33-2-2-0 pt 2 Orders in Council re Japanese

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FILE No. 23-2-2-5 VOLUME No. 2

DEPARTMENT OF LABOUR FROM Jan. 1746 TO

ADMINISTRATIVE CENTRAL REGISTRY

CROSS REFERENCES

SUBJECT JAPANESE DIVISION

SUB-SUBJECT ADMINISTRATION

FILE TITLE ORDERS IN COUNCIL RE JAPANESE

STORAGE

FILE NO.

VOL. NO.

(1) REFERRED TO	(2) REMARKS	(3) DATE LEFT CENTRAL REGISTRY	(4) P.A. OR B.F.	(5) PASS	(6) USER'S INITIALS	(7) DATE RETURNED
Jewett	AS REQUESTED	MAR 10 1949				
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Jewett	AS REQUESTED	AUG 12 1949	Pa			
Jewett	AS REQUESTED	OCT 21 1949	Pa			OCT 22 1949
Jewett	Requested	Oct 24	Pa			OCT 25 1949
Parent	Reg	nov 3	Pa			NOV 19 1949
Jewett	Reg	Feb 14/50	Pa			FEB 14 1950
Brown	Mail	March 6				MAR 13 1950
Stone	as req	Dec 7/57				
Bennett	requested	Sept 4/57				
Brown	passed	Sept 4/58				SEP 5 - 1958
Parent	Reg	Sept 11/58				OCT 3 1958
Costello	AS REQUESTED	NOV 7 1958				NOV 8 1958
Mc Parent		~~NOV 5 1964~~ Jan 30/64				

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L.C.R. 1

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...section, or would give to any

DP/16 P.C. 5638

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of JANUARY, 1949.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, under and by virtue of the power conferred by Section 4 of The Continuation of Transitional Measures Act, 1947, is pleased to revoke and doth hereby revoke, effective the twenty-eighth day of February, 1949, the following Orders in Council made under authority of the War Measures Act and continued in force by the said The Continuation of Transitional Measures Act, 1947:

Orders in Council	Date of Orders	Subject Matter
P.C. 1665	March 4, 1942	Administration by Custodian of property of persons of the Japanese race,
		as amended by Orders in Council P.C. 2483 of 27th March 1942, P.C. 2541 of 30th March 1942, P.C. 3213 of 21st April 1942, and P.C. 946 of 5th February 1943.
P.C. 469	January 19, 1943	Transfer to Custodian of property of Japanese evacuees,
		as amended by Order in Council P.C. 271 of 23rd January 1947.
P.C. 7355	December 15, 1945	Financial assistance to voluntary repatriates to Japan and for liquidation and transfer of their assets to Japan,
		as amended by Order in Council P.C. 268 of 23rd January 1947.

E.J. 3/2/49

A. P. Varey.

Clerk of the Privy Council

Copies to Mr. Byron, McLeod, Parent

The Honourable
The Minister of Labour

23-2-2-5

CANADA

PRIVY COUNCIL OFFICE

CABINET SECRETARIAT

CONFIDENTIAL

Ottawa, December 17th, 1948.

Department of Labour,
RECEIVED
DEC 17 1948
Secretary to Minister.

The Honourable Humphrey Mitchell, M.P.,
Minister of Labour,
Ottawa.

Dear Mr.Mitchell:

Re: Emergency Orders in Council respecting persons of Japanese race

At the meeting of the Cabinet held on December 15th, consideration was given to a recommendation to Council of the Secretary of State and yourself for revocation, effective February 28th next, of the remaining Orders with respect to persons of Japanese race.

After some discussion, it was agreed that action on the recommendation be deferred until a later date. I would propose to bring the matter again before Cabinet just before the opening of Parliament, in case it may be considered desirable to have a statement made on the subject before the session opens. I trust that this is agreeable to you and Mr. Gibson.

I am sending copies of this letter to the Secretary of State and to your Deputy Minister.

Yours sincerely,

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

Copy sent 1-19-4-1

LC
27/12/48

C O P Y

23-2-2-5

C O P Y

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

Ottawa, November 29, 1948.

Dear Dr. MacNamara,-

Your Minister wrote the Secretary of State under date of October 23rd, concerning Orders in Council relating to the Japanese.

After consultation with the Custodian's officers in Vancouver, with Mr. Henry of the Department of Justice, and with Mr. Brown of your own Department, the Secretary of State is making a recommendation for the revocation of the Orders of the 4th March, 1942 (P.C. 1665), the 27th March, 1942 (P.C. 2483), and the 19th January, 1943 (P.C. 469), effective the 28th February, 1949.

I am enclosing a recommendation to Council which has been prepared for the concurrence of your Minister, which has been signed by the Secretary of State. We have also considered the Order of the 15th December, 1945 (P.C. 7355), which was made on the recommendation of the Minister of Labour and concurred in by the Secretary of State for External Affairs. We have drafted a recommendation of your Minister, concurred in by the Secretary of State, and now enclose it.

If your Minister concurs in the first recommendation relating to Orders in Council P.C. 1665, 2483 and 469, will you kindly have him sign the recommendation and will you then return it to me. If your Minister agrees with the recommendation for revocation of P.C. 7355, effective 28th February, 1949, will you kindly forward the recommendation to Council.

For your information I am enclosing the two rough drafts with a note of the approval of Mr. Brown of your Department. Will you kindly return these drafts to me for our file. I understand Mr. Brown left for overseas the day the drafts were discussed with him and, therefore, he initialled a very rough typewritten draft in each case.

Yours sincerely,

E. H. Coleman,
Under Secretary of State.

Dr. A. MacNamara, C.M.G.,
Deputy Minister of Labour,
Ottawa, Ontario.

Orig. on 1-19-4-1

DEPARTMENT OF LABOUR

MEMORANDUM to Mr. MacNamara.

OTTAWA, November 19, 1948.

Mr. Wright of the Custodian of Enemy Property's Office was in to see me today re Japanese Orders in Council.

There are several Orders relating to the handling of Japanese property by the Custodian, including P.C. 7355, which vested in the Custodian the property left behind in Canada by the Japanese proceeding to Japan under that Order and authorized the Custodian to realize on the property and transfer the proceeds to the credit of the Japanese in Japan.

Most of the assets left behind have been liquidated and the proceeds sent forward to Japan. The most important item which is still to be collected and transferred is the refundable portion of income tax due to a number of these Japanese. There are still in the hands of the Custodian some assets of Japanese who were evacuated from the coast of British Columbia.

All of these Orders expire on the 31st of March, 1949, when the Transitional Measures legislation goes out of effect and if the Orders are simply allowed to lapse, the Custodian would not have any authority to complete the liquidation and transfer of funds. However, if the Orders are revoked immediately prior to the expiry date, the rights and obligations and liabilities which had accrued or been incurred under the Orders in Council are not affected by the revocation. This is because of the provisions of the Interpretation Act to this effect.

It is, therefore, proposed to put through Orders in Council revoking effective the 30th of March, 1949, P.C. 7355 and the other Japanese Orders which affect Japanese property vested in the Custodian.

I have suggested to Mr. Wright that the revoking recommendations be signed by the Secretary of State and the Minister of Labour since both are interested parties and be sent forward by his Minister for signature and concurrence of Mr. Mitchell and then returned to the Secretary of State for submission to Council.

Dept rules recommended per V.C.

A. H. Brown.

AC 25/11/48

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO CUSTODIAN'S OFFICE

PLEASE REFER TO FILE No. J-9

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
November 18, 1948

DEPARTMENT OF LABOUR
NOV 19 1948

A. H. Brown, Esq.,
Solicitor,
Department of Labour,
Confederation Building,
Ottawa, Ontario

Re: Orders in Council Relating to Control of Assets of Japanese Evacuees and Repatriates

Dear Mr. Brown:

I indicated in my recent letter to Mr. Henry that I would confer with you and arrange for the necessary recommendations, respecting revocation of the above Orders, going forward to Cabinet.

Tried to reach you by telephone today and when your office advised that you were attending a meeting which would take some time, I decided to prepare two draft recommendations. The enclosed copies may be helpful when we meet to settle the matter.

I will telephone you tomorrow for an appointment and meantime would be obliged if you would glance at the recommendation leading up to P.C. 804, dated March 2nd, 1948. There may be a paragraph or two in that which we should incorporate in these.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

PC 25/11/48

the said protected areas, such power and responsibility [illegible] be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property.

That the liquidation of properties of persons of the Japanese race evacuated from the said protected area has [illegible] been substantially completed and that it is no longer [illegible]ssary that the said Orders should remain in effect.

D R A F T

TO HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

The undersigned, the Secretary of State of Canada, has the honour to report as follows:

That during the war, persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27, 1942, it was provided that all property situated in any protected area of British Columbia belonging to any person of the Japanes race (except fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to an Order of the Minister of Justice or which was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area was unable to take with him, should be vested in and subject to the control and management of the Custodian as defined in the Regulations Respecting Trading with the Enemy.

That by Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property.

That the liquidation of properties of persons of the Japanese race evacuated from the said protected area has now been substantially completed and that it is no longer necessary that the said Orders should remain in effect.

The undersigned therefore with the concurrence of the Minister of Labour has the honour to recommend that Orders of Your Excellency in Council of the 4th March, 1942 (P.C. 1665), 27th March, 1942 (P.C. 2483) and of the 19th January, 1943 (P.C. 469) be revoked, effective the thirty-~~first~~ day of March, 1949.

All of which is respectfully submitted.

Secretary of State

Ottawa, November , 1948.

DRAFT

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned, the Minister of Labour, has the honour to report as follows:

That on the recommendation of the Minister of Labour, concurred in by the Secretary of State for External Affairs and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, Your Excellency in Council on the 15th day of December, 1945 (P.C. 7355) made an Order re financial assistance to voluntary repatriates to Japan and for liquidation and transfer of their assets to Japan.

That the said Order of the 15th December, 1945 (P.C. 7355) provided that where real or personal property of a person, having made a request for repatriation, has proceeded to Japan, has not been sold or otherwise disposed of prior to departure such real and personal property shall, as of the date of departure from Canada of such person, be vested in the Custodian of Enemy Property.

That there are no more Japanese proceeding to Japan under the Order and that liquidation of the assets of persons of the Japanese race who have returned to Japan has now been substantially completed and that it is no longer necessary that the said Order should remain in effect.

The undersigned, therefore, with the concurrence of the Secretary of State of Canada has the honour to recommend that the Order of Your Excellency in Council of the 15th December, 1945 (P.C. 7355) be revoked, effective the thirty-[redacted] day of March, 1949.

All of which is respectfully submitted.

Minister of Labour

Ottawa, November , 1948.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. J-9

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
November 13, 1948

DEPARTMENT
NOV 15 1948
OF LABOUR

A. H. Brown, Esq.,
Solicitor,
Department of Labour,
Confederation Building,
Ottawa, Ontario

Re: Orders in Council Relating to Control of
Assets of Japanese Evacuees and Repatriates

Dear Mr. Brown:

I enclose herewith, for your information, copy of my letter of today addressed to Mr. D. H. W. Henry, Department of Justice.

I will telephone you for an appointment to discuss this matter the early part of next week.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
November 13, 1948

J-9

D. H. W. Henry, Esq.,
Counsel,
Department of Justice,
Ottawa, Ontario

Re: Orders in Council Relating to Control of
Assets of Japanese Evacuees and Repatriates

Dear Mr. Henry:

Confirming the writer's conversation with you yesterday, it has been decided to request revocation of the following Orders in Council:

P.C. 1665, March 4, 1942 (as amended) - administration by the Custodian of property of persons of the Japanese race.

P.C. 469, January 19,1943 (as amended)- transfer to the Custodian of property of Japanese Evacuees.

P.C. 7355, December 15,1945(as amended)- financial assistance to voluntary repatriates to Japan and for liquidation and transfer of their assets to Japan.

I will see Mr. A. H. Brown, Solicitor for the Department of Labour in the course of the next few days and endeavour to arrange for a recommendation being made to the Cabinet by the Secretary of State with the concurrence of the Minister of Labour.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF

23-2-2-5

C O P Y

Ottawa, October 23, 1948.

Mr. A. D. P. Heeney,
Clerk of the Privy Council
and Secretary to the Cabinet,
Privy Council Office,
East Block,
O t t a w a.

Dear Mr. Heeney:

I have your letter of October 21st advising that the Cabinet Committee on Emergency Powers would review shortly, with departmental officials, the Orders in Council now in force under the Continuation of Transitional Measures Act, 1947, to determine which of such Orders should be retained beyond the 31st of March next.

