SESSION 1936

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

ELECTIONS AND FRANCHISE ACTS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

FRIDAY, MAY 22, 1936

WITNESSES:

(Representatives of the Japanese Canadian Citizens' League)

Miss A. Hideko Hyodo, School Teacher, Vancouver, B.C.

Mr. Minoru Kobayashi, Life Insurance Agent, Vancouver, B.C.

Dr. E. Chutaro Banno, Dentist, Vancouver, B.C.

Dr. S. Ichie Hayakawa, Professor, Basson Hall, University of Wisconsin, Madison, Wisconsin, U.S.A.

OTTAWA
J. O. PATENAUDE, I.S.O.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1936

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MINUTES OF PROCEEDINGS

FRIDAY, May 22, 1936.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Cameron (*Cape Breton North-Victoria*), Factor, Glen, Heaps, MacNicol, Parent (*Quebec West and South*), Perley (*Qu'Appelle*), Purdy, Sinclair, Stirling, Turgeon.

In attendance: Mr. Jules Castonguay, Chief Electoral Officer; Mr. H. Butcher.

On behalf of the Japanese Canadian Citizens' League, composed of British-born subjects of Japanese descent, a brief was submitted and filed requesting that clause XI of section 4 of the Dominion Franchise Act, 1934, and amending Acts, be repealed, to permit British subjects of the Japanese race to vote in Dominion elections. Copies of the brief were distributed to the members present.

Four delegates from the Japanese Canadian Citizens' League were present, viz:—

Miss A. Hideko Hyodo, School Teacher, Vancouver, B.C.
Mr. Minoru Kobayashi, Life Insurance Agent, Vancouver, B.C.
Dr. E. Chutaro Banno, Dentist, Vancouver, B.C.
Dr. S. Ichie Hayakawa, University Professor, Wisconsin, U.S.A.

The four delegats were heard in the order indicated and were quetsioned.

By permission of the Committee, Mr. Neill, M.P., and Mr. Reid, M.P., asked questions.

On behalf of the Committee, the Chairman expressed appreciation of the manner in which the case had been presented.

The Committee adjourned to meet at the call of the Chair.

JOHN T. DUN,
Clerk of the Committee

18358—1½

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MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 429,

May 22nd, 1936.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Cairman, presided.

The CHAIRMAN: Ladies and gentlemen, if you will come to order; I think we have a quorum now.

As you know, the meeting this morning is called for the express purpose of hearing the representations of Canadian citizens of Japanese origin, in British Columbia. We have four representatives here. I must admit, with apologies, that it is rather difficult for me to pronounce these names. I think that possibly Professor Hayakawa will "lead off." Is that the arrangement?

Professor HAYAKAWA: No. Miss Hyodo is going to lead off.

Would you like me to introduce them to you? This is Miss Hyodo, who is to lead off; this is Mr. Kobayashi, this is Dr. Banno, and my name is Hayakawa.

The CHAIRMAN: As each one comes forward to make a statement we would like to get a description, so it will go into the record, as to the position they hold.

Professor HAYAKAWA: That has all been incorporated in the submissions.

The CHAIRMAN: I think we can now proceed, if you will just come forward Miss Hyodo.

Miss A. HIDEKO HYODO, 6751 Victoria Drive, Vancouver, British Columbia, called.

WITNESS: Mr. Chairman and members of the committee, I wish to introduce myself as one of the delegates on behalf of the Japanese-Canadian Citizens League. We four members are here because of the following statement which we read in unrevised Hansard of February 20, 1936, at page 417:—

> Mr. MACKENZIE KING: —However, may I state immediately in this connection that there is on the Order Paper in the name of the Minister of Justice (Mr. Lapointe) a notice of motion reading as follows:—
>
> > That a special committee, the members thereof to be selected at a later date, be appointed to study the Dominion Elections Act, 1934, and amendments thereto and to suggest to the House such amendments to the said Act as they deem advisable, and, furthermore, that such committee shall study and make a report on the following subjects:—
>
> And so on.
>
> I have no doubt that the House will adopt that motion and that the Franchise Act will come before the special committee, and there would seem to me to be the proper time and place for my hon. friend to present his proposal that Orientals in British Columbia should be granted the franchise.

I was born in Vancouver and have had all my education there, beginning in Second Public School, then the South Vancouver High School, one year at the University of British Columbia and finally through the Provincial Normal School. Since my graduation I was appointed as teacher in an elementary school in the municipality of Richmond where I have been employed for almost 10 years. I am a member of the Richmond Teachers' Association and British Columbia Teachers' Federation. I am also teaching Sunday School

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and have devoted a great deal of time to Young People's work in the United Church of Canada. I have found in my daily contact with my colleagues that very little is known of the disadvantages we Canadian-born Japanese must face. For that reason and also for the fact that the people in the churches, who appeal strongly for World Brotherhood and desire as much for World Friendship, I was convinced that this was the best place where we, as Canadians in every respect, should give whatever contributions of which we were capable—hence my efforts in Young People's work.

We have come to plead the cause for the Canadian-born Japanese who are disqualified at the present time, not only from exercising the franchise but also by this disqualification, are restricted from the enjoyment of certain privileges and also from entering certain lines of work. We feel that the present provincial disqualification of Japanese is not governed by the British principles of fair play and our reasons are stated in detail on page 3 and 4 in the brief which we have had prepared to state our case and which, we hope, you gentlemen will find some time to peruse.

In making my first appearance before your committee, I shall endeavour to bring to your attention, a very brief history of the Japanese in British Columbia, their population and what kind of people they are.

When British Columbia entered into the Union of the Provinces in 1871, there existed no provisions in the legislation which excluded the Orientals from the franchise. At that time and until 1885 there were no Japanese in the province, but there was a small number of Chinese of the labouring class—uneducated and speaking little or no English. They were by nature, because of their lack of education and also because of their very low social order, totally unfitted to discharge the duties of citizenship. In the year 1875 therefore it was passed that the names of the Chinese and Indians on the voters' list, should be struck out, presumably as a large number of Chinese names appeared on the list in 1874.

The first period of Japanese immigration covers from 1884 to 1900. Not until 1895 was the exclusion made to include Japanese. At this time there were approximately 1,500 Japanese in the province. In the second period, 1901 to 1907, the number of Japanese immigrants is perceptible. The latter part of this period also witnessed the arrival of Japanese women to Canada. So that it was only after 1908 that there were any appreciable number of Canadian-born Japanese. It is to be noted also in this second period that the Japanese immigrants were not of the lowest strata of their country as in the case of many other immigrants. By far, the greater majority of the Japanese came for the specific purpose of earning a better livelihood by working. During the boom years of Japanese immigration, Japan had not developed industrially to any great extent, so that the majority of the people were engaged in farming, fishing or in other forms of food production. It was very difficult to make a comfortable living and many especially the younger men, as a result were very weary of their stricted life in Japan and came to the new country seeking for great adventures and better opportunities. After 1905, a new and better class of immigrants came from Japan—students, merchants, and younger sons of nobility now composed the personnel of the groups. It was in this period that the Japanese Canadian Society was founded about 25 years ago. Also in this period (1906) Tommey Homma, a naturalized Canadian of Japanese birth, highly educated, claimed his right to vote. Although he took the case to the courts, he was finally defeated in London. The loss of this case determined the course of action for naturalized Japanese Canadians for the next 25 years. It was felt that without grounds to offer other than those presented by Tommey Homma, there was no point in reviving the appeal. Therefore with the intentions of presenting these new grounds, the Japanese in British Columbia have made every endeavour to prepare their children for citizenship in Canada.

[Miss A. Hideko Hyodo.]

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In regard to the population of Japanese in British Columbia, contrary to popular opinion that it is increasing in great numbers, it is not known that this number is offset by a considerable number going to Japan for permanent residence. At the present time, however, there are in the province 19,960 Japanese. Of these 10,965 are Canadian-born and 3,500 are naturalized. However, there are only 1,210 Canadian-born of voting age so that the total number of Japanese who are restricted from the franchise is 4,710.

Concerning education, the endeavour of Japanese families, has been so far as possible, to give their children every possible educational advantage. I, as a school teacher, can testify that I know, of no class of parents who could be more eager to co-operate in the government and education of their children than the Japanese parents. Not only myself, but my colleagues will inform you that Japanese Students not only keep up with their companions in schoolwork but in the greater number of cases, even excel them. These students, born, reared and educated in Canadian schools have shown themselves, we believe, not only of understanding but excelling in various aspects of Canadian culture. They have now reached an age at which many of them have distinguished themselves in various fields or professional, business and social activities, common to the regular life of Canadians. Along scholastic lines one needs only to observe results published by the University and British Columbia Board of Education, to discover the standing of the Canadian-born Japanese. One Canadian born student was the leader of his class as a Junior at the Provincial University this spring, and three others were given awards and scholarships for proficiency. In the field of sport, where ever the may be, there is almost a certainty that some of our group will be on the teams, be it baseball, basketball, rugby or any other game. A British Columbia Rep. Team in rugby which travelled to California in 1934 included one of our number in its lineup. Another of our young boys held provincial junior tennis championship for some time. Canadian-born Japanese have very often been pointed out as good sports, especially in the case of the Asahi baseball team, which has a following composed of a large number of other Canadians. Along the lines of music, a goodly number have already distinguished themselves in their accomplishments and achievements. Just a few days before we left Vancouver where the British Columbia Musical Festival was in full swing we were all jubilant to have one of our number awarded first place in one of the classes of the competition. She was very highly commended by the adjudicator, who went so far as to state that her diction was even finer than that of all her competitors, adding that she was a credit to British Columbia. Just a fortnight previous, at the British Columbia Drama Festival another of our girls was given a special award for solo performance.

These achievements, just a few illustrations, show the adaptability of these young Canadians into the life of British Columbia, and that the process of Canadianization is extraordinarily complete, considering the wide gulf that exists between the first and second generations. Of the second generation interviewed, 79·25 % have stated definitely that they have no intention of going to Japan to live, in spite of the restrictions with which they are faced. They have lived in Canada all their lives and would simply be like fish out of water in Japan. Their ideals are towards being better Canadians, sharing common Canadian goals. These Canadian-born Japanese are not content merely to conform to Canadian life but are also eager to contribute Japanese forms of idealism that might enrich Canadian life. As one College student stated:—

> Ours is the heritage of a venerable 2000-year old dynasty, which claims a deep and satisfying philosophy, an artistic genius, cardinal virtues, of loyalty and filial piety and a samurai tradition. All these can be our golden gifts to the enrichment of Western culture.

Source: Nikkei National Museum, 2010-4-3-4-1-5
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In closing I should like to speak in my capacity as a Canadian school teacher, teaching in public schools of British Columbia and on the payroll of the Richmond School Board. I think I can confidently say that, comparing the ideals and subject matter which I have been trained to teach in the Provincial Normal School and the readiness with which the Canadian-born Japanese students understand and assimilate them, they will grow up into citizens of whom the people of this country need not at any time be ashamed. Deprived of their normal rights of citizenship, however, these young Canadians whom I teach, will be inevitably frustrated in the carrying out of those very ideals which I am paid to inculcate.

I thank you.

The CHAIRMAN: There may be some questions that will occur to members of the committee. but I think possibly it would be better if we were to hear all the members of the delegation first, as they may cover the questions you would like to ask at this time.

Mr. MINORU KOBAYASHI, called.

Mr. Chairman and gentlemen: I was born in the city of Vancouver, British Columbia, and I have lived in the province of British Columbia all my life. I have received junior and senior matriculation at Richmond and Magee High Schools respectively, situated in the vicinity of Vancouver, B.C.

In 1930 I was elected a member from the constituency of Richmond to the Older Boys Parliament of British Columbia and I had the honour of representing that constituency in the Legislative Chambers in the Parliament Buildings at Victoria, B.C. I might mention, by the way, that I was the only Japanese Canadian in the Tuxis group which elected me to office. You can imagine the pride with which I represented my fellow Canadians of that constituency. Needless to say I could not help dreaming, at that time, that some day I might represent a real constituency in the real political life of Canada.

Two years ago I joined the Japanese Agency of a well known Canadian Life Insurance Company in which I am at present employed.

Today, I wish to convey to you, the problems which are at hand to the Canadian youth of Japanese parentage as he stands upon the threshold of life. My colleagues will speak to you about the ideals and spiritual aspirations towards higher citizenship. I shall confine myself to the practical matters. In dealing with these matters, I would like you to understand not only the facts and figures but the human situation which underlies these facts and figures.

My two years in actual business has made me realize that whatever aspirations we Canadian citizens of Japanese origin may have, we cannot do anything without having first solved the "bread and butter" problem. I wish to point out the manner in the deprivation of the franchise affects our possibilities of making a livelihood. By this I do not mean mere sustenance of life, but reserve for mental, spiritual and social development. An opportunity to measure up to the standard of living as set by the other Canadians.

The lack of franchise not only deprives us of the right to vote at elections, but in many of the professions appearance on the voters' list is made a preliminary qualification to the exercise of those occupations. The use of the voters' list in this way is a means by which some professions debar Canadians of Japanese origin without naming them explicitly, that is to say without putting into their professional regulations any open statements of racial discrimination or prejudice. This is general in the Province of British Columbia of which we are residents and the result is that we Canadians of Japanese parentage are debarred from becoming:—

1. Elected to the Provincial Legislature.
2. Elected to Municipal office.

Source: Nikkei National Museum, 2010-4-3-4-1-6
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3. Elected as school trustees.
4. Selected for jury service.
5. Lawyers.
6. Druggists.
7. Hand Loggers.
8. Employed in the public service save as specialists.
9. Employed on public works.
10. Employed by any buyer of crown timber for logging such timber.

On this point, on which I speak from my own personal experience, I wish to tell you of a young man living in hopes of getting somewhere in life and how it feels to be automatically debarred, even before his carrer has begun, from so many lines of endeavour. I am sure that the honourable members of this committee are able to recall with a great deal of pleasure their boyhood dreams and secret ambitions. Just as you gentlemen did in your boyhood, I am, at this moment, hoping that some day I may be in a position to make my contribution to humanity and perhaps, to reap some of its rewards. If, however, you are told from the beginning that you cannot practise law, you cannot be a druggist, you cannot enter the civil service and that you can never hope to take active part in the political life of the nation to which you owe allegiance it is "taking the wind right out of your sails." It is not simply the shattering of dreams, a boy in such a position is not even permitted to have dreams, one finds some consolation living in "high hopes" however imaginary they may be, but to have no hope at all is most tragic. The pitiful result is that youth becomes dull, sullen, unenterprising—in short "beaten from the start," "the kick in life is gone."

I have a friend who is 19 years old, anxious to become a lawyer, he knows he cannot become a lawyer, as long as he remains in British Columbia and his parents are not in a position to send him to some distant place where he may be a lawyer, therefore, he is forced against his own will to seek some less enterprising line of endeavour. Under ordinary circumstances I feel that it is proper that he should be allowed to make his contribution to the life and work of Canada—the return for the education which he would receive here. This is only one of the many cases with which I am personally acquainted.

I realize that the present depression is universal and that unemployment has created a grave situation and I am also aware of the difficulty in obtaining employment under ordinary circumstances. It takes courage to face the present conditions and the Japanese Canadians are facing them with as much courage as the other Canadians. But in the case of the Japanese Canadian there is another obstacle which presents itself, that of racial prejudice. This requires greater courage to face yet in fields where equal opportunity is granted the Japanese Canadians are facing these obstacles courageously and in some cases successfully. My three colleagues are examples of this. Dr. Hayakawa is at present a professor of English at the University of Wisconsin, Miss Hyodo is a public school teacher at Steveston, B.C., and Dr. Banno is now practising dentistry in the city of Vancouver, B.C.

In addition to the obstacles of depression and racial prejudice there is still another obstacle which even courage cannot face. We are legally restricted from the exercise of certain professions and that is why we are compelled to beg for your assistance.

I have lived with other Canadians all my life and at school we were taught that the fundamental principle of fair play as practised by British people is to give the fellow a chance.

I submit, honourable gentlemen, for your consideration, whether or not the legal restrictions in the province of British Columbia as they exist to-day do give rise to the question of British fair play.

Dr. E. CHUTARO BANNO, called.

Source: Nikkei National Museum, 2010-4-3-4-1-7
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Mr. Chairman and honourable members, in introducing myself as a representative of the young Canadian citizens of Japanese origin, I wish to state that I am a dentist by occupation having graduated from a dental school in Oregon last spring. Immediately after graduation I passed the provincial examination board, and am at present trying to build up a practice of my own in Vancouver. I was born in Vancouver in 1908, of Japanese parents. Attended public schools and high school in that city along with Canadians of other races. I went to the University of British Columbia with the intention of pursuing medical studies, and graduated in 1931 as a Zoology Major and Bacteriology Minor. The fact that I had lost my father at the tender age of eight forced me to work my way through school. During summer vacations I worked at anything that I could find and for some years I was a bell-boy in summer hotels in the Rockies. With a B.A. to my credit, the fact that I could not attend a medical school, which came up to my estimation, without being too far away from my mother forced me to change my life plan and I began to study dentistry in the near-by state of Oregon. After four years there I obtained a degree of dentistry. That was in 1935. I passed the British Columbia board in June and after scraping up enough money to equip a modest office of my own, started to build my practice. My patients are cosmopolitan, a good many are Japanese naturally, others are Scandinavian and British.

Permit me to outline a short history of the organization, "The Japanese-Canadian Citizens' League," which is responsible for our appearance before you this morning. The organization consists of chapters scattered throughout the province, its membership consisting of Canadian citizens of Japanese parentage, over 18 years of age, which includes those that have attained the majority and those that should be starting to think seriously about the rights and duties of citizenship in a democratic Canadian society. The league came into existence on April 13 of this year with representatives from different chapters present, culmination of many years of effort among them, something they fondly believed was a step nearer the attainment of full citizenship with its obligations and privileges.

The Right Hon. the Prime Minister has raised the question in regard to the enfranchisement of the Japanese-Canadians, whether there was enough political awareness and social consciousness among the Japanese-Canadians to warrant giving them a franchise. One member of the parliament has gone further, and stated definitely, four or five times in the course of a single debate, that the Japanese-Canadians were not concerned about the franchise.

The point is worth raising. If it is true that a minority without a franchise is completely indifferent to its political rights there is no excuse for pushing a franchise at them. Even if it can be shown that the deprivation is unjust legally or technically, there is no real injustice done so long as that group doesn't care. The question is, therefore, are the Japanese-Canadians, that is to say, the British subjects and Canadian citizens of Japanese parentage, so indifferent to their political obligations?

An account of ourselves, and how we happen to be here, will give the hon. members of this committee an answer to this question. My colleagues here and I have been sent here by the Japanese-Canadian Citizens' League of British Columbia to demonstrate to you in word and flesh, that the Canadian-born Japanese does take his citizenship seriously.

I should like to quote parts of the constitution of the Vancouver chapter of the Japanese-Canadian citizens' League relevant to this presentation.

> (Preamble.) We, the Canadian citizens of Japanese origin, desiring by organized effort, to ameliorate ourselves and our posterity to the highest standard of citizenship and to foster good understanding between Japanese and Canadians, do hereby associate ourselves in the Japanese-Canadian Citizens' League and pledge ourselves to be governed by the following constitution.

[Dr. E. Chutaro Banno.]

Source: Nikkei National Museum, 2010-4-3-4-1-8
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I proceed to quote from article two:—

The objects of this organization shall be:—
(1) To foster good citizenship among the Canadians of Japanese origin.
(2) To protect and further the general welfare of Canadian citizens of Japanese origin.
(3) To promote good will between Canada and Japan.

The purpose of the organization is clearly set forth in the parts of the constitution which I have quoted. You will gather from them that it is an organization which came into being as a result of realization, on the part of these young people, that they are placed in a position that calls for improvement in the first place, in legal and political sense; and having realized that they were in such a position, in their own way, have made an attempt to be at least prepared to exercise intelligently the privileges of citizenship when they should be granted.

The league consists of chapters at Vancouver, Steveston, Victoria, Maple Ridge-Pitt Meadows, Mission City, New Westminster and Sunbury with a total membership of about 500, out of possibly 2,000 Canadian-born Japanese over 18 years of age in the entire province of British Columbia. The fact that 25 per cent of the total have enlisted within the folds of the Japanese-Canadian Citizens' League is a proof that they do realize that something must be done, about the unenviable position in which they find themselves.

I have said that the organization was a culmination of some years of effort. For some years in Vancouver we have had an organization called Japanese-Canadian Citizens' Association, with objects substantially similar. Then in the summer of 1934 members of the Japanese students' club of the University of British Columbia, consisting largely of Canadian born, decided that a survey should be conducted in order to obtain definite statistical material so that some definite policy could be formulated for the future of these young people, who were not, definitely, Japanese and for whom their native land had not yet made a provision within her lays that they were her citizens on equal terms with the native Canadians of other races. So these students went to their sociology and economics professors for advice in the methods of preparing the questionnaires and conducting the survey. An attempt was to be made to cover every Japanese household in the province, asking all Canadian-born Japanese questions of most personal nature about their religion, what they did for a living, how much money they made, the extent of their education, their social contacts, what they read and whom they wished to marry. These were to be supplemented by the study of local problems through personal interviews and group discussions. The students worked the scheme into definite shape and started a drive for necessary funds. They put over concerts, moving picture shows and skits, and solicited donations from different organizations. Finally the Canadian Japanese Association thought it was a good thing to do, so agreed to underwrite obligations. During the summer of 1935 six members of the Students' Club were selected for the field work, each of whom was assigned one of the six districts into which the province was arbitrarily divided. Of these six amateur sociologists who engaged in the research with all the earnestness of professional students of society, one had just earned a degree in commerce, one was a sophomore, three were mere freshmen in the College of Arts at University of British Columbia and one was a graduate of Waseda University in Tokyo. They were under the supervision of a man who had just graduated in architecture at the University of Alberta.

The results of the survey were made public in late October, 1935, a study of some 55 mimeographed pages, consisting mostly of statistical data, some of the findings of which were embodied in the brief presented.

The direct result of this survey was the realization that something must be done. The problem had a meaning to every Canadian-born Japanese in British Columbia; we realized the need of an organization that could express the opinion

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of the entire group of these young people. So the Japanese-Canadian Citizens' Association in Vancouver gave way to the Japanese-Canadian Citizens' League embracing local chapters in the entire province. As I have previously stated, the membership has now reached 500, distributed among 7 chapters; and this we believe is a satisfactory proof that these young people are conscious of their problems as citizens.

In outlining the history of this organization in some detail I had two definite purposes in mind. Having read the minutes of the debates in the House of Commons that concerned the Japanese in British Columbia, I am desirous of correcting a few things that were said in so far as they concerned the Canadian citizens of Japanese origin.

First, the very fact that such an organization does exist is proof that we are not indifferent to our position. It is also proof that we realize that something must be done so that we may be able to serve Canada as her citizens, each with a sense of responsibility for her destiny. Far from being indifferent, we are very, very anxious about the matter.

Secondly, the fact that a group of young people are feeling so anxious about their lack of voting rights that they have raised the money and have sent their representatives all the way across the country to see you about it, is proof that they are being assimilated. I do not wish to bring in learned and technical definitions of the word "assimilation," but to our mind a spontaneous movement of this kind in itself is proof at least of a healthy psychological assimilation. My colleagues have already told you that the Canadian-born Japanese have shown the degree of assimilability in distinguishing themselves in the fields of scholastic, athletic, social and musical endeavours.

In conclusion I wish to leave the impression with you that a solution of this problem calls for efforts of a most serious kind both on our part and yours. It is a question which affects us vitally; and a fair solution will enable us to face our future with assurance and confidence, anxious to serve Canada with all that we are able to give. On the other hand it is also a serious Canadian problem. The correction of the present situation is a responsibility of the entire Canadian people. The problem will become increasingly serious as time goes on. The maintenance of the present condition will make us feel that we cannot be Canadians in the way we have been taught that we must be, and will force us to face the future with doubt and uncertainty; though I can assure you we shall continue to live in hope.

Thank you very much for your kind attention.

Witness retired.

Professor S. Ichie Hayakawa, Basson Hall, University of Wisconsin, called.

Mr. Chairman and gentlemen, I shall start, as the others have done, by giving a short account of myself. I was born in Vancouver, B.C., of Japanese parentage. I was educated in the public schools of Calgary, Alberta, and Winnipeg, Manitoba. I received my B.A. degree from the University of Manitoba in 1927, and an M.A. from McGill University in Montreal in 1928, studying English literature and Philosophy. After another year at McGill I went to the University of Wisconsin at Madison, Wisconsin, as Fellow in English language and literature. In the following year I was appointed to the teaching staff of the University of Wisconsin; and for the past six years, therefore, I have been teaching to American students such subjects as English composition, prose style, Shakespeare, Chaucer, Byron, Keats, English metaphysical poetry, versification, and so on, the usual run of subjects taught by a young instructor in any Canadian or American University. I have contributed numerous articles to Canadian and American magazines and philological journals on literary subjects, and have had the honour of contributing some of my efforts towards the compilation of

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the great Middle English Dictionary now being edited at the University of Michigan under that eminent American philologist, Thomas A. Knott. In January, 1935, I received a Ph.D. degree from the University of Wisconsin, and I am still on the teaching staff of that institution. I am now before you on temporary leave of absence.

In spite of several years in the United States, however, I return to Canada regularly in the summer; and try my best to keep in touch with Canadian affairs by reading such Canadian Journals as the Queens Quarterly, the Canadian Forum, the Dalhousie Review, and the University of Toronto Quarterly. My legal residence is in Montreal, however, and I retain my Canadian citizenship. Of course, the question may be asked why I concern myself with the plight of the Canadian citizen of Japanese parentage in British Columbia, when I am in Wisconsin, and away from the scene of distress. The reason is simple and obvious. I hope, as soon as it is possible, to return to permanent residence in Canada. I have always watched with greatest interest the Canadian political and social scene; and now that an opportunity has been offered me of being of service to Canada by presenting what I know of the situation in British Columbia, I am happy to respond at once, in spite of the real inconveniences I must undergo in leaving my job at the present time, when my students are preparing for final examinations.

You have had presented to you by my first colleague, Miss Hyodo, the very important statement of the differences between our position and that of our parents, who are naturalized Canadians and not born Canadians like ourselves. As she has pointed out, we are, for better or for worse, out-and-out Canadians, whether we like it or not. It happens, of course, that we do. I can illustrate this point further by my experience in the United States. I am pretty much at home in Wisconsin now; but there are occasions when differences arise between my American friends and myself. On such occasions, these differences arise not from the fact that I am Japanese but from the fact that my background is British. These differences are tenuous, perhaps, and difficult to lay one's finger on; but as you know from your own contact with Americans, there are such differences. If I have ever been regarded as a foreigner in Madison, Wisconsin, it has been because I am a Canadian and somewhat British in point of view and not because I am Japanese. I can give you an illustration of this. Just the other day I was discussing with a few intimate American friends the subject of Kagawa, the Japanese Christian mystic who is now touring the United States. I happened to make the statement, "Look, Bob, you do not understand the Oriental mind." Everybody burst out laughing; "Oh, yeah?" they said, "What do you know about the Oriental mind?" So it seems that we Canadian citizens of Japanese parentage cannot even pass as Orientals when we want to, at least among people who know us at all well.

