 8(a) publicly be invited to furnish particulars of their claims to the Department of External Affairs in order that steps may be taken to protect the interest of such claimants in these properties, in accordance with the relevant directives of the Allied Control Authorities;

c. In regard to property located in Germany and Austria of which persons now resident in Canada were dispossessed by Nazi persecution or discrimination, such persons be informed that their claims may be registered through the Department of External Affairs with the Allied Control Authorities.

Draft press releases prepared in accordance with the recommendations under (a), (b), and (c) above are attached.

d. The Canadian Government make the necessary publicity when facilities for the presentation of claims are available and when United Kingdom authorities with respect to Italy, Japan and Siam and when United States authorities with respect to Japan and Siam have advertised for claims.

- e. No publicity be given at this time with respect to compensation to Canadians for loss or damage arising out of the war in liberated countries until all governments in these countries have made clear their respective policies in this regard.

Acting Secretary of State
for External Affairs.

Department of External Affairs,

August 28th, 1946.

1. Canadian citizens.
2. British subjects permanently resident in Canada.
3. Aliens permanently resident in Canada who have applied for Canadian citizenship.
4. Companies, municipalities or any other bodies constituted or incorporated under the laws of Canada or its provinces.

Forms for the submission of such claims may be obtained from

The Under-Secretary of State
for External Affairs, (Claims)
Ottawa, Ontario.

and claims should be submitted on these forms not later than December 31, 1946. Persons who have already submitted claims in affidavit forms to the Department of External Affairs need not forward any further submission.

The Canadian Government will accept no responsibility for the satisfaction of these claims, but will endeavour to promote the favourable consideration of claims which come within the categories for which the Enemy Governments concerned have accepted liability in principle under the terms of the several Armistices.

CABINET DOCUMENT	
No.	215
Copy No.	22

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

C-20-5

CONFIDENTIAL

MEMORANDUM TO THE CABINET:

Re: German prisoners of war; retention
in Canada

At the meeting of the Cabinet held on September 10th, it was agreed that the departments concerned should examine into and report upon the possibility and desirability of retaining in Canada suitable German prisoners of war who expressed the wish for permanent entry and who were suitable for work in the lumber and other basic industries.

Subsequently, the Deputy Minister of Labour called a meeting of representatives of National Defence, the Immigration Branch (Mines and Resources), External Affairs and Labour. A copy of the minutes of this meeting is attached.

The Minister of Labour wishes to have the report considered by the Cabinet.

A.D.P. Heeney,
Secretary to the Cabinet.

Privy Council Office,
September 16th, 1946.

SECRET

COPY NO. _____

Minutes of meeting held under the Chairmanship of Mr. A.J. MacNamara, Deputy Minister of Labour, at 2.30 p.m., Thursday, September 12, 1946, in Room 148 Confederation Building, Ottawa.

RE RETAINMENT IN CANADA OF P.O.W. WHO WOULD
LIKE TO REMAIN IN THIS COUNTRY

The following Departments were represented:

Department of National Defence,
Brigadier J.F.A. Lister,
Lt. Col. H.W. Pearson,

Immigration Branch,
Mr. C.E.S. Smith,
Mr. G.G. Congdon,

Department of External Affairs,
Mr. L.A.D. Stevens,

Directorate of P.O.W.,
Lt. Col. R.H. Davidson, Director,

Department of Labour,
Mr. A.H. Brown, Departmental Solicitor,

Mr. Raymond Ranger

- Secretary

1. The meeting was opened at 2.30 p.m. by Mr. MacNamara who informed those present that, pursuant to a discussion at Cabinet on the above-noted subject, this conference had been called to explore the possibilities of permitting prisoners of war presently located in Canada to remain in this country as civilians, if they so expressed the wish.
2. The committee was informed that there are in Canada 4207 P.O.W., of which approximately 60% would very much want to stay.
3. It was agreed that legalities and technicalities involved in a plan of having prisoners of war voluntarily give up their rights to their home country could be worked out. As a matter of fact, Council has already authorized the Minister of Immigration to allow three or four cases to remain in Canada. The same procedure could be followed except if it was decided that a considerable number were to be allowed to stay in Canada. It is thought that the United Kingdom government should be notified and consulted.
4. If the prisoners of war were to be kept the plan would be to have those who wish to remain make application. These applications should be checked by a small committee representing the Army - R.C.M.P. - Immigration Department and the Labour Department. In checking, the committee would have the benefit of the files and records of the prisoners of war section of the Army.
5. The representatives of the Immigration Department pointed out that there were some 30,000 persons who had been approved for entry to Canada as soon as transportation and examination facilities were available. It would be very difficult for the Minister of Immigration to answer complaints from relatives and others who would point to the fact that former enemies were being allowed to remain in Canada as civilians, whereas, persons from Allied countries wishing to immigrate to Canada were not allowed entry.

6. Opinions were expressed that strong opposition would develop from the Canadian Legion; in fact, evidence that this is the case is available.
7. The committee reports therefore that the retaining of prisoners of war in Canada would assist the Labour Department very materially in supplying needed labour for lumber camps this winter. The greatest difficulty being experienced by the Employment Service today is the shortage of men for heavy labouring tasks, and tasks where men have to leave urban centres. The importation of 4,000 Polish soldiers will, in part, meet the need in agriculture. If the prisoners of war were retained they could be used to advantage in lumber camps.
8. As a result of general discussion, it was found that all those at the meeting were of the opinion that closer consideration of occupational selection of immigrants, if and when immigration is opened up, would be desirable. The applications which are being considered now, it was thought, might well be screened on an occupational basis and only those accepted who would be taking up work of a kind where there is a shortage of applicants.
9. The committee makes no recommendation as to the decision, and contents itself with pointing to the advantages and the objections. It refrains from making a definite recommendation because it feels the question is one of policy which should be decided by Cabinet.

Raymond Ranger,
Secretary.

September 16, 1946.

RESTRICTED

CABINET DOCUMENT

No. 313

Copy No. 52

MORANDUM FOR THE INFORMATION OF CABINET

Re: Issuance of Passports after the end of 1946 -
Special Problems Relating to Married Women.