For your information, I enclose copy of a letter I have written today to my colleague, the Secretary of State.

Yours sincerely,

HUMPHREY MITCHELL

Enc.

Orig. on: 1-19-4-1

23-2-2-5

to Mr. MacNamara.

October 23, 1948.

With reference to the attached letter from Mr. Heeney to the Minister, I have drafted letters to the Secretary of State and to Mr. Heeney, as attached, for the Minister's signature.

I do not think any action is necessary in connection with P.C. 946 as there is provision in the Order already that it is to be revoked effective March 31, 1949 and there is no advantage in revoking it before that date.

In the case of P.C. 7355, the recommendation with reference to this Order should come from the Secretary of State for the reasons set out in the Minister's letter to Mr. Gibson.

My understanding is that the Order can be revoked and should be revoked immediately prior to the date on which it would otherwise lapse since the Custodian already has in hand all the assets of the Japanese who have gone to Japan and if the Order is revoked he will still have the right to complete liquidation and transmit the same to Japan since, under the Interpretation Act, rights accrued under existing legislation are not destroyed by revocation.

A. H. Brown.

1-19-4-1

COPY

23-2-2-5

Ottawa, October 23, 1948.

CONFIDENTIAL

Honourable Colin Gibson,
Secretary of State,
West Block,
O T T A W A.

My dear Colleague:

I have received a letter under date of October 21st from Mr. Heeney advising that the Cabinet Committee on Emergency Powers is to review immediately, with departmental officials, the orders in Council now in force under the Continuation of Transitional Measures Act, 1947, to determine which of such Orders are to be retained beyond the 31st of March, 1949.

The two Orders in Council in this category, in which this Department is interested, are P.C. 946 of February 5th, 1943, providing the controls over Japanese, etc., in Canada which, as it now reads, is revoked effective the 31st of March, 1949, and P.C. 7355 of December 15th, 1945, as amended, which provides for the liquidation of assets of Japanese repatriating to Japan and the transfer of the proceeds to such persons in Japan. This is to be done through the Custodian of Enemy Property.

There are no more Japanese proceeding to Japan under the Order and, in fact, none have gone under the Order since last year. There may, however, be some assets vested in the Custodian belonging to Japanese who have gone to Japan and which are still to be liquidated and transmitted. This may constitute a reason for continuing the Order in effect.

In those circumstances, possibly your officers will study the question as to whether P.C. 7355 should be carried forward or whether it may be revoked before the 31st of March next and will advise the Committee on Emergency Powers Accordingly.

Yours sincerely,

orig. on 14-4-1

A12 P.C. 3481 23-2-25

PRIVY COUNCIL

CANADA

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 9 AUGUST 1948

8 Copies

The Committee of the Privy Council have had before them a report dated 6th July, 1948 from the Secretary of State, representing:

That by Order in Council P.C. 1810 of July 18, 1947, as amended by Orders in Council P.C. 3737 of September 17, 1947, and P.C. 243 of January 22, 1948, the Honourable Mr. Justice Henry Irvine Bird was appointed Commissioner pursuant to the Inquiries Act, R.S.C. 1927, chapter 99, to inquire into the claims, described in the Order in Council, as amended, of persons of the Japanese race resident in Canada on the date of the said Order in Council;

That by Order in Council P.C. 243, pursuant to subsection (2) of section 11 of the Inquiries Act, the designation of certain qualified persons therein named, authorized and deputed by the Commissioner to inquire into and hear the testimony of the claimants in person and of witnesses on their behalf, other than those called to give expert or technical evidence, at sessions of the Commission at the places therein described, was approved;

That the Commissioner has authorized and deputed the additional qualified persons for the aforesaid purposes at the following places:

Nelson, British Columbia	- His Honour Judge Harry Wilfrid Colgan
Toronto, Ontario	- His Honour Judge John Arthurs McGibbon
Lethbridge, Alberta	- His Honour Judge Roy Manning Edmanson (in the place and stead of His Honour Judge Elmer Best Feir who is unable to act) and His Honour Judge Luke Hannon Stack.

The Committee, on the recommendation of the Secretary of State, advise that said Order in Council P.C. 243 be amended by deleting the name of His Honour Judge Elmer Best Feir of Lethbridge, Alberta, and adding the names of the above mentioned qualified persons as Deputy Commissioners with all incidental powers.

Copies sent Mr Brown Mutch Parent Currie May 2 '48

Clerk of the Privy Council.

31/8/48

The Honourable
the Minister of Labour.

For Labour Gazette as requested

April 1, 1948.

To: Mr. H. J. Walker

Re: Japanese Orders in Council

(1) P. C. 589 of February 17, 1948: Approved an agreement reached between the Minister of Labour and the Alberta Government with respect to welfare and education of Japanese in that Province who were evacuated from the west coast during the war. These people are to be given full residential status in Alberta from April 1, 1948. The costs of welfare and education for the group are to be shared on a 50-50 basis by the Province and the Dominion until March 31, 1950, at which time Dominion contributions will cease.

(2) P. C. 637 of February 20, 1948: Revoked P. C. 7355 of December 15, 1945, except as it affects Japanese who repatriated before December 5, 1947. In effect, it continues only the authority for the Government to transmit to repatriates already in Japan the remaining proceeds of any property which was left in the care of the Custodian of Alien Property.

(3) P. C. 804 of March 2, 1948: Revoked part of P. C. 946 of February 5, 1943, which gave the Minister of Labour control over placement, movement, welfare and general supervision of Japanese evacuees. P. C. 804 also provided that this Order along with P. C. 251 of January 13, 1942, prohibiting issuance of fishing licenses to Japanese, would be completely revoked effective April 1, 1949.

(4) P. C. 958 of March 6, 1948: Approved an agreement reached between the Minister of Labour and the British Columbia Government with respect to welfare of Japanese in that Province who were evacuated from the coastal protected area in 1942. The costs of welfare for this group are to be shared on a 50-50 basis by the Province and the Dominion until March 31, 1950, at which time Dominion contributions will cease.

HTP/LM

H. T. Pammett.

E 7/1/48

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23-2-2-5

To Be Tabled

CANADA

PRIVY COUNCIL OFFICE

CABINET SECRETARIAT

Confidential

Ottawa, March 3rd, 1948.

The Honourable Humphrey Mitchell, M.P.,
Minister of Labour,
Ottawa.

Dear Mr.Mitchell:

With reference to our conversation with Mr.Ilsley yesterday before Cabinet, I am sending you, herewith, two copies of Order in Council P.C.804 of March 2nd, amending Order in Council P.C.946 of February 5th, 1943 (Japanese Placement Order) and Order in Council P.C.251 of January 13th, 1942 (Japanese Fishing Licences) in accordance with the decision taken by the Cabinet on February 27th, 1948.

In the normal course, this Order will appear in Part II of the Canada Gazette (Statutory Orders and Regulations) in about three weeks. However, you and Mr.Ilsley agreed yesterday that, before that time, the Order should be tabled in Parliament and that you and Mr.Ilsley would decide when this would be done.

Yours sincerely,

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

M.D. 22/3/48

COPY

A12 P.C. 804 PA 23-2-2-5

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 2nd day of MARCH, 1948.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and the Minister of Fisheries, and under the authority of The Continuation of Transitional Measures Act, 1947, is pleased to make and doth hereby make the following Order:

1. In this Order, "the coastal area" means that area of the Province of British Columbia including all islands west of a line commencing at Boundary Point No. 7 on the International Boundary between the Dominion of Canada and Alaska, thence following the line of the "Cascade Mountains", as defined by paragraph 2 of section 24 of the Interpretation Act of British Columbia, being Chapter 1 of the Revised Statutes of 1936, to the north-west corner of Lot 1410, Range 5, Coast Land District, thence due east to a point due north of the northwest corner of Lot 373, Range 5, Coast Land District, thence due south to said northwest corner of Lot 373 being a point on the aforementioned line of the "Cascade Mountains", (being the area surrounding the village Municipality of Terrace), thence following said line of the "Cascade Mountains" to the western boundary of Township 5, Range 26, west of the sixth Meridian, thence following the northerly, easterly and southerly boundaries of said Township 5, to the southwest corner thereof, being a point on the line of the "Cascade Mountains" (being the area surrounding the Village Municipality of Hope); thence following the "Cascade Mountains" to the southerly Boundary of the Province.

2. (1) Paragraphs (ii) and (vii) of subsection one of section three of Order in Council dated the 5th day of February, 1943 (P.C. 946), are hereby revoked.

(2) Paragraph (viii) of the said subsection is revoked except insofar as it authorizes the Minister of Labour to make orders, rules or regulations prohibiting persons mentioned in the said paragraph from entering the Province of British Columbia or from entering or residing in the coastal area except subject to a permit issued by or on behalf of the Minister of Labour and on such terms and conditions as may be prescribed by him or by any person authorized to act on his behalf under the said Order in Council dated the 5th day of February, 1943 (P.C. 946).

3. Orders in Council dated the 13th day of January, 1942, (P.C. 251), and the 5th day of February, 1943 (P.C.946), are revoked effective the 1st day of April, 1949.

(signed) A. D. P. Heeney,
Clerk of the Privy Council.

The Honourable,
the Minister of Labour.

E 23/3/48

7 23-2-2-5

AIR MAIL.

OTTAWA, February 4, 1948.

Mr. J.F. MacKinnon,
Commissioner of Japanese Placement,
Department of Labour,
Room 52 Commerce Building,
640 Hastings Street West,
VANCOUVER, B.C.

Dear Mr. MacKinnon:

I am enclosing for your information copies of P.C. 242 and 243, both of January 22, 1948, with reference to the inquiry presently being undertaken into Japanese property losses.

Yours very truly,

A. MacNamara.

HTP:FD

L C 9/2/48

COPY

DHWH:KB

Please Address
DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA January 28, 1948

153470
Re: Legislation Pertaining to Control of
Assets of Japanese Evacuees & Repatriates.
Your ref. No. J-9

I acknowledge your letter of January 16th last.

As I understand it, the assets of persons of the Japanese race, which have up to the present vested in the Custodian, constitute the total property which will vest under the three Orders in Council mentioned in your letter. I understand that there is no possibility of any additional assets of such persons vesting in the Custodian in the future if the Orders in Council remain in force. I further understand that so far as these assets are concerned, the task which remains to the Custodian is to liquidate them and return the proceeds as soon as it is practicable to the former owners.

I am of opinion that the Revised Regulations Respecting Trading with the Enemy (1943) provide authority to the Custodian to sell, liquidate or otherwise dispose of property of persons of the Japanese race vested in him, and to relinquish any such property or the proceeds of liquidation of such property. The proceeds of such liquidation may be placed in a bank or invested in securities with the approval of the Treasury Board.

Pending liquidation or retransfer of the assets or their proceeds, the Custodian would have power incidentally to carry out any necessary management of the assets.

The foregoing powers could accordingly be exercised if the three Orders in Council mentioned in your letter are revoked.

"F. P. Varcoe"

Deputy Minister

K. W. Wright, Esq.,
Counsel to the Custodian,
Department of the Secretary of State,
O t t a w a

MD/13

P.C. 243

PRIVY COUNCIL

CANADA

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 22 JANUARY 1948

The Committee of the Privy Council have had before them a report, dated 20th January, 1948, from the Secretary of State, submitting:

That by Order in Council P.C. 1810 of July 18, 1947, the Honourable Mr. Justice Henry Irvine Bird was appointed Commissioner pursuant to the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the claims, described in the aforesaid Order in Council, as amended, of persons of the Japanese race who were resident in Canada on the date of the aforesaid Order in Council;

That the Commissioner has reported that more than thirteen hundred claimants have now filed claims for hearing by the Commissioner and that by reason of the fact that the claimants reside in different parts of Canada it will be necessary to hold sessions of the Commission at various places across Canada;

That it is in the interests of justice that hearings of the Commission be expedited and by virtue of Subsection 2 of Section 11 of the Inquiries Act, the Commissioner proposes to authorize and depute the following qualified persons to inquire into and hear the testimony of the claimants in person and of witnesses on their behalf other than those called to give expert or technical evidence at sessions of the Commission at the following places;

Kamloops, British Columbia - His Honour Judge J. Ross Archibald.

Vernon, British Columbia - His Honour Judge J. Ross Archibald, and His Honour Judge McLeod Munro Colquhoun.