The same thing can be illustrated in another way. Last summer I had the great pleasure of visiting Japan for the first time since babyhood. I cannot tell you now of the wonderful things I saw there; this is not the place. But the most important discovery I made was the fact that I am not spiritually Japanese. The Japanese people, so far as I could see in the daily life I witnessed, are fundamentally different from us in the fact that they believe in the authoritarian principle, whereas we—that is to say, you and I—are individualists. By this I mean that Japanese life is built on the principle of authority of parent over child, grandparent over parent, teacher over pupil, master over servant, elder over younger, and emperor over subject. The life of the occidental, on the other hand, is built upon the principle of individualism—a principle which, it appears to me, is implicit not only in the Christian doctrine of individual salvation but also in the classical philosophy upon which European civilization is built. It is a principle that assumes different manifestations, but it is the philosophical foundation of the democratic system of government, and is implicit

Source: Nikkei National Museum, 2010-4-3-4-1-11
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in the social and political thought of all Europeans of the present day (except in those curious reversions—the modern dictatorships). I found in Japan, however, that the very basis of their thinking is different from my own—that I am an individualist and therefore philosophically incapable of meeting Japanese thought on its own ground. We Canadian citizens of Japanese parentage are all alike in this respect—we have all been educated on a principle fundamentally different from that which underlies Japanese civilization. And when Miss Hyodo states that the situation of a Japanese in British Columbia is different from that which existed thirty years ago when the ruling against the Japanese franchise was confirmed, she is uttering, it seems to me, a profound truth.

My second colleague, Mr. Kobayashi has presented to you the difficulties that confront us when we come to the problem of making a living in British Columbia. In this connection, I beg to point out to the members of this committee the gravity of such restrictions, not only from the sufferer's point of view, but from that of any nation or civilization that practises such discriminations over a long period of time, on the basis of race or religion. Wherever different races have co-existed, as they now do in British Columbia, there must be from the very beginnings either complete equality in the eyes of the law, or else the situation is bound to develop ultimately into a caste system, in which one race is increasingly hemmed about with restrictions and prohibitions, so that all encouragement to enterprise or initiative is slowly crushed out of them, until they develop, as they have in India in the course of their many thousands of years of history, into that miserable condition of black apathy and hopeless despair which the so-called "untouchables" have endured for I know not how many centuries. You may feel that I am exaggerating the dangers—but how, gentlemen, do you suppose the caste system in India developed into its present triumph of traditional and vested cruelty if it did not begin from such small beginnings as the legal restrictions put upon conquered or minority races, depriving them of certain privileges by other races living in the same civilization. With every famine or financial depression, with every plague or disaster, the instinct for self-preservation in the more fortunate classes impels them to increase the prohibitions and restrictions upon the less fortunate, who are by this time in no position to defend themselves. The result is that over the course of many years, you ultimately get an entire race permanently and hopelessly embedded into such misery that it will be forever impossible to resuscitate their courage and enterprise. Again, I am conscious that you may feel that I am being needlessly alarmist. Again, I must reiterate that human history demonstrates such development to be a fact. But finally, I need only to go back to what Mr. Kobayashi has said to substantiate my statements. He has said, "Every boy dreams of some day becoming great. The Canadian citizen, surrounded by these restrictions upon his lines of future activity, is not even permitted to have dreams." The result, as he has told you, and I wish emphatically to state is that some poor lads in British Columbia to-day are beginning to say, "Aw, what's the use? We aren't given a chance." These lads are perhaps only the weaker ones among us. But when the next depression or panic is upon us and the people of British Columbia are in an uneasy frame of mind, you gentlemen who are familiar alike with the high craft of statesmanship and the wiles of popular demogoguery, as practised by your contemporaries, know that there are going to be some British Columbia vote-snatchers who do not hesitate to employ any tactics whatever, who are going to rise to popularity by proposing to debar us Canadian citizens of Japanese parentage not only from the professions from which we are already debarred, but also from other useful trades and occupations. Finally they will go so far as to suggest attending the same public schools as white children. You know that this is so—because as you know, this last proposal has seriouly been made

Source: Nikkei National Museum, 2010-4-3-4-1-12
www.nikkeimuseum.org

in California, and in one community was actually put into force, although later repealed. Even the strongest of us will not be able to face such deprivations then. So long as one legal or political restriction remains on any statute book, federal or provincial, in the Dominion of Canada, which bases such restriction of citizenship on grounds of race or religion, there is danger that such tyrannies will be practised in times of national distress and crisis. Every serious advance made in the social history of the British peoples, the Magna Charta, the Bill of Rights, the Catholic Emancipation Act, the proposed system of proportional representation, has been made in order to make more certain the protection of the liberties and rights of minorities, so that nowhere under the British flag will there be any individual or group rendered incapable of social and political self-realization because of race or religion. We Canadians are justly proud that such iniquities as are now practised by the German government against the Jews would not be possible under our British system of government. We British subjects are proud to say with Robbie Burns, that "A man's a man for a' that," and we point out with pride the fact that in British nations, as Tennyson said, "Freedom slowly broadens down, from precedent to precedent." We come to you, therefore, not asking for your pity or commiseration. We come to you as British subjects and Canadian citizens, and we base our appeal not upon sentiment, but upon the traditional principles of British justice which we have been brought up to revere.

My third colleague, Dr. Banno, has, I think, sufficiently demonstrated the fact that we Canadian citizens of Japanese birth are fully aware of what it means to live in a democracy. The history of the activities of the Japanese-Canadian citizen demonstrates beyond question the fact that we understand the processes of democracy. We understood that before we can have a vote, it must be demonstrated that our standard of intelligence and cultural achievement must be equal to that of the general Canadian community. We understood too, that we must give evidence of our right to enfranchisement. So we did not come here simply to complain and whine. We have prepared for our coming by a complete survey of the facts. This survey, the important facts of which are summarized in the briefs before you, was prepared by a group of our people entirely on their own initiative and at their expense. It is a mature document of sociological research. I can speak of it freely, because I had nothing myself to do with its preparation; but I ask you, can you find a group of second-generation immigrants anywhere in this country that can show a better understanding of the way in which democracy operates, that can show evidences of an equal enterprise and initiative, that can give parallel examples of self-dependence and plain, old-fashioned, Canadian grit? And when you consider that the population we represent has an average age of about eleven years, and that its leaders are almost entirely not yet thirty years old—I doubt if you can find parallel instances even among the non-immigrant races in the country. Speaking now as one who does not live in British Columbia, I wonder if the general public of that province can afford to deny itself the co-operation of so much political intelligence as these promising young people are displaying?

Of course, there are certain practical questions which may be bothering you. You are wondering perhaps, just how large this Japanese-Canadian vote may be. After hearing some of the Pacific Coast alarmists talking about the rising tide of the Yellow Peril, you may have been somewhat amused to discover that the total number of Canadian-born Japanese of voting age at the present time is only 1,210. In twenty years time, the youngest Canadian-born Japanese baby will have arrived at voting age. At that time, even if all our present group remain alive and do not go to Japan, there will only be 10,965 Canadian-born Japanese voters. The actual number, of course, will be considerably less.

You may also wonder whether these people are likely to be victimized by politicians in the way that certain other immigrant groups are, so that the entire vote of the race may be commanded by a single "ward-boss" or political

Source: Nikkei National Museum, 2010-4-3-4-1-13
www.nikkeimuseum.org

chieftain, as has happened in many American cities where political corruption is rife. I think we may confidentially predict that such will not be the case with the Canadian citizens of Japanese parentage. The experience with American citizens of Japanese parentage in the States of Washington, Oregon and California, and in Hawaii and the Phillipines, both before and since their independence show wide divergences of political opinion among the Japanese, so that there is every evidence of the capacity of these people to think for themselves. There is no reason to believe that those in British Columbia will be any less independent than those under American rule.

By Mr. Heaps:

Q. From what you have just said do I infer that the Japanese have the vote there?—A. Yes, they do.

Q. Japanese born in the United States have the vote?—A. Yes. They are American citizens, and an American citizen cannot be discriminated against, with the exception of the negroes in the south.

Q. How about California?—A. In California the Japanese citizens are under certain restrictions with respect to the ownership of land. Unless they are born in the United States they cannot own land, but where they are born in the United States they can own land, they can vote or do anything like that.

WITNESS: You may also be wondering whether we are spokesmen of an exceptional and very small group among the Japanese of B.C., and whether or not the entire Japanese population is as much concerned about the franchise as we are. In answer to this, I should like to be able to show the list of contributors who have this trip possible. Hundreds of young boys and girls, some of them even children of grade-school age, have been sacrificing ice-cream sodas and movies, and contributing their quarters and fifty-cent pieces, in order that we might appear before you to secure them the rights for which they are hopefully preparing themselves. Our parent-generation has also been generous of their support. One Japanese-Canadian parent said to me last summer, when I was there investigating this problem, that he could die in peace in his children could have the franchise which he had been denied. I might state here incidentally that the children of Japanese-Canadian war veterans, and the children of those men who never came back after fighting with the Canadian forces in France, are also among those discriminated against. We can assure you in complete confidence that the entire Japanese population, both the first, second, and even the infant members of the third generation are anxiously awaiting the outcome of your committee's deliberations. Our parents, denied the full rights of citizenship themselves, have earnestly prepared us to play our parts. If there is any question in your minds whether or not we are a representative group of the Japanese-Canadians, we can only point out that like yourselves, we are perhaps a little better endowed with the gift of the gab than those whom we represent, and we are therefore as representative of the Canadian citizens who have sent us, as you are of the less articulate Canadian citizens who have sent you to Ottawa.

It is only in British Columbia that the condition we have been endeavouring to describe prevails. In the other provinces, we are able to vote, and to hold full citizenship rights. My brother in Montreal and my uncle there vote in every election, and my father used to vote regularly when we lived in Winnipeg. We are therefore confident that so far as the rest of the Dominion is concerned, our case will be listened to with sympathy. Even in British Columbia, our teachers and college professors and our friends of the United Church of Canada and the Anglican Church, as well as many other friendly organizations and individuals, have been more than encouraging in their attitude. And when now and then the perfervid defenders of British Columbia's sacred honour have pointed us out as the little yellow rats that are gnawing out the

Source: Nikkei National Museum, 2010-4-3-4-1-14
www.nikkeimuseum.org

vitals of provincial prosperity, these friends of ours have cheered us, and have inspired us to continue to have faith in democracy, even in the dark moments when democracy has sounded like a hollow sham in our ears. Even if our present appeal is denied, therefore, we shall stubbornly continue to maintain this faith, because that is the way in which we have been brought up. We shall continue to prepare ourselves for citizenship to contribute what we can, even if the fruits of our efforts are not to be gathered in our own time, but by our children, or our children's children.

By Hon. Mr. Stirling:

Q. Before he leaves the stand would Dr. Hayakawa tell us what the situation is in Australia, New Zealand and South Africa, if it exists there?—A. I do not believe it exists there. I am afraid I cannot answer you satisfactorily.

By Mr. MacNicol:

Q. Can you tell us what the situation is in Japan?—A. In Japan, the entire thing is there I believe.

Q. What I have reference to there is, can a foreigner qualify for citizenship privileges?—A. Yes, they are capable of becoming naturalized, and of exercising full citizenship rights; restricted, I believe, with respect to certain very high positions, but even these restrictions can be got around by Imperial order in cases of exceptional merit.

By Mr. Cameron:

Q. Can a foreigner be naturalized in Japan now, can he own property?—A. There is no property restriction that I know of. I am quite sure he could.

By Mr. Glenn:

Q. Is there not a property restriction in California?—A. Not where they are American born citizens.

Q. But the Japanese have not the right to own land?—A. I believe they have, but I believe it is the usual practice for the parents to put the title of the land in the name of their children born in America.

By Mr. Turgeon:

Q. You say there are no restrictions whatever on foreigners in Japan, with respect to their becoming citizens and exercising all the rights of citizenship including voting?—A. Yes.

Q. How long must the foreigner reside in Japan to qualify for these rights?—A. Five years.

Q. And after five years he votes like the rest at all elections?—A. Yes.

Q. And he may come out for election?—A. Yes.

By Mr. Heaps:

Q. May I ask if when you travel you travel on a Canadian passport?—A. Yes.

Q. You have every right except that of voting?—A. Yes, and that everywhere except in British Columbia.

Q. And the Japanese in British Columbia pay income tax, and all the other taxes?—A. Pardon?

Q. They have the right to pay income tax, and all other rights except voting?—A. Oh yes, they have that right.

Source: Nikkei National Museum, 2010-4-3-4-1-15
www.nikkeimuseum.org

By Mr. MacNicol:

Q. Dr. Hayakawa, do you, and do the three delegates with you speak Japanese?—A. With varying degrees of proficiency. I am the poorest at it; Miss Hyodo is the next poorest, and the other two handle it very well.

Q. You all speak English so fluently that if we did not see you face to face we would take you to be Englishmen. I understood one of the delegates to say that Japanese citizens either naturalized or unnaturalized, or British born, could not enter the profession of medicine?—A. They cannot enter medicine.

Q. And they cannot be lawyers?—A. They cannot be lawyers. You have to be on the voters' list.

By Mr. Turgeon:

Q. To be permitted to study medicine, you have to be on the voters' list?—A. It is not medicine, it is law. I think Dr. Banno can give you further information about that.

Hon. Mr. STIRLING: Page 15 of the brief covers that.

Mr. TURGEON: The difficulty is that we have not seen the brief.

Dr. BANNO: Canadian-Japanese are permitted to take up the professions of medicine and dentistry, but not pharmacy or law. The governing bodies of these professions have made it a requisite to membership in the profession that one has to be on the voters' list.

Mr. HEAPS: What you mean is that the trade union of the organization makes that restriction.

Dr. BANNO: That is right.

By Mr. Turgeon:

Q. It is a regulation of the union and not the law of the land. You are permitted to undertake your studies, however. I was asking purely for information. I was surprised when I heard the statement made that you could not enter into the practice of these professions. I thought you could, but if you cannot, as a member of the committee I would like to know why. I am inclined to think that if you cannot enter into the practice of either medicine or the law there is nothing whatever in the law to forbid you?—A. No, there is not, sir.

Mr. TURGEON: Your difficulty there is in the organization.

Mr. HEAPS: But the organization took advantage of a certain loop-hole in the law in British Columbia?

WITNESS: Quite so.

Mr. MACNICOL: I would like to ask one other question, Mr. Chairman. Reference was made to the carrying of a case requesting the right to vote for Japanese, either naturalized or British born, to the Supreme Court and I think to London.

The CHAIRMAN: To the Privy Council.

By Mr. MacNicol:

Q. What did the Supreme Court decide?

The CHAIRMAN: You mean the Privy Council?

Mr. MACNICOL: Yes, the Privy Council.

Mr. TURGEON: Against the applicant, according to Miss Hyodo.

Mr. HEAPS: What was the basis of the application? If we are going to discuss this, I think we should know just what the basis of the application was.

Professor HAYAKAWA: Since I am not familiar with legal language, we have been content to allow the brief to take care of that.

Source: Nikkei National Museum, 2010-4-3-4-1-16
www.nikkeimuseum.org

Mr. CAMERON: He applied for the right to vote because he was a British subject by birth.

Miss HYODO: He was a naturalized Japanese of Japanese birth.

By Mr. Turgeon:

Q. He was a naturalized Canadian?

Miss HYODO: Yes, of Japanese birth.

Mr. HEAPS: Was it not a case of whether the law of British Columbia was valid?

The CHAIRMAN: I do not know the decision. As a matter of fact, I only received this brief yesterday.

Mr. NEILL: Perhaps I might explain that as I am familiar with it. It was a question of whether the law of British Columbia was valid, and the decision was that the law of British Columbia was valid. They said they could make any kind of franchise they chose, and that was by the highest court in the British Empire.

By Hon. Mr. Stirling:

Q. Is the case covered by this brief?

By Mr. MacNicol:

Q. I would like to ask—

The CHAIRMAN: I think we should have only one question at a time. Mr. Stirling asked whether that case is covered in this brief.

Professor HAYAKAWA: It is mentioned there.

By Mr. MacNicol:

Q. I would like to ask for a little more light on the point; whether it was for the right to vote in the British Columbia provincial elections or in the federal elections?

Professor HAYAKAWA: The provincial elections.

Mr. HEAPS: They are allowed to vote in federal elections if they wish to vote.

Mr. CAMERON: Our laws says that if they are disqualified by the laws of British Columbia, they cannot vote.

Mr. HEAPS: We have the right to change that law if we wish to.

By Mr. MacNicol:

Q. Did I understand that at one time the Japanese, either naturalized or British born, had the right to vote in British Columbia?

Professor HAYAKAWA: They never had, because the discriminations against them were put in force before they came, as against the Chinese. You see, it was not until 1884 that the Japanese started to come.

By Mr. Neill:

Q. They came with the full knowledge of the restrictions?

Professor HAYAKAWA: Yes.

By Mr. MacNicol:

Q. Did I also understand that certain Japanese enlisted in British Columbia?

Source: Nikkei National Museum, 2010-4-3-4-1-17
www.nikkeimuseum.org

Professor HAYAKAWA: Oh, yes.

Q. And enrolled in Canadian regiments?

Professor HAYAKAWA: Yes.

Q. And went overseas?

Professor HAYAKAWA: Yes. There is a special provision permitting returned soldiers to vote.

Dr. BANNO: Mr. Chairman, may I give some figures as to the Japanese soldiers?

The CHAIRMAN: Yes.

Dr. BANNO: 196 went overseas of which—

By Mr. MacNicol:

Q. How many went over?

Dr. BANNO: 196. 54 were killed, and 20 died of disabilities and sickness overseas.

By Mr. Cameron:

Q. How many returned?

Dr. BANNO: Those returned to British Columbia and after 13 years and spending a lot of money trying to ~~maintain~~ OBTAIN their franchise were finally given provincial rights to—

Mr. NEILL: To vote.

Dr. BANNO: To vote.

By Mr. Turgeon:

Q. Is the right of the Japanese returned soldier to vote extended to his family?

Dr. BANNO: No, his vote dies with him when he dies.

Mr. TURGEON: Of course, it does with everybody.

Mr. HEAPS: No, no, the voting right goes on.

By Mr. Turgeon:

Q. Does his wife vote, his father, mother and son?

Professor HAYAKAWA: No, sir.

Q. Are you sure of that?

Professor HAYAKAWA: I am quite sure of that.

By Mr. MacNicol:

Q. What is the position of children of a marriage between a Japanese and an Occidental?

Dr. BANNO: I could not get your question.

Q. What is the position of a child of a marriage between a Japanese and an Occidental? Would the child have the right to vote when it reached the age of 21?

Dr. BANNO: The child of a returned soldier?

Q. The child of a mixed marriage?

By Mr. Turgeon:

Q. Suppose a Japanese marries a Canadian girl?

Dr. BANNO: I do not think he is, really. I am not quite sure about that.

Mr. REID: If the father is British.

Source: Nikkei National Museum, 2010-4-3-4-1-18
www.nikkeimuseum.org

Mr. MacNicol: All I can say is that the delegation presented a very excellent case for themselves.

Mr. Neill: Mr. Chairman, I have not had the time to read more than two or three pages of this brief, and I suppose the same applies to other members. However, I see in it several attempts which absolutely are not in accordance with the facts. There are a number of other statements and I suggest that we be allowed to examine these statements after we have had time to digest them. In the meantime I would like to ask this gentleman for some information, whichever one is the spokesman.

Q. How many Japanese graduated from the British Columbia University last year.

Dr. Banno: I think there were about 5 or 6.

Q. In the last 15 years how many marriages have there been between whites and Japanese?

Dr. Banno: I am not personally acquainted with any.

Q. Here is another question I would like to ask. I think it was the gentleman who said he was a professor—and if I understood him wrongly I do not wish to do him any injustice—who stated that this brief was got up by these young people?

Professor Hayakawa: Not the brief, sir; the survey.

Q. Not the brief?

Professor Hayakawa: No.

Q. Who was the brief got up by?

Professor Hayakawa: The author is shown right there—T. G. Norris, K.C.

The Chairman: I might explain that I have a letter from T. G. Norris, K.C., of Vancouver, introducing this delegation and stating that he had prepared the brief.

Mr. Heaps: Not the ones that were read by the delegation?

The Chairman: No, no; the brief that has been distributed.

By Mr. Neill:

Q. I would like to ask this gentleman another question. It is ascertained, is it not, that this restriction against being a druggist or a lawyer is entirely concerned with their local guilds and has nothing to do with the Dominion of Canada?

Professor Hayakawa: No.

Q. I understand him to convey the impression that a white man going to Japan could by five years' residence obtain the right to vote with the same ease that a Japanese can get naturalized here, is that correct?

Profesor Hayakawa: I do not know if the exact details of the process of naturalization are the same.

Q. You said a man with five years' residence could get naturalized in Japan?

Mr. Cameron: It is set out in the brief.

By Mr. Neill:

Q. And that is true?

Professor Hayakawa: Yes.

The Chairman: I think you will find certain restrictions concerning that in the brief.

Mr. Neill: I think you will find a good many restrictions. These men who have given evidence to-day are all highly educated, far more educated than I am; they have all been at college and attained degrees. They are highly educated and intelligent, and they know what they are talking about. Does it

Source: Nikkei National Museum, 2010-4-3-4-1-19
www.nikkeimuseum.org

not strike them, or what is the answer to this argument: the Dominion Act is based entirely on the provincial Act, and we merely say in accordance with a long established custom, if it has the force of law, that whatever the restrictions are that are placed on the province will be carried into the Dominion franchise. Would it not appear to men of the intelligence and education of these men that the proper place to initiate this agitation would be in British Columbia?

Professor HAYAKAWA: Sir, do you happen to know that the women of the province of Quebec have a vote?

Mr. NEILL: I know. That proves the exception.

Professor HAYAKAWA: There is no reason why there cannot be two exceptions.

By Mr. Neill:

Q. You have not answered my question. Why do you not begin in British Columbia? British Columbia is the place which puts the exception on; why do you not agitate there?

Professor HAYAKAWA: We have been agitating there for years, sir.

Q. With any success?

Professor HAYAKAWA: No, of course not. We are protesting again here.

Q. Why do you come here to protest?

Mr. HEAPS: I think that is a most unfair question. I do not think it is up to any member to tell the delegates where they should go to make their protests. It is up to them.

The CHAIRMAN: I think I had better explain just what the situation is. When I was first brought into the matter in connection with the delegation coming down, I explained at that time that it was not the intention at this session of parliament to amend the Franchise Act. The only reference to this committee is to study and make a report on amendments which we thought might be necessary or advisable, and that the work of this committee would in all probability continue into the next session of parliament; in any event, there would be no change made until the next session of parliament. The delegation thoroughly understands that that is the situation.

Professor HAYAKAWA: Yes.

The CHAIRMAN: They came here personally to appear before the committee and present the brief and also to state what additional matter they could to the committee. They have plenty of copies of this brief available for distribution among all the members of the House, I think, and we shall have an opportunity of studying it and possibly calling in other witnesses. As a matter of fact, as chairman of the committee I feel we are in duty bound to investigate and study the brief thoroughly and call other witnesses on matters that we are in doubt about. So that this morning the delegates who are here are simply presenting their case, which may be answered in a dozen different ways at a later time.

Mr. MACNICOL: We might ask the Japanese voters to send delegates.

Mr. GLEN: I have not had an opportunity of reading over this brief, but it seems to me that there is a legal question involved of which this committee should be seized. I think the question put by Mr. Neill to Professor Hayakawa as to why the case was not presented to the British Columbia legislature is in point. Does it mean that this committee will be asked to amend the Dominion Franchise Act and that it will have a bearing on the provincial franchise act of British Columbia?

The CHAIRMAN: No, not the Provincial Act of British Columbia. It is only a matter of the federal parliament, if it sees fit to amend its franchise act to extend to British subjects of Japanese parentage the right to vote at federal elections.

Source: Nikkei National Museum, 2010-4-3-4-1-20
www.nikkeimuseum.org

Mr. GLEN: That does not meet the presentation made by the delegation this morning. They wish the provincial franchise act extended to include the Japanese.

The CHAIRMAN: We have no jurisdiction in that matter.

Mr. GLEN: Then Mr. Neill's question as to why the presentation was not made to the British Columbia legislature instead of to this committee is in point.

Mr. MACNICOL: They have every right to come here if they desire to do so.

Mr. TURGEON: This delegation has every right to appear before this committee, and I wish to compliment them and, as a Canadian, to felicitate them, especially those who now live in British Columbia, for the manner in which they have made their presentation. They have demonstrated that educational facilities have not been neglected or denied to them. It is a question whether or not economic facilities have been denied to them, and also whether they have been denied because of any lack of the right to vote on election day when election day comes around. As a member of the committee which at some time will have to make a report to the House of Commons as to the results of its investigations, and as a member of the committee which is now seized with the necessity of dealing with this submission I do intend at some time or other to address the committee upon this question. I do not desire to do so to-day because I am not sufficiently informed as to exactly what has been presented to us. I would like to know whether when the committee meets again the members of this delegation will be present? If not, I would like to say one or two words to-day. Miss Hideko Hyodo, who so admirably expressed herself at the opening, mentioned the reference in the debate in the House of Commons to the setting up of this committee for the purpose of studying all matters related to the franchise. The reference was made by the prime minister to the effect that the question then under debate in the House of Commons could properly and better be considered in this committee. I presume that the members of this delegation know what was the subject of that particular debate in which that reference was made. Speaking from memory, because I have not seen this submission until to-day, and have not looked up Hansard, the debate in which that reference was made surrounded entirely the suggestion that Japanese living in any part of Canada, including British Columbia, should be excluded from Canada unless Canada were ready to force upon the people of British Columbia the necessity of giving the Japanese resident in that province the right to vote. I would like to know whether the delegation which is here to-day on behalf of the Japanese, and who are so thoroughly informed as to the position of the Japanese in British Columbia, have considered the suggestion that if the parliament of Canada is not ready to extend the right to vote to the Japanese in British Columbia they would prefer that exclusion proceedings should be adopted? Personally I would fight against exclusion proceedings to the utmost limit. If I were the only person in the House of Commons left to vote against exclusion I would do so. I mention that now because I do not want these thoroughly educated ladies and gentlemen from British Columbia to go back to that province with a wrong view of what is the sentiment either of this committee or the House of Commons as to the question that was presented to us as members of the House of Commons when the suggestion to which Miss Hyodo referred was made by the prime minister. Later on I intend to discuss this question, but I do not want to discuss it any further now. I mention that matter only because when we do discuss the question again the delegation from British Columbia and our learned friend from Wisconsin, and formerly of British Columbia, will not be with us.