1. In the course of preparing the new passport regulations made necessary by the new Canadian Citizenship Act, the Department of External Affairs has encountered two difficult practical problems relating to married women.

2. Alien women who marry Canadians before the end of 1946, and who have not been landed in Canada before the end of 1946, will not be Canadian citizens under the new Canadian Citizenship Act. They will, however, be British subjects both under Canadian law and under the law of other parts of the Commonwealth.

3. Alien women who marry Canadians after the end of 1946 will not be Canadian citizens under the new Act, whether or not they have been landed in Canada. They will be British subjects under the law of the United Kingdom but they will not be even British subjects under the law of Canada.

4. The general plan is that Canadian Missions abroad should issue passports only to Canadian citizens after the end of 1946, and they will be described in the passports as "Canadian citizens". The Passport Office in Ottawa will issue two kinds of passports: (1) to Canadian citizens describing them as Canadian citizens, and (2) to non-Canadian British subjects describing them as British subjects. The law summarized above creates the following two practical problems.

Problem of Canadian Missions Abroad.

5. Our Missions will no doubt receive passport applications after the end of 1946 from alien women who have married Canadians, some of them having married before the end of 1946 and some having married after the end of 1946. In many cases the women will want the passports in order to go to Canada. In the opinion of the Department of External Affairs, it is not possible to allow our Missions to give passports to women in these classes, as they will not be Canadian citizens.

6. In the case of women whose marriage took place before the end of 1946, it would be possible to tell our Missions to suggest to such women that they are British subjects and can, therefore, go across the street to the British Consul and apply for a passport; however, this might be embarrassing for our Missions. It is proposed, therefore, that our Missions be told that, if an alien woman who married a Canadian before the end of 1946 needs a travel document to come to Canada, she should be given an "emergency certificate" (which is a special kind of travel document) in which she will be described as a person claiming the status of a British subject. As for the others, including all women who marry Canadians after the end of 1946, it is proposed that our Missions should be told that they must refuse to give them any kind of travel document and that they should not suggest to them to go to the British Consul. (Of course, it is open to these women to go to the British Consul on their own initiative).

Problem of Passport Office in Canada.

7. There will be no problem in Canada in the case of the alien woman who marries a Canadian or a non-Canadian British subject before the end of 1946. She will be a British subject under Canadian law and will be able to apply to the Canadian Passport Office for a passport describing her as a British subject.

8. However, there will be a serious problem with alien women who marry Canadians or non-Canadian British subjects after the end of 1946. For example, an Englishman who has been in Canada for six months may marry an alien woman in Canada. Subsequently they may want passports in order to take a trip - perhaps a trip to England. The husband will, of course, be eligible for a Canadian passport describing him as a British subject. What is to be done about his wife, who is a British subject under United Kingdom law but is not a British subject under Canadian law? It should be kept in mind that the United Kingdom Government does not have a passport office in Canada.

9. The Department of External Affairs is of the opinion that the following is the least objectionable solution:-

In the case of an alien woman who has married a British subject after the end of 1946, the Canadian Passport Office in Ottawa should give her a passport describing her as a British subject, if her husband is not himself a Canadian citizen, even though the woman is not a British subject under Canadian law. However, if the husband is a Canadian citizen, we should refuse to give the wife any kind of a passport; we should point out to her that, as the wife of a Canadian citizen living in Canada, she can herself obtain Canadian citizenship after only one year's residence in Canada. It would be unreasonable to give a Canadian passport to an alien woman who has married a Canadian after the end of 1946, who is herself in Canada, and to whom it is open to apply for Canadian citizenship.

The reasons for discriminating in favour of the alien woman who marries the non-Canadian British subject are twofold. First, she cannot apply for Canadian citizenship until she has been in Canada for five years. Second, her husband "belongs" to some other part of the British Commonwealth, and almost all the other parts of the Commonwealth expect Canada to provide passports to people in Canada who belong to such other parts. (Only South Africa and Ireland issue their own passports in Canada.)

"L. B. Pearson"

(for)

Secretary of State
for External Affairs.

Department of External Affairs,
October 17, 1946.

CONFIDENTIAL	
CABINET DOCUMENT	
No.	344
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C-225

MEMORANDUM TO THE CABINET

German Prisoners-of-War Commission for
selected personnel to remain in Canada

The Under Secretary of State for External Affairs has reported to the Prime Minister that approximately 2,000 German prisoners-of-war still remain in Canada and that, according to present plans they will be transferred to the United Kingdom on December 22nd of this year.

Representation has been made, both in the press and by various individuals, that present government policy be altered to allow a selected group of these prisoners-of-war to settle in Canada as potentially useful citizens in various industries such as lumbering and agriculture. A considerable number of these prisoners-of-war have expressed a strong wish to remain.

It is suggested that there is much to be said for retaining a carefully selected group of these prisoners. Only those who would become valuable Canadian citizens should, however, be selected and for this purpose two tests are considered essential:

1. political soundness; and,
2. prospective utility to this country.

Completed dossiers could be provided by the Directorate of Military Intelligence on up to 200 prisoners-of-war who come within these categories. All have been either anti-Nazi or definitely non-Nazi and many have been serving Canada in useful occupations. This group includes a small percentage of specialized craftsmen and technicians, with skills not to be found in Canada and who would be particularly valuable at the present time.

A.D.P. Heeney,
Secretary to the Cabinet

Privy Council Office,
December 2nd, 1946.

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MEMORANDUM TO THE CABINET:

SECRET
CABINET DOCUMENT
No. 346
Copy No. 22

German Prisoners of War; Permission for Selected
Personnel to Remain in Canada

On December 3rd, Cabinet approved retention in Canada of up to 200 prisoners of war subject to the concurrence of the United Kingdom and provided they were politically sound and of economic utility to the country. At a meeting called on December 6th, to work out a time-table and suitable procedure for selection of these prisoners, attended by representatives of D.M.I., the Directorate of Administration (POW), the Department of Labour and the Department of External Affairs, it was agreed that:-

1. From among those prisoners of war who had volunteered, D.M.I. draw up a list of those considered politically sound. D.M.I. estimated that this list could be completed by December 14th at the latest.
2. The Department of Labour draw up another list based on a prisoner of war's potential employment value.
3. By arrangement between D.M.I. and the Department of Labour these two lists be collated. If there were found to be names on the Department of Labour list which were judged to be dubious cases from the point of view of political soundness, these cases should be reviewed by D.M.I. It was recognized that the political reliability of the prisoners of war must be established by D.M.I. in each case.