Grand Forks, British Columbia - His Honour Judge McLeod Munro Colquhoun.

Nelson, British Columbia - His Honour Judge Eric Dawson.

Lethbridge, Alberta - His Honour Judge Elmor Best Fair.

Winnipeg, Manitoba - His Honour Judge A. Gordon Buckingham.

Toronto, Ontario - His Honour Judge Moore Armstrong Miller.

The Committee, therefore, on the recommendation of the Secretary of State, advise that, pursuant to Subsection 3 of Section 11 of the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada, 1927, the persons so authorized and deputed be authorized to exercise the same powers which the Commissioner has to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.

Copies sent to:
Mr J. McKinnon
Mr F.W. Mitchell
Mr H.W. Brown
3-2-48

Copies to:
Mr Brown
" Ford
" Parent

A. D. P. Heeney

The Honourable
the Minister of Labour

Clerk of the Privy Council.

P.C. 7/2/48

ND/13

P.C. 282

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 22 JANUARY 1948

PRIVY COUNCIL
CANADA

The Committee of the Privy Council have had before them a report, dated 14th January, 1948, from the Secretary of State, representing that Order in Council of the 18th July, 1947 (P.C. 1810) provides for an inquiry into the claims of persons of the Japanese race resident in Canada and evacuated from the coast of British Columbia as a war measure; and

That he is of opinion that the terms of reference should be extended to include claims of corporations of which the majority of the shares were formerly owned by such persons.

The Committee, therefore, on the recommendation of the Secretary of State, advise that said Order in Council P.C. 1810 be further amended by inserting after the words "at the date of this Order" in Clause numbered 1 the words "and of corporations of which the majority of the shares were formerly owned by such persons".

A. P. Heeney.

Clerk of the Privy Council.

Copies sent to:
Mr J. McKinnon
Gen Smith
Hon Mr Mitchell
3-2-48

Copies to
Mr Brown
Mr Long
" Parent

The Honourable
the Minister of Labour

LC
9/2/48

COPY

P.A

ED/13 P.C. 242

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 22 JANUARY, 1948.

The Committee of the Privy Council have had before them a report, dated 14th January, 1948, from the Secretary of State, representing that Order in Council of the 18th July, 1947 (P.C. 1810) provides for an inquiry into the claims of persons of the Japanese race resident in Canada and evacuated from the coast of British Columbia as a war measure; and

That he is of opinion that the terms of reference should be extended to include claims of corporations of which the majority of the shares were formerly owned by such persons.

The Committee, therefore, on the recommendation of the Secretary of State, advise that the said Order in Council P.C. 1810 be further amended by inserting after the words "at the date of this Order" in Clause numbered 1 the words "and of corporations of which the majority of the shares were formerly owned by such persons".

(signed) A. D. P. Heeney,
Clerk of the Privy Council.

The Honourable,
the Minister of Labour.

RECEIVED
FEB 3 1948
Department of Labour
ACCOUNTANT

COPY

MD/13 P.C. 243

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 22 JANUARY, 1948.

The Committee of the Privy Council have had before them a report, dated 20th January, 1948, from the Secretary of State, submitting:

That by Order in Council P.C. 1810 of July 18, 1947, the Honourable Mr. Justice Henry Irvine Biard was appointed Commissioner pursuant to the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the claims, described in the aforesaid Order in Council, as amended, of persons of the Japanese race who were resident in Canada on the date of the aforesaid Order in Council;

That the Commissioner has reported that more than thirteen hundred claimants have now filed claims for hearing by the Commissioner and that by reason of the fact that the claimants reside in different parts of Canada it will be necessary to hold sessions of the Commission at various places across Canada;

That it is in the interests of justice that hearings of the Commission be expedited and by virtue of Subsection 2 of Section 11 of the Inquiries Act, the Commissioner proposes to authorize and depute the following qualified persons to inquire into and hear the testimony of the claimants in person and of witnesses on their behalf other than those called to give expert or technical evidence at sessions of the Commission at the following places:

Kamloops, British Columbia - His Honour Judge J. Ross Archibald.

Vernon, British Columbia - His Honour Judge J. Ross Archibald and His Honour Judge McLeod Munro Colquhoun.

Grand Forks, British Columbia - His Honour Judge McLeod Munro Colquhoun.

Nelson, British Columbia - His Honour Judge Eric Dawson

Lethbridge, Alberta - His Honour Judge Elmor Best Feir.

Winnipeg, Manitoba - His Honour Judge A. Gordon Buckingham.

Toronto, Ontario - His Honour Judge Moore Armstrong Miller.

The Committee, therefore, on the recommendation of the Secretary of State, advise that, pursuant to Subsection 3 of Section 11 of the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada, 1927, the persons so authorized and deputed to be authorized to exercise the same powers which the Commissioner has to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.

(signed) A. D. P. Heeney,
Clerk of the Privy Council.

The Honourable the Minister of Labour.

23-2-2-5

COPY

P.C. 242

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 22 JANUARY 1948

The Committee of the Privy Council have had before them a report, dated 14th January, 1948, from the Secretary of State, representing that Order in Council of the 18th July, 1947 (P.C. 1810) provides for an inquiry into the claims of persons of the Japanese race resident in Canada and evacuated from the coast of British Columbia as a war measure; and

That he is of opinion that the terms of reference should be extended to include claims of corporations of which the majority of the shares were formerly owned by such persons.

The Committee, therefore, on the recommendation of the Secretary of State, advise that said Order in Council P.C. 1810 be further amended by inserting after the words "at the date of this Order" in Clause numbered 1 the words "and of corporations of which the majority of the shares were formerly owned by such persons".

A.D.P. Heeney

Clerk of the Privy Council.

The Honourable
the Minister of Labour

6/1/48

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

SECRET

MEMORANDUM TO THE CABINET COMMITTEE ON JAPANESE QUESTIONS

Re: Japanese Orders in Council

The Transitional Measures Act, 1947, and Order in Council P.C. 5304 of December 30, 1947, continued in effect until March 31, 1948, a number of Orders in Council relating to persons of the Japanese race in Canada. These Orders included the following:

(a) P.C. 946 of February 5, 1943, as amended

The Order gives the Minister of Labour authority to provide for the welfare and relocation of Japanese evacuated from the Coastal area of British Columbia and to make orders governing their movement, places of residence, and discipline.

The Order has been extended until March 31, 1948, to carry out the current year's program. The provisions for welfare and relocation might be taken care of after March 31, 1948, by an item in the Annual Estimates of the Department, if it is the policy of the Government to continue restrictions on the movement and residence of Japanese in the Coastal area of British Columbia.

The Department of Labour is of the opinion that if the restrictions over movement of Japanese into the Coastal area are lifted there will be a limited movement of Japanese back into the Coastal area, but that it is probable this movement will not be in the nature of an immediate influx but will extend over a period of time and will not comprise a major percentage of Japanese in Canada. It is probable that the greater majority of those who do return to the Coast over a period of time will be drawn from the group now resident in the interior of British Columbia, who number approximately 6,000 persons, the greater majority of whom are in self-supporting employment. There may be some movement over a period of time back from Alberta. On the other hand, our Commissioner of Japanese Placement estimates there may be a movement of 500 Japanese east from British Columbia in the Spring of 1948.

(b) P.C. 7355 of December 15, 1945

This Order authorizes financial assistance to voluntary repatriates to Japan and gives authority to the Custodian of Enemy Property to take over and liquidate the assets of Japanese repatriated to Japan under this Order and to transmit the proceeds to the Japanese in Japan.

The Government has already made a decision to discontinue financial assistance for repatriation of Japanese under this Order. There is, however, a small amount of assets of Japanese still vested in the Custodian under this Order which will not be liquidated for some months at least. We are advised by the Custodian that this consists of amounts totalling around $3,000, representing the refundable portion of Income Tax payments for 1942, 1943 and 1944, and a limited quantity of other assets of a miscellaneous nature, including various company stocks.

It would appear that the extension of the provisions of this Order, to the extent necessary to continue the authority of the Custodian with respect to the disposition of these assets, will be necessary.

(c) P.C. 1665 of March 4, 1942, and P.C. 469 of January 19, 1943

These Orders are administered by the Department of the Secretary of State and give the Custodian of Enemy Property authority to liquidate property of evacuated Japanese vested in him under these Orders.

It would appear that the extension of the provisions of these Orders will be necessary.

(d) P.C. 251 of January 13, 1942

This Order prohibits the issue of fishing licenses on the West Coast to persons of the Japanese race and also prohibits these persons from serving on fishing vessels. The decision as to the continuation of this Order is one of policy which is tied in with P.C. 946.

The Minister of Fisheries possesses under the Fisheries Act powers to grant or withhold the issuance of fishing licenses.

Without further action of Parliament to the contrary, all of the above Orders will expire on March 31, 1948.

Privy Council Office,
January 10, 1948.

Raymond Ranger,
Secretary.

Ottawa, November 10, 1947.

Mr. A. D. P. Heeney,
Clerk of the Privy Council,
East Block,
O t t a w a.

Dear Mr. Heeney:

I enclose herewith submission to Council to amend Order in Council P.C. 7355 of December 15, 1945.

The sub-committee of the Cabinet on Japanese agreed at a meeting held on September 3, 1947, that the policy of providing financial assistance to persons of the Japanese race going to Japan should be discontinued.

The effect of the amendment is to limit the application of P.C. 7355 to persons of the Japanese race who proceed to Japan to those who have proceeded prior to the 1st of September, 1947.

It is considered desirable to do this as it will be necessary to extend the life of P.C. 7355 for a further period of time to permit the Custodian of Enemy Property to complete the liquidation of the property belonging to Japanese who already have gone to Japan, pursuant to the provisions of this Order, and to remit the proceeds of such liquidation to the said Japanese in accordance with the undertaking given to them at the time they proceeded to Japan.

On the other hand, in the extension of the life of the Order, it is necessary to make it clear that the Order as thus extended will apply only to those Japanese who have already gone to Japan and will not apply to persons who may subsequently proceed of their own volition to Japan.

Yours very truly,

Enc.

A. MacNamara.

Minister of Labour.

Council Nov 14/47.

November 10, 1947.

The undersigned has the honour to recommend that Your Excellency in Council, under the authority of The Continuation of Transitional Measures Act 1947, be pleased to amend Order in Council P.C. 7355 of December 15, 1945, as amended by Order in Council P.C. 268 of January 23, 1947, as follows:--

1. Paragraph three of the preamble to the said Order in Council is deleted.

2. Subsection one of section six is amended by adding after the words therein "any person who, having made a request for repatriation, is proceeding to Japan" the following words "at any time prior to September 1, 1947" and by amending subsection two of section six by adding after the words therein "Where real or personal property of a person who, having made a request for repatriation, has proceeded to Japan" the words "at any time prior to September 1, 1947".

3. Section seven is amended by adding after the words therein "is proceeding to Japan" the words "at any time prior to September 1, 1947".

Respectfully submitted,

Minister of Labour.

Council No. 1416.

WH/10 P.C. 3737 27-2-2-3

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 17 SEPTEMBER 1947

PRIVY COUNCIL CANADA

The Committee of the Privy Council have had before them a report dated 11th September, 1947, from the Secretary of State, stating that, after further consideration of the Order in Council P.C. 1810, 18th July, 1947, providing for an inquiry into property claims of Japanese persons evacuated from the coast of British Columbia as a war measure, he is of opinion that the terms of reference should be expressed in terms in line with the Fourth Report of the Standing Committee of the House of Commons on Public Accounts, which Report dealt with the general administration and liquidation of property owned by Japanese evacuees and was concurred in by the House of Commons.

The Committee, therefore, on the recommendation of the Secretary of State, advise that the terms of reference contained in the Order in Council P.C. 1810 aforesaid be amended:

1. By striking out paragraphs (a) and (b) of Clause numbered 1 and substituting the following:

"(a) that real and personal property vested in the Custodian pursuant to the above mentioned Orders was disposed of by the Custodian for less than the fair market value thereof at the time of sale resulting in loss to the Claimants equal to the difference between the amounts received from the sale and the fair market value aforesaid; and

(b) that personal property vested in the Custodian pursuant to the above mentioned Orders was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen: provided that no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property."

2. By striking out the words "for failure of the Custodian to exercise reasonable care" from Clause numbered 2.

Approved Norman Robertson Secretary of State

A. D. P. Heeney
Clerk of the Privy Council

The Honourable
the Minister of Labour.