Mr. REID: According to the information I have Japan does take quite an interest in her nationals abroad, and rightly so; and I understand that when children are born of Japanese parents in British Columbia the parents have

Source: Nikkei National Museum, 2010-4-3-4-1-21
www.nikkeimuseum.org

the right immediately to register such births with the Japanese consul there or in Japan as well as with the Canadian authorities. I would like to know first of all if that is a true statement, and if so, have you any figures to indicate the proportion of children born in British Columbia or in Canada who would be registered with the Japanese consul here or in Japan and also with the Canadian authorities.

Professor HAYAKAWA: Dr. Banno will give you the correct figures on that. I can only tell you that it is quite true that a child may be registered in Japan at the same time as it is registered in Canada. The reason is quite simple: First of all, the habit of registering births in Japan is a sort of relic of family tradition and is observed in order that one's family records in Japan will not be incomplete. That is a purely sentimental reason. The practical effect is that if we in British Columbia have no vote and are discriminated against and have only one nationality, we are up against it; we have no one to whom we can appeal; but if we have a dual nationality, so long as there are certain restrictions against us we can get protection.

Mr. REID: This takes place in the United States as well as in Canada, and you have told us that the Japanese born in the United States are granted the United States franchise, but in the states of Washington and Oregon the same procedure applies?

Professor HAYAKAWA: Yes, but as long as there is this economic and social insecurity it is convenient for us to have dual nationality in case we are discriminated against. So far as the practical effects are concerned, we are Canadian citizens and can travel on Canadian passports anywhere in the world, but if I go to Japan and stay there for more than three months I am regarded as a Japanese.

Mr. CAMERON: Who applies the three months' restriction?

Professor HAYAKAWA: The Japanese.

Mr. NEILL: Can you not regain your nationality in Japan in three weeks?

Professor HAYAKAWA: No, in three months. I was there one month last summer and was treated as a Canadian citizen throughout.

Mr. NEILL: This dual nationality is quite convenient?

Professor HAYAKAWA: It has to be convenient so long as there is discrimination.

Mr. GLEN: Would you be considered as a Japanese national?

Professor HAYAKAWA: No. So long as we remain outside the Japanese empire we are not Japanese nationals.

Mr. HEAPS: While you are a Canadian citizen resident in Canada has the Japanese government any claim whatsoever upon you?

Professor HAYAKAWA: None whatsoever.

Mr. TURGEON: Mr. Reid asked you a question concerning registration of births which led up to the question of dual nationality. At the moment I am not the least concerned with dual nationality and do not care whether you have it or not. I am concerned with the question of franchise, and I cannot see any relationship whatever between the question of franchise in British Columbia and the question of dual nationality. I take it that you were born in Calgary or Winnipeg?

Professor HAYAKAWA: I was born in Vancouver.

Mr. TURGEON: There are many Japanese who were born in Calgary, Winnipeg and other parts of Canada who have the vote; there never was any question of their exercising the franchise. They also were affected by this dual registration exactly in the same manner as those who are born in British Columbia. Therefore the two matters are not related. One is not tied up with the other at all. I am not worried over the question of dual nationality.

[Dr. E. Chutaro Banno.]

Source: Nikkei National Museum, 2010-4-3-4-1-22
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Mr. REID: If you went to Japan, the fact that you are registered there as well as in Canada, although born in British Columbia, the Japanese government would have first claim upon you if you stayed four months. You would become repatriated, you would become a full-fledged Japanese citizen.

Mr. HEAPS: That is a legal question. I am wondering in my own mind, if a Canadian citizen leaves this country for a period of time, whether he can really shed his Canadian citizenship.

The CHAIRMAN: I think it will be possible for this committee, before disposing of this problem, to get accurate knowledge of that.

Mr. HEAPS: I should like the legal aspect of the whole situation cleared up in my own mind. I should like to know if the Japanese government can make a claim upon a person of Japanese birth in this country who goes back to Japan. I think there is some international law that can be invoked. Before we discuss this matter here, I should far rather have the legal opinion of the law advisers of the crown on the whole situation.

Dr. BANNO: Mr. Chairman I should like to say a few words about this dual nationality. Prior to 1924 Japanese nationality law said that every Japanese child of Japanese parents, no matter where they were born, were Japanese subjects. But in the session of 1924 in Japan that clause was changed to read that unless we wanted to register here we did not have to. So that a child born of Japanese parents in British Columbia, if he does not register with the Japanese consul in Vancouver, is entirely Canadian, and that is the only nationality he has. There is an increasing proportion of children who are registered only with the Canadian office.

Mr. TURGEON: In British Columbia?

Dr. BANNO: In British Columbia.

Mr. TURGEON: That gets back to the point I was trying to make. Franchise has nothing at all to do with custom.

Dr. BANNO: I was trying to explain.

Mr. REID: The question I was going to ask, Doctor, was, have you any figures on how many Japanese born or British Columbia born boys have gone back to do military service in Japan?

Dr. BANNO: Well, I suppose there are some who went back to Japan and were conscripted. We have no figures available. I think they are a very few, anyway, from my knowledge of the subject.

Mr. NEILL: Is it not a fact that before a Japanese national can get in this country he has to produce a certificate from the Japanese government to show that he has done his military duty or has been exempted there?

Dr. BANNO: No, I do not think that is correct.

Mr. NEILL: That is so. You can take my word for it. I can produce evidence.

Mr. HEAPS: Mr. Chairman, I think we are discussing a great many of these questions without knowing very much about them.

The CHAIRMAN: Yes.

Mr. NEILL: I got that information from the Immigration Department not three weeks ago.

Mr. CAMERON: That would be our own regulations?

Mr. NEILL: No, the Japanese regulations.

Mr. HEAPS: The same point comes up in connection with other nationalities.

The CHAIRMAN: Order, gentlemen, please.

Mr. HEAPS: I would just as soon allow the matter to rest where it is, and discuss it at another time when we have had a chance of going through some

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of the statements that have been submitted to us here this morning, and getting at the same time the legal opinion of some of the law officers of the Crown.

The CHAIRMAN: I think that the members of the delegation thoroughly understand the situation so far as this committee is concerned; and they were quite willing to come here under the circumstances and present their case. It is up to us to analyze the case presented at our leisure, and to call for whatever information we may require before coming to a conclusion.

Mr. PERLEY: Will the statements read by the representatives be printed in the report?

The CHAIRMAN: They will be printed in the report; and we will file these briefs with the report. I think there are plenty to go around.

Mr. MACNICOL: I should like to congratulate the various members of the delegation who have submitted statements to us here on their splendid command of the English language. I should further like to congratulate them on what they have done to help built up Canada. It brings to my mind very forcibly that the British Empire is an Empire of many races; and even in the dear old mother of Parliaments they have men of various races. I believe there are, in the British Parliament, one or two Lascars or one or two Asiatics.

Mr. HEAPS: There was one formerly.

Mr. MACNICOL: It makes me prouder and prouder of our British traditions and British ideals, that people of all nationalities can get along within our Empire. It is a bit of a surprise to me to know that these conditions exist in British Columbia. There may be reasons for it. I am passing no comment on the right or wrong of it whatever. I want to thoroughly study the briefs, thoroughly study what has been submitted here and hear any other evidence that we can get in connection with the matter. So far as I am concerned, my mind is wide open.

The CHAIRMAN: On behalf of the whole committee, I think I can also express to the members of this delegation, our appreciation of the manner in which they have presented the case. We are not committing ourselves in any way as to the legality of what is contained in that brief. That will all have to be studied, digested, and analyzed before a conclusion can be arrived at.

Mr. CAMERON: I notice, Mr. Chairman, in the brief there is a qualification such as I suggested to the doctor, as follows: "The Minister of the Interior cannot permit naturalization, except in the case of persons fulfilling the following conditions," and No. 4 is: "Having sufficient property, or ability, to secure an independent livelihood." That is in Japan. That is in your brief.

Miss HYODO: Yes.

The CHAIRMAN: I think there are other restrictions also.

Mr. CAMERON: Oh, yes.

The CHAIRMAN: Certain matters may be referred to the Minister of the Interior in Japan.

Professor HAYAKAWA: Mr. Chairman, I should like to thank the committee for the very kind hearing they have given us.

The CHAIRMAN: I do not know just when the next meeting of the committee will be. I understand there are a number of committees being held next Tuesday. At the next meeting we hope to be able to present the report of the subcommittee on proportional representation and the alternative vote, and to possibly take up the next order on the reference to us of compulsory registration and compulsory voting.

Mr. TURGEON: Do you expect that report at the next meeting of this committee?

The CHAIRMAN: Yes.

The committee adjourned at 12.45 p.m. to meet again at the call of the chair.

Source: Nikkei National Museum, 2010-4-3-4-1-24
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NRA - 1934

(FISHERY INDUSTRY)

Approved by Pres. Roosevelt - Feb 26/34

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NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

FISHERY INDUSTRY

AS APPROVED ON FEBRUARY 26, 1934

BY

PRESIDENT ROOSEVELT



UNITED STATES
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WASHINGTON : 1934

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Approved Code No. 308

CODE OF FAIR COMPETITION

FOR THE

FISHERY INDUSTRY

As Approved on February 26, 1934

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

CODE OF FAIR COMPETITION FOR THE FISHERY INDUSTRY

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Fishery Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved; provided however, that provisions thereof shall not become effective and they are hereby stayed for a period of 10 days in order to afford consideration of the objections of any interested parties, and at the expiration of which period the said Code shall become effective unless I shall by my further Order otherwise determine or extend such stay.

FRANKLIN D. ROOSEVELT.

Approval recommended:
HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
February 26, 1934.

42462°——376-135——34

Source: Nikkei National Museum, 2010-4-3-4-2-4
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LETTER OF TRANSMITTAL

The PRESIDENT,
The White House.

SIR: A public hearing on the Code of Fair Competition for the Fishery Industry of the United States, submitted and sponsored by the National Fisheries Association, 109 Cliff Street, New York City, was held in Washington, D.C., on the 11th and 12th of December, 1933. This hearing was conducted jointly by the Agricultural Adjustment Administration and the National Recovery Administration, in accordance with the provisions of Title I of the National Industrial Recovery Act.

THE FISHERY INDUSTRY

The fishery industry as defined in the code includes:
The catching or taking from the water—
The cultivating—
The farming and other artificial propagation (except propagation of goldfish and tropical fish)—
The processing—
The wholesaling, if, but only if the handler or distributor has also done the processing—
of fish and all other commercial products of aquatic life in both salt and fresh water, as carried on in the several States, the District of Columbia, the several Territories of the United States, the insular possessions or other places under the jurisdiction of the United States; or on United States vessels, wherever the actual taking or processing of such products of the industry by said vessels takes place. The terms "fishery industry" or "industry" includes also commission merchants trading in products of the industry.

The commercial fishery industry is prosecuted along the entire seacoast of the United States and in our interior lakes, rivers, and streams navigable to fishing craft. A large fishery also is conducted in Alaska; and fishery products are harvested in the waters of Hawaii and other insular possessions under the jurisdiction of the United States. The industry is based on one of our great natural resources, and is the source of a valuable protein food for the nation.

According to figures published by the United States Bureau of Fisheries, the industry as conducted in the United States and Alaska, employed in 1931 about 123,000 persons as fishermen, 4,200 on transporting craft, and about 78,000 were employed in the processing and wholesale distributing industries, a total of about 200,000 persons, exclusive of duplication. The catch amounted to 2,657,317,000 pounds, valued at $77,344,000. This value, together with an estimated revenue of $3,136,000 received by persons on transporting craft and $45,483,000 received as salaries and wages by persons in whole-

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sale and manufacturing establishments, makes a total of $125,963,000 as the income of primary handlers of fishery products.

In 1931, in the United States and Alaska, the production of canned fishery products amounted to 506,702,000 pounds, valued at $62,940,000; and the output of by-products was valued at $18,538,000. The production of fresh and frozen packaged fishery products amounted to 139,283,000 pounds, valued at $23,076,000. The production of cured fishery products amounted to 98,969,000 pounds, valued at $12,364,000. The pack of frozen fishery products amounted to 112,257,000 pounds, estimated to be valued at $11,000,000, making the total value of all processed products in the entire United States and Alaska in 1931, about $128,000,000. It is estimated that about 600,000,000 pounds of fishery products valued at $47,000,000 were marketed fresh in ice, making a total marketed value to primary handlers of all fishery products in 1931 of about $175,000,000. There were 2,992 firms engaged in processing the above products of the industry.

Fishery products imported for consumption were valued at $43,033,000, while domestic exports were valued at $11,574,000.

The code as submitted establishes a National Code Authority for the industry which has certain specified powers and duties for administering the National Code. In addition, in order to promote the policy of the Act and to effectuate the necessary local administration of the provisions of the National Code, any trade group or association in the industry may prepare, and, with your approval, adopt a divisional code. The scope of these divisional codes is outlined in the National Code herewith. Each divisional code is to be administered by an Executive Committee, the powers and duties of which are also outlined in the National Code, and are to be further extended in the respective divisional codes. The divisional codes also provide for additions and exceptions from the provisions of the National Code where the conditions peculiar to such divisions necessitate changes.

THE FISHING FUNCTION

The fishing function in the industry, like that of farming, is sorely depressed. This is demonstrated by the fact that the catch of fishery products in the United States and Alaska in 1931, according to the figures published by the Bureau of Fisheries, was 19 per cent less in volume than in the previous year, 29 per cent less in value, and the average price per pound was about 12 per cent less. In detail, the catch in 1929 amounted to 3,570,000,000 pounds, valued at $123,000,000; in 1930, 3,290,000,000 pounds, valued at $109,000,000; and in 1931, 2,660,000,000 pounds, valued at $77,000,000. It is estimated that the volume and value of the catch for 1932 was still less than the respective volume and value for 1931.

This decline in value has caused great hardship on the fishermen for their income, in nearly all cases, is directly dependent upon the sales value of their catch rather than receipt of income from wages. Therefore no wage scale has been set for the fishermen that operate individually or as members of crews working on a profit-sharing basis in a joint venture. However in drafting the Code the above facts were given careful consideration, and provisions are now included in the Code which are intended to react favorably in

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increasing the income of the fishermen. One such provision will minimize or overcome entirely destructive price-cutting, which generally in the long run results in depressed prices to fishermen.

Other provisions of the code which it is believed will react favorably in raising the income of fishermen are those relative to open bookkeeping with respect to accounts of profit-sharing agreements, purchases from producers, misrepresentation of weights and measures, and the reporting of dishonest accounts. The latter provision will be of particular benefit to fishermen marketing their products on consignment. Also it is the duty of the several Executive Committees, which may be established pursuant to the code, to make a study of the operation of the profit-sharing and other cooperative systems of producing or catching fishery products peculiar to their respective divisions of the industry—all with the view of insuring to fishermen and owners of fishing craft alike a fair and just return.

As fishing is an occupation depending upon the presence of fish, season, tide, wind, weather, State laws, and the like, it is undesirable to limit the hours of those engaged in the fishing enterprise. Therefore no limitation as to hours of labor has been placed on those engaged in this function.

THE PROCESSING AND DISTRIBUTING FUNCTIONS

Processing.—The terms of the code submitted herewith govern those firms engaged in the processing function. This function includes the packing in ice of, filleting of, cutting of, freezing of, salting of, smoking of, drying of, canning of, extracting oil from, manufacturing meal or fertilizer from, products of the industry; or otherwise manipulating products of the industry. Secondary processing of these products is not included within the scope of the code. The above functions within the fishery industry are conducted almost solely on shore, except for those conducted on a few factory ships owned by citizens of the United States, anchored on the high seas outside of territorial waters. Hour and wage provisions of the code, however, apply to those engaged in the latter function, as well as those engaged in the processing function on shore. Some products of the industry are processed aboard fishing vessels by members of the crew, as for instance the icing of fish, and possibly the salting of fish. However, these operations aboard fishing vessels have been considered a part of the trip operation, and have been exempted from the hour and wage provisions of the code.

Distributing.—The terms of the code submitted herewith govern those distributors who also conduct a processing operation as outlined above. Thus the code covers the operation of firms that distribute products of the industry at wholesale, and which also pack in ice, freeze, salt, smoke, dry, or otherwise manipulate products of the industry.

HOURS AND WAGES

By the terms of the code no clerical, accounting, or other office employee shall be permitted to work in excess of forty hours in any week. No other employee shall be permitted to work in excess of ninety hours in any two consecutive weeks. This latter provision

Source: Nikkei National Museum, 2010-4-3-4-2-7
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I am approving because of the perishable nature of the product handled in the industry, and the uncertainty as to the time when the product is available for processing. Certain employees in the latter group are permitted to work in excess of ninety hours in any two consecutive weeks where unusual or emergency conditions exist, although in some of these cases the hourly wage is increased by one-third for overtime work.

The Code establishes a minimum rate of pay of $16.00 per week for clerical, accounting, or other office employees, except office boys, whose minimum rate of pay is $14.00 per week. The minimum rate of pay for all other employees is $13.00 per week in the South and $15.00 per week in the North in cities under 100,000 population; and $14.00 per week in the South and $16.00 per week in the North in cities of 100,000 or more population. The minimum rate of pay as set forth above is guaranteed regardless of whether the employee is compensated on the basis of time rate or piece work performance, although it does not apply to individuals, such as fishermen, working on a profit-sharing basis.

In order to maintain fair differentials between employees an equitable adjustment in rates of pay shall be made in cases of employees who on June 15, 1933 received more than the minimum rates of pay then prevailing; but in no case as a part of such readjustment shall hourly rates be reduced.

The hour and wage provisions contained in the code are intended to cover the general conditions of employment in the entire industry. It is recognized that in some divisions of the industry it will be necessary to revise these provisions to make them applicable to these respective divisions. For these reasons the code requires that each Executive Committee established pursuant to the terms of the code shall, on or before June 1, 1934, prepare and file with the Administrator a schedule of hours, wages, and other conditions of employment applicable to its particular division, and upon approval by you said provisions shall thereafter govern that particular division of the industry, anything to the contrary in the code submitted herewith notwithstanding.

Because statistics on hours of labor, rates of pay, and other working conditions of those employed in the entire fishing industry are not available from any Governmental or private source, no estimate can be made as to the extent the hour and wage provisions will increase income and spread employment. However it is believed that when the code is in operation there will be substantial improvement in the conduct of the industry, toward the end that customary marketing channels will be opened to promote a freer flow of fishery products from the fishermen to the consumer, which will react favorably in increasing employment at the level of wages provided for in the code.

By the terms of the code no individual under sixteen years of age shall be employed in the industry.

OTHER CODE PROVISIONS

The unfair trade practices relate to false advertising, misbranding, destructive price-cutting, secret rebates, combination sales, commercial bribery, racketeering, false measures, free deals, reversal of

Source: Nikkei National Museum, 2010-4-3-4-2-8
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communication charges, dishonest account of sales, returns and allowances for containers, purchases from producers, false statement of accounts, and unearned service payments. Elimination of the above unfair trade practices will, it is believed, hasten the economic recovery of the industry and place it on a more favorable competitive basis with other food industries.

The code also provides for the keeping of books and records by members of the industry under certain conditions and for certain specified purposes to effectuate the policy of the Act.

FINDINGS

The Administrator finds that:

(a) The Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial, fishery, and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and otherwise rehabilitating industry.

(b) The Code as approved complies in all respects with the pertinent provisions of said Title I of the Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the National Fisheries Association is an industrial group truly representative of the aforesaid industry; and that said association imposes no inequitable restrictions on admission to membership therein. In fact, unlike most industries, the applicant association has opened its membership to organized labor within the industry for the purpose of uniting the fishery industry into one strong group for mutual benefit to all.

(c) The Code is not designed to and will not permit monopolies or monopolistic practices.

(d) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

(f) The industry has been most cooperative in drafting this code, and to my knowledge this is the first time in history it has united as a whole for one common purpose. From evidence and testimony obtained from many sources within and without the industry and at the public hearing, and from the recommendations and reports of the various advisory boards and the Deputy Administrator handling the code, I believe that the code as it is now submitted will be a forward

Source: Nikkei National Museum, 2010-4-3-4-2-9
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step in effectuating the recovery of the fishery industry, which is based on one of our great natural resources.

For the above reasons this code is hereby recommended for approval.

Respectfully,

HUGH S. JOHNSON,
Administrator.

FEBRUARY 8, 1934.

42462°——376-135——34——2

Source: Nikkei National Museum, 2010-4-3-4-2-10
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CODE OF FAIR COMPETITION FOR THE FISHERY INDUSTRY

ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a code of fair competition for the fishery industry, and shall be the standards of fair competition for such industry, and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. As used in this code:

(a) The term "President" means the President of the United States.

(b) The term "Act" and the term "Administrator" mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery or his duly authorized agent.

(c) The term "member of the industry" includes any individual, partnership, association, corporation or other form of enterprise engaged in the industry, either as an employer or on its or his own behalf.

(d) The term "fishery industry" or "industry" includes:

The catching or taking from the water—

The cultivating—

The farming and other artificial propagation (except the propagation of goldfish and tropical fish)—

The processing—

The wholesaling, if, but only if the handler or distributor has also done the processing—

of fish and all other commercial products of aquatic life in both salt and fresh water, as carried on in the several States, the District of Columbia, the several Territories of the United States, the insular possessions or other places under the jurisdiction of the United States; or on United States vessels, wherever the actual taking or processing of such products of the industry by said vessels takes place. The term "fishery industry" or "industry" includes also commission merchants trading in products of the industry.

(e) The term "processing" means the packing in ice of, filleting of, cutting of, freezing of, salting of, smoking of, drying of, canning of, extracting oil from, manufacturing meal or fertilizer from, products of the industry; or otherwise manipulating products of the industry; Provided However, that the term "processing" shall not include the refining of oils from products of the industry; the manufacture of mixed feeds or mixed fertilizer from products of the industry; or the manufacture of products obtained from shells, fish scales, sponges, sounds, skins, hides, bones, aquatic plants, ambergris, cuttlefish bone, and whalebone.

Source: Nikkei National Museum, 2010-4-3-4-2-11
www.nikkeimuseum.org

(f) The terms "wholesale" and "wholesaling" mean the handling or distributing, except by a carrier for hire, of products of the industry to distributors or to retail outlets, including institutions, hotels, restaurants, and other public eating places, whether or not such retail outlets are actually or legally controlled by the member of the industry performing such handling or distributing.

(g) The term "employee" means any individual engaged in the industry, however compensated, except a member of the industry.

(h) The term "employer" means any member of the industry by whom any employee is compensated or employed.

(i) The term "books and records" includes any books, records, accounts, contracts, documents, memoranda, papers, correspondence or other written data pertaining to the business of any member of the industry.

(j) The term "United States vessels" includes all vessels registered, enrolled and licensed, licensed, or recorded in the offices of collectors of customs of the United States; and all vessels engaged in the fishery industry and operated from ports of the United States, its insular possessions or other places under its jurisdiction.

(k) The term "National Fisheries Association" means the federation, national in scope, bearing that name and consisting of various regional, functional, and commodity associations in the industry.

(l) The term "code", if used without further qualifications, means this instrument, which shall constitute the national code of fair competition for the entire fishery industry.

(m) The term "divisional code" means any code of fair competition complying with the provisions set out in Article VIII, Title C, Section 1, hereof.

(n) The terms "watching crews" or "watchmen" means employees whose principal function is watching and guarding the property of a member of the industry.

(o) The term "outside salesmen" means salesmen who perform primarily selling functions and who do not deliver.

(p) The term "National Code Authority" means the body created in Article VIII, Title A, hereof.

(q) The term "Executive Committee" means the body or bodies provided for in Article VIII, Title C, Section 1, paragraph (e), hereof.

(r) The term "fisherman" means any individual who is actually engaged by his own labor in the catching or taking of products of the industry.

(s) The term "lay" means an arrangement controlling the division of proceeds of a fishing enterprise.

(t) The term "share" means the portion of the proceeds of a fishing enterprise received by any individual participating in the enterprise under a lay.

(u) Pronouns of the masculine gender shall include the feminine also.

(v) The term "national" is synonymous with basic, and shall not be construed to confine the scope of this code within limits not otherwise intended.

Source: Nikkei National Museum, 2010-4-3-4-2-12
www.nikkeimuseum.org

Article III—Hours of Labor

Section 1. No clerical, accounting, or other office employee shall be permitted to work in excess of forty hours in any week.

Section 2. No other employee shall be permitted to work in excess of ninety hours in any two consecutive weeks, with the following exceptions:

(a) Employees engaged in the operation of boats or vessels in going to cultivate, catch, or load products of the industry; in the cultivating, catching, or loading into the boat or vessel of such products; and in the returning again to shore, including the unloading or packing for shipment of such products where unloading or packing for shipment is performed by the crew of the boat or vessel as an integral part of the "trip operation" as contrasted with any typical "shore operation."

(b) Employees engaged in patrolling products or property of the industry and in going to or returning therefrom.

(c) Employees engaged in the driving, placement, maintenance, or repair of traps, nets, or other fishing appliances, including those engaged in the operation of vessels, pile drivers, or other marine equipment assisting in the performance of such work; and in going to or returning therefrom.

(d) Executive, supervisory, technical, and administrative employees, provided that they receive over $35.00 per week; and outside salesmen, and car attendants for shipments of live fish by railway transportation or otherwise from the inception of the transportation to and including the return of the car or other vehicle of transportation so attended to the point of origin.

(e) Watching crews and watchmen; Provided However, that they shall receive the minimum wage hereinafter set forth according to the number of hours actually worked.

(f) Stationary engineers and firemen, chauffeurs, and deliverymen; Provided However, that they shall not work more than forty-eight hours in any week.

(g) Employees engaged in emergency maintenance and repair work; Provided However, that in any such case at least time and one-third shall be paid such employees for hours of work in excess of the maximum hours herein established for them respectively.

(h) Employees engaged in any seasonal or emergency situation which may arise whereby the product of the employer may be spoiled or destroyed while in a perishable condition, when additional workers of the necessary qualifications are not available to perform the operations required. In such cases the employer shall be empowered to process such product into a non-perishable condition. Employees engaged in this seasonal or emergency work shall be paid time and one-third for hours worked in excess of the maximum herein established for them respectively.

Section 3. Any divisional code may, with the approval of the President, prescribe certain periods throughout the year of excessive demand, such as Lent or the Jewish Holidays; of excessive surplus; or of other exigency peculiar to the division of the industry covered by said divisional code, in which periods the schedules of

Source: Nikkei National Museum, 2010-4-3-4-2-13
www.nikkeimuseum.org

hours of labor for employees in the particular division of the industry in question may differ from those herein set forth.