It was also agreed that at least 500 and probably more would be found suitable both politically and from an employment point of view. The D.M.I. representative stated that there were 745 prisoners of war who were considered potentially suitable, though all of these might not want to remain in Canada. Of these, 738 had volunteered to remain.

In the light of the second point agreed to by the Cabinet, that should further investigation demonstrate that an additional number could qualify under the prescribed conditions, further consideration be given to increasing the total to be permitted to remain, it is recommended that Cabinet consideration be given to permitting the retention of all prisoners of war from the above prospective list who:

- (a) volunteer to stay in Canada;
- (b) are reported politically sound by D.M.I.;
- (c) are considered economically useful by the Department of Labour.

As movement orders are to be issued on December 10th, and the movement is to begin on December 18th, it is necessary that a decision be reached on this point not later than December 13th.

The Cabinet also stipulated that these prisoners of war be admitted on the same terms as the Poles. Since all the ex-Polish soldiers were brought to Canada for agricultural purposes and a number of German prisoners of war would be useful as craftsmen and in certain other industries other than agriculture, it is suggested that prisoners of war be allowed to remain on projects designated by the Department of Labour in the contract to be signed by the prisoner of war.

In accordance with the Cabinet's recommendation, a telegram is being sent to the United Kingdom government requesting their concurrence in the retention of these prisoners of war.

It is further recommended that a press statement on retention of prisoners of war in Canada be issued by the Minister of Labour, and that enquiries from the press be referred to that department.

These proposals have the support of the Minister of Reconstruction and Supply.

R. M. Macdonnell,
Acting Under-Secretary of State
for External Affairs.

Department of External Affairs,
December 9th, 1946.

SECRET

CABINET DOCUMENT

No.

366

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C-20-5

SECRET

MEMORANDUM TO CABINET

REPORT FROM CABINET COMMITTEE ON JAPANESE PROBLEMS

The Cabinet Committee on Japanese Problems, at a meeting held January 10, 1947, considered and reviewed the question of deportation and control over movement of Japanese persons and, after discussion agreed to recommend to Cabinet:

- (a) that no action be taken to deport any persons of Japanese race under Order-in-Council P.C. 7355, December 15, 1945, but that financial assistance authorized to voluntary repatriates be continued under Order-in-Council P.C. 7355; and
- (b) that control over movement in Canada of Japanese persons be continued for a year or two by authority to be provided in the proposed bill to extend for one year the "National Emergency Transitional Powers Act" by extending the life of Order-in-Council P.C. 946, February 5, 1943.

The question of prohibition of fishing licences to Japanese persons in British Columbia was also considered and reviewed and, after discussion, the Committee agreed to recommend:

- (a) that existing orders issued by the Minister of Labour to regulate the issue of fishing licences to Japanese be rescinded; and
- (b) that authority for granting such fishing licences be left to the Federal Department of Fisheries and the Provincial Government.

All other Orders-in-Council still in force under the "Emergency Powers", affecting Japanese, will be allowed to lapse as of March 31, 1947, except the authority required by the Department of Secretary of State to complete the liquidation and distribution of properties, situated in the former protected area of British Columbia, of Japanese evacuated therefrom.

The concurrence of Cabinet in the above recommendations is sought.

Raymond Ranger,
Privy Council Office,
Secretary.

Humphrey Mitchell,
Minister of Labour,
Chairman.

Privy Council Office,
January 13, 1947.

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MEMORANDUM TO THE CABINET:

REPORT FROM CABINET COMMITTEE ON IMMIGRATION POLICY:

Legislation and Regulations concerning
Asiatic Immigration and the admission
of additional classes of immigrants

The Cabinet Committee on Immigration Policy at a meeting held on January 8th, 1947, having considered complaints of discrimination submitted by representatives of the Government of China, and having noted Canada's obligation under the United Nations Charter to avoid racial discrimination and to respect fundamental human rights, agreed to make the following recommendations:

- (1) that the Chinese Immigration Act be repealed;
- (2) that the wives and unmarried children under 18 years of age of all Asiatics who are Canadian citizens be admitted to Canada.
- (3) that the Immigration Act be amended so as to provide for the making of regulations to control the transportation in bond of persons travelling through Canada, and that Section 80 of the said Act be repealed.

It was pointed out that the wives and children of all Asiatics, other than Chinese, who are Canadian citizens were admissible under the existing law and this recommendation if approved would merely extend to Chinese the same privileges now enjoyed by other Asiatic residents of Canada.

In order to keep an adequate check on Asiatics who had left the country for a temporary purpose, the Committee agreed to recommend:

- (a) That an order in council be passed to facilitate the re-entry into Canada of persons legally and permanently resident therein but who, not being Canadian citizens, wish to leave for a temporary purpose. Provision would be made to have such persons register prior to departure. In addition to Canadian citizens, certain other groups would be specifically exempted from such registration;
- (b) that a second order in council be passed setting forth the classes of persons who would be exempt from the provisions of the order in council recommended in paragraph (a) above.

Admission of Agriculturists

The Committee having been informed of the existing shortage of farm labourers in Canada agreed to recommend that Order in Council P.C. 695 of the 21st March, 1931 as amended, be further amended so as to provide for the admission to Canada of the following classes:

- (1) A farm labourer entering Canada to engage in assured farm employment; and
- (2) An agriculturist entering Canada to farm when destined to a father, father-in-law, son, son-in-law, brother, brother-in-law, uncle or nephew engaged in agriculture as his principal occupation, who is in a position to receive such immigrant and establish him on a farm.