P.C. 4810

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 18th July, 1947.

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of State, representing:

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27, 1942, it was provided that all property situated in any protected area of British Columbia belonging to any person of the Japanese race (except fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to an Order of the Minister of Justice or which was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area was unable to take with him, should be vested in and subject to the control and management of the Custodian as defined in the Regulations Respecting Trading with the Enemy.

That by Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property;

That by Order in Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order in Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian;

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that in respect of such disposition of their property they have suffered pecuniary loss and

That it is deemed advisable to appoint a Commissioner under Part I of the Inquiries Act to investigate the said claims and to make recommendations with respect thereto

... ...

Copy on 23-I-11-1

The Committee, therefore, on the recommendation of the Secretary of State, advise:

1. That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese race who are resident in Canada at the date of this Order, namely -

(a) that by reason of the failure of the Custodian to exercise reasonable care in the disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by the Custodian for such property was less than the market value thereof at the time of such disposition; and

(b) that by reason of the failure of the Custodian to exercise reasonable care in the management of personal property, such property was lost, destroyed or stolen but no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the Custodian, appointed by the owner of the property.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion would fairly and reasonably compensate the claimant for failure of the Custodian to exercise reasonable care.

3. That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by statutory declaration and filed in the Office of the Custodian at Vancouver, British Columbia.

4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.

5. That the expenses of and incidental to the said inquiry be paid out of money appropriated by Parliament.

A. D. P. Heeney
Clerk of the Privy Council.

AIR MAIL

Ottawa, May 27, 1947.

Mr. B. L. Reynolds,
City Clerk,
Corporation of the City of Revelstoke,
Revelstoke, B.C.

Dear Sir:

Your letter of May 19, 1947, to the King's Printer, requesting a copy of the Order rescinding "prohibition of Japanese owning property" has been referred to this Department which is responsible for the supervision of Japanese in Canada.

I would point out that at no time during the war were persons of Japanese origin prohibited from owning or having legal title to property. They were however prohibited from purchasing or acquiring legal title to real property anywhere in Canada without a permit from the Minister of Justice, and, later, from the Minister of Labour. This prohibition was incorporated as Section 3B in P.C. 946, and was revoked in full by P.C. 270 of January 23, 1947. I attach a copy of this Order in Council for your information, as requested.

Yours very truly,

Ans 23-2-2-12-10

RTP/LMH

A. MacNamara.

R

cc to Col. Davidson.
F.J. Mead, RCMP.

REGISTERED.

AIR MAIL.

Copy on
23-2-2-12-1
23-2-17-21

OTTAWA, January 30, 1947.

Mr.J.F. MacKinnon,
Commissioner of Japanese Placement,
Japanese Division,
Department of Labour,
360 Homer Street,
Vancouver, B.C.

Dear Mr. MacKinnon:

I enclose a copy of the Prime Minister's statement of policy on January 24 and copies of Orders in Council P.C. 268 - 269 - 270 and 271, all dated January 23, 1947. You are asked to note especially P.C. 268 which amends P.C. 7355 of December 14, 1945 and P.C. 270 which amends P.C. 946 of February 5, 1943. Copies of P.C. 946 and 7355, with subsequent amendments are attached for your ready reference.

P.C. 7355 has been amended to retain the provisions for assisting voluntary repatriation to Japan as heretofore. P.C. 946 has been amended by rescinding the provisions for property license and in respect to certain other provisions which are now surplus to our needs.

In connection with revocation of regulations covering property licenses, I am advising Messrs. Trueman and Beaudet directly in order to prevent completion of unnecessary applications. I will also advise the Registrar-General of Lands in each province that such property licenses are no longer necessary to validate property purchase for persons of Japanese origin. I would be obliged if you would advise the Japanese Division officials between British Columbia and Northern Ontario to the same effect, and return any applications which may continue to come in from the local offices in the meantime.

I am sending copy of this correspondence, including Orders, to Colonel Davidson and to the Royal Canadian Mounted Police.

Yours very truly,

A. MacNamara.

OTTAWA, January 30, 1947.

Mr. J.O. Beaudet,
Quebec Placement Officer,
Japanese Division,
Department of Labour,
276 St. James St., West,
Montreal, P.Q.

I would advise that by Order in Council P.C. 270, January 23, 1947, that section of P.C. 946, which required persons of Japanese origin to obtain property license signed by the Minister of Labour, was revoked.

Accordingly, it will be in order for you to cancel any applications for such licenses now in your possession and advise any applicants that such licenses are no longer required for them to purchase or lease real property anywhere in Canada.

The provincial authorities in charge of land registration are being advised accordingly.

A. MacNamara.

HTP:FD

Copy A7 P.C. 269

PRIVY COUNCIL

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of The National Emergency Transitional Powers Act, 1945, is pleased to revoke and doth hereby revoke the following Orders in Council:

No. and date	Subject
9760, Dec. 16, 1941	registration of Japanese
9761, Dec. 16, 1941	control of vessels operated by persons of the Japanese race
1348, Feb. 19, 1942 as amended	establishment of Work Camps
10773, Nov. 26, 1942	revocation of naturalization of persons repatriated to enemy states
7356, Dec. 15, 1945	deportees in pursuance of P.C. 7355 to cease to be British subjects or Canadian Nationals
7357, Dec. 15, 1945	Commission of Inquiry into activities, loyalty, etc. of Japanese.

(Sgd) A.D.P. Heeney
Clerk of the Privy Council.

The Honourable
the Minister of Labour.

TO: CENTRAL REGISTRY,
Room [illegible], Conf. Bldg.

Please place attached on file

23-2-2-5

H.T. Pammett.

E.F.

[illegible] AT OTTAWA

THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Secretary of State and under the authority of the National Emergency Transitional Powers Act, 1945, is pleased to order as follows:

1. Order in Council P.C. 6247 of July 20, 1942, (re "Japanese-owned fishing vessels") is hereby revoked.
2. The preamble of Order in Council P.C. 469 of January 19, 1943 (transferring to the Custodian property of persons of the Japanese race evacuated from protected areas) is hereby revoked except the fifth and sixth paragraphs thereof.
3. The operative portion of the said Order in Council P.C. 469 is hereby revoked other than the last paragraph thereof, commencing "Wherever, under Orders in Council...

1/2/47

Copies to Mr. McFord
Mr. Pound
Mr. Pammett

A. P. Henry.

Clerk of the Privy Council.

The Honourable
the Minister of Labour.

Dec 10/46

MEMORANDUM RE ORDERS IN COUNCIL RELATING TO PERSONS OF THE JAPANESE RACE

P.C. No.	Date	Subject Matter
9590	7/12/41	Makes the regulations re trading with the enemy applicable to the Japanese. Remarks: May be allowed to expire.
9760	16/12/41	This made provision for compulsory re-registration by the R.C.M. Police of all persons of the Japanese race in Canada who had reached their sixteenth birthday and provided penalties for non-compliance. It contained instructions concerning issuance of Registration Certificates to Japanese and the details of registration. Remarks: Required in connection with control of travel and residence, which would be most difficult without Japanese being required to carry registration cards.
9761	16/12/41	This prohibited any person of the Japanese race from using or operating any vessel in waters adjacent to the west coast of Canada without written authority from the Commissioner of the R.C.M. Police. It also provided for the seizure and detention of any vessel so illegally used by a person of the Japanese race and provided penalties for non-compliance. Remarks: Has lapsed as vessels have all been sold and Japanese are still prohibited from entering the coastal area.
251	13/1/42	Prohibition of Japanese fishing licences. Remarks: May be allowed to expire. Department of Fisheries.
1348	19/2/42	Authorizes Department of Mines and Resources to establish road camps for employment of evacuee Japanese. Amended by P.C. 6758 - 31/7/42 P.C. 8173 - 11/9/42 Remarks: May be allowed to expire.
1665	4/3/42	Creates British Columbia Security Commission to evacuate all Japanese from protected area, and to provide housing, welfare and placement for evacuees. Amended by P.C. 2483 - 27/3/42 P.C. 2541 - 30/3/42 P.C. 3231 - 21/4/42 Repealed except as to section 12 thereof by P.C. 946 - 9/2/43

P.C. No.	Date	Subject Matter
		Section 12 vested in the Custodian all property in the protected area of evacuated Japanese except liquid assets. Remarks: The complete repeal of this order is a matter for decision of the Department of Secretary of State.
4615	2/6/42	Concurred in agreement of B.C. Security Commission with Province of Alberta for temporary placement of evacuee Japanese in sugar beet culture in Alberta, and containing a provision that at end of war the Commission would at request of province remove the evacuees. Remarks: May be allowed to expire. The obligation of the B.C. Security Commission under this agreement has by P.C. 946 of February 9, 1943, been assumed by the Minister of Labour. The obligation under the agreement remains although the order lapses.
6247	20/7/42	As amended by P.C. 469 of January 19, 1943. Revokes P.C. 5523 of June 29, 1942. P.C. 6247 amended to give Custodian authority to complete liquidation of fishing vessels of evacuee Japanese, and authorizes the Custodian to sell and liquidate or otherwise dispose of all property of persons of Japanese race evacuated from protected area which was placed in the custody of the Custodian by any other order. This order is therefore an extension of the powers vested in the Custodian by section 12 of P.C. 1665 of March 4, 1942, as well as amending P.C. 6247 of July 20, 1942, referred to above. Remarks: Continuation of this order and of section 12 of P.C. 1665 a matter for Secretary of State. Evidently, however, this authority is required to be continued.
10773	26/11/42	This provides that British subjects who have applied for repatriation to an enemy country during the war shall in leaving Canada lose their Canadian citizenship. Remarks: This is an order of the Secretary of State and decision on this order rests with the Secretary of State and Department of External Affairs. Presumably the order may be permitted to lapse.

P.C. No.	Date	Subject Matter
946	5/2/43	Dissolves B.C. Security Commission. Revokes P.C. 1665 of March 4, 1942, except section 12. Vests in the Minister of Labour power to provide for the welfare, placement, control of movement and discipline of persons of the Japanese race in Canada; to issue licenses to Japanese to acquire an interest in real property which is otherwise prohibited. Amended by P.C. 5973 of September 14, 1945, and P.C. 5793 of December 18, 1945, P.C. 5627 of August 16, 1945, and P.C. 9743 of December 24, 1943. Remarks: To be continued in effect by extension of emergency powers or replaced by legislation if continued controls over movement and placement of Japanese in Canada be necessary.
1422	22/2/43	This suspends the operation of B.C. legislation which prohibits the employment of Orientals on Crown timberlands. Remarks: May be allowed to expire.
4002	17/5/43	This approves of an agreement entered into between the Province of Alberta and the B.C. Security Commission under which the Security Commission agreed to pay for the schooling of Japanese children moved to Alberta at the rate of $5.00 per pupil per month for Public School education. Remarks: The obligation under this agreement which is now vested in the Minister of Labour by P.C. 946 of February 9, 1942, still exists and will continue to exist even if the order lapses. The order may be permitted to lapse.
4365	28/5/43	Authorized the Minister of Labour to operate the fuel cutting project with Japanese labour in B.C. to be financed out of revolving fund. Remarks: This may be allowed to lapse.
7355	15/12/45	Provides for deportation of Japanese who requested repatriation to Japan and for payment of repatriation allowances to persons deported or repatriated on a voluntary basis; and payment of transportation expenses for these persons. Remarks: Continuation of order beyond expiry date is a matter of Government policy.

P.C. No.	Date	Subject Matter.
7356	15/12/45	Revokes naturalization of naturalized Canadians of Japanese race who are deported or repatriated under P.C. 7355.
		Remarks: See 7355.
7357	15/12/45	Authorizes the establishment of an Inquiry Commission to inquire into the activities of persons of Japanese race with a view to determining whether they should be deported because of disloyalty or lack of co-operation.
		Remarks: See 7355.
219	22/1/46	Establishes the rate of exchange of money turned in by Japanese repatriates for transmission to Japan and authorizes the Controller of the Treasury to make necessary arrangements with U.S. authorities to provide for transfer of funds of Japanese repatriates from Canada via U.S. via a Supreme Allied Commander in Japan to repatriated Japanese.
		Remarks: Will be required as long as funds are being transferred to repatriates, pursuant to provisions of P.C. 7355 above.

