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Order in Council establishing regulations re agricultural
land owned by Japanese.

P. C. 5523

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 29th day of JUNE, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

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

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

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

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

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

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

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

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

(b)/

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

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

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

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

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

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

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

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- (i) enter at all reasonable times and inspect any agricultural land in a protected area of British Columbia, owned by any person of the Japanese race or by any Japanese company, or which is reasonably believed by such inspector to be or to have been owned by any such person or company;
 - (ii) examine orally any person occupying or having any interest in agricultural land in a protected area of British Columbia, which is reasonably believed by such inspector to be or to have been owned by a person of the Japanese race or a Japanese company;
 - (iii) require any person occupying or having any interest in agricultural land in a protected area of British Columbia, which is reasonably believed by such inspector to be owned by a person of the Japanese race or a Japanese Company, or having in his possession any documents relating to any such land, to furnish any information in his possession or such documents to such inspector.
6. The production by any person of any document purporting to be signed by the Director and purporting to authorize such person to act as an inspector under these regulations, shall be evidence of the authority of such person to act as an inspector.
7. Any person,
- (i) who purchases, leases, or otherwise acquires, or sells, leases or otherwise disposes of or agrees to purchase, lease or otherwise acquire, or to sell, lease or otherwise dispose of, any agricultural land in any protected area of British Columbia, owned by any person of the Japanese race or by any Japanese company otherwise than in accordance with these regulations; or
 - (ii) who wilfully delays or obstructs an inspector in the exercise of any power conferred upon him under these regulations; or
 - (iii) who fails to give any information or to produce any documents in his possession if required to do so under these regulations; or
 - (iv) who refuses to reply to any reasonable question asked him by an inspector acting under these regulations,
- shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
8. The burden of proof that any purchase, sale, lease or other acquisition or disposition, or any agreement therefor, of any agricultural land in a protected area of British Columbia, is not a violation of any of the provisions of these regulations, shall be upon the accused.
9. Nothing in these regulations shall be deemed to apply to, or to affect enemy property as defined by the CONSOLIDATED REGULATIONS RESPECTING TRADING WITH THE ENEMY (1939).
10. All expenses or costs incurred by the Director in connection with this Order shall be payable out of the moneys appropriated by Parliament to carry out measures deemed necessary in consequence of a state of war.

Sgd. A.D.P. Heoney
Clerk of the Privy Council.

Order in Council amending P.C.5523, 29th June, 1942 - in the absence of the Director an officer named by the Minister shall have the powers and perform the duties of the Director of Soldier Settlement.

P. C. 6885

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of AUGUST, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Mines and Resources and the Minister of Pensions and National Health report that substantial progress has been made by the Director of Soldier Settlement in appraising the value of all agricultural lands in any protected area of British Columbia owned by persons of the Japanese race or by Japanese Companies;

AND WHEREAS the regulations made by Order in Council P.C. 5523, dated 29th June, 1942, provide, in Section 3, that the Director may, in his sole discretion, exercise the powers therein contained;

AND WHEREAS the Ministers are of the opinion that in the absence of the Director the powers conferred on him by the said regulations should not lapse but should be performed by an officer named by the Minister during the absence of the Director;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and the Minister of Pensions and National Health and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend the regulations made by Order in Council P.C. 5523, dated 29th June, 1942, and they are hereby amended by revoking Section 3 thereof and substituting the following therefor. -

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

(1) In the absence of the Director an officer named by the Minister shall have the powers and perform the duties of the Director with regard to all matters herein contained.

Sgd. H.W.Lothrop

Asst. Clerk of the Privy Council.