Admission of relatives of Canadian residents

The Committee, having taken note of many requests that the existing regulations governing the admission of relatives be widened, agreed that it would be desirable to widen these regulations and recommended:

- (a) that Order in Council P.C. 695 of March 21st, 1931 as amended, be further amended to provide for the admission of the following additional classes:

the widowed daughter or sister and her unmarried children under 18 years of age, the orphan nephew or niece under 18 years of age of any person legally admitted to and resident in Canada who is in a position to receive and care for such relatives; and

- (b) that the question of including additional classes be given further study.

Medical examination of Immigrants

The Committee, having been apprised by the Medical Advisers to the Immigration Branch that tuberculosis has very greatly increased in many countries, agreed to recommend that all immigrant applicants for admission to Canada coming from countries considered to have a higher death rate from tuberculosis than Canada shall be required to have an X-Ray examination of the chest before being admitted to Canada, the cost of such examination to be paid by the immigrant.

Raymond Ranger,
Privy Council Office,
Secretary.

The Honourable J.A. Glen,
Minister of Mines and Resources,
Chairman.

January 20th, 1947.

DOCUMENTS ATTACHED:-

- Document No. 1. - proposed amendment to the Immigration Act.
- Document No. 2. - draft recommendation to the Governor General in Council providing for the admission of additional classes.
- Document No. 3. - Order in Council P.C. 695, including amendments made thereto on May 28th, 1946.

Document No. 1

Bill No..

AN ACT TO AMEND THE IMMIGRATION ACT.

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section thirty-three of the Immigration Act, chapter ninety-three of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subsections:

"(15) An officer in charge at any port of entry may, in respect of persons seeking to pass through Canada to another country in direct transit, before they are permitted to pass through Canada, require the transportation company proposing to transport such persons through Canada, to deposit a bond in favour of His Majesty guaranteeing that the transportation company will comply with the regulations made under subsection sixteen of this section.

(16) The Governor in Council may prescribe the amount and form of bonds that may be required pursuant to subsection fifteen of this section and may make regulations for the identification of persons in respect of whom bonds are required under the said subsection, for the guarding of such persons while being transported through Canada and for their detention pending departure from Canada".

2. Section 80 of the said Act is repealed;

3. The Chinese Immigration Act, Chapter 95 of the Revised Statutes of Canada, 1927, is repealed.

Document No. 2.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned begs to recommend that Order in Council P.C. 695 dated the 21st day of March, 1931, as amended by Orders in Council P.C. 885, P.C. 5024 and P.C. 2071 dated the 23rd day of April, 1937, the 30th day of June, 1944, and the 28th day of May, 1946, respectively, prohibiting the landing in Canada of immigrants of all classes and occupations, with certain exceptions, be further amended as follows:-

1. By rescinding paragraphs 3 and 3 "a", substituting therefor the following paragraph "3" -

3. The wife, unmarried son, daughter, brother or sister, the father or mother, the widowed daughter or sister with or without unmarried children under eighteen years of age, the orphan nephew or niece under 18 years of age, of any person legally admitted to and resident in Canada, who is in a position to receive and care for such relatives. The term "orphan" used in this clause means a child bereaved of both parents.

2. By adding immediately after paragraph 4, the following paragraphs (a) and (b) -

(a) An agriculturist entering Canada to farm, when destined to a father, father-in-law, son, son-in-law, brother, brother-in-law, uncle or nephew engaged in agriculture as his principal occupation who is in a position to receive such immigrant and establish him on a farm.

(b) A farm labourer entering Canada to engage in assured farm employment.

Respectfully submitted,

Minister of Mines and Resources.

Ottawa, January 16th, 1947.

P.C. 695

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 21st day of March, 1931.

(As amended by P.C. 885 dated the 23rd day of April, 1937,
P.C. 5024 dated the 30th day of June, 1944, and
P.C. 2071 dated the 28th day of May, 1946).

THE DEPUTY OF HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL:

The Deputy of His Excellency the Administrator in Council on the recommendation of the Minister of Immigration and Colonization, is pleased to order that the Regulations made by Order in Council P.C. 183 of the 31st January, 1923, as amended by P.C. 642 of the 11th April, 1923, P.C. 534 of the 8th April, 1926, and P.C. 1957 of the 14th August, 1930, be and they are hereby rescinded.

The Deputy of His Excellency in Council is further pleased, having regard to the unemployment conditions now temporarily existing in Canada, to make the following Regulations under the authority of Section 38 of the Immigration Act, Chapter 93, R.S.C., and they are hereby made and established accordingly:

From and after the 18th March, 1931, and until otherwise ordered the landing in Canada of immigrants of all classes and occupations, is hereby prohibited, except as hereinafter provided:-

The Immigration Officer-in-Charge may permit to land in Canada any immigrant who otherwise complies with the provisions of the Immigration Act, if it is shown to his satisfaction that such immigrant is:-

1. A British subject entering Canada directly or indirectly from Great Britain or Northern Ireland, the Irish Free State, Newfoundland, the United States of America, New Zealand, Australia, or the Union of South Africa, who has sufficient means to maintain himself until employment is secured: Provided that the only persons admissible under the authority of this clause are British subjects by reason of birth or naturalization in Canada, Great Britain or Northern Ireland, the Irish Free State, Newfoundland, New Zealand, Australia, or the Union of South Africa.
2. A United States citizen entering Canada from the United States who has sufficient means to maintain himself until employment is secured.
3. The wife or unmarried child under 18 years of age of any person legally admitted to and resident in Canada who is in a position to receive and care for his dependents.
3. (a) The father or mother, the unmarried son or daughter eighteen years of age or over, the unmarried brother or sister, the orphan nephew or niece under sixteen years of age, of any person legally admitted to and resident in Canada, who is in a position to receive and care for such relatives. The term "orphan" used in this clause means a child bereaved of both parents.
4. An agriculturist having sufficient means to farm in Canada.
5. The fiancée of any adult male legally admitted to and resident in Canada who is in a position to receive, marry and care for his intended wife.
6. A person who, having entered Canada as a non-immigrant, enlisted in the Canadian Armed Forces and, having served in such forces, has been honourably discharged therefrom.

And provided further that immigrants, as defined in paragraphs 2 and 4 above are destined for settlement to a province which has not signified its disapproval of such immigration.