Order in Council prohibiting operation of any vessel in waters adjacent to West Coast by persons of Japanese race

P.C. 9761

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 16th day of December, 1941.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

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

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

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

2. Where any person of the Japanese race uses or operates a vessel without the authority aforesaid, such vessel may be seized and detained on behalf of His Majesty by any officer of the Royal Canadian Navy, Royal Canadian Mounted Police, Provincial Police of British Columbia, or of the Department of Fisheries, and any such vessel shall be released from such seizure and detention at any time on the instructions of the Commissioner of the Royal Canadian Mounted Police or the Minister of Justice: Provided that any such seizure and detention shall be without prejudice to any proceedings under the Order respecting Prize enacted on the twenty-seventh day of September, 1939, as P.C. 2892: And provided further that any seizure made after the eighth day of December, 1941, and prior to the coming into force of this Order of any vessel on the ground that it has been used or operated by a person of the Japanese race shall, nevertheless, be deemed to have been duly made pursuant to this Order.

3. Every one who contravenes the provisions of this Order shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment."

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

P/a

23-2-2-5

Ottawa, October 21, 1949.

Miss J. Langton,
Office of the High Commissioner
for South Africa,
15 Sussex Street,
O t t a w a.

Dear Miss Langton:

In response to your request by telephone yesterday, I am forwarding herewith a set of the Orders in Council covering our Japanese repatriation programme, in addition to two copies of P. C. 946 and a copy of our Departmental Report on Japanese 1944-46.

Yours very truly,

HTP/LM H. T. Pammett.

H.T.P. 21-10-49

3/5 Reply on way - (c) HP

Ottawa, April 26, 1946.

Honourable Joseph Jean,
Solicitor General of Canada,
O t t a w a.

My dear Colleague:

Re: Japanese Relocation

The Department of Labour is completing arrangements at the present time for the repatriation of Japanese voluntary repatriates. Action for the balance of the repatriated group is deferred pending the outcome of the Privy Council decision.

In the meantime, our Japanese Administration at Vancouver report a marked desire on the part of many of the Japanese subject to deportation to take advantage of placement openings offered east of the Rockies this year. In this respect the attitude is, of course, very much different from the attitude which has prevailed prior to this year. The question arises as to what policy should be followed with respect to these persons. There are three alternative courses which might be pursued:

(a) Retain these persons in Japanese settlements in the interior of British Columbia pending the result of Privy Council decision.

(b) Permit persons to go East who have Canadian-born children which are not deportable under the Supreme Court decision advising such persons that those who do so may thereupon be permitted to revoke their request for repatriation. The effect of this would be that only persons who are themselves deportable and who have not Canadian-born children under sixteen years of age would be held in the settlements contrary to their own wishes to go East.

(c) Permit persons who are deportable but who are ready to go East the opportunity to do so without, however, giving them any assurance that they may not be deported subsequently. These persons who are permitted to go East on this basis would be given the standard transportation and placement allowances applicable to persons moving from British Columbia further east.

1/5/46

....2

In my opinion, in view of the uncertainties as to what the Privy Council may decide and since the Government's policy with respect to Japanese remaining in Canada is one of dispersal, I would suggest that we would be warranted in proceeding in accordance with Alternative (c) above and permit as many of these persons as wish to go east at the present time to do so giving them the usual assistance for this purpose without prejudice to whatever subsequent action may be taken for deportation following the Privy Council decision.

I would anticipate that if this policy is followed, there may be a considerable number of deportable persons moving to employment east of British Columbia during the current year.

As a member of the Sub-Committee of the Cabinet on Japanese, I would appreciate your views on the above at your earliest convenience.

Yours sincerely,

EL/JL

DHWH/JMcF

DEPARTMENT OF JUSTICE, CANADA

DEPARTMENT
JAN
OF LABOUR

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA January 27, 1949

BY HAND

149,885

Dear Sir: Attention Mr. A.H. Brown

I am advised by the office of the Privy Council that Orders in Council P.C. 7355, P.C. 1665 and P.C. 469 have been revoked in accordance with the recent Submission to Council signed by the Minister of Labour and the Secretary of State. The revocation is effective February 28th next.

The Committee on Emergency Powers is considering recommending to Cabinet that Order in Council P.C. 946 relating to evacuation and relocation of persons of the Japanese race be revoked prior to the introduction of legislation to extend the Transitional Measures Act at the present session. At present this Order in Council has been revoked effective April 1st next. I should be obliged if you would advise me if your Department and your Minister have any objection to this proposal.

Yours truly,

D.H.W. Henry,
Secretary to Committee
on Emergency Powers.

The Deputy Minister,
Department of Labour,
Ottawa.

2/2/49

23- 2- 2- 7

EAD/CM

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

DEPARTMENT OF JUSTICE, CANADA

Department of Labour

OTTAWA November 25, 1947.

153198

Referring to your letter of November 22nd respecting the proposed revocation in part of Order in Council P.C. 7355 of December 15, 1945, I am of opinion that the method proposed does constitute a revocation of the Order within the meaning of section 4 of The Continuation of Transitional Measures Act, 1947.

I suggest, however, that a specific date should be mentioned, rather than "the date hereof".

I attach a revised draft Report to Council for your consideration.

Encl.

F. P. Varcoe

Deputy Minister.

The Deputy Minister,
Department of Labour,
O T T A W A .

LC
22/12/47

Ottawa, November 22, 1947.

Mr. F. P. Varcoe, K.C.,
Deputy Minister of Justice,
Department of Justice,
O t t a w a.

Dear Mr. Varcoe:

Order in Council P.C. 7355 of December 15, 1945, as amended by P.C. 268 of January 23, 1947, passed under the War Measures Act has been continued in effect by The Continuation of Transitional Measures Act 1947, copy of which is attached.

It is not proposed to give further financial aid to Japanese who go to Japan after this date and the Order could, therefore, be allowed to expire at December 31, 1947 if it were not for the fact that a number of Japanese, who proceeded to Japan after having made a request for repatriation, left property behind which by Section 6 (2) of the Order is vested in the Custodian of Enemy Property. The Custodian requires that the life of the Order be extended for another year in so far as this is necessary to permit him to liquidate this property and arrange for the remittance of the proceeds to the credit of the repatriated Japanese in Japan.

In view of the foregoing, it is proposed to revoke the Order reserving, however, the necessary powers under section six to the Custodian to take care of the foregoing and to the Minister to recover the amount of financial assistance granted from moneys realized by the Custodian which are contained in Section 7 (2) of the Order.

Will you advise if the proposed procedure and the attached draft submission are satisfactory for this purpose or what revision thereof would be appropriate in the circumstances?

LC
21/11/47

It has been suggested that there may be some doubt as to the authority in revoking the Order to make the proposed reservations as The Continuation of Transitional Measures Act, 1947 gives authority only to revoke.

If we could have your advice by Tuesday noon next, it would be appreciated as the Committee of the Cabinet on Japanese are meeting on Tuesday P.M. to discuss matters relating to the continuation of Japanese Orders.

Yours truly,

Enc.

Deputy Minister.

Copy sent to Mr. Henry

DRAFT

TO HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:-

The undersigned has the honour to recommend that Your Excellency in Council under the authority of The Continuation of Transitional Measures Act 1947 be pleased to revoke Order in Council P.C. 7355 of December 15, 1945, as amended by Order in Council P.C. 268 of January 23, 1947, except in so far as it affects and applies to persons who having made a request for repatriation have proceeded to Japan prior to the date hereof.

Respectfully submitted,

Minister of Labour.

COPY Document JAP 5 EAD/CM

DEPARTMENT OF JUSTICE, CANADA

Ottawa April 1, 1947

152189
Your File No. J-175

I have been asked to prepare a draft Report to Council for the appointment of a Commissioner under the Inquiries Act to investigate claims made by persons of the Japanese race in respect of the disposition of their property and also in respect of claims for loss resulting from their evacuation from the protected areas of British Columbia.

I understand that as a matter of policy the Government has not yet decided upon the types of claims that will be admitted; I have, therefore, set out in the schedule the complete list of claims. The schedule can then be amended in accordance with Government decisions on policy.

Encl.

"F. P. Varcoe"

Deputy Minister

The Under Secretary of State

O T T A W A

COPY

OTTAWA, April , 1947

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The Undersigned has the honour to report as follows:

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27, 1942, it was provided that all property situated in any protected areas of British Columbia belonging to any person of the Japanese race (except fishing veesels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to an Order of the Minister of Justice or which was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area, was unable to take with him, should be vested in and subject to the control and management of the Custodian as defined in the Regulations respecting Trading with the Enemy.

That by Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property.

That during the war fishing vessels belonging to

persons/

persons of the Japanese race were impounded and by Order in Council P.C. 288 of January 13, 1942, a committee on the disposal of Japanese fishing vessels was established and was empowered, inter alia, to make such arrangements as would make it possible for the owners of such detained vessels freely to negotiate for sales of such vessels.

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that they have suffered pecuniary loss by reason of such disposition of their property and also by reason of their evacuation from the protected areas of British Columbia.

That it is deemed advisable to appoint a Commissioner under Part I of the Inquiries Act to investigate the said claims and to make recommendations with respect thereto.

The undersigned, therefore, has the honour to recommend:

1. That the Honourable . . . . . be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the claims set out in the Schedule hereto of persons of the Japanese race for pecuniary loss sustained by them by reason of their evacuation from the protected areas of British Columbia and the management and disposition of their real and personal property and to report his findings to the Governor in Council.
2. That the Commissioner shall examine into each claim and make a report to the Governor in Council advising as to the amount of compensation that in his opinion would be fair and reasonable.
3. That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by statutory declaration and filed in the office of the Custodian at Vancouver, British Columbia.

4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.

5. That the expenses of and incidental to the said inquiry be paid out of moneys appropriated by Parliament.

SCHEDULE

1. Claims that any real or personal property was sold pursuant to the Orders hereinbefore referred to at a price less than the market value thereof at the time of sale.
2. Claims that any real or personal property was sold pursuant to the Orders hereinbefore referred to at a price less than the market value thereof at the time of the evacuation of the owner.
3. Claims for compensation for loss of revenue by reason of the sale pursuant to the Orders hereinbefore referred to of revenue-producing real or personal property.
4. Claims for compensation for loss of real or personal property by theft while such property was under the control and management of
   (a) the Custodian, or
   (b) a person appointed by the owner to control and manage such property.
5. Claims for loss of life insurance policies by reason of failure to pay premiums directly attributable to the evacuation of the policyholder.
6. Claims for loss of income directly attributable to the evacuation.

Respectfully submitted,

Secretary of State.

COPY

March 27, 1947

MEMORANDUM TO THE SPECIAL CABINET COMMITTEE ON CLAIMS BY JAPANESE EVACUEES

The type of claim in which the Custodian is particularly interested relates to the liquidation of real and personal property left in the Protected Area of British Columbia. Representations made indicate 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 economic loss caused by the results of evacuation. Unless the enquiry is strictly confined to claims of the nature mentioned in the Prime Minister's announcement of January 24, 1947, it is reasonable to suggest that claims put forward will go beyond those referred to in the statement. In support of this, I attach copy of a Questionnaire which, I understand, is being used by the Japanese Canadian Committee for Democracy in their survey.

Apart from demands for compensation covering economic and personal property losses, claims may be made in regard to parcels of real estate which the Custodian advertised and sold on the basis of valuation and with the approval of the Advisory Committees.

At a meeting of the Special Cabinet Committee on Claims by Japanese Evacuees held in the Privy Council Chamber on Monday, March 24, 1947, it was agreed that it would be advisable to appoint a Commissioner under Part I of the Inquiries Act to recommend the amount, if any, which, in his opinion, should be granted to any Japanese claimant.

The following are matters to be considered in reaching decisions as to the scope of such inquiry:

1. Real Estate - The difference between the sale price and fair market value. It is altogether likely that the Japanese idea of value will not coincide with the market value, but in my opinion, a properly established market value should be the only basis for claim in this connection.

The inquiry should be on the basis set out in Section 47 of the Exchequer Court Act, as follows:

"47. The Court, in determining the amount to be paid to any claimant for any land or property taken for the purpose of any public work, or for injury done

to any land or property, shall estimate or assess the value or amount thereof at the time when the land or property was taken, or the injury complained of was occasioned".

Is this the understanding as to the scope of the inquiry?

2. Real Estate Depreciation - The possibility of the market value having decreased at the time of sale due to depreciation of the property after the Japanese were evacuated.