SECTION 4. No employer in the industry shall knowingly permit any employee to work for a total number of hours in excess of the number of hours above prescribed for him, whether employed by one or more employers.

ARTICLE IV—WAGES

SECTION 1. No clerical, accounting, or other office employee shall be paid at less than the rate of $16.00 per week, except that office boys may be employed at a rate of not less than $14.00 per week.

SECTION 2. No other employee shall be paid at less than the following rates of wages:

(a) $16.00 per week for those who work by the week or 36¢ per hour for those who work by the hour, when the employment is in a city of 100,000 population or more in the North or in the trading area of any such city.

(b) $15.00 per week for those who work by the week or 33¢ per hour for those who work by the hour, when the employment is in a city or town of less than 100,000 population in the North.

(c) $14.00 per week for those who work by the week or 31¢ per hour for those who work by the hour, when the employment is in a city of 100,000 or more population in the South, or in the trading area of any such city.

(d) $13.00 per week for those who work by the week or 29¢ per hour for those who work by the hour, when the employment is in a city or town of less than 100,000 population in the South.

(e) Population for the purposes of this code shall be based on the latest Federal census.

(f) The term "South" shall consist, for the purposes of this code, of the States of Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Kentucky, Tennessee, Arkansas, Oklahoma, the District of Columbia, the Territories of the United States excepting the Territory of Alaska, and the insular possessions or other places under the jurisdiction of the United States. All other States of the United States, and the Territory of Alaska, shall constitute the "North" for the purposes of this code; Provided However, that in so far as concerns wholesaling the term "North" shall also include the State of Maryland and the District of Columbia.

(g) The above prescribed rates of wages shall not apply to individuals working on a "lay" or other profit-sharing basis.

SECTION 3. In order to maintain fair differentials between employees, an equitable readjustment in rates of pay shall be made in cases of employees who on June 15, 1933 received more than the minimum rates of pay then prevailing; but in no case as a part of such readjustment shall hourly rates be reduced.

SECTION 4. This code guarantees a minimum rate of pay, regardless of whether the employee is compensated on the basis of time rate or piece work performance. This section shall not apply to individuals working on a "lay" or other profit-sharing basis.

Source: Nikkei National Museum, 2010-4-3-4-2-14
www.nikkeimuseum.org

Article V—General Labor Provisions

Section 1. No individual under sixteen years of age shall be employed in the industry.

Section 2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Section 3. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

Section 4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

Section 5. The provisions of this code shall not supersede any law or ordinance which imposes on employers more stringent requirements as to age of employees, wages, hours of work, health, fire, or other working conditions, than are imposed by the terms of this code.

Section 6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of this code.

Section 7. Every employer in the industry shall cause the provisions of this code, and/or of the divisional code governing his division of the industry, having to do with hours of labor, rates of pay, and other conditions of employment, to be posted in a prominent place upon his business premises in such a manner that said provisions may be readily seen and read by all employees.

Section 8. Each employer shall make a monthly report to the Executive Committee governing the division of the industry in which he is engaged, stating the number of hours worked in excess of the maximum under the provisions of Article III, Section 2, paragraphs (g) and (h), hereof.

Section 9. Each Executive Committee shall, on or before June 1, 1934, prepare and file with the Administrator a schedule of the hours of labor, rates of pay, and other conditions of employment applicable to its particular division of the industry, and, upon approval by the President, said provisions shall thereafter govern that particular division of the industry, anything to the contrary in this code notwithstanding.

Section 10. The terms of each " lay " or other profit-sharing agreement shall be reduced to writing and subscribed by all parties to said agreement, and shall be posted in a prominent place accessible to the parties thereto. All records of the primary payment for the catch and of expenses shared jointly under any such agreement, including deductions from the total value of the catch or gross stock, shall be kept available and in the hands of some party to said agreement, who shall be mutually agreed upon, and such records shall be exhibited by said party, upon request, to any other party to said agreement.

Source: Nikkei National Museum, 2010-4-3-4-2-15
www.nikkeimuseum.org

SECTION 11. Every employer governed by this code shall, in the conduct of his operations, lend his cooperation and support to the program of his division for the reduction of accidents; and cases of wilful disregard of the life and health of employees shall constitute a violation of this code.

ARTICLE VI—UNFAIR METHODS OF COMPETITION

SECTION 1. The following practices constitute unfair methods of competition and it shall be a violation of this code for any member of the industry:

(a) *False Advertising.*—To publish advertising (whether printed, radio, display or of any other nature), which is false or misleading in any material particular, to misrepresent any product of the industry (including, but without limitation, its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, material content or preparation) or credit terms, values, policies, services, prices, or the nature or form of the business of a member of the industry.

(b) *Misbranding.*—To brand or mark or pack any product of the industry in any manner which is intended to or does deceive purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, material content or preparation of such product.

(c) *Destructive Price Cutting.*—To engage in destructive price cutting.

(d) *Secret Rebates.*—To secretly pay or allow rebates, refunds, credits, or unearned discounts, whether in the form of money or otherwise; or to secretly extend to certain purchasers special services or privileges, not extended to all purchasers under like terms and conditions.

(e) *Unearned Service Payments.*—To pay a trade buyer for a special advertising or other distribution service by such buyer (1) except in pursuance of a written contract made in good faith and explicitly defining the service to be rendered and the payment for it; and (2) unless such service is rendered and such payment is reasonable and not excessive in amount; and (3) unless such contract is separate and distinct from any sales contract, and such payment is separate and distinct from any sales price and is not designed or used to reduce a sales price; and (4) unless such payment is equally available for the same service to all competitive trade buyers in the same competitive market; and (5) unless a copy of each such contract is retained on file for a period of one year. In order to investigate alleged violations of this paragraph, the Administrator may require a member of the industry to report such contracts made by him and/or to produce a copy thereof for inspection.

(f) *Combination Sales.*—To require that the purchase of any goods be prerequisite to the purchase of any other goods.

(g) *Commercial Bribery.*—To give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the

Source: Nikkei National Museum, 2010-4-3-4-2-16
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knowledge of such employer, principal, or party. This paragraph shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

(h) *Violence, Intimidation or Unlawful Coercion.*—(1) Any use of violence to person or property, intimidation or unlawful coercion, by a member of the industry against a member of the industry. (2) Any threat by a member of the industry to use such violence, intimidation or unlawful coercion. (3) Any conspiracy among members of the industry, or among members of the industry and others, to use or threaten to use such violence, intimidation or unlawful coercion. (4) Any combining or cooperating by a member of the industry with any one who is using or threatening to use such violence, intimidation or coercion.

(i) *False Measures.*—To use slack weights or slack measures, or overweights or overmeasures, or to fail to observe any standard of measure or of weight imposed by his divisional code.

(j) *Free Deals.*—To grant free deals, whether in the form of money, money's worth, service, or the practice of acceptance of collect communication charges, or otherwise.

(k) *Reversal of Communication Charges.*—To engage in the practice of sending or accepting reversed telephone or telegraph or radio message charges in the obtaining of quotations or the closing of transactions, where each charge is not specifically authorized in advance by the addressee named in the message, and where such charge is not afterwards assumed and paid by the sender.

(l) *Dishonest Account of Sales.*—To render dishonest account concerning sales of products of the industry.

(m) *Returns and Allowances for Containers.*—To grant returns or allowances in money or money's worth for packages or containers to be returned, and to purchase packages or containers from customers, if the return or allowance in question or the purchase price in question constitutes more in amount than the actual value of the packages or containers in question, or if the packages or containers for which the allowance has been made or the purchase price has been fixed are not actually returned, or delivered.

(n) *Purchases.*—To refuse without lawful reason to accept and pay for, at the price agreed upon, fresh fish and/or fresh shellfish purchased from fishing vessels, officers of fishing vessels, crews of fishing vessels, or owners and/or operators of fishing equipment.

(o) *False Statements.*—To render false invoices, statements of account, orders, or acknowledgments; and to falsely report sales, whether or not the accounting concerning such sales is accurate.

Article VII—Information, Books and Records

Section 1. Each member of the industry shall, from time to time, furnish the Administrator and/or the Executive Committee for his division of the industry such information, on and in accordance with forms of reports to be supplied, as may be deemed necessary for the purposes of (a) assisting in the furtherance of the powers and duties of the Administrator and/or said Executive Committee with respect to this code and the several divisional codes and/or (b) enabling the Administrator and/or said Executive Committee to ascertain and de-

Source: Nikkei National Museum, 2010-4-3-4-2-17
www.nikkeimuseum.org

termine the extent to which the policy of the Act and the purposes of this code and the several divisional codes are being effectuated.

SECTION 2. Upon complaint against any member of the industry of violation of this code or of any divisional code, the member complained against shall permit the Administrator to examine his books and records during the usual hours of business and upon reasonable notice. Such examination shall be limited to the subject matter of the complaint and to those books and records appurtenant thereto.

SECTION 3. The members of the industry shall severally keep books and records which will clearly reflect all transactions of their respective businesses and the financial condition thereof. In particular such books and records shall set forth all of the elements entering into the cost of production, processing and distribution, to the end that accurate cost records are available. This section shall not be construed or applied to require the keeping of such books and records by a fisherman.

SECTION 4. All information furnished the Administrator, any Government agency, and the several Executive Committees, shall remain confidential, except upon lawful demand of the President, either House of Congress, or any committee thereof, or by any court of competent jurisdiction. The information, however, may be used in the form of general statistical studies or data, without individual identification.

ARTICLE VIII—ADMINISTRATION

TITLE A. NATIONAL CODE AUTHORITY

SECTION 1. The National Code Authority is hereby established, consisting of eleven members who shall be selected each year by the National Fisheries Association in such manner as to be truly representative of the industry as a whole. For the year beginning with the effective date of this code, the National Code Authority shall consist of the eleven members duly elected for that purpose by the industry and by the National Fisheries Association in convention assembled on October 19, 1933, in Washington, D.C. For the succeeding years members of the National Code Authority shall be subject to the disapproval of the Administrator.

In addition to membership as above provided, there may be three members to be appointed annually by the Administrator, to serve for a term of twelve months from the date of appointment without vote and without expense to the industry.

SECTION 2. Any vacancies occurring in the membership of the National Code Authority, except members appointed by the Administrator, shall be filled for the unexpired term by vote of the remaining members of the National Code Authority, subject to the disapproval of the Administrator.

SECTION 3. The National Code Authority shall have as its chairman one of its members duly elected by said National Code Authority.

SECTION 4. Each trade or industrial association directly or indirectly participating in the selection or activities of the National Code Authority shall (a) impose no inequitable restrictions on membership, and (b) submit to the Administrator true copies of its articles

Source: Nikkei National Museum, 2010-4-3-4-2-18
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of association, by-laws, regulations, and any amendments thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 5. In order that the National Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he deems proper; and thereafter if he shall find that the National Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may require an appropriate modification in the method of selection of the National Code Authority.

SECTION 6. Nothing contained in this code shall constitute the members of the National Code Authority partners for any purpose. Nor shall any member of the National Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the National Code Authority. Nor shall any member of the National Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this code, except for his own wilful misfeasance or nonfeasance.

TITLE B. POWERS AND DUTIES OF THE NATIONAL CODE AUTHORITY

SECTION 1. It shall be the duty of the National Code Authority:

(a) To assist in the organization of commodity, regional, functional, or other trade groups or associations within the industry in order that divisional codes, and agreements under Section 4 (a) of the Act, may be formulated.

(b) To act as a mediator in disputes between or among groups or associations, or within a group or association, upon request of any interested group or association.

(c) To assist the Administrator and/or the several Executive Committees in the collection of statistical or other data as required of members of the industry under Article VII hereof.

(d) To assemble reports on the investigations of "lay" or profit-sharing systems made by Executive Committees in accordance with Title D, Section 3, paragraph (a), of this Article, and on or before Sept. 1, 1934, report with conclusions and recommendations to the Administrator.

(e) To make recommendations, upon affirmative vote of at least six of its members, to the Administrator with respect to changes or amendments in this code or any divisional code, or with respect to problems of visitation or enforcement thereof; Provided However, that the National Code Authority shall give seven days' notice in writing to the parties concerned of any recommendation proposed by the National Code Authority for filing with the Administrator, and similar notice of any other action or request proposed by the National Code Authority to be taken or made which shall require approval by the Administrator. Each Executive Committee shall have right, as a party in interest, to be heard, in opposition to any such recommendation or request or action, before the National Code Authority at a hearing held by the National Code Authority before any such

Source: Nikkei National Museum, 2010-4-3-4-2-19
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recommendation or request or action shall have been referred by said National Code Authority to any Government agency. Each Executive Committee shall also have said right to be heard before any Government agency or authority to which such recommendation or request or action may be referred by said National Code Authority. However, nothing herein contained shall be deemed to be in derogation of the right of any such agency or authority to govern its own procedure.

(f) To encourage the distribution of strictly high quality products of the industry and otherwise to protect the consumer against inferior merchandise, the National Code Authority and the several Executive Committees shall investigate the feasibility and wisdom of establishing a proper system and agency for the grading of products of the industry for the fourfold purpose of benefiting the fishermen, stabilizing the industry, preventing destructive price-cutting, and eliminating from the market not only immature and undersized fish and shellfish, but also all types of inferior and unwholesome products of the industry. The several Executive Committees shall formulate their recommendations resulting from such investigations, including preliminary specifications for grading where grading has been found feasible and wise, and on or before Aug. 1, 1934, shall make a preliminary report of the same to the National Code Authority, which shall correlate the said recommendations in suitable form and, within a further period of thirty days, shall make recommendations accordingly to the Administrator.

(g) To meet with the various Government conservation agencies for the purpose of formulating a plan for the conservation of fishery resources and their sustained production, and to make recommendations to the Administrator within thirty days after such meeting bearing upon the minimum trade sizes of commercially important species of fish and shellfish, and upon other pertinent matters. Said meeting shall be held within six months after the effective date of this code.

(h) The National Code Authority shall have of its own right no powers other than those specifically granted to it by the provisions of this code and of the various divisional codes, or by the Administrator.

TITLE C. DIVISIONAL CODES

SECTION 1. To effectuate the necessary local administration of the provisions hereof, any division of the industry may prepare, and, with the approval of the President, adopt a divisional code. Each divisional code shall, subject to the approval of the President:

(a) Embody the provisions of this code, with such exceptions as may be specifically enumerated.

(b) Embody provisions where applicable to conserve the fishery resources and sustain production in its division of the industry.

(c) Contain such other terms and provisions with respect to its division of the industry as may be required to effectuate the policy of the Act.

(d) Contain such other terms and provisions, as may be considered wise by said division and as shall conform with the policy of the Act, with respect to uniform cost accounting, regulation of

Source: Nikkei National Museum, 2010-4-3-4-2-20
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price systems, the control of production and/or distribution, and/or the obtaining of an agreement under the terms of Section 4 (a) of the Act. Provisions in divisional codes with respect to uniform cost accounting shall allow due latitude for the obtaining of information on a comparable basis.

(e) Establish an Executive Committee or Executive Committees for the purpose of administering said divisional code. The Administrator may appoint one or more Administration members to each Executive Committee to serve without vote or expense to the industry.

TITLE D. POWERS AND DUTIES OF EXECUTIVE COMMITTEES OF DIVISIONAL CODES

SECTION 1. It shall be the duty of each Executive Committee, subject to rules and regulations established by the Administrator, to provide for compliance of the industry with this code and its divisional code, and, to investigate specific alleged violations within its jurisdiction of said codes upon complaint of any member of the industry, or upon information coming to the knowledge of said Executive Committee from any reliable source. Should it appear to said Executive Committee that a violation of the provisions of this code or of its divisional code has occurred, it shall give the accused member an opportunity for a hearing. If as a result of this hearing and/or any other information available, said Executive Committee is convinced that a violation of this code or of its divisional code has occurred, it shall so notify the member charged, and after giving notice to the National Code Authority, may present the facts to the Administrator for such action as he sees fit.

SECTION 2. Any Executive Committee may recommend amendments to this code or to any divisional code, and may report alleged violations of this code or of any divisional code to the National Code Authority, or to the Administrator; Provided However, that, if in the opinion of the National Code Authority, any action proposed to be taken by the Executive Committee of any divisional code shall involve the rights of members of the industry subject to another divisional code or other divisional codes, the National Code Authority shall hold a hearing among those involved, for the purpose of attempting a settlement of the question at issue before it shall be referred to the Administrator; and, Provided Further, that in each case where an Executive Committee shall seek to secure action from the Administrator, the National Code Authority shall have full right as a party in interest to appear before and be heard by any authority or agency to which the petition or motion of such Executive Committee may be referred in any proceeding relating to said petition or motion; and, Provided Further, that any Executive Committee may, at all times, anything to the contrary herein notwithstanding, after filing seven days' notice with the National Code Authority, proceed directly to petition the Administrator. However, nothing herein contained shall be deemed to be in derogation of the right of any such agency or authority to govern its own procedure.

SECTION 3. It shall be the further duty of each Executive Committee:

Source: Nikkei National Museum, 2010-4-3-4-2-21
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(a) To proceed with all reasonable speed to compile statistics and other data upon the operation of the various "lay", profit-sharing, or other cooperative systems of production peculiar to their respective divisions of the industry, and on or before June 1, 1934, to forward a preliminary report containing their conclusions thereon to the National Code Authority.

(b) To proceed with all reasonable speed to carry out their part of the duties set forth in Article VIII, Title B, Section 1, paragraph (f), hereof.

(c) To obtain from members of the industry such information and reports as are required for the administration of this code and its divisional code; and, Provided However, that in no event shall an Executive Committee examine the books and records of a member of the industry, except on written consent of said member.

(d) To provide ways and means for submission by members of the industry of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or Government agencies as the Administrator may designate; Provided However, that nothing in this code or in any divisional code shall relieve any member of the industry of any existing obligation to furnish reports to any Government agency.

(e) To prepare and file a schedule of hours of labor, rates of pay, and other conditions of employment as provided for in Article V, Section 9, hereof.

SECTION 4. For the purpose of determining a violation of Article VI, Section 1, paragraph (c), hereof (destructive price-cutting), upon receipt of information from a reliable source regarding an alleged specific violation by a member of the industry, the Executive Committee for his division of the industry shall give due notice and an opportunity for a hearing to the member whose action is under suspicion. If after such investigation said Executive Committee shall determine that destructive price-cutting has occurred, and if the practice continues thereafter, said Executive Committee shall advise the Administrator, who, upon review, shall take such action as he sees fit.

SECTION 5. Any of the several Executive Committees of the various divisions of the industry may inform the Administrator of facts concerning the importation into the United States of products competitive with products of the industry in substantial quantities or increasing ratio to domestic production and on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of this code or any divisional code, and may in such case urge proper action for the purpose of correcting such condition.

TITLE E. EXPENSES

SECTION 1. For the purpose of meeting the expense of administering this code and the several divisional codes, every member of the industry, subject to the jurisdiction of this code and/or any divisional code, shall pay as his proportionate part of the total annually required, a sum of money equal to one-tenth of one percent of his

Source: Nikkei National Museum, 2010-4-3-4-2-22
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total annual sales of products of the industry as determined by his sales for the preceding business year, and including inter-company or inter-departmental sales from those subsidiaries or departments engaged in production to those engaged in distribution. Payments shall be made in equal monthly installments on the first day of each month commencing with the first day of the month following the approval of this code by the President, and shall be collected in the following manner:

(a) Each Executive Committee shall collect the above described payments for its division of the industry; and for that purpose may retain a bonded collection agency.

(b) Any member of the industry who in any year is subject to the executive authority in more than one division of the industry because of the fact that he is engaged in business in more than one division of the industry or for any other reason, shall in paying the total amount for which he is obligated hereunder, allocate component parts of his total payment for that year among the divisions of the industry to the authority of which he is so subject. Such allocation shall be equitably made, and in such manner that the payment to any division will reflect his sales as they are apportioned to that division.

(c) The Executive Committee of each division of the industry shall at the end of each month of the calendar year forward to the National Fisheries Association for use by the National Code Authority 25 per cent of the total payments received by it during that month, and the remaining 75 per cent of said payments shall be retained by said Executive Committee for its own use in administering this code and the divisional code of the division of the industry over which said Executive Committee has control. The residue of said total payments remaining in the hands of said Executive Committee or of the National Code Authority may upon the termination of any year, and shall upon the termination of this code, be distributed pro rata to the contributors in proportion to the amounts originally contributed by them respectively. All individuals charged with the collection or the retention or disbursement of any of the money above referred to shall be adequately bonded. The payments provided for in this Title are for the sole purpose of administering this code and the various divisional codes, including the liquidation of such expenses as shall have been incurred in furthering the preparation, adoption, and approval of this code and any divisional code, and shall not be used for any other purposes.

(d) Upon his own motion, or upon petition of the National Code Authority or any Executive Committee, the Administrator, after such notice and hearing as he shall prescribe, may, from time to time on the basis of experience, revise any of the foregoing provisions relating to the expense of code administration.

TITLE F. PROVISIONS FOR TEMPORARY ADMINISTRATION

SECTION 1. Any trade group or association within any division of the industry, which imposes no inequitable restrictions on admission to membership and is truly representative of said division, may, pending the approval of a code of fair competition for said division

Source: Nikkei National Museum, 2010-4-3-4-2-23
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select, with the approval of the Administrator, a Temporary Executive Committee for the purpose of administering this code and such Temporary Executive Committee shall have, pending the approval of said divisional code, the powers and duties herein contemplated to be granted to and required of Executive Committees of divisional codes approved by the President.

TITLE G. INTERPRETATION

SECTION 1. The Administrator may from time to time, after consultation with the National Code Authority, issue such administrative interpretations of the various provisions of this code as are necessary to effectuate its purposes, and such interpretations forthwith shall become operative as part of this code.

TITLE H. SUSPENSION AND REVIEW

SECTION 1. If the Administrator shall determine that any action of the National Code Authority, or of any Executive Committee, or of any agency of either of them, is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period not to exceed thirty days, in order to afford an opportunity for investigation of the merits of such action and further consideration by such authority, committee, or agency pending final action, which shall be taken only upon approval by the Administrator.

ARTICLE IX—MODIFICATION

SECTION 1. This code and all the provisions thereof are expressly subject to the right of the President, in accordance with the provisions of Section 10 (b) of the Act, from time to time, to cancel or modify any order, approval, license, rule, or regulation, issued under the Act; and specifically, but without limitation, to the right of the President to cancel or modify his approval of this code or any conditions imposed by him upon approval thereof.

SECTION 2. It is contemplated that from time to time, after such notice and hearing as the Administrator shall specify, supplementary or amendatory provisions to this code will be submitted for the approval of the President, to prevent unfair competition and to effectuate the other purposes and policies of the Act; and, with the approval of the President, the provisions of this code may be canceled or modified as changes in circumstances or experience may indicate; Provided However, that no such supplementary or amendatory provisions shall be submitted to the President until such divisions of the industry as are affected thereby shall have been afforded an adequate opportunity to be heard.

SECTION 3. Any industry or branch of an industry related to the fishery industry but not expressly included in the industry as defined in Article II, Section 1, paragraph (d), hereof, may, from time to time be included under the provisions of this code by the President of the United States, after such notice and hearing as he may prescribe.

SECTION 4. Within a period of 30 days after the effective date of this code any division of the industry expressly included within the

Source: Nikkei National Museum, 2010-4-3-4-2-24
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industry as defined in Article II, Section 1, paragraph (d), hereof, may petition the Administrator for exclusion from the terms of this code, and upon the grant of the prayer of the said petition by the Administrator said division shall cease to be bound by the terms of this code.

Article X—Monopolies

Section 1. No provision of this code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

Article XI—Effective Date

Section 1. This code shall become effective on the second Monday following its approval by the President.

Approved Code No. 308.
Registry No. 117-36.



Source: Nikkei National Museum, 2010-4-3-4-2-25
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BIOLOGICAL BOARD OF CANADA

PROGRESS REPORTS

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These progress reports are issued from time to time to acquaint the fishing industry with some aspects of investigations which are being undertaken by the Biological Board of Canada through its Pacific Coast Stations.

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Source: Nikkei National Museum, 2010-4-3-4-3-2
www.nikkeimuseum.org

SUMMER HERRING FROM KLEMTU

by

Albert L. Tester,
Pacific Biological Station, Nanaimo, B.C.

A unique feature of the herring fishery during 1936 is the successful operation of purse seines during the summer in the Butedale and Bella Bella districts to the north of Vancouver island. One company fished from July 5 to 14 in Klemtu passage, Finlayson channel (Fig. 1), and captured over a hundred tons of herring. During September and early October, other companies fished in Cousins inlet, near Ocean Falls, and were rewarded with several hundred tons of fish. The herring taken in July were either frozen for bait or reduced to oil and meal in the Butedale district. Most of those taken in September and October were transported to reduction plants on the west coast of Vancouver island. This is the first time that a commercial purse seine fishery for herring has been conducted successfully during the summer in British Columbia.