The provisions of this Order in Council shall not apply to immigrants of any Asiatic race.

B I L L

CONFIDENTIAL	
CABINET DOCUMENT	
No.	329
Copy No.	22

An Act to provide for the continuation of certain orders and regulations of the Governor in Council for a limited period during the National Emergency arising out of the War.

WHEREAS Parliament, in view of the continuation of the national emergency arising out of the war, by The National Emergency Transitional Powers Act, 1945, conferred upon the Governor in Council certain transitional powers, pursuant to which the Governor in Council has continued in force certain orders and regulations made under the War Measures Act and has made other orders and regulations; And whereas the national emergency arising out of the war has continued since the unconditional surrender of Germany and Japan and is still continuing; And whereas The National Emergency Transitional Powers Act, 1945, according to its terms will shortly expire; And whereas it is necessary by reason of the existing national emergency that certain orders and regulations of the Governor in Council made under the War Measures Act, 1945, be continued in force temporarily notwithstanding the expiry of The National Emergency Transitional Powers Act, 1945, in order to ensure an orderly transition from war to peace: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

SHORT TITLE

1. This Act may be cited as The Continuation of Transitional Measures Act, 1947.

CONTINUATION OF ORDERS AND REGULATIONS

2. Subject to section four of this Act the orders

and regulations specified in the Schedule to this Act shall, notwithstanding the expiry of The National Emergency Transitional Powers Act, 1945, continue in force while this Act is in force.

POWERS OF GOVERNOR IN COUNCIL

3.(1) The Governor in Council may appoint and may fix the compensation of such officers, clerks and employees as he considers necessary for the administration of any order or regulation continued in force by this Act.

(2) All members of boards, officers, clerks and employees appointed under the War Measures Act or The National Emergency Transitional Powers Act, 1945, in connection with the administration of any of the orders or regulations continued in force by this Act and who, immediately before the expiry of The National Emergency Transitional Powers Act, 1945, had not ceased to perform the duties for which they were appointed, shall be deemed to have been appointed pursuant to the provisions of this Act.

4. The Governor in Council may revoke in whole or in part any order or regulation continued in force by or made under this Act.

PUBLICATION OF ORDERS

5. Every order of the Governor in Council made under this Act shall be published forthwith in Part II of the Canada Gazette.

COMMENCEMENT AND DURATION

6. This Act shall come into force immediately after the expiry of The National Emergency Transitional Powers Act, 1945.

7. Subject as hereinafter provided, this Act shall expire on the thirty-first day of December, one thousand nine hundred and forty-seven, if Parliament meets during November or December, one thousand nine hundred and forty-seven, but if Parliament does not so meet it shall expire on the sixtieth day after Parliament first meets during the year one thousand nine hundred and forty-eight or on the thirty-first day of March, one thousand nine hundred and forty-eight, whichever date is the earlier: Provided that, if at any time while this Act is in force, addresses are presented to the Governor General by the Senate and House of Commons respectively, praying that this Act should be continued in force for a further period, not in any case exceeding one year, from the time at which it would otherwise expire and the Governor in Council so orders, this Act shall continue in force for that further period.

INTERPRETATION

8.(1) In this Act, "war with Germany and Japan" means the war that commenced on the tenth day of September, one thousand nine hundred and thirty-nine, against the German Reich and subsequently against Italy, Finland, Hungary, Rumania and Japan.

(2) All orders and regulations continued in force by or made under the authority of this Act shall for the purposes of the Interpretation Act be deemed to be regulations.

(3) Section nineteen of the Interpretation Act shall apply upon the expiry of this Act as if this Act had then been repealed.

SCHEDULE

Orders in Council recommended for continuation
under the extended Emergency Powers Act

<u>NUMBER & DATE</u>	<u>SUBJECT</u>	<u>TABLED</u>	<u>PUBLISHED</u>
<u>DEPARTMENT OF FINANCE</u>			
6497	17/8/43 Ration coupon Banking - amended by:	27/1/43	
626	3/2/44	30/3/44	
394	20/1/42 Anthracite coal - importation exempted from customs duty amended by:	21/1/42	P&O/C Vol.6
3472	28/4/42	27/1/43	P&O/C Vol.7
8042	9/9/42 Coke made from coal exempt from War Exchange Tax when used as a fuel for cooking or baking foods or for heating build- ings etc.	27/1/43	P&O/C Vol.8
9058	6/10/42 Bagging material, etc., import- ation exempt from customs duty	27/1/43	CWOR/42 No.2
9781	24/12/43 Well-drilling machinery, etc., tariff treatment	28/1/44	CWOR/44 Vol.I No.1
<u>WARTIME PRICES AND TRADE BOARD</u>			
8528	1/11/41 Wartime Prices & Trade Regul- ations amended by:	21/1/42	P&O Vol.5
8762	10/11/41	21/1/42	P&O Vol.5
8837	13/11/41	21/1/42	P&O Vol.5
9030	19/11/41	21/1/42	P&O Vol.5
5092	15/6/42	7/7/42	P&O Vol.7
5109	16/6/42	7/7/42	P&O Vol.7
10277	10/11/42	27/1/43	CWOR/42 No.7
11595	22/12/42	27/1/43	CWOR/42 No.13
3206	22/4/43	12/5/43	CWOR/43 Vol.II No.5
6808	30/8/43	28/1/44	CWOR/43 Vol.III No.9
6242	18/8/44	19/3/45	CWOR/44 Vol.III No.8
8910	24/11/44	19/3/45	CWOR/44 Vol.IV No.9
385	18/1/45	13/4/45	CWOR/45 Vol.I No.4
4410	22/6/45	7/9/45	CWOR/45 Vol.II No.13
60	7/1/47		SO&R/47 No.2
7029	21/11/41 Wartime Leasehold Regulations amended by:	21/1/42	P&O Vol.5
3366	24/4/42	7/7/42	P&O Vol.7
8973	1/10/42	27/1/43	P&O Vol.8
3207	2/4/43	12/5/43	CWOR/43 Vol.II No.5
7570	1/10/43	28/1/44	CWOR/43 Vol.IV No.1
6324	8/8/44	19/3/45	CWOR/44 Vol.III No.8
386	18/1/45	13/4/45	CWOR/45 Vol.I No.4
4409	22/6/45	7/9/45	CWOR/45 Vol.II No.13
5234	23/12/46		S.O.& R/46 Vol.IV No.13