This would apply chiefly to rural properties and possibly occurred in connection with the Fraser Valley Fruit Farms. It should be noted that the appraisal of these lands was, I believe, made in June of 1942, so that there would not have been an exceptionally long period in which depreciation would have taken place insofar as the actual land and buildings were concerned. Greenhouses quickly fall into disrepair and quite a disparity exists between the Japanese valuation and the amount at which some of this property has been sold.

Should the Commissioner be empowered to review claims arising out of depreciation?

3. Real Estate - Loss of Revenue - Some claims in connection with real estate may be based on the fact that after evacuation, the properties were leased and the income was more than sufficient to carry the overhead and this income was cut off by the sale of the property. The Japanese may claim that they were compelled to expend the capital derived from the liquidation of real estate in order to maintain their families in the Housing Centres and elsewhere.

Should the Commissioner be empowered to review claims falling within this category?

4. Chattels - The difference between the sale price and the market value of the goods actually sold. There are cases where losses were sustained by those who were operating businesses such as stores, dry cleaning plants, garages, shingle and rice mills, drug stores and rooming operations. In a number of cases, stock in trade, plant machinery and equipment were sold by the Custodian on the basis of valuation, but the matter of goodwill or the revenue bearing possibilities of these operations were lost to the Japanese. In addition to this, where the real estate did not belong to the owner of these types of busi-

nesses, dismantling, removing and re-assembling costs entered into the price which the purchaser was prepared to pay for such chattels and equipment.

Certain types of equipment in use by the Japanese were definitely old-fashioned and while capable of producing revenue in the hands of the Japanese, did not have a sale value equivalent to the Japanese idea of its worth.

Should the Commissioner be empowered to review claims of this type?

5. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage warehouses which belonged to the Custodian. This not only concerns household effects, but a certain amount of equipment, the main item of which is most probably that of fishing tackle. The matter to be considered is whether, the Custodian having exercised all reasonable care, there is any responsibility on the Government for shortages which have occurred for the reasons above mentioned.

Should the Commissioner be empowered to entertain such claims?

6. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage and under the control of Agents appointed by the Japanese.

Should the Commissioner be empowered to review claims for loss occasioned as aforesaid?

7. Fishing Vessels - These are referred to (Item 6) in the attached copy of the Questionnaire. In connection with fishing vessels, approximately 90% of these sales were negotiated by the Japanese themselves through the Japanese Fishing Vessels Disposal Committee. The boats which were sold by the Custodian were of the poorest type and dissatisfaction has been expressed in some cases in regard to the prices obtained.

Should the Commissioner be empowered to consider claims in respect to sales both by the Japanese Fishing Vessels Disposal Committee and the relatively small number of sales effected by the Custodian after the Fishing Vessels Disposal Committee had been disbanded?

8. Motor Vehicles - Automobiles are referred to (Item 7) in the Questionnaire, copy of which is attached. Complaints have been very considerable in regard to the prices obtained for cars and trucks.

By Government Notice, dated February 26, 1942, the Minister of Justice ordered the Japanese to deliver up motor vehicles, cameras, radios and

firearms to the R.C.M.P., and a notice was published in the press requiring surrender by March 9, 1942. In the interval, many Japanese disposed of their cars at very low prices or by turning them over to friends. It was the opinion of the British Columbia Security Commission that it would not be desirable for Evacuees to be permitted to take their cars out of the Protected Area and as the majority of vehicles were stored at Hastings Park, not under cover, it was considered that due to rapid depreciation, liquidation was necessary. Independent appraisals were obtained on all vehicles and tenders equal to or in excess of the appraised price were accepted. It should be noted that these cars were sold at what was probably the poorest market in used car history. Apart from the Japanese vehicles, all used car dealers were heavily stocked and gasoline and tire shortages created a near panic situation and prices were cut as much as 50% on stocks in the hands of used car dealers.

Should the Commissioner be empowered to review claims within this category?

9. Life Insurance - There have been complaints that life insurance policies have had to be surrendered for cash value or allowed to lapse owing to insufficient earnings by the Japanese.

Should the Commissioner be empowered to entertain this type of claim?

10. Economic Losses - These are referred to in the attached copy of Questionnaire (Items 9 and 10). Due to war conditions, economic loss has been sustained by many citizens altogether apart from nationality and without the factor of evacuation. Business operations were curtailed in many instances due to lack of supplies, to say nothing of the economic disruption caused by enlistment in the forces, sometimes resulting in the supreme sacrifice of life itself. If consideration were to be given to the question of economic loss caused by evacuation, and such loss could be accurately established, this would not, in my opinion, of necessity be a justifiable claim.

Should the Commissioner be empowered to entertain claims coming within this category?

Reference has been made to the fact that a Commissioner should be appointed to consider the Japanese claims and in my opinion the Commissioner so appointed should be a person who holds, or has held, judicial office.

When the matter of the type of claims to which consideration should be given is determined, I recommend that advertisements be inserted in numerous newspapers, including The New Canadian, calling upon the Japanese to file their claims, duly verified, and to address all such claims to the Office of the Custodian, 506 Royal Bank Building, Vancouver, B. C. This will afford the officials in the Custodian's Vancouver Office an opportunity to review files and assemble data which will be helpful to the Commission. A time limit should be fixed for the filing of such claims.

I am informed that the distribution of Japanese in Canada at November 30, 1946, was as follows:

British Columbia	6,981
Alberta	4,262
Saskatchewan	503
Manitoba	1,193
Ontario	6,617
Quebec	1,210
Nova Scotia	1
New Brunswick	10
Prince Edward Island	6
Yukon and Northwest Territories	31
Total	20,814

Representatives of the Japanese have indicated that they desire to be heard in centres of the different provinces, but I am of opinion that it should be left to the Commissioner to determine where such hearings are to take place.

It is very probable that thousands of claims will be filed, but very improbable that the vast majority could be substantiated in a Court of Law. The Japanese have inflated ideas as to the value of their assets and doubtless their claims will be grossly exaggerated.

It is very difficult to estimate the amount that will be required to meet the claims and defer the expenses of the Commission. At all events, it appears necessary to insert an item in the supplementary estimates in order to provide funds.

Secretary of State

CLAIM FOR DAMAGE

1. Current value of land at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed $_____

2. Current value of buildings and other improvements with the lot, at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed $_____

3. Current value of personal property at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed $_____

4. Current value of machinery at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed $_____

5. Current value of fishing boat, at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed $_____

6. Current value of fishing apparatus at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values to be claimed $_____

7. Current value of automobile at the time of evacuation $_____

   Value of the above, at which the Custodian sold without my consent $_____

   Difference in the values, to be claimed $_____

8. Expected four years income from farming, industry, trade, forestry, fishing, and etc., after evacuation $_____

   Annual Income received after the evacuation $_____

   Difference in the Income, to be compensated $_____

9. Expected four years wage from labour, after the evacuation $_____

   Annual wage received, after the evacuation $_____

   Difference in the wages, to be compensated $_____

10. Other Claims:-

23-2-2-5

C
O
P
Y

Ottawa, December 1, 1948.

Dr. E. H. Coleman,
Under Secretary of State,
West Block, Ottawa, Ontario.

Dear Dr. Coleman:

I wish to acknowledge your letter of November 29, concerning the Orders in Council relating to the Japanese in Canada.

As you requested I am returning herewith to you recommendation relating to Orders in Council P.C. 1665, 2483 and 469, signed by the Minister of Labour to indicate his concurrence. I am also returning herewith the two reference drafts containing Mr. Brown's annotated approval for your file.

The Recommendation for revocation of P.C. 7355, effective February 28, 1949, is being recommended for signature by the Minister and will then be sent forward. to Council.

Yours very truly,

A. MacNamara.

HTP/AC.

Orig. on: 1-19-4-1

November 19, 1948.

to Mr. MacNamara.

Mr. Wright of the Custodian of Enemy Property's Office was in to see me today re Japanese Orders in Council.

There are several Orders relating to the handling of Japanese property by the Custodian, including P.C. 7355, which vested in the Custodian the property left behind in Canada by the Japanese proceeding to Japan under that Order and authorized the Custodian to realize on the property and transfer the proceeds to the credit of the Japanese in Japan.

Most of the assets left behind have been liquidated and the proceeds sent forward to Japan. The most important item which is still to be collected and transferred is the refundable portion of income tax due to a number of these Japanese. There are still in the hands of the Custodian some assets of Japanese who were evacuated from the coast of British Columbia.

All of these Orders expire on the 31st of March, 1949, when the Transitional Measures legislation goes out of effect and if the Orders are simply allowed to lapse, the Custodian would not have any authority to complete the liquidation and transfer of funds. However, if the Orders are revoked immediately prior to the expiry date, the rights and obligations and liabilities which had accrued or been incurred under the Orders in Council are not affected by the revocation. This is because of the provisions of the Interpretation Act to this effect.

It is, therefore, proposed to put through Orders in Council revoking effective the 30th of March, 1949, P.C. 7355 and the other Japanese Orders which affect Japanese property vested in the Custodian.

I have suggested to Mr. Wright that the revoking recommendations be signed by the Secretary of State and the Minister of Labour since both are interested parties and be sent forward by his Minister for signature and concurrence of Mr. Mitchell and then returned to the Secretary of State for submission to Council.

A. H. Brown.

A10 P.C. 637

file 23-2-2-5

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 20th day of FEBRUARY, 1948.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of The Continuation of Transitional Measures Act, 1947, is pleased to revoke Order in Council P.C. 7355 of December 15, 1945, as amended by Order in Council P.C. 268 of January 23, 1947, and it is hereby revoked except in so far as it affects or relates to persons who, having made a request for repatriation, have proceeded to Japan prior to the fifth day of December, 1947.

A. D. P. Heeney.

Clerk of the Privy Council.

Copies to Mr Brown ✓
" McLeod ✓
" Parent ✓

L.G. 4/3/48

The Honourable
the Minister of Labour.

COPY

23-2-2-5

P.C. 243

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 22 JANUARY 1948

The Committee of the Privy Council have had before them a report, dated 20th January, 1948, from the Secretary of State, submitting:

That by Order in Council P.C. 1810 of July 18, 1947, the Honourable Mr. Justice Henry Irvine Bird was appointed Commissioner pursuant to the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the claims, described in the aforesaid Order in Council, as amended, of persons of the Japanese race who were resident in Canada on the date of the aforesaid Order in Council;

That the Commissioner has reported that more than thirteen hundred claimants have now filed claims for hearing by the Commissioner and that by reason of the fact that the claimants reside in different parts of Canada it will be necessary to hold sessions of the Commission at various places across Canada;

That it is in the interests of justice that hearings of the Commission be expedited and by virtue of Subsection 2 of Section 11 of the Inquiries Act, the Commissioner proposes to authorize and depute the following qualified persons to inquire into and hear the testimony of the claimants in person and of witnesses on their behalf other than those called to give expert or technical evidence at sessions of the Commission at the following places:

Kamloops, British Columbia - His Honour Judge J. Ross Archibald.

Vernon, British Columbia - His Honour Judge J. Ross Archibald, and His Honour Judge McLeod Munro Colquhoun.

Grand Forks, British Columbia - His Honour Judge McLeod Munro Colquhoun.

Nelson, British Columbia - His Honour Judge Eric Dawson.

Lethbridge, Alberta - His Honour Judge Elmer Best Fair.

Winnipeg, Manitoba - His Honour Judge A. Gordon Buckingham.

Toronto, Ontario - His Honour Judge Moore Armstrong Miller.

The Committee, therefore, on the recommendation of the Secretary of State, advise that, pursuant to Subsection 3 of Section 11 of the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada, 1927, the persons so authorized and deputed be authorized to exercise the same powers which the Commissioner has to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.

A.D.P. Heeney

Clerk of the Privy Council.

The Honourable
the Minister of Labour

6/2/48

MOST SECRET

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DEPARTMENT OF JUSTICE

Ottawa, December 4th, 1945

MEMORANDUM

B. F. Wood, Esq., Secretary of Special Committee of the Cabinet appointed to consider the repatriation and relocation of persons of the Japanese race in Canada.

The Sub-committee appointed pursuant to the decision of the Committee at its meeting on November 5th, 1945, has prepared two Reports to Council, copies of which I enclose in duplicate. One report provides for the repatriation of certain persons of the Japanese race, and the other provides that a British subject or Canadian national deported pursuant to the first-mentioned report shall cease to be either a British subject or a Canadian national when so deported.