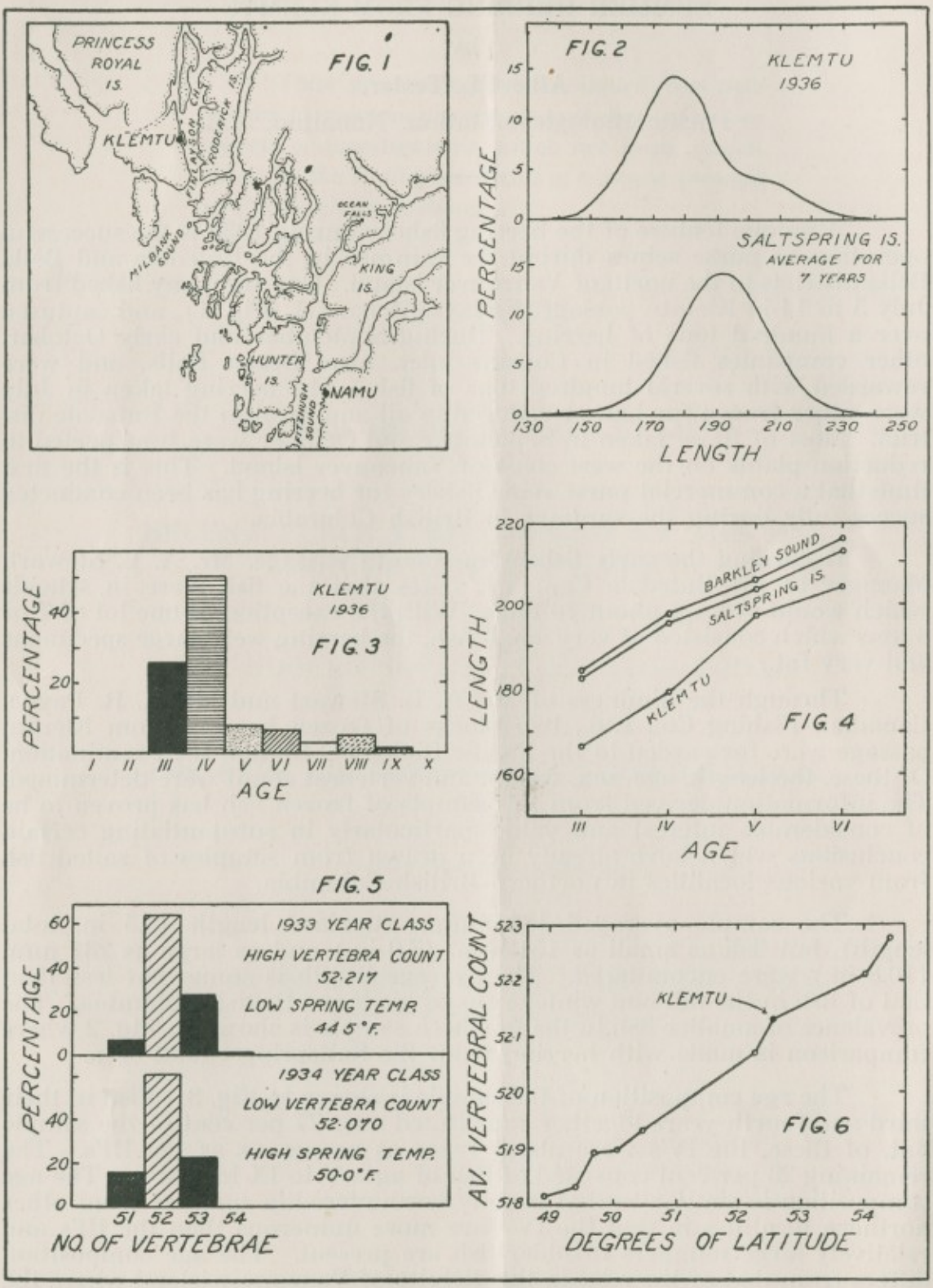
Regarding the early fishery in Klemtu passage, Mr. A. L. Stewart, Manager of the Butedale Cannery, states that the fish were in schools which would average about 10 tons. With the exception of one lot of 7 or 8 tons which consisted of very small fish, the herring were large specimens and very fat.

Through the kindness of Mr. A. L. Stewart and Mr. R. R. Payne, Canadian Fishing Co., Ltd., two blocks of frozen herring from Klemtu passage were forwarded to the Pacific Biological Station for examination. Of these, the length, age, sex, weight and vertebral count were determined. The information derived from this sample of frozen fish has proven to be of considerable interest and value, particularly in substantiating certain conclusions which have already been drawn from samples of salted fish from various localities in northern British Columbia.

The sample averaged 181.5 mm. standard **length** (8.5 in. total length), but fish as small as 151 mm. (7.0 in.) and as large as 231 mm. (10.8 in.) were encountered. The average length is somewhat less than that of fish in the fall and winter runs of southern British Columbia. The prevalence of smaller fish in the northern sample is shown in Fig. 2 where comparison is made with herring from the Saltspring island area.

The **age** composition of the sample is shown in Fig. 3. Fish in their third and fourth years together constituted over 77 per cent of the sample but, of these, the IV's were about twice as numerous as the III's. The remaining 23 per cent consisted of fish of ages V to IX inclusive. The age composition is similar to that usually encountered in samples from other northern localities in that the IV's are more numerous than the III's and relatively large numbers of older fish are present. The age composition differs from that of the runs in the vicinity of Vancouver island where the III's are usually the most abundant group and fish older than VI are relatively rare (Progress Report No. 18, Dec., 1933).

Source: Nikkei National Museum, 2010-4-3-4-3-3
www.nikkeimuseum.org



Source: Nikkei National Museum, 2010-4-3-4-3-4
www.nikkeimuseum.org

In spite of the fact that the average length of the Klemtu herring is smaller, the fish are on the whole older than those of southern localities. This indicates a slower **rate of growth.** The average lengths at each age of Barkley sound, Saltspring island and Klemtu fish are shown in the form of growth curves in Fig. 4. The curve for the Klemtu herring falls much below those of the southern localities. It should be pointed out that the sample was taken before the fish had completed their summer's growth. However, as the period of active growth is relatively short, extending from April or May until August, and as the difference in the average lengths at the various ages between the northern and southern fish is so great, it must be concluded that the former grow much more slowly than the latter.

As far as could be determined the **sexes** were present in about equal numbers, males constituting 47.4 and females 52.6 per cent. It was very difficult, however, to be sure of the sex of many of the fish. Most of the III's and some of the IV's were apparently immature fish which had not yet spawned. The older fish were classified as recovering spents and in these it was usually possible to detect either the developing milt or eggs. It seems probable that the school of very small fish mentioned by Mr. Stewart consisted mostly of young immature individuals which had not yet mixed with the mature fish.

Food was found in the stomachs of several of the herring and consisted of a red shrimp-like organism known as **Euphausia pacifica** which attains a length of about one inch. The same organism has been found frequently in gill-netted herring taken in the summer off Point Grey. Only rarely, however, does it or any other food organism occur in the stomachs of purse-seined herring from the east and west coasts of Vancouver island and this fact suggests that the fish taken in the fall and winter do not feed to any great extent. As feeding fish tend to form less compact schools than non-feeding fish, this may account for the relatively small size of the individual catches in Klemtu passage.

The average **vertebral count** has been a most useful character in tracing the extent of intermingling of herring along the coast (Progress Report No. 12, May, 1932). It has already been established that there is a gradation in the average count along the west coast of North America and that this gradation persists within the coastal waters of British Columbia (Rep. B.C. Comm. Fish. for 1935). The gradation appears to be fairly regular, so regular that one might venture to predict the average count of the Klemtu fish. It should be higher than that for Bella Bella to the south (52.065) but lower than that for Jap inlet, some distance to the north (52.210). The count of the Klemtu fish averaged 52.134, thus fitting into the series. Its position relative to counts from other localities is shown in Fig. 6.

It has also been found that in one locality, the year brood which undergoes its early development under warm temperature conditions has a low average vertebral count and that which develops under cold temperature conditions has a high average count. As 1933 was characterized by an exceptionally cold spring and 1934 by a warm spring in the Bella Bella district as in other parts of the province, it might be expected that the 1933 year class (IV's) would have a higher average than the 1934 year class (III's). As will be seen from Fig. 5, the herring from Klemtu passage fulfilled this expectation.

Source: Nikkei National Museum, 2010-4-3-4-3-5
www.nikkeimuseum.org

It is believed that the gradation in vertebral count is caused in some way by the gradation in spring and early summer water temperatures along the coast, the colder water to the north producing a higher average count. If the herring of one locality undertook long migrations to the north and south and intermingled extensively with those hatched in other localities, the gradation would soon be obliterated as a result of mixing. The fact that it has persisted for several years shows that intermingling is limited.

Before a precise definition of the populations of herring which occur in the Bella Bella and Butedale districts can be attempted, much more information is necessary. Should the summer purse-seine fishery in this area be pursued in future years, it is hoped that additional samples will be forwarded to the Station for biological analysis and interpretation. The information derived from these should be of interest and benefit to the industry in the exploitation of the new grounds.

NEWS ITEMS

Dr. E. Kol of the University of Szeged, Hungary, recently visited the Pacific Biological Station. Dr. Kol is particularly interested in the small algal plants which grow in the snow-fields of mountains, and are so commonly observed by mountain climbers. The Station was able to supply a sample of "red snow" from Mount Albert Edward in the Forbidden Plateau.

Several more or less unusual species of fish appeared along the coast of British Columbia this summer. Early in the season a specimen of the Mackerel Scad, Decapterus sp.?, was taken off Pachena. A number of moonfish, barracuda, and sunfish occurred both off the west coast of Vancouver island and around the Queen Charlotte islands.

A course of instruction for Fishermen was given in Nanaimo from November 23 to 26 inclusive under the auspices of the Pacific Biological Station with Dr. A. L. Pritchard in charge of arrangements. Twenty-two persons were in attendance for the morning, afternoon and evening sessions. Lectures and demonstrations were given in fishery biology, care and preservation of fresh fish, ocean currents and navigation by Dr. Pritchard, Dr. Clemens and Mr. Tully of the Station staff, by Dr. N. M. Carter, Director of the Fisheries Experimental Station, Prince Rupert, and by Captain J. A. Phillipsen, Victoria.

Among recent visitors from a distance to the Pacific Biological Station have been the following persons: Dr. Gunnar Hiorth, Agricultural College, Aas, Norway; Mr. F. J. K. Van der Wal, the Hague, Holland; Mr. D. Kanetomo, Imperial Bureau of Fisheries, Tokyo, Japan; Professor F. A. Osborne, University of Manitoba, Winnipeg; Professor J. G. Fitzgerald, Director, School of Hygiene and Connaught Laboratories, University of Toronto; Dr. Dorothy Forward, Dept. of Botany, University of Toronto; Dr. H. T. Gussow, Dominion Botanist, Ottawa; Mr. J. A. Rodd, Director of Fish Culture, Dept. of Fisheries, Ottawa; Dr. D. C. G. MacKay, Connecticut State College, Storrs, Conn.; Dr. N. J. Wade, Dept. of Biology, St. Louis University School of Medicine, St. Louis, Mo.; Dr. R. H. Fleming, Scripps Institution of Oceanography, La Jolla, Cal.; Dr. W. H. Rich, Dept. of Zoology, Stanford University, Cal.; Dr. W. A. Found, Deputy Minister of Fisheries, Ottawa.

Source: Nikkei National Museum, 2010-4-3-4-3-6
www.nikkeimuseum.org

RECENT PUBLICATIONS ISSUED BY THE BIOLOGICAL BOARD OF CANADA

Since the last list of recent publications given in Progress Report 27 (April, 1936), the following publications have been issued in addition to the present series of Pacific Progress Reports:

JOURNAL OF THE BIOLOGICAL BOARD OF CANADA

Volume II, No. 2 (March-April 1936).

Investigations of the herring of Passamaquoddy and adjacent regions. By Michael Graham.

Mixing and residual currents in tidal waters as illustrated in the bay of Fundy. By E. E. Watson.

The life-history and morphology of **Chironomus hyperboreus.** By J. G. Rempel.

Further contributions to mating in the American lobster. By W. Templeman.

Volume II, No. 3 (May-June 1936).

†Physical and chemical studies in lakes of the Prince Albert park, Saskatchewan. By D. S. Rawson.

*Calculations in the investigation of oils and fats with special reference to fish oils. Part II. By F. Charnley.

The food of kingfishers and mergansers on the Margaree river, Nova Scotia. By H. C. White.

†An investigation of the life history and propagation of the sockeye salmon **(Oncorhynchus nerka)** at Cultus lake, British Columbia. No. 5. The life history cycle of the 1926 year class with artificial propagation involving the liberation of free-swimming fry. By R. E. Foerster.

Volume II, No. 4 (July-Aug. 1936).

†A study of the endoparastic trematodes from marine fishes of Departure bay, B.C. By S. Hanford McFarlane.

Fourth stage larvae of **Homarus americanus** intermediate in form between normal third and fourth stages. By W. Templeman.

Argulus canadensis from Cape Breton island. By C. B. Wilson.

†A biometrical study of the Kamloops trout of Kootenay lake, **Salmo kamloops** Jordan. By C. McC. Mottley.

Age determinations of salmon parr by effect of rate of growth on body proportions. By H. C. White.

†Factors influencing the upstream spawning migration of the pink salmon, **Oncorhynchus gorbuscha** (Walbaum). By A. L. Pritchard.

The homing of salmon in Apple river, N. S. By H. C. White.

Fatness, digestion and food of Passamaquoddy young herring. By Helen I. Battle, A. G. Huntsman, Anne M. Jeffers, G. W. Jeffers, W. H. Johnson, and N. A. McNairn.

Volume II, No. 5 (Sept.-Oct. 1936).

*The nutritive value of marine products. VII. The vitamin A and D potency of the oils from British Columbia canned salmon. By Basil E. Bailey.

*†The nutritive value of marine products. VIII. Proximate analysis of canned British Columbia sockeye and pink salmon. By Neal M. Carter.

†The nutritive value of marine products. IX. Proximate analysis of British Columbia canned pilchard. By F. D. White.

†The nutritive value of marine products. X. Proximate analysis of ling cod. By F. D. White.

Source: Nikkei National Museum, 2010-4-3-4-3-7
www.nikkeimuseum.org

*†The nutritive value of marine products. XI. Proximate analysis of canned British Columbia coho (blueback) salmon. By W. A. Riddell.

*†The nutritive value of marine products. XII. Mineral constituents of some food fishes of British Columbia. By W. A. Riddell.

*†The nutritive value of marine products. XIII. Mineral constituents of the flesh, skin, bone and free liquor in canned British Columbia coho (blueback) salmon. By W. A. Riddell.

†The nutritive value of marine products. XIV. Proximate analyses of fresh British Columbia oysters. By John P. Tully.

The influence of temperature, salinity, light and food conditions on the survival and growth of the larvae of the lobster **(Homarus americanus)**. By W. Templeman.

The food of salmon fry in eastern Canada. By H. C. White.

BULLETINS OF THE BIOLOGICAL BOARD OF CANADA

†**Bulletin L** — Artificial spawning methods for sockeye salmon. By R. E. Foerster.

Bulletin LI — Return of salmon from the sea. By A. G. Huntsman.

Bulletin LII — Methods of handling fish. III. Instructions in curing and packing pickled herring by the Canadian Method. By H. Ritchie Chipman and Robert Gray.

PROGRESS REPORTS OF THE ATLANTIC BIOLOGICAL STATION AND FISHERIES EXPERIMENTAL STATION.

No. 17 (May 1936).

The 1936 short course for fishermen. By H. Ritchie Chipman.

Sex ratios in oysters of known age. By (Mrs.) A. B. Needler.

Temperature as a factor in starfish distribution. By G. F. M. Smith.

Copper sulphate and the destruction of undesirable fish in lakes. By M. W. Smith.

Rearing speckled trout in fertilized water. By M. W. Smith.

Cod and water temperature. By R. A. McKenzie.

No. 18 (November 1936).

The preparation of "marinated herring." By D. W. Watson and E. Hess.

Preservation by salting. By D. B. Finn.

The preparation of leather bates from fish. By W. W. Johnston.

Copies of the above publications can be obtained from the Secretary, Biological Board of Canada, Ottawa, or from the Editor of the Board's publications, Dr. A. G. Huntsman, Atlantic Biological Station, St. Andrews, N.B. (June to Sept.) or University of Toronto (Oct. to May).

Contributions from the Fisheries Experimental Station, Prince Rupert, B.C. are designated by (*) and from the Pacific Biological Station, Nanaimo, B.C. by (†). Copies of these in separate form can be obtained from the Director of the respective Station.

Source: Nikkei National Museum, 2010-4-3-4-3-8
www.nikkeimuseum.org

THE HOOKED SNOUT IN THE SALMONIDAE

by

C. McC. Mottley,

Pacific Biological Station, Nanaimo, B.C.

In a paper recently published, the writer has given a mathematical description of a number of the body characters in a single population of rainbow trout, pointing out in particular the changes that occur with growth and the differences displayed by the sexes. Certain characters in the males, such as the snout and the lower jaw, exhibit a great acceleration in the rate of growth at the time of sexual maturity. Although the characteristic hooking of the snout and lower jaw of male salmon and trout is quite familiar to the students of this group of fishes, it is the purpose of the present note to suggest the possible underlying mechanism of the phenomenon, which appears to lie in the field of physiological chemistry.

One of the outstanding characteristics of the salmon family is the long migration that many of the species undertake just prior to spawning and it has been shown that the fish feed only intermittently, or may cease feeding altogether, up to a year in advance of the actual spawning time. In the case of one species of Pacific salmon it has been demonstrated by tagging that a journey of 1,000 miles is not uncommon. It has also been found that the maturation of the reproductive organs takes place chiefly in the summer season preceding the time of spawning and often coincident with the long migration. In the case of the rainbow trout and the spring salmon, the mature female gonads make up about 20 per cent of the total body weight of the fish whereas the mature male gonads amount to only about 5 per cent of the total body weight. It is evident, therefore, that a greater or lesser amount of stored material, depending on the length of the journey and the amount of fasting, must be called upon to supply the necessary energy for locomotion as well as the raw materials for the full development of the reproductive products. It follows also that the materials must be mobilized from the various storage depots and redistributed throughout the body. Lovern, in the Biochemical Journal, 1934, has published data on the mobilization of the depot fat in the Atlantic salmon which seem to indicate a very low degree of selectivity for the females but some selectivity in the case of the males. He suggests that the differences between the male and female as disclosed in the series of chemical analyses are possibly due to the different metabolic requirements and processes at spawning time.

It seems likely that the differences between the mature males and females with regard to the secondary sexual characters may be the result of the different relative amounts of the various raw materials in storage that are utilized in the production of eggs and spermatozoa. In the case of egg production large amounts of shell-forming substances, probably albuminoids, are used, which on the other hand, would not be needed in the production of spermatozoa. The latter may require a greater proportion of nucleic acid and protamines. Is it not possible that the reproductive organs possessing a temporary high growth rate actually select the necessary materials from the blood supply?

Source: Nikkei National Museum, 2010-4-3-4-3-9
www.nikkeimuseum.org

In both male and female salmon and trout certain key-substances may be limited in the ordinary storage depots as shown by the rapid absorption of the margin of the bony layer of the scales at spawning time. It seems reasonable to suppose that if key-substances are withdrawn from the storage cells, the tissues will break down just as the margins of the scales do. Much of the material is probably used up in energy output and a considerable proportion evidently goes into the formation of gonads. The females, however, draw upon the mobilized material in a less specialized way than the males. The male reproductive products do not require the albuminoids or a very large quantity of fat; the total reproductive material produced, therefore, amounts to only one quarter of that produced by the females.

Other organs possessing a high potential growth rate may then use the excess amount of albuminoid material mobilized in the general demand for key-substances. It seems more than a mere coincidence that, while the storage depots are becoming depleted, two different types of structures should be displaying accelerated growth, namely, the gonads, extremely rich in nuclear material, and such structures as the snout, characterized by an abundance of extra-cellular connective tissue. It is also a curious fact that the most marked changes occur in those structures in the males that are free to grow in at least one direction, e.g., the lower jaw, the snout and maxillary process. The higher growth rate of these structures may merely mean that they are the only places where the albuminoid material may be easily and quickly accommodated. Why it is not excreted remains as one of the interesting phases of this extremely complex problem.

Many persons have regarded the secondary sexual characters of this type as providing the fish with organs of offence and defence, or in other words, as having some survival value for the species. On the contrary, the hooking of the snout and lower jaw in male salmon and trout may actually prove to be harmful. It undoubtedly becomes an inconvenience when feeding is resumed in the case of the trout and there is reason to believe that it interferes with respiration by rendering the action of the respiratory valves less efficient. Evidence is accumulating to show that there is a far greater mortality among the male rainbow trout during and after spawning than among the females. The hooking reaches its most bizarre manifestation in the Pacific salmon, which have never been reported as spawning for a second time. It seems, therefore, that these secondary sexual characters are neither adaptive nor purposive from the evolutionary standpoint. It would probably be better to regard them as an incidental by-product of sexual maturity.

Drs. J. L. Hart and A. L. Tester have undertaken an extensive tagging program for pilchards and herring, adopting the use of small metal tags which are inserted in the abdominal cavity of the fish. Recovery is obtained through the use of strong magnets in the reduction plants or salteries. In the former the tags are recovered from the meal conveyor while in the latter the fish containing tags are side-tracked. It is hoped to obtain valuable information concerning the movements of pilchards and herring as well as some data on mortality.

Source: Nikkei National Museum, 2010-4-3-4-3-10
www.nikkeimuseum.org

THE FREE OIL CONTENT OF CANNED SALMON

by

F. Charnley,

Canned Salmon Inspection Laboratory, Vancouver, B.C.

The oils (or fats) occurring in canned salmon rank high in importance among the various food factors that contribute to the nutritional value of this product. Such oils, for example, possess relatively high energy values and are used by the body in the synthesis of certain essential tissue constituents. In addition, salmon oils contain two important vitamins, namely, vitamins A and D. The oils are good sources of vitamin D but contain only slight amounts of vitamin A.

Evidently, then, no reliable estimate of the quality of a given parcel of canned salmon can be formed without some information regarding the oil content of the salmon. If two parcels of canned salmon are equal as regards other quality characteristics, such as colour, texture, etc., then the parcel in which the salmon shows a higher percentage of oil will be of better quality than the parcel of low, or poor oil content. Strictly speaking, in order to form reliable estimates of the relative quantities of oil in two or more parcels of salmon, the total amount of oil in samples from each parcel should be measured, or at least, the amount of oil obtained by pressing the solids in a suitable press together with the oil separating out from the drained liquor after the latter has been allowed to stand for several minutes. An approximate, rapid method, however, which is sufficiently accurate for most routine purposes consists merely in measuring the volume of oil separating from the drained liquor. The amount of oil obtained by this last method may, for convenience, be termed the "free oil."

From an inspection of the data summarized in table I, it will be observed that the different species of canned salmon follow the order, Spring, Sockeye, Cohoe, Pink, Blueback (immature Cohoe) and Chum, when arranged in descending order of average free oil content in samples of 12 cans. In the case of the one-pound tall cans, this is also the order of decreasing variabilities (as measured by the standard deviation). The one-half-pound flat cans, however, indicate quite a different order of variability. In comparing variabilities another difficulty arises here, namely, the large differences in the values of the means. In order to compare accurately variations in any given quality characteristic, the standard deviations should be divided by the corresponding means of the distributions. When the means or arithmetic averages are approximately equal no material inaccuracies will be introduced by comparing standard deviations. But, if, as is the case with the data in table I, the means differ widely, then the relative variations should be used. When expressed in this way, the relative variations in total free oil for the different species are as follows :–

	Sockeye	Blueback	Cohoe	Spring	Pink	Chum
1-lb tall	0.47	0.54	0.50	0.64	0.51	0.88
½-lb flat	0.46	0.47	0.58	0.52	0.66	0.75

Source: Nikkei National Museum, 2010-4-3-4-3-11
www.nikkeimuseum.org

TABLE I — Summary of Distributions of Total Free Oil in Samples of 12 Cans Drawn from Parcels of Canned Salmon Inspected between April 1st and October 31st, 1936.

	Sockeye	Blueback (*)	Cohoe	Spring	Pink	Chum
ONE-POUND TALLS						
Volume range (c.c.)	5-245	7.5-92.5	5-135	25-325	0-112.5	0-92.5
Total No. of cans	2316	660	2688	804	8940	9012
N	193	55	224	67	745	751
M (c.c.)	87.85	28.64	43.26	101.85	30.53	11.10
S (c.c.)	41.58	15.36	21.70	65.33	15.53	9.76
Percentiles (volumes in c.c.):						
25%	56.23	19.48	26.85	51.78	19.32	4.08
50%	83.57	25.21	40.24	80.00	29.05	9.06
75%	114.39	33.54	54.99	139.15	39.65	14.69
ONE-HALF-POUND FLATS						
Volume range (c.c.)	5-155	0-42.5	0-77.5	5-145	0-102.5	0-52.5
Total No. of cans	9024	1104	4284	1176	3528	1752
N	752	92	357	98	294	146
M (c.c.)	50.12	14.24	22.76	60.20	21.19	9.79
S (c.c.)	23.15	6.69	13.29	31.40	14.06	7.29
Percentiles (volumes in c.c.):						
25%	32.57	9.09	13.19	33.74	12.34	4.14
50%	48.64	13.93	20.36	55.90	18.38	8.57
75%	64.90	17.60	30.13	88.17	26.44	13.15

N = Total number of samples of 12 cans; M = Arithmetic mean of averages of 12 cans; S = Standard deviation of averages of 12 cans.
(*) = Immature Cohoe. 16.4 c.c. (cubic centimetres) = 1 cubic inch.

On this basis Chum salmon shows the greatest relative variation in total free oil, while the remaining species show approximately the same relative variations.

As pointed out in a previous Progress Report (No. 29), the great importance of the standard deviation lies in the fact that it is not only the best known measure of absolute variation, but that in the case of normal distributions, the mean and standard deviation completely specify the distribution. In such cases it is a very simple matter to set up sampling limits on simple statistics for samples of a given size. But the mean and standard deviation are of still greater value than this in that they enable us to summarize the **essentials of** any **empirical distribution whatsoever.** By means of a simple relationship known as Tchebycheff's Theorem we can always say that the proportion of cases falling within the interval $M \pm t\,s$, where t is some positive number, is greater than $1-1/t^2$. For example, if we take $t = 3$, then we can say that the proportion of samples of 12 one-pound tall cans of Sockeye salmon having a free oil content between $87.85 + (3 \times 41.58)$ and $87.85 - (3 \times 41.58)$ is

Source: Nikkei National Museum, 2010-4-3-4-3-12
www.nikkeimuseum.org

greater than $1 - 1/3^2$ or 8/9. In other words, we know that the percentage of samples of 12 one-pound tall cans of Sockeye salmon having a free oil content between 212.6 cc. and 36.9 cc. is greater than 88.9%.

If the distribution had been normal, of course, we could have said immediately that 99.7% of the samples of 12 tins had a free oil content between 36.9 cc. and 212.6 cc. Reference to table II, however, shows that the distributions of averages are definitely not of the normal type. The measures are crowded towards the left of the distribution, a fact which is clearly shown by the value of k (0.548) or the "skewness" of the distribution, since for a normal distribution k = 0. Furthermore, the mean (M) and the median or 50-percentile (P_{50}), in this instance do not coincide as they do in distributions of the normal type. On the other hand, the flatness, B^2, in this case is practically equal to that for a normal distribution (3.0).

TABLE II—Distribution of Total Free Oil in Samples of 12 One-half-pound Flat Cans of Sockeye Salmon Inspected Between April 1st and October 31st, 1936.

Volume of oil (c.c.)	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150
Frequency	29	78	107	114	132	105	86	44	26	17	9	3	1	0	1

N = 752;	M = 50.12 c.c.;	S = 23.15 c.c;	k = 0.548;
B^2 = 3.266	P_{25} = 32.57 c.c.;	P_{50} = 48.64 c.c.;	P_{75} = 64.90 c.c.

It is of interest to compare the average free oil content in one-pound tall cans reported in table I with similar data compiled by the laboratories of the Northwest Branch of the National Canners' Association, Seattle, U.S.A. According to figures based on the 1933 pack (consisting of a high proportion of Alaska salmon) the average free oil in one-pound tall cans of American salmon was as shown in table III. From table III it appears that British Columbia Cohoe, Spring, Pink and Chum canned salmon contain the same average amounts of free oil as the corresponding varieties of American canned salmon, but the average free oil in British Columbia Sockeye is much greater than that occurring in American Alaska Red salmon. In fact, the average free oil in British

TABLE III—Average Volume of Free Oil (c.c.) in One-pound Tall Cans of British Columbia and American Canned Salmon.