<u>NUMBER & DATE</u>	<u>SUBJECT</u>	<u>TABLED</u>	<u>PUBLISHED</u>
<u>DEPARTMENT OF FINANCE</u>			
9870	17/12/41	21/1/42	P&O Vol.5
5863	7/8/42		
7475	26/8/42	27/1/43	P&O Vol.7
39	6/1/44	27/1/43	P&O Vol.8
5273	26/7/45	30/3/44	CWOR/44
		2/11/45	Vol.I No.2
			CWOR/45
			Vol.III No.5
5518	16/7/43		
3039	27/4/44	28/1/44	CWOR/43
7460	28/12/45		Vol.III
		29/6/44	CWOR/44
			Vol. II
		15/3/46	CWOR/46
			Vol.I
4269	20/5/42		
8421	25/9/42	7/7/42	P&O Vol.7
34/4433	10/6/44	27/1/43	P&O Vol.8
		19/3/45	
3122	25/7/46		
	Consolidation of Supplementary Regulations	12/8/46	S.O.& R/46
	Re-organization of Wartime Food Corporation (pending)		Vol.III
			No. 5

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<u>NUMBER & DATE</u>	<u>SUBJECT</u>	<u>TABLED</u>	<u>PUBLISHED</u>
<u>DEPARTMENT OF FISHERIES</u>			
6289	6/8/43 Regulations for control of salt fish and appointments thereunder	28/1/44	CWOR 1943 Vol.III
4112	30/5/44 Enacting the Pelagic Sealing Regulations	29/6/44	CWOR 1944 Vol. II
2751	17/4/45 Establishing Canned Fish Allocation Regulations	7/9/45	CWOR 1945 Vol.II
251	13/1/42 Fishing licence - prohibited to persons of Japanese racial origin	21/1/42	P&OC No. 6

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<u>LABOUR</u> <u>NUMBER & DATE</u>	<u>SUBJECT</u>	<u>TABLED</u>	<u>PUBLISHED</u>
1003 17/2/44	Wartime Labour Relations Reg- ulations Amended by:	17/2/44	CWOR/44 Vol.I No.8
6893 1/9/44		19/3/44	CWOR/44 Vol.III No. 10
690 1/2/45		13/4/45	CWOR/45 Vol.I No.6
3220 30/7/46		12/8/46	S.O.& R/46 Vol.III No.5
125 14/1/47			S.O.& R/47 No.3
2301 30/3/44	Protection of certifications granted under Ontario Collec- tive Bargaining Act 1943	30/3/44	CWOR/44 Vol.II No.10
2911 27/4/44	Administration of P.C. 1003 in Ontario	4/5/44	CWOR/44 Vol.II No.5
3062 27/4/44	Administration of P.C. 1003 in British Columbia Amended by:	4/5/44	CWOR/44 Vol.II No.5
5485 17/7/44		19/3/45	CWOR/44 Vol.3 No.3
3455 9/5/44	Administration of P.C. 1003 in New Brunswick Amended by:	1/6/44	CWOR/44 Vol.II No.6
8293 27/10/44		19/3/45	CWOR/44 Vol.IV No.5
3491 15/5/44	Administration of P.C. 1003 in Manitoba	1/6/44	CWOR/44 Vol.II No -
5001 30/6/44	Administration of P.C. 1003 in Nova Scotia	7/7/44	CWOR/44 Vol.III No. 11
946 5/2/43	Evacuation and re-location of Japanese in Canada Amended by:	12/4/43	CWOR/43 Vol.I No.6
9743 24/12/43		28/1/44	CWOR/44 Vol.No.11
5637 16/8/45		2/11/45	CWOR/45 Vol.III No.8
5793 18/12/45		15/3/46	CWOR/45 Vol.4
5973 14/9/45		14/11/45	CWOR/45 Vol. III No.12
270 23/1/47			S.O.&R/47 Vol.5
7355 15/12/45	Financial assistance to vol- untary repatriates to Japan and for liquidation and transfer of their assets to Japan Amended by:	18/12/45	CWOR/45 Vol.IV No.11
268 23/1/47			S.O.& R/47 No.3

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<u>NUMBER & DATE</u>	<u>SUBJECT</u>	<u>TABLED</u>	<u>PUBLISHED</u>
<u>DEPARTMENT OF MINES & RESOURCES</u>			
4044	26/9/46		S.O.& R/46
5103	12/12/46		Vol.IV No.1
858	9/2/45	13/4/45	S.O.& R/46
	Giving to dependents of service personnel on admission to Canada same immigration status as head of family amended by:		Vol.IV No.12
			CWOR/45
4216	11/10/46		Vol.I No.7
			S.O.& R/46
			Vol.IV No.3

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<u>NUMBER & DATE</u>	<u>SUBJECT</u>	<u>TABLED</u>	<u>PUBLISHED</u>
<u>DEPARTMENT OF NATIONAL DEFENCE (ARMY)</u>			
29/2544 11/4/41	Claims against the Crown - regulations	29/4/41	P&O/C Vol.4
11/3550 19/5/41	Claims against the Crown - regulations amended	3/11/41	P&O/C Vol.4
52/8600 5/11/41	Claims against the Crown - regulations amended	21/1/42	P&O/C Vol.5
25/1249 16/2/42	Claims against the Crown <u>re</u> billeting, training, etc.	21/4/42	P&O/C Vol.6
62/11160 9/12/42	Claims against the Crown	27/1/43	CWOR/42 Vol.II
56/3926 13/5/43	Claims against the Crown - Auxiliary Services	11/6/43	CWOR/43 Vol.II
75/7590 1/10/43	Canadian Claims Commission (Overseas) - powers increased	28/1/44	CWOR/43 Vol.IV
76/8202 25/10/44	Canadian Claims Commission (overseas) - amendment	19/3/45	CWOR/44 Vol.IV
6638 23/10/45	Post-discharge benefits to the members of the Armed Forces serving in an interim force	14/11/45	S.O.& R/45 Vol.IV No.5
3617 27/8/46	Naval, Military and Air Force Estates Regulations, 1946		S.O.& R/46 Vol.III No. 10