With reference to the first-mentioned report, the sub-committee desires that the attention of the Committee be drawn particularly to section 9, which purports to take away the jurisdiction of any court with respect to proceedings under the proposed Order. It was considered that this provision might be necessary to prevent undue delay in carrying out the intention of the Order, but the sub-committee thought that the question as to whether or not this provision should remain in was one of policy for determination by the Committee.

As you are aware, the members of the sub-committee are, P. M. Anderson, K.C., Department of Justice, Chairman; J. E. Read, K.C., Department of External Affairs; R. G. Robertson, Department of External Affairs; A. H. Brown, Department of Labour; W. P. J. O'Meara, K.C., Department of the Secretary of State.

(Sgd) P. M. Anderson
Chairman

Encls.

Privy Council Office,
Ottawa, December 5, 1945.

23-2-2-5

Ottawa, December 3, 1947.

The Deputy Attorney-General,
Province of British Columbia,
Parliament Buildings,
Victoria, B.C.

Attention Mr. A. L. Pearson

Dear Sirs:

I have your letter of November 29th with respect to Order in Council P.C. 1422 of February 23rd, 1943, permitting the employment of persons of Asiatic racial origin in timber industries in the Province of British Columbia. The Order was one passed on the recommendation of the Minister of Munitions and Supply.

P.C. 1166 of March 31, 1947 revoked, effective April 1, 1947, all Orders in Council which were in force on the 31st of March, 1947 by virtue of the authority conferred by The National Emergency Transitional Powers Act 1945, except as to the Orders and Regulations which were specified in the schedule to the said P.C. 1166.

On checking the schedule to the said Order P.C. 1166, it is noted that P.C. 1422 is not listed therein. Consequently it would appear that this Order was included in the Orders which were revoked by P.C. 1166 aforesaid.

Yours very truly,

A. MacNamara.

LC/10/12/47

Ottawa, November 10, 1947.

Mr. A. D. P. Heeney,
Clerk of the Privy Council,
East Block,
O t t a w a.

Dear Mr. Heeney:

I enclose herewith submission to Council to amend Order in Council P.C. 7355 of December 15, 1945.

The sub-committee of the Cabinet on Japanese agreed at a meeting held on September 3, 1947, that the policy of providing financial assistance to persons of the Japanese race going to Japan should be discontinued.

The effect of the amendment is to limit the application of P.C. 7355 to persons of the Japanese race who proceed to Japan to those who have proceeded prior to the 1st of September, 1947.

It is considered desirable to do this as it will be necessary to extend the life of P.C. 7355 for a further period of time to permit the Custodian of Enemy Property to complete the liquidation of the property belonging to Japanese who already have gone to Japan, pursuant to the provisions of this Order, and to remit the proceeds of such liquidation to the said Japanese in accordance with the undertaking given to them at the time they proceeded to Japan.

On the other hand, in the extension of the life of the Order, it is necessary to make it clear that the Order as thus extended will apply only to those Japanese who have already gone to Japan and will not apply to persons who may subsequently proceed of their own volition to Japan.

Yours very truly,

Enc.

A. MacNamara.

Minister of Labour.

November 10, 1947.

The undersigned has the honour to recommend that Your Excellency in Council, under the authority of The Continuation of Transitional Measures Act 1947, be pleased to amend Order in Council P.C. 7355 of December 15, 1945, as amended by Order in Council P.C. 268 of January 23, 1947, as follows:--

1. Paragraph three of the preamble to the said Order in Council is deleted.

2. Subsection one of section six is amended by adding after the words therein "any person who, having made a request for repatriation, is proceeding to Japan" the following words "at any time prior to September 1, 1947" and by amending subsection two of section six by adding after the words therein "where real or personal property of a person who, having made a request for repatriation, has proceeded to Japan" the words "at any time prior to September 1, 1947".

3. Section seven is amended by adding after the words therein "is proceeding to Japan" the words "at any time prior to September 1, 1947".

Respectfully submitted,

Minister of Labour.

IH/7

Copy
P.C. 268

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL --

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of The National Emergency Transitional Powers Act, 1945, is pleased to amend Order in Council P.C. 7355 of December 15, 1945, (re deportation of Japanese) and it is hereby amended as follows:

1. Paragraphs (a) and (b) of section one are revoked.

2. Sections two to five, inclusive, are revoked.

3. Subsection one of section six is amended by striking out therefrom the words "for whom an order for deportation is made, or" and the words "without the issue of such an order"; and from paragraph (a) thereof the words "at or immediately prior to the time of his deportation from Canada" and from paragraph (b) thereof the words "following upon his deportation" and in paragraph (c) thereof the words "at the time of his deportation".

4. Subsection two of section six is amended by striking out thereform the words "who has been deported to Japan or" and the words "without the issue of an order for deportation" and by deleting the word "deportation" where it appears in the phrase "as of the date of deportation" and substituting the word "departure from Canada".

5. Subsection one of section seven is amended by striking out therefrom the words "who is being deported to Japan or" and the words "without the issue of an order for deportation".

6. Section eight is amended by revoking subsections two and three thereof.

7. Sections nine to twelve, inclusive, are revoked.

(Sgd.) A.D.P. Heeney

Clerk of the Privy Council.

The Honourable
the Minister of Labour.

Copy

MD

P.C. 271

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of JANUARY, 1947

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Secretary of State and under the authority of the National Emergency Transitional Powers Act, 1945, is pleased to order as follows:

1. Order in Council P.C. 6247 of July 20, 1942, (re Japanese-owned fishing vessels) is hereby revoked.

2. The preamble of Order in Council P.C. 469 of January 19, 1943 (transferring to the Custodian property of persons of the Japanese race evacuated from protected areas) is hereby revoked except the fifth and sixth paragraphs thereof.

3. The operative portion of the said Order in Council P.C. 469 is hereby revoked other than the last paragraph thereof, commencing "Wherever, under Orders in Council....

(Sgd.) A.D.P. Heeney

Clerk of the Privy Council.

The Honourable
the Minister of Labour.

154

23-2-2-5

DEPARTMENT OF LABOUR

Ottawa, 23rd January, 1947.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to recommend that Your Excellency in Council, under the authority of The National Emergency Transitional Powers Act, 1945, be pleased to order that Order in Council P.C. 946 dated February 5, 1943, be amended, in respect of the provisions thereof hereinafter mentioned, as follows:

1. Paragraph (a) of subsection (1) of section one be revoked.

2. Paragraphs (i) and (v) of subsection (1) of section three be revoked.

3. Paragraph (viii) of subsection (1) of section three be amended,

   (a) by striking out the words "the conduct, activities or discipline of" where they appear therein;

   (b) by striking out the words "and may by order" where they appear therein and substituting therefor the word "to"; and

   (c) by striking out the words

   "from engaging in any activities, employment or business or in any specified activities, employment or business in Canada"

   and the words

   "or from associating or communicating with any persons"

   where they appear therein and by inserting the word "or" before the words "from residing" where they appear therein.

4. Sections three A and three B be revoked.

5. Section nine be revoked.

3/1/47

6. Section ten be amended by striking out the following words where they appear therein:

"and any such agreement may provide that any such persons will be removed from such Province upon the termination of the state of war now existing between Canada and Japan".

7. Sections eleven, twelve and fifteen be revoked.

8. Section sixteen be amended by striking out the following words where they appear therein:

"to carry out measures deemed necessary in consequence of the existence of a state of war" and substituting the words "for such purposes".

9. Section seventeen be revoked.

Respectfully submitted,

Minister of Labour.

A7

P.C. 269

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of The National Emergency Transitional Powers Act, 1945, is pleased to revoke and doth hereby revoke the following Orders in Council:

No. and date	Subject
9760, Dec. 16, 1941	registration of Japanese
9761, Dec. 16, 1941	control of vessels operated by persons of the Japanese race
1348, Feb. 19, 1942 as amended	establishment of Work Camps
10773, Nov. 26, 1942	revocation of naturalization of persons repatriated to enemy states
7356, Dec. 15, 1945	deportees in pursuance of P.C. 7355 to cease to be British subjects or Canadian Nationals
7357, Dec. 15, 1945	Commission of Inquiry into activities, loyalty, etc. of Japanese.

A. P. Henry.

Clerk of the Privy Council.

Copies to Mr McCord Parent Pammett

The Honourable
the Minister of Labour.

IH/7

P.C. 268

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL --

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of The National Emergency Transitional Powers Act, 1945, is pleased to amend Order in Council P.C. 7355 of December 15, 1945, (re deportation of Japanese) and it is hereby amended as follows:

1. Paragraphs(a) and (b) of section one are revoked.

2. Sections two to five, inclusive, are revoked.

3. Subsection one of section six is amended by striking out therefrom the words "for whom an order for deportation is made, or" and the words "without the issue of such an order"; and from paragraph (a) thereof the words "at or immediately prior to the time of his deportation from Canada" and from paragraph (b) thereof the words "following upon his deportation" and in paragraph (c) thereof the words "at the time of his deportation".

4. Subsection two of section six is amended by striking out therefrom the words "who has been deported to Japan or" and the words "without the issue of an order for deportation" and by deleting the word "deportation" where it appears in the phrase "as of the date of deportation" and substituting the word "departure from Canada".

5. Subsection one of section seven is amended by striking out therefrom the words "who is being deported to Japan or" and the words "without the issue of an order for deportation".

6. Section eight is amended by revoking subsections two and three thereof.

7. Sections nine to twelve, inclusive, are revoked.

Copies to Mr McCord a Parent Pannett

A. P. Heney.

Clerk of the Privy Council.

The Honourable
the Minister of Labour.

WH/6

P.C. 270

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of The National Emergency Transitional Powers Act, 1945, is pleased to amend Order in Council P.C. 946 dated February 5, 1943, (re placement, control and maintenance of persons of the Japanese race) and it is hereby amended as follows:

1. Paragraph (a) of subsection (1) of section one is revoked.

2. Paragraphs (i) and (v) of subsection (1) of section three are revoked.

3. Paragraph (viii) of subsection (1) of section three is amended,

   (a) by striking out the words "the conduct, activities or discipline of" where they appear therein;

   (b) by striking out the words "and may by order" where they appear therein and substituting therefor the word "to"; and

   (c) by striking out the words

   "from engaging in any activities, employment or business or in any specified activities, employment or business in Canada"

   and the words

   "or from associating or communicating with any persons"

   where they appear therein and by inserting the word "or" before the words "from residing" where they appear therein.

4. Sections three A and three B are revoked.

The Honourable
the Minister of Labour.

...

5. Section nine is revoked.

6. Section ten is amended by striking out the following words where they appear therein:

> "and any such agreement may provide that any such persons will be removed from such Province upon the termination of the state of war now existing between Canada and Japan".

7. Sectionseleven, twelve and fifteen are revoked.

8. Section sixteen is amended by striking out the following words where they appear therein:

> "to carry out measures deemed necessary in consequence of the existence of a state of war"
> and substituting the words "for such purposes".

9. Section seventeen is revoked.

A. P. Henry.

Clerk of the Privy Council

C O P Y

DEPARTMENT OF EXTERNAL AFFAIRS
CANADA

Ottawa, July 17th, 1946.

Dear Mr. MacNamara:

Under date of June 27th I referred to you a copy of a letter which was being sent to the Deputy Minister of Justice requesting an opinion as to the applicability of Order in Council P.C. 10773 of 1942 to persons of Japanese origin who are now being moved to Japan. A reply dated July 3rd was received yesterday, July 16th, and I am enclosing a copy herewith for your information.

As you will note, the Deputy Minister of Justice is of the opinion that P.C. 10773 does not apply to Japanese persons who are now being moved to Japan as they are not leaving Canada on an exchange basis such as is contemplated in the Order in Council in question.

Yours sincerely,

(Sgd.) N.A. Robertson
Under Secretary of State
for External Affairs.

A. MacNamara, Esq.,
Deputy Minister of Labour,
Ottawa, Ontario.

Acc 23-2-17-22

CANADA

Department of Labour
JUL 8 1946
To:
DRAFT LETTER
YOU HANDLE
YOUR COMMENTS
SEE ME
NOTE & FILE

DEPARTMENT OF LABOUR

JAPANESE DIVISION

360 Homer Street,

VANCOUVER, B.C.

AIRMAIL.

5th July 1946

A.H. Brown Esq.,
Assistant to the Deputy Minister,
Department of Labour,
OTTAWA.

Re: ORDER-IN-COUNCIL P.C. 1422.

I received your memorandum of June 21st with reference to P.C. 1422 of February, 1943. I have had unofficial discussions with one or two people in the Provincial Forestry Branch and also Mr. John Shirras of the Provincial Police.