	Sockeye	Alaska red (*)	Cohoe	Spring	Pink	Chum
American salmon	——	4.6-6.8	3.5-5.4	8.9-13.0	2.6-4.0	1.2-1.8
B.C. salmon	7.3	——	3.6	8.4	2.5	0.9
B.C. salmon (approx. figures)	8.1	——	3.7	9.4	2.8	1.0

(*) = American name for Alaska-caught Sockeye (**Oncorhynchus nerka**).

Source: Nikkei National Museum, 2010-4-3-4-3-13
www.nikkeimuseum.org

Columbia Sockeye falls in the "better-than-average" interval for Alaska Red salmon (6.9 – 8.1 cc.). The figures listed in table III, however, are of a somewhat approximate nature, since for accurate comparisons it would be necessary to take into consideration such factors as the amount of fill and the procedures followed in compiling these figures. It would not be correct, for instance, to double the figures for average free oil in one-half flat cans in order to make them comparable with the corresponding figures for one-pound tall cans. When calculated on the latter basis, the average volumes of free oil in British Columbia canned salmon are as shown in the third row of table III.

A word regarding the accuracy of this method of measuring the free oil in canned salmon should perhaps be added here. It has been repeatedly stated to the writer that the length of time elapsing between the dates of packing and inspection affects the amount of free oil, with the result that the free oil content of canned salmon increases for a considerable period of time after packing. In other words, it is contended that the time elapsing between the date of packing and the date of inspection is an "assignable cause" of variation in the free oil content.

TABLE IV—Distributions Showing Total Free Oil in Samples of 12 One-half-pound Flat Cans of Sockeye Salmon and Number of Days Elapsing Between Dates of Packing and Inspection.

Volume of oil (c.c.)	20	30	40	50	60	70	80	90	100	110	120	130	140	150
Frequency	10	26	39	40	35	23	17	11	7	2	1	0	0	1

Number of days	2	5	8	11	14	17	20	23	26	29	32	35	38	41	44	47	50	53	56
Frequency	5	18	39	36	40	18	17	6	12	5	5	3	2	0	1	1	2	1	1

N = 212; r = 0.0116; Sr (when sampling from an uncorrelated population) = 0.0688.

It seems reasonable to believe that there would be some delay in the separation of the oil from the emulsion of oil and liquor formed during cooking, but any prolonged delay in the separation of the oil hardly seems possible, unless appreciable oil still remains in the tissues and there is a slow replacement of this oil with water from the liquor. A preliminary investigation of this question, however, indicates that there is no evidence in support of this view. If the time elapsing between the dates of packing and inspection were an assignable cause of variation, then there should be a definite correlation between the free oil content and the number of days after packing. Table IV shows the distributions of total free oil in samples of 12 half-pound flat cans of Sockeye salmon and the number of days elapsing between the dates of packing and inspection that were obtained on calculating the correlation between these two variables. As will be seen from the table, the number of days between the dates of packing and inspection extended from two days to about fifty days. The total number of samples of 12 cans examined was 212. But the correlation in this case was found to be only 0.0116. Since, in this instance, the standard deviation of a coefficient of correlation that would be obtained on sampling from an uncorrelated population is 0.0688, the

Source: Nikkei National Museum, 2010-4-3-4-3-14
www.nikkeimuseum.org

chances are even that the coefficient of correlation obtained on sampling from an uncorrelated population is within the limits 0 ± 0.0464. In fact, if the number of days from the date of packing were an assignable cause of variation, the correlation coefficient, r, should be outside the limits 0 ± 0.2066 before it could be concluded that there was a significant correlation between the oil content and the number of days between the dates of packing and inspection. It follows, therefore, that the time elapsing between the dates of packing and inspection has, at most, only a negligible effect on the free oil content of canned salmon during the interval between about one week and six weeks after packing. Furthermore, while there may possibly be an effect after six weeks subsequent to the date of packing, it seems highly probable that such an effect, if any, will prove to be very slight.

NEWS ITEMS

Both the Nanaimo and Prince Rupert Stations have been favoured by visits from representatives of several foreign countries for the purpose of gathering data on the scientific, economic and geographical aspects of Pacific Coast fisheries. Such visitors have included Professor Seiji Konda, Fishery School, Hakodate, Japan; Dr. F. W. Bartz, Geographical Institute, Bonn, Germany, and Messrs. John S. Ling, Ti Chow, Y. S. Lolon and Jones Quan, Department of Fisheries, Canton, China.

Dr. L. I. Pugsley, formerly of the Department of Biochemistry, McGill University, was appointed on November 1st as Temporary Assistant Biochemist at the Pacific Fisheries Experimental Station in Prince Rupert. Dr. Pugsley is replacing Mr. Orville Denstedt of the regular staff until the latter returns from his studies at McGill University, and has commenced an investigation of the possible variations in the vitamin A content of the liver oil of the dogfish as influenced by season, size and sex of fish. A more complete survey of the vitamin content of herring oil is also being undertaken, since this oil has had to be used to supplement the somewhat low production of pilchard oil in British Columbia this year.

Source: Nikkei National Museum, 2010-4-3-4-3-15
www.nikkeimuseum.org

OCEAN CURRENTS

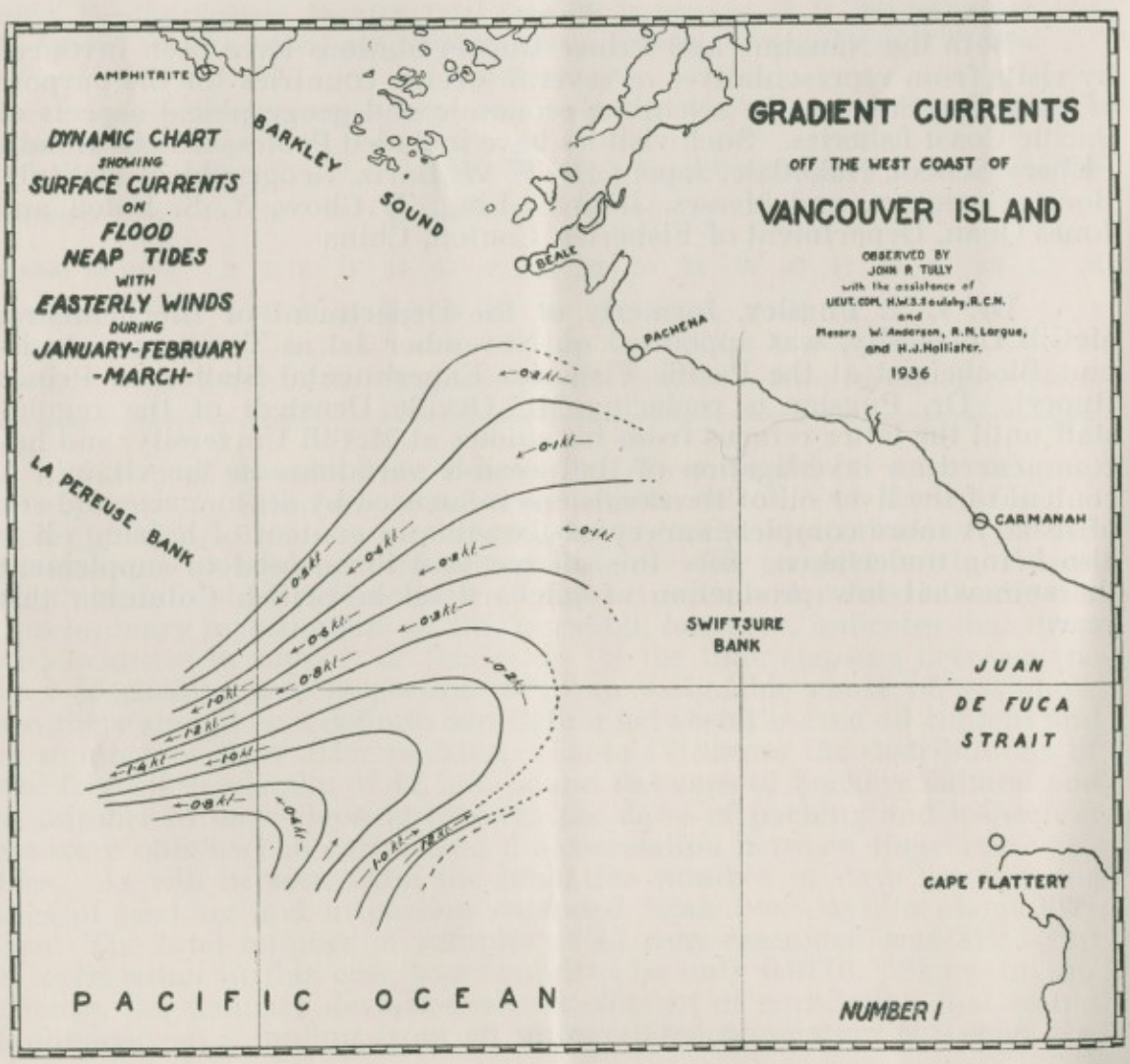
by

John P. Tully,

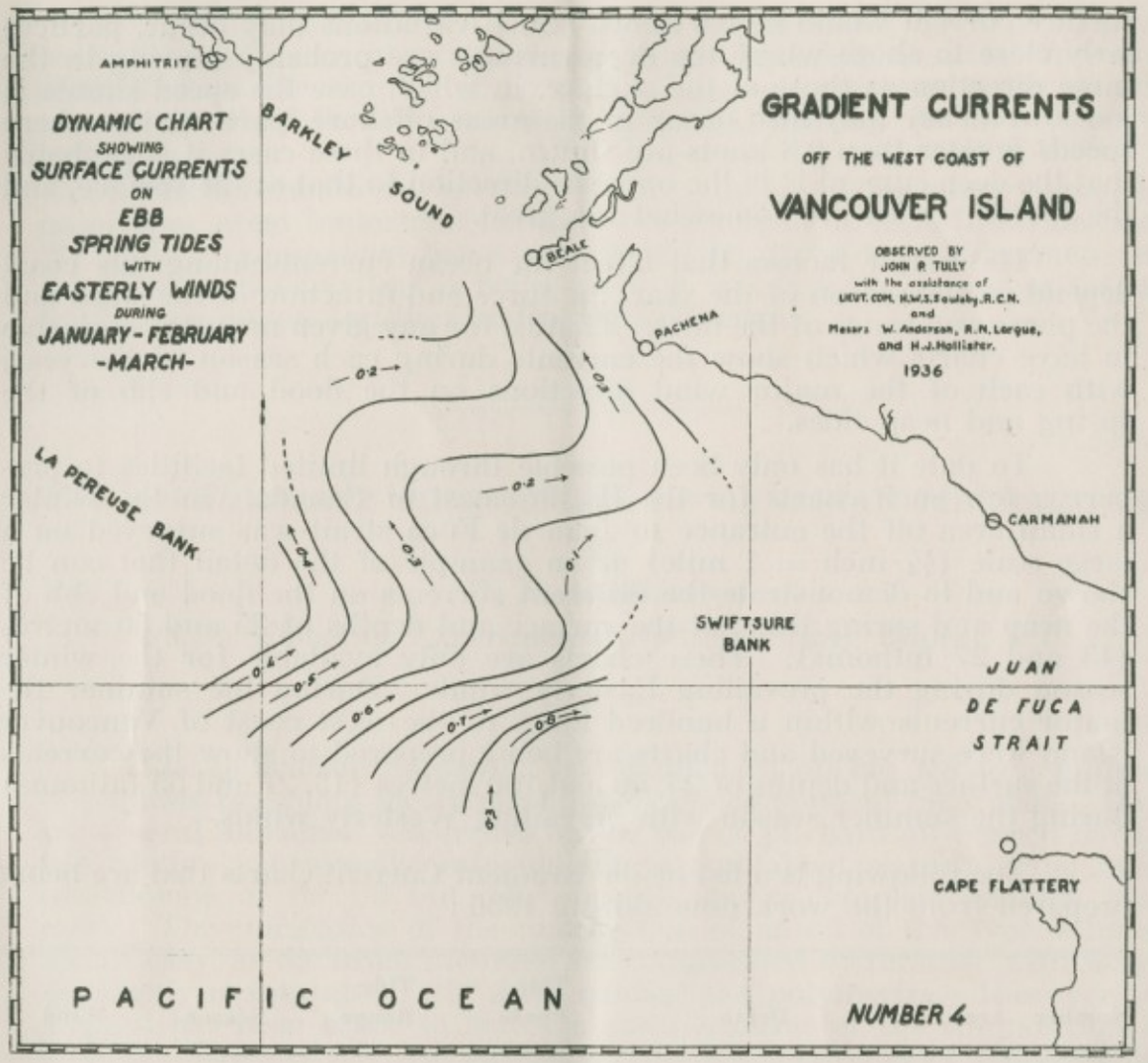
Pacific Biological Station, Nanaimo, B.C.

"Why bother with sea water" was the opening sentence in a Progress Report (No. 22) on Oceanography, and several reasons were given for considering in detail this medium of navigation and fish life. The present paper shows what can be done by the careful consideration of the temperature and salt content of the sea.

Through the co-operation of the Royal Canadian Navy, and particularly Lieutenant-Commander L. W. S. Soulsby of H.M.C.S. "Armentieres", it has been possible to take samples of the sea water from 100 carefully located positions off the west coast of Vancouver island, and to measure the temperature and salt content of the water. As a result sufficient data have been collected to prepare a number of charts showing the paths and velocities of some of the ocean currents in this region.



Source: Nikkei National Museum, 2010-4-3-4-3-16
www.nikkeimuseum.org



As an example of the type of work carried out, two small-scale illustrations of the full-size charts of surface currents are shown, numbers 1 and 4. These charts represent the ocean currents as observed in February, 1936, when Easterly winds prevailed. Chart I was prepared from observations taken on the flood of the neap tides and chart 4 from observations on the ebb of the spring tides, both over the same area.

The current flowed along the path of the lines in the direction of the current arrows and with approximately the speed in knots shown by the number in the arrow.

The "Gradient Currents" measured by this method are those induced by differences in temperature and salt content of the water, and modified by the influence of the wind, the shape of the bottom and the distance from the shore. The currents shown on the charts are relative to the movement of the water at 100 metres (55 fathoms) depth. If there is no movement at this depth they are true, but if there is movement in the deep water then they are not exactly true. If the deep water is moving at the rate of 0.2 knots in the same direction as the surface current which is shown to be moving at 0.8 knots, then the true surface current would be 1.0 knots. If the deep current is in the opposite direction, then the true

Source: Nikkei National Museum, 2010-4-3-4-3-17
www.nikkeimuseum.org

surface current would be 0.6 knots. Such variations may occur, particularly close to shore where the deep currents are probably moving in the same direction as those at the surface, in which case the speed shown is too low. They may also occur in the areas offshore, particularly where speeds greater than 0.8 knots are shown, and in these cases it is probable that the deep current is in the opposite direction to that at the surface, and the speeds shown are somewhat too great.

The major factors that affect the ocean currents along this coast depend on the season of the year, the force and direction of the wind and the phase and range of the tides. That is, for any given area it is desirable to have charts which show the currents during each season of the year, with each of the major wind directions on the flood and ebb of the spring and neap tides.

To date it has only been possible through limited facilities to prepare a few such charts for the Pacific coast of Canada. In the winter a small area off the entrance to Juan de Fuca strait was surveyed on a large scale (¼ inch = 1 mile) as an example of the detail that can be shown and to demonstrate the different currents on the flood and ebb of the neap and spring tides, at the surface and depths of 25 and 50 metres (13 and 27 fathoms). These charts are only available for the winter season during the prevailing Easterly winds. During the summer the major currents within a hundred miles of the west coast of Vancouver island were surveyed and charts are being prepared to show the currents at the surface and depths of 25, 50 and 100 metres (13, 27 and 55 fathoms) during the summer season with prevailing Westerly winds.

The following is a list of the Gradient Current charts that are being prepared from the work done during 1936 :

Number	Area	Depth	Tide Phase	Tide Range	Season	Wind
1	Entrance to Juan de Fuca strait (See chart 1)	Surface	Flood	Neap	Winter	Easterly
2	"	13 fathoms	"	"	"	"
3	"	25 "	"	"	"	"
4	"	Surface	Ebb	"	"	"
5	"	13 fathoms	"	"	"	"
6	"	25 "	"	"	"	"
7	"	Surface	Flood	Spring	"	"
8	"	13 fathoms	"	"	"	"
9	"	25 "	"	"	"	"
10	"	Surface	Ebb	"	"	"
11	"	13 fathoms	"	"	"	"
12	"	25 "	"	"	"	"
15	West coast of Vancouver island	Surface			Summer	Westerly
16	"	13 fathoms			"	"
17	"	25 "			"	"
18	"	50 "			"	"

Source: Nikkei National Museum, 2010-4-3-4-3-18
www.nikkeimuseum.org

It is not claimed that these charts are absolute, but it is known, from the continuous observations at various lightstations along the coast of the factors affecting the currents, that these charts describe the general set and speed of the currents with sufficient accuracy for most general purposes.

The information regarding the movements of the water along the coast is of great importance in the investigations of the life histories of the various commercial fishes and should be of value to fishermen and navigators. Every effort is being made to advance the survey as fast as funds, equipment, facilities and personnel permit.

THE APPROXIMATE COMPOSITION OF CANADIAN PILCHARD OIL

by

H. N. Brocklesby,

Pacific Fisheries Experimental Station, Prince Rupert, B.C.

The increasing industrial use of pilchard oil has led to a number of requests regarding the composition of the component fatty acids. During several industrial researches on the use of pilchard oil carried out by this Station considerable information was obtained regarding the main constituents of the oil but only recently has a complete analysis been made. The elucidation of the composition of an oil of this type is by no means easy, as the usual methods are complicated by the ease with which the highly unsaturated fatty acids oxidize and polymerize. However, an attempt has been made to give the main features of the composition of this oil. The analysis was carried out by the methyl ester fractionation method during which thirty-two individual fractions were obtained. Each of these was analyzed by well-known methods and the resulting data were mathematically interpreted by methods described by Charnley (*). The final data are given in table I.

The outstanding fact in these data is the relatively high proportion of C^{24} acids (acids with 24 carbon atoms). No recent quantitative analyses of oils similar to pilchard have included such high molecular weight acids. Recently, however, Japanese workers have qualitatively isolated at least two kinds of C^{24} acids from herring and cod liver oils and it is interesting to note that as far back as 1899 an investigator claimed to have isolated from herring oil an acid which had the formula $C^{24}H^{40}O^2$. In the case of pilchard oil it is possible that the content of C^{24} acids as given in the table may be slightly too high, but it is clear that they do occur in quite considerable quantities.

The saturated fatty acids of pilchard oil are approximately the same as those reported for similar fish oils and it is to be noted that palmitic acid is the chief component of this fraction, constituting as it does 14.4% of the total fatty acid content.

(*) F. Charnley, Contributions to Canadian Biology and Fisheries, Vol. VIII, No. 35, (1934).

Source: Nikkei National Museum, 2010-4-3-4-3-19
www.nikkeimuseum.org

Of particular industrial interest is the high average unsaturation of the higher molecular weight fatty acids. In the table these unsaturations are given as "–H" indicating the number of hydrogen atoms required to saturate completely each particular molecule of acid. For instance, the C^{18} acids have an average unsaturation of –3.29H which means that these acids require 3.29 atoms of hydrogen to saturate them and consequently this group must contain acids with one and two double bonds. Similarly the C^{20} group contains acids with up to three double bonds, the C^{20} up to five double bonds and the C^{24} up to six double bonds. It is well known that the higher the unsaturation, the easier oxidation, polymerization and similar changes take place. Fatty acids with five and six double bonds (average unsaturation of –10H and –12H) oxidize with extreme rapidity and their presence in pilchard oil confers this property on the oil.

The greater chemical activity of these very highly unsaturated fatty acids shows itself in a selective action when pilchard oil is subjected to a chemical reaction. For instance, during hydrogenation the more highly unsaturated acids are hydrogenated first and during polymerization these same acids are the ones that react to produce the thickening characteristic of bodied oils. This selectivity is of great importance from the industrial standpoint as it means that desirable properties can be conferred on the oil by changing the character of the highly unsaturated components without affecting the less highly unsaturated acids. This selective action will be dealt with again in a future article, when its bearing on the polymerization of pilchard oil will be discussed.

TABLE I.—The Approximate Composition of Pilchard Oil

ACIDS	Total %	Molecular Weight	Unsaturation as –H
Saturated			
Myristic (C^{14})	5.1	228.2	——
Palmitic (C^{16})	14.4	256.3	——
Stearic (C^{18})	3.2	284.3	——
Unsaturated			
C^{14}	0.1	226.2	2.00
C^{16}	11.8	254.3	2.00
C^{18}	17.7	281.1	3.29
C^{20}	17.9	308.3	4.12
C^{22}	13.8	332.0	8.47
C^{24}	15.2	357.6	10.90

Source: Nikkei National Museum, 2010-4-3-4-3-20
www.nikkeimuseum.org

Amended in accordance with opinion of W. N. Tilley K.C. of March 10th/31

MR. LISTER.

BILL.

No. 86.] [1931.

An Act respecting the Fruit and Vegetable Industry and the Central Sale of Fruits and Vegetables.

Preamble.

WHEREAS the demand on profitable markets for fruit and vegetables produced in the Province of British Columbia is not always equal to the supply thereof:

And whereas in some years the sale on the profitable markets of the total quantity of the said products available for marketing would result in congestion of such markets through disorderly marketing, with resulting loss to all producers:

And whereas, in order to avoid such congestion on profitable markets, some producers are obliged to process their products or sell the same on unprofitable markets and the whole body of producers benefits thereby:

And whereas large sums of money have been invested in the development of fruit- and vegetable-growing areas by the Government of the Province of British Columbia as well as by the producers:

And whereas it is just and equitable and necessary for the preservation of the fruit and vegetable industry of the Province of British Columbia, to avoid waste, and in the public interest, that the whole body of producers should share profitable and unprofitable markets:

And whereas for such purpose it is deemed advisable to provide for the constitution of commodity districts as hereinafter provided, with power to each such commodity district to act as exclusive agent for its members for the selling of their products and otherwise as hereinafter provided:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Source: Nikkei National Museum, 2010-4-3-4-4-1
www.nikkeimuseum.org

Short title.

1. This Act may be cited as the "Growers' Sales Act."

Interpretation.

2. In this Act, unless the context otherwise requires:—

"Product" means any fruit or vegetable, and includes berries, grapes, tomatoes, melons, and cucumbers, and also includes any variety or grade of any such product, but refers only to a product grown or produced in the Province; and does not include any fruit or vegetable as aforesaid which is or are canned, preserved, evaporated, or otherwise changed from its or their natural state by any process of manufacture or treatment:

"Grower" means any person who grows or produces a product:

"District Committee" means any committee elected under the provisions of section 17 hereof:

"Minister" means the Minister of Agriculture of the Province of British Columbia.

Constitution of first commodity district.

3. Upon the passing of this Act, a poll shall be taken on the question as to whether or not the district hereinafter described—that is to say, that portion of the Province of British Columbia contained within the following boundaries, namely: Commencing at a point on the International Boundary, being the forty-ninth parallel of latitude where same is intersected by the one hundred and twentieth meridian of west longitude; thence due north to intersect the north boundary of Township Eighteen, Range Fifteen, west of the sixth meridian (in the Railway Belt); thence due west along the said north boundary of Township Eighteen produced to the west boundary of the Railway Belt at Range Twenty-eight west of the sixth meridian; thence northerly and north-easterly along the west boundary of the said Railway Belt to its intersection with the fifty-first parallel of north latitude (being a point in the watershed of Bonaparte River); thence east along the fifty-first parallel of north latitude to the easterly boundary of the Province; thence southerly along the easterly boundary of the Province to the International Boundary; thence westerly along the said International Boundary to the point of commencement—shall be constituted a commodity district for the purpose of marketing the tree-fruits and melons, tomatoes, cucumbers, and onions grown or produced in the said area. The Returning Officer for such poll shall be appointed by the Minister. The expense of taking the said poll and all costs and expenses incidental thereto, including the remuneration and expenses of Returning Officers, the rent of polling-stations, and the cost of printing, publication, and advertising, shall be paid by the British Columbia Fruit Growers' Association, being a society incorporated under the "Societies Act"; and in the event of the commodity district being constituted as aforesaid the said expenses shall be repaid to the said British Columbia Fruit Growers' Association by the commodity district, as provided in section 12 (*k*).

Source: Nikkei National Museum, 2010-4-3-4-4-2
www.nikkeimuseum.org

Constitution of other commodity districts.

4. Where any persons growing or producing a product desire the constitution of a commodity district for any portion of the Province other than that described in section 3, or for the purpose of marketing any product other than those described in the said section, they may petition the Lieutenant-Governor in Council praying for the constitution of such commodity district, and the Lieutenant-Governor in Council may by Order in Council direct that a poll shall be taken on the question. The Order in Council shall fix the time within which the poll shall be taken, shall define the sub-districts, the local districts into which such portion of the Province shall be divided and the polling-places for the first election, shall name the Returning Officer, and shall provide for the payment of the expense of such poll and all costs and expenses incidental thereto, including the remuneration and expenses of Returning Officers, the rent of polling-stations, and the cost of printing, publication, and advertising, by the petitioners, subject to repayment thereof in the event of the commodity district being constituted as provided in section 12 (*k*). Such poll shall be in accordance with the provisions of this Act.

Procedure for poll on incorporation.

5. The procedure to be followed in the preparation of the voters' list and in the taking of the votes on the polls referred to in sections 3 and 4 hereof shall be in accordance with the provisions of Schedule B to this Act, and the Returning Officer appointed in accordance with the provisions of the said sections shall, upon receiving notice of his appointment, prepare the voters' list; and two weeks prior to the date set by him for the poll shall cause a notice signed by him, in Form 1 of Schedule A, to be posted, in the case of the poll mentioned in section 3 hereof, in at least one conspicuous place at each of the polling-places referred to in Schedule C hereto, and in the case of any other polls as to the incorporation of a commodity district, in at least one conspicuous place at each of the polling-places mentioned in the Order in Council ordering the poll; and on the day and at the time stated in the notice he shall take a poll of the votes on the question as to whether or not the commodity district shall be constituted, and shall report the result of the poll to the Minister, and shall carry out all the other provisions of Schedule B hereto. Where the report of the Returning Officer is to the effect that of the votes cast at least seventy-five per centum were polled in favour of the commodity district being constituted, letters patent shall forthwith be issued declaring the district a commodity district under the name set out therein, and with the powers in this Act provided, and stating the products within the jurisdiction of the commodity district, and naming the Returning Officer for the first election of members of the District Committee, and, subject to the provisions of section 17 hereof, fixing the date of the first election. The letters patent constituting any com-

Source: Nikkei National Museum, 2010-4-3-4-4-3
www.nikkeimuseum.org

modity district other than the commodity district referred to in section 3 hereof shall make provision for the products to be marketed, the term of existence of such commodity district, the disincorporation of the same, the number of Trustees and District Committee men to be elected from each sub-district and local district respectively, and the manner of their election.