Consolidation of Orders in Council
re overseas claims (pending)

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NUMBER & DATE

SUBJECT

TABLED PUBLISHED

DEPARTMENT OF NATIONAL DEFENCE (AIR)

54/2057	16/3/42	Temporary rank of Regular Officers 21/4/42 and airmen considered as sub- stantive for purposes of the Militia Pension Act	
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<u>NUMBER & DATE</u>	<u>SUBJECT</u>	<u>TABLED</u>	<u>PUBLISHED</u>
<u>DEPARTMENT OF NATIONAL DEFENCE (NAVAL SERVICES)</u>			
1525	26/2/43	Salvage Operations by H.M.C. Ships	12/4/43 CWOR/43
		amended by:	Vol.I No.9
5428	14/7/44		28/1/44 CWOR/44
			Vol.III
			No.3
2558	25/6/46		11/7/46 S.O.& R/46
			Vol.II
			No. 13

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<u>NUMBER & DATE</u>	<u>SUBJECT</u>	<u>TABLED</u>	<u>PUBLISHED</u>
<u>NATIONAL HEALTH AND WELFARE</u>			
6367	10/8/43 Old Age Pensions.	28/1/44	CWOR/43 Vol.IV No.7
8341	28/10/43 Old Age Pensions.	28/1/44	
3377	29/5/44 Old Age Pensions	29/6/44	CWOR/44 Vol.II No.9
6500	18/8/44 Old Age Pensions	19/3/45	CWOR/44 Vol.III No.1

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<u>NUMBER & DATE</u>	<u>SUBJECT</u>	<u>TABLED</u>	<u>PUBLISHED</u>
<u>DEPARTMENT OF RECONSTRUCTION & SUPPLY</u>			
1609	23/4/46 Construction Materials Regulations established	2/5/46	S.O.& R/46 Vol.2 No.5
9439	19/12/44 Emergency Shelter Regulations as amended by:	19/3/45	CWOR/44 Vol.IV No.13
1173	22/2/45	13/4/45	CWOR/45 Vol.1 No.9
4408	20/6/45	7/6/45	CWOR/45 Vol.II No. 13
1811	7/5/46	4/6/46	S.O.& R/46 Vol.II No.6
7502	28/12/45 Emergency Shelter Regulations transferred to Central Mortgage and Housing Corporation	15/3/45	S.O.& R/46 Vol.I No.1
3	4/1/44 Wartime Industries Control as amended by:	30/3/44	CWOR/44 Vol.I No.1
346	16/1/45	13/4/45	CWOR/45 Vol.I No.3
897	13/2/45	13/4/45	CWOR/45 Vol.I No.7
7156	29/11/45	7/12/45	S.O.& R/45 Vol.IV No.10
245	23/1/46 Steel - regulations respecting as amended by:	15/3/46	S.O.& R/46 Vol.I No.6
520	15/2/46	15/3/46	S.O.& R/46 Vol.I No.6
1997	21/3/44 Timber regulations	29/6/44	CWOR/44 Vol.I No. 12

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SECRETARY OF STATE

<u>NUMBER & DATE</u>	<u>SUBJECT</u>	<u>TABLED</u>	<u>PUBLISHED</u>
1665 4/3/42	British Columbia Security Com- mission amended by:	21/4/42	P&O/C Vol. 6
2483 27/3/42		21/4/42	P&O/C Vol. 6
469 19/1/43	Transfer to Custodian of property of Japanese evacuees as amended by:	12/4/43	CWOR/43 Vol.1 No.4
271 23/1/47			S.O.& R/47 No. 3

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<u>NUMBER & DATE</u>	<u>SUBJECT</u>	<u>TABLED</u>	<u>PUBLISHED</u>
<u>DEPARTMENT OF TRANSPORT</u>			
133/510 26/1/44	Compensation to seamen (war damage to effect) Regulations 1939. Amended by:	30/3/44	CWOR/44 Vol.I No.4
127/1111 21/2/45		13/4/45	CWOR/45 V.I
109/2100 28/3/45		7/9/45	CWOR/45 V.I
148/5045 18/7/45		2/11/45	CWOR/45 V. III
2245 23/3/42	To authorize the Chairman of the Board of Steamship Inspection, to relieve any ship from the obligation to comply with any of the provisions of Part VII of the Canada Shipping Act, excepting those provisions of the said Part relating to radio telegraph installations on ships.	21/4/42	P&O/C Vol.6
4306 17/6/41	To provide for permission to Canadian registered ships to clear on a voyage with Masters, Mates or engineers not holding appropriate certificates.	21/1/42	P&O/C Vol.4
4307 17/6/41	To authorize subjects of certain foreign states to act as master, mate or engineer of Canadian registered ships.	21/1/42	P&O/C Vol.4
3396 9/8/46	Merchant Seamen Out-of-work Allowance Regulations		S.O.& R/46 Vol.III No.7

Victoria Bldg.,
Ottawa, Ontario,
February 17, 1947.

C-20-5

MEMORANDUM TO: The Honourable Colin Gibson,
Secretary of State.

RE: Claims by Japanese Evacuees.

The declaration of war with Japan on December 7, 1941, created the immediate need for control by the Custodian of Japanese enemy assets, and on December 18, 1941, an announcement was made by the Custodian, in the Vancouver Press, advising that the Custodian was taking control of property and businesses in Canada owned by persons residing in Japanese occupied or controlled territory.

The Defence of Canada Regulations provided for the arrest and detention of enemy aliens. The application of these Regulations as it concerned persons of the Japanese Race in Canada resulted in the internment, from time to time, of Japanese coming under this category.

By Government Notice, dated February 5, 1942, enemy aliens were required to leave the Protected Area and on February 26, this ruling was extended to include every person of the Japanese Race.