I gather from the information which they gave me that nothing very much was ever done in the way of administering the provincial law which prohibited the employment of Oriental labour in woods operations on Crown lands in B.C. There is however, such an act on the statute books. Therefore, they do not consider that there would be much difficulty or embarrassment created for the Provincial Government if Order-in-Council P.C. 1422 were rescinded and the Provincial Act again came into force. They were all very cautious however, in expressing any official view and did suggest that probably this matter should be discussed with the Minister of Lands and Forests.

I should be very glad to discuss this with the Minister or the Deputy in Victoria if you think wise, but I am just wondering if it might not be better for a letter to be written from our Minister to the appropriate Minister in Victoria.

My own personal view is that the Order-in-Council should be allowed to expire.

T.B. Pickersgill

T.B. PICKERSGILL,
Commissioner.

DEPT. OF LABOUR
CHECKED
JUL 10 1946
CENTRAL REGISTRY

Ottawa, June 21, 1946.

Mr. T. B. Pickersgill,
Commissioner of Japanese Placement,
Department of Labour,
360 Homer Street,
Vancouver, B.C.

Order in Council P.C. 1422 of February 23, 1943, authorizes the employment of Asiatics in woods operations in British Columbia notwithstanding the provisions of any provincial law to the contrary. There is, as you know, provincial legislation in effect which prohibits the use of Asiatic labour in woods operations on provincial Crown lands or something to like effect.

This Order in Council will expire at the end of the current calendar year unless there is some special provision for continuing the same under Emergency Powers legislation. The Government would not do so, however, unless there is very strong and convincing case for doing so. The original Order was passed at the instance of the Dominion Timber Controller but he advises that insofar as he is concerned, he does not propose to recommend that the Order be carried beyond the end of the current year.

We should like to get your views as to the effect of the expiry of this Order on our Japanese situation in B.C. and to know whether you see any grounds upon which we could ask for its continuance for a further period of time beyond the end of this year.

Yours very truly,

A. H. Brown.

23-2-2-5

PLEASE REFER
TO FILE ------

DEPUTY MINISTER
OF
RECONSTRUCTION AND SUPPLY
OTTAWA, CANADA

Department of Labour
JUN 21 1946
To:
DRAFT LETTER
YOU HANDLE
YOUR COMMENTS
SEE ME PLEASE
NOTE & RETURN
GET FILE FOR ME

June 19, 1946.

Dr. A. MacNamara,
Deputy Minister of Labour,
Confederation Building,
Ottawa, Ontario.

Dear Dr. MacNamara:

I have your letter of the 11th instant with reference to Order-in-Council P.C. 1422 of February 23, 1943.

This matter has been considered by the Timber Controller, and he recommends that the Dominion should step out of the picture and should not continue the Order-in-Council which overrides Provincial legislation. The representatives of this Department who appeared before the Government Committee charged with reviewing the Orders-in-Council passed under the War Measures Act advised that Committee that this Department did not feel that Order-in-Council P.C. 1422 should be extended beyond the end of the year. I trust that this meets with your approval.

Yours very truly,

Deputy Minister

Ottawa, June 11, 1945

Mr. V. W. Scully,
Deputy Minister of Reconstruction and Supply,
O t t a w a.

Dear Mr. Scully:

Order in Council P.C. 1422 of February 23, 1943, which was passed on the recommendation of the Minister of Munitions and Supply, with the concurrence of the Minister of Labour, authorizes the employment of Asiatics in woods operations in British Columbia notwithstanding the provisions of any provincial law to the contrary. This was passed to enable the employment of Japanese in woodcutting and lumber operations in British Columbia in view of the shortage of labour at that time.

The Government Committee which is charged with the various departments reviewing Orders in Council passed under the War Measures Act to determine the necessity of the continuance of any of the same beyond the current year under an extension of the Emergency Powers Transitional Act, has asked this Department to discuss with your Department the question of whether the two Departments wish to recommend that this Order be carried forward.

I shall be glad to have your views or to discuss the matter further with you when you have had the opportunity to consider the same. I should think it might be advisable to carry this forward for another year.

Yours very truly,

A. MacNamara.

Copy for Mr. D. D. Rosenberry,
Timber Controller.

DP/10

P.C. 219

PRIVY COUNCIL CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 22nd day of JANUARY, 1946.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council P.C. 7355 of December 15, 1945, provision is made to permit persons proceeding to Japan under an order for deportation issued under the said Order in Council or who, having made a request for repatriation, are proceeding to Japan without the issue of an order for deportation, to purchase suitable foreign exchange to the extent of any money in the possession or standing to the credit of such person in Canada or advanced to him by the Minister under the provisions of section seven of the said Order in Council and to take such foreign exchange out of Canada with him;

AND WHEREAS following discussions with the United States Treasury authorities, it is proposed that the procedure hereinafter set out be followed to give effect to the foregoing;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, is pleased to approve and doth hereby approve the following arrangements for the exchange of monies in the possession of or standing to the credit in Canada of or advanced by the Minister of Labour under section seven of Order in Council P.C. 7355 of December 15, 1945, to, any person for whom an order for deportation is made under the authority of P.C. 7355 aforesaid or who, having made a request for repatriation, is proceeding to Japan without the issue of such authority under arrangements made by the Minister of Labour;

1. Such Canadian funds shall be exchanged on the basis of the present United States military rate of conversion, namely 15 Japanese yen to the United States dollar, for yen receipts issued by the Government of Canada, such receipts to be in form presented by the Comptroller of the Treasury and acceptable to the United States authorities.

2. Funds in United States dollars equivalent to the value of the yen receipts issued at the aforesaid rate of conversion will be placed to the credit of the United States authorities in a special account established for that purpose.

The Honourable
The Minister of Labour

Copies to: Mr Brown
" Bennett
" Black
" McFord
" Phelps
" Walker
" Rump

31/1/46

re transfer of Japanese funds

3. By arrangements with the United States Treasury authorities and through them with the Supreme Commander for the Allied Forces in Japan, the yen receipts so issued may be cashed in Japan by the person to whom issued.

4. The Department of Labour and the Comptroller of the Treasury shall make necessary arrangements for the issue of yen receipts as above and shall complete necessary arrangements with the United States Treasury authorities to implement the foregoing.

A. D. P. Heeney.

Clerk of the Privy Council

Ottawa, January 17, 1946.

Mr. A. D. P. Heeney,
Clerk of the Privy Council,
East Block,
O t t a w a.

The attached submission is to obtain approval of arrangements laid down by the United States authorities for the transfer of funds of repatriated Japanese from Canada to Japan. The essential point in the submission is the approval for the rate of exchange.

The submission has been cleared with the Comptroller of the Treasury.

We would like to have this approved at the earliest possible date in order to get ahead with our arrangements.

Enc.

A. MacNamara.

re transfer of funds of repatriated Japs

Jan. 21/46

D31 1/46

P.C. 45

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of JANUARY, 1946.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS Section 3 of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, provides as follows:

"3. The Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada; and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor in Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say:-

(a) Censorship and the control and supression of publications, writings, maps, plans, Photographs, communications and means of communication;
(b) Arrest, detention, exclusion and deportation;
(c) Control of the harbours, ports and territorial waters of Canada and the movements of vessels;
(d) Transportation by land, air, or water and the control of the transport of persons and things;
(e) Trading, exportation, importation, production and manufacture;
(f) Appropriation, control, forfeiture and disposition of property and of the use thereof.

2. All orders and regulations made under this section shall have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Governor in Council may prescribe, and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by such variation, extension or revocation."

.....

AND WHEREAS on the fifteenth of December, 1945, Orders were made by the Governor in Council under the authority of the War Measures Act (P.C. 7355, P.C. 7356 and P.C. 7357, certified copies annexed hereto) which Orders provided, amongst other things, for the removal pursuant to the authority thereof of nationals of Japan and other persons of the Japanese race;

AND WHEREAS these Orders were made only after a suitable arrangement had been made with General MacArthur as set out in the dispatches of which copies are annexed hereto;

AND WHEREAS the Acting Minister of Justice reports that representations have been made to him, by and on behalf of a number of Canadian organizations and societies expressing the opinion based on advice of legal counsel that the Orders in Council are ultra vires and requesting a reference to the Supreme Court of Canada to test the question;

That an action has been commenced by Utaka Shimoyama and Yae Nasu against the Attorney General of Canada for a declaration that the Orders in Council are ultra vires, illegal and void;

That an Order was made by the Governor in Council on the 28th of December, 1945, (P.C. 7414, certified copy annexed hereto), pursuant to Section 4 of The National Emergency Transitional Powers Act, 1945 ordering that all orders and regulations lawfully made under the War Measures Act in force immediately before the day The National Emergency Transitional Powers Act, 1945 came into force (January 1st, 1946) shall, while that Act is in force, continue in full force and effect; and

That in these circumstances it is urgently required in the public interest that the opinion of the Supreme Court of Canada upon the question of the validity of the Orders in Council aforesaid be obtained with the least possible delay which question is in the opinion of the Acting Minister of Justice, an important question of law touching the interpretation of Dominion legislation;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Justice and under and by virtue of the authority conferred by Section 55 of the Supreme Court Act, is pleased to refer and doth hereby refer the following question to the Supreme Court of Canada for hearing and consideration, namely:

> Are the Orders in Council, dated the 15th day of December, 1945, being P.C. 7355, 7356 and 7357, ultra vires of the Governor in Council either in whole or in part and, if so, in what particular or particulars and to what extent?

A.D.P. Heeney
Clerk of the Privy Council.

COPY

Teletype Message

From: The Secretary of State for External Affairs, Ottawa,
To: The Canadian Ambassador to the United States, Washington,

Ottawa, September 17th, 1945.

No. EX-3366
SECRET
CYPHER

Please ask United States authorities to transmit the following message by the most appropriate channel from Canadian Government to General MacArthur as Supreme Commander for the Allied Powers.
Begins:

There are approximately 24,000 people of Japanese origin now resident in Canada. About 10,000 (including dependents) have expressed a desire to be repatriated to Japan. There are also about 500 Japanese nationals now interned whom it will probably be desired to deport. At a later date it is probable that there will be some additional deportees and voluntary repatriates who will also have to be removed. The Canadian Government is anxious to proceed with repatriation and deportation as soon as this can be done without causing you embarrassment. It is difficult to proceed with redistribution and relaxation of control over Japanese remaining in Canada until repatriates and deportees are removed.

It is proposed that repatriates and deportees from Canada should be given free transportation for themselves and their effects and provided with a maintenance grant upon repatriation sufficient to take care of their immediate needs, also that they be permitted to transfer remainder of their funds to Japan.

You will appreciate the desire of the Canadian Government to proceed with these plans as soon as possible. The Canadian Government would be grateful for your advice as to the earliest date on which you would be prepared to have these people arrive in Japan. Ends.

For your own information the whole difficult subject of repatriation and relocation of persons of Japanese race is under consideration by a special Cabinet Committee. It would obviously simplify the problem if we were able to proceed immediately to return to Japan the elements referred to in the above message and we would be obliged if you would let us know what action is contemplated by U.S. authorities in this connection. It occurs to us that if the United States have it in mind to repatriate any considerable numbers of disloyal Japanese simultaneous arrangements might be made which might expedite and simplify the problems involved.

Secretary of State for External Affairs.

COPY

TELETYPE

From: The Canadian Ambassador to the United States

To: The Secretary of State for External Affairs, Canada.

CYPHER

TELETYPE

WA-5545

WASHINGTON, October 29th, 1945.

WA-5545. Further my Wa-5323 of October 15th and in reply to Mr. Wrong's letter to Mr. Pearson of October 27th respecting repatriation to Japan of persons of Japanese race in Canada. I have been advised this morning by State Department that a reply has been received from General MacArthur.

2. The reply is to the effect that he authorizes the immediate repatriation of some 160 special cases now held in the United States. In addition, repatriation of all Japanese now held in the United States and Canada who desire to return, or whose return is desired by the two Governments, is authorized subject only to provision of shipping.

3. State Department are proceeding immediately with the repatriation of the special cases and intend to hold a meeting within the next week to review the situation respecting the balance of the persons to be repatriated. A representative of the Embassy will attend the meeting and I would appreciate the following:

(a) Most recent figure on the Number of Japanese in Canada who will be involved;

(b) Whether any representative may offer to assist by the provision of transportation, and, if so, to what extent.

Charge D'Affaires.