Commodity district to be a corporation.

6. Every commodity district shall be a body corporate under the name provided in the letters patent, shall be capable in law of suing and being sued, and in addition to all the powers provided in this Act, and save as in this Act provided, shall have all the rights and be subject to all the liabilities of a corporation, but shall not be deemed to represent the Crown for any purpose.

Seal.

7. Every commodity district shall have a corporate seal which shall be in the custody of the Secretary to the Trustees.

Publication of letters patent.

8. The letters patent constituting a commodity district shall be published in one issue of the British Columbia Gazette, and shall take effect from the date of the publication thereof. The cost of such publication shall be paid by the commodity district.

Growers to be members of commodity district.

9. (1.) From and after the publication of the letters patent of any commodity district in the Gazette, all growers within the territorial limits of the commodity district of products within the authority of the commodity district shall be members of such commodity district.

Grower to obey orders of commodity district.

(2.) A grower shall comply with every determination, order, or regulation made by a commodity district under this Act and affecting him, and shall not deal with any product contrary thereto, and every grower violating this provision shall be guilty of an offence against this Act.

Subdivision of first commodity district.

10. The commodity district referred to in section 3 hereof shall be divided into the sub-districts and local districts, with polling-places for the first election as provided in Schedule C hereto. For the purposes of the poll provided for in section 3 and for the first election of District Committee men, the boundaries of the sub-districts and local districts shall be defined by the Returning Officer.

Term of existence of commodity districts.

11. The existence of the commodity district referred to in section 3 hereof shall continue for a period of five years from the date of incorporation, and shall be continued thereafter by the Lieutenant-Governor in Council for further successive periods of five years each, unless on the requisition of five hundred growers whose names appear on the voters' list for the commodity district, to be made in writing to the Lieutenant-Governor in Council three months before the expiration of any such five-year period, a ballot on the question of continuance be demanded, and on the taking of such

Source: Nikkei National Museum, 2010-4-3-4-4-4
www.nikkeimuseum.org

a ballot a majority of growers voting demand discontinuance. The expense of and incidental to the taking of such ballot, including the expenses referred to in section 3, shall be paid by the commodity district. Thereupon, upon proof to the satisfaction of the Lieutenant-Governor in Council that due provision has been made for the payment and discharge of all corporate debts and obligations of the commodity district so far as the corporate assets will extend, and for the equitable distribution of the remaining corporate assets (if any), and upon such conditions and subject to such provisions as the Lieutenant-Governor in Council may deem proper, the Lieutenant-Governor in Council may, by Order published in the Gazette, recall the letters patent of the commodity district and declare the corporate body of the commodity district to be dissolved. The existence of other commodity districts shall be for such period and shall be terminable as the letters patent constituting the same shall provide.

Powers of commodity district.

12. A commodity district shall have power.—

(*a.*) As exclusive agents, to receive from its members and sell or otherwise dispose of all products under its authority at such time or times, and in such manner and at such prices, and either separately or mixed with the products of other growers, and either by public auction or private contract or otherwise howsoever, as may seem advisable:

(*b.*) Subject to the provisions of clause 12 (*c*), to establish capital or reserve funds for such purpose or purposes and and in such amounts as the commodity district may from time to time consider advisable:

(*c.*) Subject to the provisions herein contained as to the pooling of proceeds and the establishment of a scheme of distribution, to pay to its members, after deducting all such sums as the Trustees may consider necessary for all proper charges or for capital or reserve funds (which deductions for capital and reserve funds combined shall not exceed one per centum of the total proceeds from the sale or other disposition of products in any year), the residue of the proceeds of the sale or other disposition of the said products, and the district may make such deductions at any time and from time to time from any moneys in its hands derived from the sale of products in that or any previous year:

(*d.*) From time to time to make regulations as to the delivery or storage and time and place of delivery or storage of any products, and, subject to the provisions of the "Fruit Act" and the "Root Vegetables Act," to make regulations as to the handling, packing, classifying, grading, and inspection of any such product. Each member shall deliver his

Source: Nikkei National Museum, 2010-4-3-4-4-5
www.nikkeimuseum.org

product to the commodity district when and where required by the commodity district:

(*e.*) To promote by all lawful means the sale of products under its control, and for that purpose to enter into agreements or other reciprocal arrangements with all persons, associations, firms, or corporations handling or concerned in the handling of products, for the disposition and sale of the same to wholesalers, retailers, and consumers thereof:

(*f.*) To conduct and carry on the business of general merchants and packers of such products, both wholesale and retail and on commission, and to act as brokers in the buying and selling of same, and to carry on the business of buyers, sellers, exporters, handlers, traders of, and dealers in all such products, and in connection with the business of the commodity district to establish stores, agencies, depots, and other markets for the purchase and sale thereof:

(*g.*) To settle any and all claims for damage which may be sustained by any such product during transit or which may occur in any other manner whatsoever:

(*h.*) To effect insurance in any insurance company authorized to transact business in Canada against loss by any means whatever for the products held or owned by or consigned to or by the commodity district while in transit or in storage, and to pay the necessary premium or premiums therefor in cash or by means of a definite fund or percentage on such products to be formed and set aside for that purpose:

(*i.*) To pool together the proceeds from the sale or other disposal of any or all the products delivered by all its members, and establish a scheme of distribution thereof framed according to differences in varieties, grades, sizes, or times of delivery of the said products or any other circumstances affecting the same, in the discretion of the commodity district, and from time to time to vary and alter such scheme:

(*j.*) To mortgage, pledge, or hypothecate, under the "Bank Act" or otherwise, the said products for the purpose of providing money to meet operating costs or for making advances to its members, and as between the commodity district and any lender the property therein shall be deemed to be in the commodity district, but as between the commodity district and the grower the property shall remain in the grower:

(*k.*) To pay the expenses of and incidental to the taking of any poll under this Act, including the remuneration and expenses of Returning Officers, the rent of polling-stations, and the cost of printing, publication, and advertising, and to the constitution of the commodity district,

Source: Nikkei National Museum, 2010-4-3-4-4-6
www.nikkeimuseum.org

including the cost of publication of letters patent and to the exercise of its powers under this Act:

(*l.*) From time to time to authorize one or more persons to inspect any product of a grower within its authority:

(*m.*) To promote the fruit and vegetable industry by advertising in such manner as may seem advisable, and by compiling, publishing, distributing, and furnishing information with respect thereto:

(*n.*) To employ such officers, auditors, servants, agents, and other persons, and to rent, purchase, or acquire such lands and premises as may be necessary for its operations:

(*o.*) To require growers and persons packing or dealing in a product, at such times as may be ordered by it, to make returns to it with respect to any product within its authority:

(*p.*) To arrange and pay for the storage, transport, and handling of products.

Rejection of products unfit for marketing.

13. A commodity district may refuse and reject for marketing any product unfit for marketing. In the event of such refusal or rejection the grower shall not be entitled to any compensation in respect thereof.

Exemptions.

14. A commodity district may for such time and subject to such terms and conditions as it deems advisable exempt from the operations of this Act such parts of the district, or such products, or such methods of marketing, transportation, or storage or handling as it deems fit, and may make such other exemptions as it deems necessary.

Powers of inspection.

15. For the purpose of making any inspection under this Act, any person duly authorized by the commodity district may at all reasonable hours enter into and upon any building or premises of any grower or packer of a product or of any person dealing in a product.

Inspection of records of transportation companies.

16. (1.) For the purpose of obtaining information relating to the marketing of a product within its authority, a commodity district or any person authorized by it in writing may inspect the freight and express books and records and all way-bills, bills of lading, receipts, and documents in the possession of any railway company, express company, or other common carrier doing business within the Province which contain any such information with respect to any such product shipped or carried or consigned or received for shipment or carriage within the Province.

(2.) Every railway company, express company, or common carrier, and every officer or employee of any railway company, express company, or common carrier, who neglects or refuses to produce or submit for inspection any book, record, or document mentioned in

Source: Nikkei National Museum, 2010-4-3-4-4-7
www.nikkeimuseum.org

subsection (1), when requested so to do by a commodity district or by a person so authorized by it, shall be guilty of an offence against this Act.

Election of members of District Committees and Trustees.

17. One Trustee shall be elected from and shall represent each of the sub-districts into which the commodity district is divided. Election of Trustees shall be held in the following manner: For the purposes of the first election, at such time as the letters patent shall provide, and in each subsequent year on or before the tenth day of March, on a date to be determined by the Trustees, a poll shall be held in the case of the district referred to in section 3 hereof at each of the polling-places mentioned in Schedule C hereto, and in the case of other districts at such polling-places as the letters patent shall provide. Such poll shall be held in accordance with the provisions of Schedule B hereto, and the growers at such poll shall elect members of the District Committee to the number mentioned in Schedule C in the case of the commodity district mentioned in section 3, and to the number prescribed in the letters patent in the case of other districts. Each of such members of the District Committee shall by such election be deemed to be nominated for the office of Trustee from his sub-district. Within fourteen days from their said election the members of the District Committee shall meet together for the purpose of electing Trustees.

Procedure at meetings of District Committees.

18. Where two-thirds of the members of the District Committee have been elected, they shall have power to act notwithstanding the fact that the other members of the District Committee have not been elected, and the presence of two-thirds of the members of the committee shall be sufficient for a quorum. If within one-half hour from the time appointed for the meeting a quorum is not present the meeting shall stand adjourned for seven days at the same time and place, and if at the adjourned meeting a quorum is not present within one-half hour from the time appointed for the meeting the members of the committee present shall form a quorum. The election of Trustees shall be by ballot. At the said meeting the District Committee shall also elect a Chairman of the Trustees, who shall hold the qualification necessary for election as a member of the District Committee, but who shall not be a member of the District Committee.

Powers of Trustees.

19. (1.) Forthwith after the election of Trustees they shall undertake the disposal of such products of the members of the commodity district as are within its authority, and for such purpose shall have full charge and authority over the business of the commodity district, and, subject to the provisions of this Act and the letters patent constituting the commodity district, shall have all the powers, authorities, duties, and responsibilities granted or imposed by this Act on the commodity district, and may make all necessary deter-

Source: Nikkei National Museum, 2010-4-3-4-4-8
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minations, orders, and regulations in relation thereto, and thereafter no grower shall deal with, dispose of, or deliver any product within the authority of the commodity district otherwise than in accordance with the directions of the Trustees.

(2.) Either generally or in any particular case, the Trustees may delegate to any executive sub-committee of one or more members the exercise of any of their powers under this Act in respect of such matters as may require prompt dispatch or may be more expeditiously dealt with in that manner.

Term of office of Trustees.

20. The term of office of a Trustee shall be from the date of his election until the annual election following, and his remuneration shall be fixed by the District Committee.

Qualifications of members of District Committees and Trustees.

21. The persons qualified to be nominated and elected and to hold office as Trustees or members of the District Committee shall be growers whose names appear on the voters' list of the commodity district and, in the case of Trustees, who have been duly elected members of the District Committee as provided in section 18 hereof.

Agents of corporations to be qualified for election.

22. Persons qualified under section 29 to vote as agents of bodies corporate shall be eligible for election as Trustees or members of the District Committee.

Election to fill vacancies.

23. (1.) In the event of vacancy by death, resignation, or disqualification of a Trustee, or in the event of failure to elect a Trustee or Trustees, it shall be the duty of the other Trustees to provide for the holding of a special election by the District Committee to fill such vacancy, and any person so elected shall hold office for the unexpired portion of the term of the Trustee so dying, resigning, or disqualified as aforesaid.

(2.) Should such death, resignation, or disqualification occur in the month of October or later, no election need be held prior to the annual election.

(3.) The Trustees shall meet on the first Monday after the holding of an annual election, and thereafter as the Trustees by resolution entered on their minutes may appoint.

Place of meeting of Trustees.

24. All meetings of the Trustees shall take place within the territorial limits of the commodity district, except where the Trustees by resolution entered in their minutes have resolved that it would be more convenient to hold such meetings or some of them outside the said limits.

Quorum for meetings of Trustees.

25. Where a majority of the Trustees have been elected, they shall have power to act notwithstanding the fact that the other Trustees have not been elected, and the presence of a majority of the elected Trustees shall be sufficient for a quorum.

Source: Nikkei National Museum, 2010-4-3-4-4-9
www.nikkeimuseum.org

Chairman.

26. In the absence of the Chairman the Trustees present at any meeting shall elect one of themselves as Chairman of such meeting, and he may vote on any question. In all cases where votes are equal the Chairman shall have a second or casting vote.

Minutes of meetings.

27. The minutes of the proceedings of all meetings of the Trustees shall be drawn up and fairly entered in ink in a book to be kept for that purpose, and shall be signed by the Chairman of the meeting at which they are adopted.

Annual election of District Committees.

28. In the month of January in each year the Trustees shall by resolution make provision for the annual election of members of the District Committee, and thereby shall:—

(*a.*) Fix the time, date, and place of holding the nominations:

(*b.*) Fix the time, date, and place or places when and where polls will be opened in case a poll is required:

(*c.*) Appoint a Returning Officer and Deputy Returning Officer to preside at the respective polling-places;

and shall at least two weeks before the day of nomination post in a conspicuous place in each local district a copy of the said resolution (hereinafter called the "notice of election"), and shall before the day of nomination furnish the Returning Officer and each of the Deputy Returning Officers with the list of voters and otherwise arrange for the holding of the coming election.

Qualifications of voters.

29. (1.) Save as to the exceptions enumerated in the next following subsection, any of the following persons shall be entitled to have his, her, or its name entered on the voters' list of or for the commodity district, and if the name is so entered shall, subject to the provisions of this Act, be entitled to vote at any election of the commodity district; that is to say, any male or female of the full age of twenty-one years or any body corporate who for six months immediately preceding the date set for such election:—

(*a.*) Has been registered as the owner of the fee-simple in the books of the Land Registry Office:

(*b.*) Has been a purchaser or lessee in a registered agreement for purchase or registered lease or assignment thereof:

(*c.*) Has been a pre-emptor, homesteader, or purchaser from the Crown; or

(*d.*) Has made and filed with the Secretary to the Trustees or, in case the first Trustees shall not have been elected, with the Returning Officer a statutory declaration proving that he is in actual occupation of land under the last agreement to purchase or under a lease for more than one year by the terms of which agreement or lease he is liable to pay taxes,—

in respect of two acres or more of land within the territorial limits of the commodity district or proposed commodity district upon which

Source: Nikkei National Museum, 2010-4-3-4-4-10
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such person is growing or producing any product (except berries) within the authority of the commodity district or proposed commodity district, or, where it is proposed that the commodity district shall market berries, in respect of one acre or more of land within the territorial limits as aforesaid upon which such person is growing or producing berries:

Provided that a body corporate whose name is on the voters' list shall vote only by its duly authorized agent, whose authority shall be filed with the Secretary of the Trustees on or before the thirtieth day of November, and, subject to the provisions of subsection (2) hereof, such agent, if a resident of the Province and of the full age of twenty-one years, shall be entitled to vote for such body corporate for a period of three years, unless his appointment as agent is cancelled within that time and the Secretary of the Trustees has notice, in writing, of the cancellation:

Provided further that any person whose name appears on the voters' list, and who resides twenty-five miles or more distant from the polling-place at which he is entitled to vote, may vote either in person or by proxy, and may by instrument in writing signed and witnessed before a Justice of the Peace, a Commissioner for taking Affidavits, or a Notary Public, and filed with the Returning Officer or left with some adult person at his home or place of business at least forty-eight hours previous to the opening of the polls, appoint any adult person, subject to the provisions of subsection (2) hereof, as his or her representative for the purpose of voting at the election held in the commodity district. Such proxy shall have effect for the period of time therein stated, but not in any case more than three years, and it may be in Form 2 of Schedule A:

Provided further that nothing herein contained shall be deemed to confer on each of two or more persons having a joint interest in land any right to vote, but such persons having joint interests shall nominate and appoint one of their number to vote in respect of the said land, and shall file with the Returning Officer at least forty-eight hours previous to the opening of the polls notice of such nomination.

(2.) Notwithstanding anything contained in this or any other Act of the Legislature, no Chinaman, Japanese, or other Asiatic or Indian shall have his or her name placed upon any list of voters for any commodity district, nor shall any such person be allowed to vote at any election or poll of or for a commodity district. The words "Chinaman" and "Japanese" shall have the meaning ascribed to them by the "Provincial Elections Act."

List of voters.

30. The voters' list as revised and used at the annual election in any commodity district shall be the list of qualified voters for that or for any subsequent election held during that year before a subsequent voters' list has been posted as required by Schedule B hereto.

Source: Nikkei National Museum, 2010-4-3-4-4-11
www.nikkeimuseum.org

Entry of names on voters' list.

31. Each voter shall be entitled to vote for as many candidates as there are members of the District Committee from his local district, but no person shall be entitled to have his name entered twice on the annual voters' list as a voter in a commodity district, and it shall be unlawful to enter the name of any person twice on the voters' list for any one year as a voter.

Procedure as to elections under Sch. B.

32. Save as otherwise provided in this Act, all matters pertaining to elections of members of District Committees, including the preparation and revision of voters' lists, the qualification and nomination of candidates; the appointment and privileges of candidates' agents; the providing, using, sealing, and the specifications of ballot-boxes, and the providing, using, marking, counting, spoiling, challenging, and rejecting of ballot-papers; the appointment, duties, and powers of Returning Officers, Deputy Returning Officers, and election clerks; the holding, adjourning, and declaring of the poll; recounts; the conservation of the peace and prevention of disorder in or about polling-stations; the voting, qualifying, and swearing of voters; the punishment and procedure to punish for offences against any of the regulations pertaining to any of the above-mentioned matters, shall be governed by the provisions of Schedule B, and the Trustees may from time to time make regulations for carrying out the purposes of the said Schedule B, including matters whereof no express or only partial or imperfect provision has been made in the said Schedule B.

Recounts governed by "Municipal Elections Act."

33. Save as otherwise provided in this Act, all matters pertaining to the personation of voters, the treating of voters, the exercise of any undue influence over voters, and any other offences or corrupt practices whatever connected with any election of members of District Committees of a commodity district shall be governed by the provisions of the sections of the "Municipal Elections Act" respecting the provention of corrupt practices; and in the application of those sections the words "municipality" or "municipal," wherever either of them appears therein, shall be read and be deemed to mean "commodity district," and the provisions of the said sections shall, mutatis mutandis, apply to the elections of members of District Committees.

Contested elections.

34. Any voter or candidate for the office of District Committee man may present a petition to the Supreme or County Court praying that the election of any member of a District Committee may be avoided on any of the following grounds: By reason of corrupt practices, bribery, intimidation, or undue influence; by reason of the voters' list not having been compiled or revised or certified in accordance with law or having been changed after final revision; by reason of the member of the District Committee not having obtained a majority of the votes cast by the duly qualified electors, or by reason of the member of the District Committee not possessing

Source: Nikkei National Museum, 2010-4-3-4-4-12
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the requisite qualifications; and all matters pertaining to the presenting, hearing, and determination of the issue shall, save as otherwise provided in this Act, be governed by the provisions of the sections of the "Municipal Elections Act" respecting contested elections; and in the application of the said sections the word "municipality," wherever it appears therein, shall be read and be deemed to mean "commodity district," and the words "Mayor," "Reeve," "Councillor," or "member of any Municipal Council," wherever any of them appears therein, shall be read and be deemed to mean "member of a District Committee"; and the provisions of the said sections shall, mutatis mutandis, apply to the elections of members of District Committees of commodity districts.

Second meeting of District Committees.

35. (1.) In addition to the meeting provided for in section 17, a general meeting of the District Committee shall be called in every year by the Trustees, and shall be held between the first day of June and the thirty-first day of August at a place within or in the vicinity of the commodity district, for the following purposes:—

(*a.*) To receive from the Trustees a report on the business and a statement of the financial condition of the commodity district:

(*b.*) To discuss with the Trustees any matter relating to the business or finances of the commodity district.

(2.) The remuneration of the Trustees for the ensuing year shall be fixed at the meeting provided for in section 17 hereof.

Other meetings of District Committee.

36. A special general meeting of the District Committee may be called by the Trustees at any time for the purpose of discussing with them any matter or matters relating to the business or finances of the commodity district which in the opinion of the Trustees should be brought up at such meeting.

Notice of meetings of District Committee.

37. At least ten days' notice of every meeting of the District Committee shall be given by notice posted under prepaid cover addressed to each member of the District Committee at his last-known address.

Chairman at meetings of District Committee.

38. The members of the District Committee at any general meeting shall appoint a Chairman, who shall in all cases have a second or casting vote, and a Secretary, and may pass resolutions indicating their opinion respecting any matter relating to the business or finances of the commodity district, and the Secretary shall enter the resolutions in a book provided by the Trustees for that purpose, and shall forthwith after the meeting return the book to the Trustees.

Books and records of commodity district.

39. The Trustees of every commodity district shall keep books containing true and particular accounts of all moneys received and expended by the commodity district, and shall present to the meeting

Source: Nikkei National Museum, 2010-4-3-4-4-13
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of the District Committee referred to in section 35 a statement showing the assets and liabilities of the commodity district on the thirtieth day of April last past, and also the receipts and expenditures of the commodity district for the year ending on the said date, giving as full particulars as possible, so as to enable the District Committee to understand the financial condition and operations of the commodity district.

Auditors.

40. The District Committee at the meeting referred to in section 17 hereof shall appoint a fit and proper person to act as Auditor for the commodity district, and the Auditor shall make a full examination and audit of all moneys received and expended on account of the commodity district each year.

Resubdivision of commodity district.

41. It shall be lawful for any District Committee by resolution to redefine and redescribe the said sub-districts and local districts referred to in the said Schedule C or in the letters patent constituting a district, or to unite any two or more of such sub-districts and local districts, and to increase, decrease, and redistribute the number of Trustees and District Committee men to be elected as representing the said sub-districts and local districts respectively.

Power to alter territorial limits.

42. It shall be lawful for the Lieutenant-Governor in Council to increase, decrease, or redefine the territorial limits of a commodity district under any of the following conditions:—

(*a*.) If the District Committee shall pass a resolution affirming the expediency of increasing or decreasing the territorial limits; or

(*b*.) If the District Committee shall pass a resolution that it is expedient that the territorial limits shall be redefined for the purpose of making the boundaries regular or in conformity with the boundaries of adjacent commodity districts.

Recall and substitution of letters patent.

43. It shall be lawful for the Lieutenant-Governor in Council, upon request of a District Committee, to recall the letters patent of a commodity district and to issue in their place letters patent varying in whole or in part from the letters patent formerly issued without impairing the existing obligations of the commodity district.

Union of commodity districts.

44. It shall be lawful for the Lieutenant-Governor in Council by letters patent to unite two or more commodity districts if the District Committee of each of the commodity districts passes a resolution affirming the expediency of such union.

Taking effect of further letters patent from date of publication.

45. In the case the Lieutenant-Governor in Council reduces or increases the territorial limits of a commodity district or varies in whole or in part the letters patent issued to a commodity district, further letters patent defining such increase, decrease, or variation shall be published in one issue of the Gazette, and from the date of such publication the orders, regulations, and resolutions of the

Source: Nikkei National Museum, 2010-4-3-4-4-14
www.nikkeimuseum.org

commodity district shall extend to or be confined, as the case may be, to the territorial limits defined in the said further letters patent. The cost of such publication shall be paid by the commodity district.

Service of orders of commodity district.

46. The mailing of a copy of any determination, order, or regulation of a commodity district to a grower, addressed to him at the address given by him to the commodity district, shall be good and sufficient notice thereof to the grower, and service of such notice shall be deemed to be effective at the time at which the letter containing the copy would be delivered in the ordinary course of the post, and the production of a statutory declaration as to the mailing of a copy, without further proof, shall be evidence in all Courts of the matters and things therein contained.

Actions against Trustees.

47. No action shall be brought against any Trustee of a commodity district for anything done in good faith by him in pursuance of this Act.

Regulations.

48. The Lieutenant-Governor in Council may from time to time make regulations for carrying out the purposes of this Act, including matters whereof no express or only partial or imperfect provision has been made.

Evidence of orders of commodity district.

49. In any proceedings under this Act the production of a copy of any determination, order, regulation, or record of a commodity district certified under the hand of the Chairman of the Trustees or of two Trustees of the commodity district, and sealed with the seal of the commodity district, shall be, without further proof, evidence in all Courts of the matters and things therein contained.

Obstruction of officers of commodity district.

50. Every person who obstructs or prevents a commodity district, or any Trustee or person authorized by it, in or from the exercise of any power or duty conferred or imposed on it by this Act shall be guilty of an offence against this Act.

Penalty for offence.

51. Every person guilty of an offence against this Act shall, on summary conviction, be liable, if an individual, to a penalty not exceeding five hundred dollars or to imprisonment for a term not exceeding one year, and, if a corporation, to a fine not exceeding five thousand dollars.

Burden of proof in certain cases.

52. In any prosecution or proceeding under this Act the burden of proof that a product was not grown or produced within the territorial limits of a commodity district shall be on the person accused of dealing with such product, contrary to any provisions of this Act or to any determination, order, or regulation of the commodity district.

Orders in Council to be published.

53. Every Order in Council under this Act shall be published in the Gazette.

54. The powers herein contained shall be deemed to be granted only in so far as the legislative authority of the Province extends.

Source: Nikkei National Museum, 2010-4-3-4-4-15
www.nikkeimuseum.org

SCHEDULES.

SCHEDULE A.

FORM 1.

NOTICE OF ELECTION AS TO INCORPORATION OF COMMODITY DISTRICT.

Notice is hereby given that, under the provisions of the "Growers' Sales Act," the undersigned has been appointed by the Lieutenant-Governor in Council for the purpose of taking a poll on the question as to whether or not the district described as follows: be constituted a commodity district under the said Act, pursuant to the provisions of the following Order in Council [*copy the Order in Council here*].

Now, therefore, the electors qualified as stated in the said Order in Council are hereby notified to attend at [*describing the places of voting*] on the day of , 19 , at the hour of o'clock in the noon, at which hour and place I will proceed to take a poll of the votes on the said question, which poll will continue open until the hour of o'clock in the noon, when the poll will be closed, and I will after the said hour declare the result of the poll.

Dated this day of , 19 .

.....

Returning Officer.

FORM 2.