The establishment of a Protected Area was provided for by Order in Council P.C. 365, dated January 16, 1942. There were approximately 22,000 persons of the Japanese Race residing within the Protected Area, and to implement and direct the evacuation, Order in Council P.C. 1665, dated 4th March, 1942, was passed, establishing the British Columbia Security Commission under the Department of Labour, with wide powers in regard to the movement of all persons of the Japanese race within and without this area.

Order in Council P.C. 1665, to which reference has been made, provided for the vesting and control by the Custodian, as a protective measure, of all property delivered up or which upon evacuation was left in the Protected Area. Certain exceptions were made in regard to fishing vessels, deposits of money, shares and other securities.

At a later date, P.C. 469, dated January 19, 1943, an enlargement was made in the interpretation of control and management to include, from the date of vesting in the Custodian, the power to liquidate or otherwise dispose of such property.

The Custodian was not at the outset concerned with fishing vessels, as immediately following the declaration of war, steps were taken by the Naval Service to bring into custody all fishing vessels owned by persons of the Japanese Race. The removal of a substantial part of the fishing fleet from active service prompted the Government to appoint a Committee for the purpose of returning these vessels to active fishing in the hands of fishermen other than of Japanese origin. Under the authority of the War Measures Act a special Committee known as the Japanese Fishing Vessels Disposal Committee was empowered by Order in Council P.C. 288, dated 13th January, 1942 (recommended by the Minister of Fisheries) to make such arrangements as would make it possible for the owners to freely negotiate for charters, leases or sale. The impounded vessels consisted of seiners, packers, trawlers, etc., and numbered 1137. It became evident that certain Japanese were determined to retain ownership, if possible, and in view of this, offers were received by the Committee and sales negotiated without the owner's consent. According to report, 950 vessels were sold for the sum of \$1,406,055.89.

By Order in Council P.C. 2647, dated 20th July, 1942, vessels remaining unsold as at August 1, 1942, were to be turned over to the Custodian. The Custodian took delivery of 238 vessels and completed the liquidation of these.

In my report to you under date of 3rd instant, I reviewed the work of the Custodian's Office in Vancouver and outlined the procedure followed relative to the establishment of independent Committees, one to supervise disposal of Greater Vancouver Properties under the Chairmanship of Mr. Justice Smith and the other to supervise the disposal of Rural Properties under the Chairmanship of His Honour Judge Whiteside. In this report, I pointed out that the Custodian had disposed of 1,607 parcels of real estate showing an appraised value of \$2,292,624.25, and sales value of \$2,411,285.00 - excess of sales value over appraisal - \$118,660.75; and also submitted Statement of Cash Realization of Evacuee Assets and Revenues amounting to \$5,373,317.64.

On the 24th January, the Prime Minister issued a statement on Canadian Japanese Policy, in part, as follows:

"With respect to the property of persons of Japanese origin who were removed from the Pacific coast, and whose property was sold by the Custodian, the government is of the opinion that the sales were made at a fair price. In all cases a complete appraisal was made before disposition. The total of the prices secured is greater in aggregate than the total appraisal value.

To ensure, however, the fair treatment promised in 1944, the government is prepared, in cases where it can be established that a sale was made at less than a fair market value, to remedy the injustice".

Since that time, numerous enquiries have been received from Solicitors acting for Japanese, as well as many Japanese themselves, asking for information as to filing of claims and if proper machinery is to be set up for the hearing of same.

The type of claim in which this office is particularly interested relates to the liquidation of real and personal property left with the Custodian. We have pointed out that evidence already submitted indicates that the Japanese claimants feel that the losses they incurred went far beyond this. By reason of evacuation they were required to surrender their businesses and the positions in which they were employed and generally speaking, their chances of earning a livelihood were cut off. All such claims are based upon the economical loss caused by the results of evacuation. The consideration of claims of this nature would appear to be a matter of overall policy to be decided upon by the Government. Unless the scope of enquiry is confined to losses referred to in the Prime Minister's announcement, it is reasonable to suggest that claims will far exceed those referred to in the statement.

We are of opinion that while some claims may be made in regard to properties which this office has advertised and sold on the basis of valuation and with the approval of the Advisory Committees, generally speaking, the sale prices can be justified. We have pointed out, however, that the Government may need to face the fact that the valuations of the Soldier Settlement Board appraisers, which formed the basis of the sale to the Director, Veterans' Land Act, may have been below a value which might fairly have been placed upon these properties by other appraisers. The total Soldier Settlement valuation was \$867,000.00. The original offer was for \$750,000.00, and after negotiating, this was raised to \$850,000.00.

From the foregoing you will appreciate that Departments other than the Secretary of State will be interested in the setting-up of a Commission, if such a course is decided upon. We are of opinion that a Commission should be established and that the Japanese should be required to file with the Secretary of such Commission, a duly verified statement of their claim, disclosing all particulars. The Custodian's Office should be furnished only with copies of claims relating to sales of the property, both real and personal, in order that the Vancouver Office may be given an opportunity to review particular files and submit its defense.

It will be necessary to decide upon a policy in connection with chattels. As you are aware, there was a considerable amount of chattels left in the Protected Area which in the early days the Custodian was not able to protect due to the speed with which evacuation proceeded. The Government may wish to take the stand that the Custodian has exercised all reasonable care and that unless the personal property was actually disposed of by the Custodian, he will not be accountable for same. On the other hand, it may be considered that because the Japanese was required to be evacuated and leave his property with the Custodian, that he is entitled to receive a fair value for it, even if we are unable to account for its disposal.

Your attention has been called to a communication received from Messrs. Norris & MacLennan, Solicitors, Vancouver, asking for the names of all Japanese who had property.

We have no idea as to the amount which may be involved in settling claims, and it would appear that the cost of investigation will be considerable, but by proceeding somewhat as outlined above, the period of time during which any Commission might need to sit would be greatly reduced.

In the course of our interview this morning, mention was made of the fact that consideration should be given to the insertion of an item in the supplementary estimates to defray the costs, including compensation which may be allowed the Japanese.

K. W. Wright
Counsel to the Custodian.