I, *A. B.*, residing at , which is twenty-five miles or more distant from the polling-place in the Commodity District, and being entitled to vote in respect of the following parcel of land within the territorial limits of the said commodity district, namely: [*describe*] hereby appoint *C. D.*, of , as my proxy to vote for me and in my behalf at elections of the said Commodity District for the term of years.

Signed this day of , 19 ,
in the presence of—
.....

(Not good for a period of more than three years.)

SCHEDULE B.

ELECTIONS.

1. The Returning Officer shall appoint in writing such assistants or Deputy Returning Officers as he deems advisable, and in this Schedule the term "Returning Officer" shall include Deputy Returning Officer where the context permits.

2. (1.) The Returning Officer appointed to take the poll referred to in section 3 of this Act shall prepare a voters' list of the commodity district according to the sub-districts set out in Schedule C, and according to the local districts as set out in the said Schedule C, and also according to the polling-places for each local district, so that the names of the voters in any polling-place in a local district shall be set out alphabetically under the heading of the polling-place, and so that all polling-places shall be set out under the

Source: Nikkei National Museum, 2010-4-3-4-4-16
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heading of the local district in which they are situate, and so that all local districts shall be set out under the heading of the sub-district in which they are situate.

(2.) Any Returning Officer appointed under section 4 of this Act shall proceed with the preparation of a voters' list in the manner set out in subsection (1) hereof, but in accordance with the sub-districts, local districts, and polling-places defined for the commodity district.

(3.) The voters' list as prepared by the Returning Officer under subsections (1) and (2) hereof shall be the voters' list for any poll subsequent to that provided in sections 3 and 4 of this Act, subject to any alteration or revision thereof as provided by this Act.

3. In every commodity district the voters' list for the ensuing year shall be prepared by the Secretary of the Trustees, and shall be closed at five o'clock in the afternoon of the last Monday in November in each year, or, if such Monday is a holiday, on the next day which is not a holiday.

4. The Secretary of the Trustees shall segregate the names of the voters according to the polling-places at which the voters are entitled to vote.

5. The voters' list in respect of each polling-place, or a copy thereof, shall, on or before the fifth day of December in each year, be posted in a conspicuous place in such polling-place.

6. The Trustees shall, on or before the said fifth day of December in each year, by resolution, appoint three of their members who shall form a Court for the correction of the voters' list, and the Court shall sit on the third Tuesday of December of that year (or, if that day is a public holiday, on the next following week-day not being a holiday), and so continue to sit if necessary from day to day. Fourteen days' notice of the sitting of the Court shall be given by posting notice thereof in a conspicuous place in each polling-place.

7. The Court for the correction of the voters' list shall correct and revise the voters' list, and shall have power to consider and to determine any application made in person or in writing to strike out the name of any person who has been improperly placed thereon, or to place on the list the name of any person improperly omitted from the list: Provided that seven days' previous notice in writing by registered mail shall be given by the Secretary of the Trustees to the person whose right to vote is involved. All alterations made in the voters' list shall be shown in red ink, and the list so corrected, revised, and altered by the Court of Correction shall be certified by the presiding Trustee as correct, showing the Court's determination thereon, and forthwith printed or written so certified, showing the certificate thereon.

8. A copy of the voters' list so printed or written shall be posted in a conspicuous place in each local district.

9. In case the territorial limits of a commodity district or sub-district or local district or polling-place are redefined, the Secretary of the Trustees shall forthwith prepare a supplemental voters' list and show the persons whose names should be added to or removed from the voters' list accordingly; such voters' list shall be revised and corrected pursuant to the provisions of section 7 of this Schedule.

10. The Secretary of the Trustees shall in every year, immediately after the correction or revision of the list of voters, make out an alphabetical list thereof for each polling-place, stating in a separate column under what qualification each voter is entitled to vote.

11. (1.) Every candidate for election as a District Committee man shall be nominated in writing; and the writing shall be subscribed by two voters in the local district from which such District Committee man is to be elected as proposer and seconder, and shall be delivered to the Returning Officer in the case of the first poll under section 3 or 4 of this Act, and at any election after

Source: Nikkei National Museum, 2010-4-3-4-4-17
www.nikkeimuseum.org

the first poll, to the Secretary of the Trustees of the commodity district, at any time between the date of the notice of election (given pursuant to the provisions of the letters patent or under this Act, as the case may be) and twelve o'clock noon of the day of nomination.

The writing may be in the following form:—

NOMINATION-PAPER.

We hereby nominate [*give name and occupation or description of the person nominated*] as a candidate at the election now about to be held for District Committee men for the Local District of the Sub-district of the Commodity District.

A. B.
C. D.

Dated this day of , 19 .

I consent to the above nomination.

E. F.

and shall state the name, residence, and occupation or description of each person proposed in such manner as sufficiently to identify the candidate.

(2.) Each candidate shall be nominated by a separate nomination-paper; but the same electors, or any of them, may subscribe as many nomination-papers as there are candidates to be elected.

12. The persons qualified to be nominated for and elected as District Committee men of any local district shall be those qualified under the provisions of section 29 of this Act and no others.

13. It shall be the duty of the Returning Officer, at the close of the time for nominating the candidates, to examine the voters' list and ascertain that the name of the candidate or candidates and the names of each proposer and seconder are upon the voters' list, and to furnish to every candidate, or agent of a candidate applying for the same, a duly certified list of the names of the several candidates who have been nominated; and any votes given at the election for any other candidate than those so nominated shall be null and void.

14. All polling-places hereunder shall remain open for voting between the hours of eight o'clock in the morning and seven o'clock in the evening.

15. The Returning Officer shall on the day of nomination in any local district proceed to the polling-places in such local district, and shall then and there read aloud, or cause to be read aloud, the notice of election, and shall then and there name to the voters present the person or persons who have been nominated for District Committee men; and if at twelve o'clock noon of any nomination-day in any local district no more candidates stand nominated than there are District Committee men to be elected, the Deputy Returning Officer shall make his returns thereof to the Returning Officer, who shall declare such candidate or candidates duly elected District Committee men from such local district; but if more candidates stand nominated than are to be elected, the Returning Officer shall declare the names of the candidates and publicly proclaim the day and time (as stated in the notice of election) and the place or places at which the poll will be opened for the purpose of taking the votes of the voters according to law; and shall then adjourn the election for the purpose of taking a poll by ballot, and shall cause to be posted up notices of his having granted such poll, indicating the names, residences, and occupations or descriptions of the candidates so nominated in the order in which they will be written or printed on the ballot-papers, which notices shall, as soon as possible after the nomination, be placarded in all the places where the notice of the election was posted up. Such notices may be in the following form:—

Source: Nikkei National Museum, 2010-4-3-4-4-18
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NOTICE OF POLL.

Public notice is hereby given to the voters of the Local District of the Sub-district in the Commodity District that a poll has become necessary at the election now pending for the said local district, and that I have granted such poll; and, further, that the persons duly nominated as candidates at the said election, and for whom only votes will be received, are:—

For District Committee Men.

Surname.	Other Names.	Abode.	Description or Occupation.

Now, therefore, the voters qualified according to the provisions of the "Growers' Sales Act" are hereby notified to attend at [*describing the place of voting*] on day, the day of , 19 , between the hours of eight o'clock in the morning and seven o'clock in the evening, between which hours and at which place I will proceed to take a vote of the voters for Committee men to be elected from Local District, which poll will close at the hour of seven o'clock in the evening, and I will thereafter declare the result of the poll.

Dated this day of , 19 .

A. B.,
Returning Officer.

16. No speeches or interruptions to the proceedings of nominating candidates shall be permitted by the Returning Officer between the reading of the notice of election and the closing of the proceedings.

17. If after the adjournment of an election by the Returning Officer for the purpose of taking a poll one of the candidates nominated dies before the poll has commenced, the Returning Officer shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh; but no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

18. No notice shall be invalidated by reason that it has not been affixed in every place and for the full time hereinbefore required for publication thereof; but nothing hereinbefore contained shall be construed to exempt the Returning Officer, or other person charged with the duty of publishing the notice, from the penalties of his neglect or wilful default.

19. In case any notice is destroyed, mutilated, effaced, defaced, or removed before the expiration of such period, the Returning Officer, or other party required to publish the same as aforesaid, shall, as soon as conveniently may be after he has become aware thereof, publish in like manner in its place another notice to the like purport and effect as the notice so destroyed, mutilated, effaced, defaced, or removed.

20. Every person who wilfully destroys, mutilates, effaces, defaces, or removes any notice affixed as aforesaid during the period for which the same is hereinbefore required to remain so affixed shall be guilty of an offence against this Act, and shall be liable, on summary conviction, to a penalty not exceeding twenty-five dollars.

Source: Nikkei National Museum, 2010-4-3-4-4-19
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21. Any person authorized in writing, but not otherwise, may act as the agent, counsel, attorney, or clerk of a candidate during the continuance of an election.

22. Where at the time appointed for holding a nomination or poll the person appointed to be Returning Officer has died, or does not attend to hold the nomination or poll within an hour after the time appointed, in the case of the first poll under this Act the Minister shall appoint another person; and in the case of a subsequent poll, the Trustees shall appoint another person who shall act as and shall be the Returning Officer at the election, and shall have all the power and shall forthwith proceed to hold the nomination or poll and perform all the other duties of a Returning Officer, and in the case of a poll being required the Deputy Returning Officers shall make to him the returns for their respective places; and in case a Deputy Returning Officer has died or refuses or neglects to attend at the time and place he is required by the Returning Officer to receive his voters' list and other election papers and carry out his duties, the Returning Officer shall appoint another to act in his place and stead, and the person so appointed shall have all powers and authority of a Deputy Returning Officer accordingly.

23. (1.) Where a poll is granted, the Returning Officer shall procure as many boxes (hereinafter called "ballot-boxes") as may be necessary for use at the election.

(2.) The ballot-boxes shall be made of some durable material, shall each be provided with a lock and key, and shall be so constructed that the ballot-paper can be introduced therein and cannot be withdrawn therefrom unless the box is unlocked.

24. The Returning Officer at every polling-place, just before the commencement of the poll, shall show the ballot-box empty to such persons (if any) as may be present in the polling-place so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking the seal, and shall place and keep it in his view for the receipt of ballot-papers, and keep it so locked and sealed.

25. (1.) Voting at all elections shall be by ballot.

(2.) The Returning Officer shall cause to be printed or prepared in writing such number of ballot-papers as will be sufficient for the purposes of the election for which he is appointed.

(3.) The names of the candidates for District Committee men shall not be included in the same ballot-paper which is used for voting upon any other matter submitted to the voters, but one kind or set of ballot-papers shall be prepared containing the names of the candidates for District Committee men and another kind shall be used for voting upon each other matter submitted. There shall also be prepared a separate kind or set of ballot-papers, to be used in cases of tendered ballots, as hereinafter mentioned.

(4.) Every ballot-paper to be used for the purpose of voting upon any matter submitted to the voters shall contain in a prominent place on the said paper, after the word "For," a short description of the matter submitted and the words "Yes," "No"; and every ballot-paper to be used for the election of District Committee men shall contain under the words "For District Committee men" a list of the candidates for such offices arranged alphabetically in the order of their surnames, and if there are two or more candidates with the same surname, of their other names; and every ballot-paper shall be capable of being folded up.

26. The Returning Officer at any polling-place in an election held under this Act shall receive the vote of any person whose name he finds in the last revised list of voters furnished to him for use at the election: Provided that if any person offering to vote at any such election is challenged as unqualified by the Returning Officer or by any duly qualified voter, the Returning Officer

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shall require the person so offering to vote to make the following declaration before him, and every Returning Officer is empowered to take such declaration:—

DOMINION OF CANADA:
PROVINCE OF BRITISH COLUMBIA.
TO WIT:
DISTRICT.

I, *A. B.*, do solemnly declare that I am a British subject and am qualified and entitled, under the "Growers' Sales Act," to vote in respect of lands within the territorial limits of this polling-place in the Local District as [owner, holder, *etc.*], and that I am legally qualified to vote at this election; and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at this
day of , 19 .
.....

The person making such declaration shall be permitted to vote at the election if his name is on the voters' list for such polling-place in the local district, but if he refuses to make such declaration he shall not be permitted to vote.

27. Where any voter has made the declaration required of him by this Schedule, the Returning Officer shall state that the declaration was made by the voter by entering opposite the name of the elector in the list of voters the word "sworn" and nothing more.

28. The voter, on receiving the ballot-paper, shall forthwith proceed into one of the compartments in the polling-station, and shall then and therein mark his ballot-paper by making a cross opposite to the division or divisions containing the name or names of the candidates for whom he desires to vote, and in respect of any other matter submitted to the voters he shall mark his ballot-paper as indicated to give expression to his desire to vote on the matter submitted, and he shall then fold the ballot-paper across so as to conceal the names of the candidates and the marks upon its face, and upon leaving the compartment shall immediately, and without showing the front to any one or so displaying the ballot-paper as to make known to any person the name of any candidate for whom he has marked his vote, deposit the ballot-paper in the closed ballot-box. The voter shall then forthwith leave the polling-place.

29. While any voter is in any balloting compartment for the purpose of marking his ballot-paper, no other person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot-paper.

30. The Returning Officer, on the application of any voter who makes a declaration before him that he is unable to read, in the form following, that is to say:—

DECLARATION OF INABILITY TO READ.

I, *A. B.*, being numbered on the register of voters for the Polling-place in the Local District, do hereby declare that I am unable to read.

A. B. × [*his mark*].

Dated this day of , 19 .

I, the unders!gned, being the Deputy Returning Officer at the Polling-place for the Local District, do hereby certify

Source: Nikkei National Museum, 2010-4-3-4-4-21
www.nikkeimuseum.org

that the above declaration, having been first read to the above-named *A. B.*, was signed by him in my presence with his mark or signature.

(Signed) *C. D.*,
Deputy Returning Officer for Polling-place for the Local District.

Dated this day of , 19 .

shall, in the presence of the candidates or their agents, if present, mark the vote of the voter on a ballot-paper in manner directed by the voter, and place the ballot-paper in the ballot-box; and the name and number on the register of voters of every voter whose vote is marked in pursuance of this section, and the reason why it is so marked, shall be entered on a list (in this Schedule called the "list of votes marked by the Returning Officer").

31. If a person, representing himself to be a particular voter named on the list of voters, applies for a ballot-paper after another person has voted as such voter, the applicant, upon duly answering the questions and making the declaration before a Returning Officer (hereinbefore referred to), shall be entitled to mark a ballot-paper in the same manner as any other voter, but the ballot-paper (in this Schedule called a "tendered ballot-paper") shall be of a colour differing from the other ballot-papers, and instead of being put into the ballot-box shall be given to the Returning Officer and endorsed by him with the name of the voter and his number in the list of voters and set aside in a separate packet, and shall not be counted by the Returning Officer. And the name of the voter and his number on the register shall be entered on a list (in this Schedule called the "tendered voters' list").

32. A voter who has inadvertently dealt with his ballot-paper in such manner that it cannot be conveniently used as a ballot-paper may, on delivering to the Returning Officer the ballot-paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the Returning Officer, obtain another ballot-paper in the place of the ballot-paper so delivered up (in this Schedule called a "spoilt ballot-paper"), and the spoilt ballot shall be immediately cancelled.

33. In every case where the vote of any person is objected to by the candidate or his agent, the Returning Officer shall enter the objection in the list of voters, by writing opposite the name of the voter the words "objected to" only, mentioning at the same time by which candidate, or on behalf of which candidate, the objection has been made, by adding after the words "objected to" the name only of such candidate.

34. Where a poll is opened at one polling-place only, the Returning Officer shall, as soon as practicable after the closing of the poll, in the presence of such agents (if any) as may be in attendance, count the votes given to each candidate and for and against each matter (if any) submitted to the electors, and shall forthwith declare to be elected the candidate or candidates to whom the majority of votes has been given, and shall declare the result of the voting on the matters (if any) submitted to the electors.

35. Where a poll is opened at more than one polling-place, the Deputy Returning Officer at each polling-place, as soon as practicable after the close of the poll, shall, in the presence of the agents of the candidates, count the ballots and declare the result of the poll at his polling-place, and shall then make up into separate packets, sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals, and endorsed so as to indicate their contents: The ballots indicating the votes given for the candidates respectively, the ballots rejected, those spoiled, those unused, and the tendered ballot-papers, the counterfoils (if any) of the ballot-papers, the marked copies of the register of votes, the tendered voters' list, the list of votes marked by the Deputy Returning Officer, and a statement of the number

Source: Nikkei National Museum, 2010-4-3-4-4-22
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of the electors whose votes are so marked by the Deputy Returning Officer under the head "unable to read" and the declarations of inability to read; and shall place the packets in the ballot-box used in his polling-place, and shall seal the ballot-box with his own seal and the seals of such agents of the candidates as desire to affix their seals, and shall return the packets and ballot-box to the Returning Officer.

36. The packets shall be accompanied by a statement made by the Deputy Returning Officer, showing the result of the poll at his polling-place and the number of ballot-papers entrusted to him, and accounting for them under the heads of ballot-papers used, unused, spoilt, and tendered ballot-papers, which statement is in this Schedule referred to as the "ballot-paper account."

37. Upon receipt of the ballot-boxes and statements in the last two paragraphs mentioned, the Returning Officer shall at a time and place fixed upon three days' notice in writing to each candidate, in the presence of such agents (if any) of the candidates as may be in attendance, open the ballot-boxes and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare to be elected the candidates or candidate to whom the majority of votes has been given, and shall declare the result of the voting on the matters (if any) submitted to the electors.

38. The candidates may respectively appoint agents in the manner hereinbefore mentioned to attend the counting of the votes.

39. The Returning Officer shall make arrangements for counting the votes as soon as practicable after the close of the poll.

40. The Returning Officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes.

41. No person shall be appointed by a Returning Officer for the purposes of an election who has been employed by any other person in or about the election.

42. The Deputy Returning Officers, their assistants, clerks, and constables, the candidates and agents of the candidates, but no other person, except with the sanction of the Returning Officer, may be in the polling-place during the opening of the ballot-boxes and counting of the votes.

43. The Returning Officer shall, so far as practicable, proceed continuously with counting the votes.

44. Ballots shall be rejected and not counted by a Returning Officer for the following reasons:—

(*a.*) Voting for more candidates than the voter is entitled to:

(*b.*) For writing or making a mark by which the voter can be identified:

(*c.*) For a ballot unmarked or void for uncertainty:

(*d.*) For a ballot being dissimilar to those officially supplied.

45. The Returning Officer shall endorse "rejected" on any ballots which he may reject as invalid, and shall add to the endorsement "rejection objected to" if an objection be in fact made by any candidate or agent to his decision. The Returning Officer shall report the number of ballots rejected and not counted by him under the several heads set out in the last preceding section.

46. The decision of the Returning Officer as to any question arising in respect of any ballot shall be final, subject to reversal on petition questioning the election or returns.

47. In the election of District Committee men, if there is an equality of votes, the Returning Officer shall have the casting-vote to be given at the time of the declaration of the poll.

48. As soon as the Returning Officer has completed the counting of the votes, he shall then and there openly proclaim to be elected the candidate or candidates having the highest number of votes for the office or offices for which he or they has or have been nominated, and shall declare the result of the voting on the matters (if any) submitted to the electors, and shall place

Source: Nikkei National Museum, 2010-4-3-4-4-23
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in a conspicuous place in some public building or other place within the territorial limits of the local district a statement under his hand showing the number of votes cast for each candidate at the election and for and against each matter (if any) submitted to the electors.

49. The names of the District Committee men elected in the local district shall be filed with the Minister by the Returning Officer within seven days after the declaration of the result of the poll in the case of a poll under section 3 or 4 of this Act, and in any subsequent poll the names shall be filed with the Secretary of the Trustees within the said period of seven days.

50. Where the proceedings at any election are interrupted or obstructed by any riot or open violence, whether the proceedings consist of the nomination of candidates or of the taking the poll, the Returning Officer shall not for such cause terminate the business of the nomination or finally close the poll, but shall adjourn the nomination, or the taking of the poll at the particular polling-place at which the interruption or obstruction has happened, to the following day; and if necessary shall further adjourn the nomination or poll, as the case may be, until the interruption or obstruction has ceased, when the Returning Officer shall again proceed with the business of the nomination or with the taking of the poll, as the case may be, at the place at which the same may respectively have been interrupted or obstructed; and the day on which the business of the nomination is concluded shall be deemed to have been the day fixed for the nomination, and the commencement of the poll shall, if practicable, be put off for an equal number of days for which the nomination has been adjourned and any day whereto the poll has been so put off or adjourned shall, as to such place, be reckoned the day of polling at the election within the meaning of this Schedule. And where any such poll has been adjourned by any Deputy Returning Officer, he shall forthwith give notice of the adjournment to the Returning Officer, who shall not finally declare the state of the poll, or the name or names of the candidate or candidates elected, until the poll so adjourned has been finally closed.

51. For the maintenance of peace and of good order at such election each Returning Officer or Deputy Returning Officer respectively may require the assistance of all Justices of the Peace, constables, and other persons present at the election, whether at the hustings or at any polling-station; and may also swear in so many special constables as he deems necessary; but no special constable so sworn in as aforesaid shall be debarred from voting at the election.

52. On a requisition in writing made to him by any candidate or by his agent, or by any two or more electors, any Returning Officer or Deputy Returning Officer may, in his discretion, swear in special constables for the purpose of maintaining peace and order.

53. The Deputy Returning Officer shall keep order at his polling-station, shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except his clerks, the agents of the candidates, and the constables on duty.

54. During the time appointed for polling no person shall be entitled or permitted to be present in any polling-station other than the officers, candidates, clerks, or agents authorized to attend at such polling-station, and such voters as are for the time being actually engaged in voting; but it shall at all times be lawful for the Returning Officer to have present, or to summon to his assistance, to and in such polling-station any police constable or peace officer for the purpose of maintaining order or of preserving the public peace, or preventing any breach thereof, or of removing any person who may, in the opinion of the Returning Officer, be obstructing the polling or wilfully violating any of the provisions of this Act.

55. If any person misconducts himself in the polling-station or fails to obey the lawful orders of the Returning Officer, he may immediately, by order of

Source: Nikkei National Museum, 2010-4-3-4-4-24
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the Returning Officer, be removed from the polling-station by any constable, or any other person authorized in writing by the Returning Officer to remove him; and the person so removed shall not, unless with the permission of the Returning Officer, again be allowed to enter the polling-place during the day.

56. Any person so removed, if charged with the commission in such polling-station of any offence, may be kept in custody until he can be brought before a Justice of the Peace, but the powers conferred by this and the last preceding clause shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling-place from having an opportunity of voting.

57. In the case of a poll pursuant to section 3 or 4 of this Act, all returns shall be made by the Returning Officer to the Minister. In the case of an election subsequent thereto, all returns shall be made by the Returning Officer to the Secretary of the Trustees of the commodity district in which the election is being held.

SCHEDULE C.

PROPOSED DISTRICTS AND SUB-DISTRICTS.

Sub-districts.	Local Districts.	District Committee Men.	Polling-places.	Trustees.
Kootenay	Creston	2	Creston, Wynndel, Canyon City	
	Nelson	1	Boswell, Crawford Bay, Kaslo, Harrop, Willow Point, Nelson, South Slocan, Robson, Appledale	1
	Arrow Lakes	1	Renata, Edgewood, Fauquier, Burton, Arrow Park, Nakusp	
Boundary	Grand Forks	1	Grand Forks	
	Oliver	2	Oliver, Osoyoos	1
	Keremeos	1	Keremeos	
Penticton	Kaleden	1	Kaleden	
	Penticton	2	Penticton	1
	Naramata	1	Naramata	
Okanagan Lake West	Summerland	2	West Summerland	
	Peachland	1	Peachland	1
	Westbank	1	Westbank	
Kelowna	Kelowna	3	Kelowna	
	Winfield-Okanagan Centre	1	Winfield	1
Vernon	Oyama	1	Oyama	
	Vernon	2	Vernon	1
	Armstrong	1	Armstrong	
Kamloops	Kamloops, Ashcroft to Chase, inclusive	2	Ashcroft, Kamloops, Chase	
	Salmon Arm, Sorrento to Canoe, inclusive	2	Salmon Arm, Sorrento	1
	Total	28	Total	7

Source: Nikkei National Museum, 2010-4-3-4-4-25
www.nikkeimuseum.org

VICTORIA, B.C.:
Printed by CHARLES F. BANFIELD, Printer to the King's Most Excellent Majesty.
1931.

Source: Nikkei National Museum, 2010-4-3-4-4-26
www.nikkeimuseum.org

PROVISIONAL PLAN FOR THE CONTROLLED MARKETING OF POTATOES AND VEGETABLES UNDER THE NATURAL PRODUCTS MARKETING Act, FOR THAT PORTION OF BRITISH COLUMBIA KNOWN AS "THE LOWER MAINLAND AND VANCOUVER ISLAND."

1. The area to be controlled shall be all such territory producing potatoes and vegetables which is not covered by the plan submitted by the Interior Vegetable Growers (amended: Vancouver Island and Pemberton Meadows exempted).

2. The product to be covered shall be potatoes and all other vegetables.

3. All producers of potatoes or other vegetables for subsequent sale, in the area shall be required to register.

4. The registered office of the Board shall be in Vancouver.

5. The Board shall consist of 5 members to be chosen at a meeting of delegates representing all growers within the controlled area; such delegates to be appointed by growers of each district at regularly called meetings duly advertised.

6. Growers voting at such meetings shall be owner-growers or lessees who have operated their present holdings for more than five years.

7. Five members of the Board shall form a quorum.

8. A central selling agency shall be set up for the disposal of the crop grown within the controlled area.

9. A levy of 5% on the selling price, or $1.00 per ton, whichever is the greater, will be deducted from the selling price to cover cost of operation.

10. Only registered wholesalers shall be allowed to buy from the Agency, and such distributing agents as may in the opinion of the Board be necessary, may be appointed.

11. Pooling may, if in the opinion of Board such is necessary, be resorted to.

12. The tonnage of the crops to be controlled produced during the past three years is as follows: -

1931	-	30556 tons
1932	-	29858 "
1933	-	29582 "

Source: Nikkei National Museum, 2010-4-3-4-5-1
www.nikkeimuseum.org

13. Annual General Meetings of Registered Growers shall be held in their respective districts on the first Saturday in June of each year, at which the Advisory Board shall be appointed for the ensuing year. At these meetings, a detailed report of the affairs of the Growers shall be presented for discussion.

14. In view of the disastrous marketing experiences of the past few years, it is submitted that a plebiscite of growers is unnecessary.

15. The Board shall hold office for 12 months or until their successors are appointed by a majority vote of the delegates at a special meeting of the said delegates.

(Signed) A. SWENSON, Chairman

J. KENNEDY Member

J. MAXWELL Member

Provisional Board

Aug. 10, 1934.

Source: Nikkei National Museum, 2010-4-3-4-5-2
www.nikkeimuseum.org