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ORDERS-IN-COUNCIL ON JAPANESE CLAIMS

PC 1457 24/2/42 ≡ control of land buying

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Source: Nikkei National Museum, 2018-16-1-14-1-1
www.nikkeimuseum.org

P. C. 288

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Certified to be a true copy of a minute of a meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 13th January, 1942.

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The Committee of the Privy Council have had before them a report, dated 13th January 1942, from the Minister of Fisheries, representing that the defence and security of Canada has made necessary the immobilization of fishing vessels owned by people of Japanese origin and operated in British Columbia waters;

That some 1,100 boats and their equipment, having a value of between $2,000,000 and $3,000,000 are involved of which about 950 are impounded near New Westminster, and the remainder at Prince Rupert and other ports;

That the owners of these vessels, though being of Japanese origin, are Canadian citizens whose productive power by virtue of this ownership, contributed significantly to the fishing industry;

That a conference has been held between the standing Committee on Orientals in British Columbia and the interested Government Departments, at which it was considered that the War needs of Great Britian and the Allies make it imperative that the production of the British Columbian fishing industry be maintained and increased, and that, therefore, a way should be found of putting vessels back into production in hands other than those of Japanese origin, and otherwise consistent with the needs of national defence and security, as well as with due regard to the equity of the Japanese Canadian owners;

Jan 8 1942 meeting chaired by Ian Mackenzie

That it is, therefore, deemed desirable to implement the release of these Japanese Canadian fishing vessels in accordance with the above considerations; and

That such purpose could best be accomplished by the establishment of a Committee to consist of three persons, with a jurist to act as chairman, another to be appointed from the Department of National Defence (Naval Services), and the third to be chosen to represent Japanese Canadian owners.

The Minister, therefore, with the concurrence of the Minister of National Defence for Naval Services; recommends that, under the authority of the War Measures Act, -

The Honourable Sidney A. Smith,
Puisne Judge of the Supreme Court of British Columbia,
Vancouver, B.C.

Commander B. L. Johnson, R.C.N.R.,
Vancouver, B. C., and

Kishizo Kimura,
Vancouver, B.C.

be hereby constituted A Committee on the disposal of Japanese fishing Vessels, the duties of the said Committee to be:

Source: Nikkei National Museum, 2018-16-1-14-1-2
www.nikkeimuseum.org

(1) To make such arrangements as will make it possible for the present owners of detained vessels, to freely negotiate for charters, leases or sales of such vessels as they own to persons other than those of Japanese origin, provided that the Committee approve of such charters, leases or sales, which approval shall be a prerequisite for the use of such vessels under fishing licence.

(2) Where necessary, to arbitrate disagreements on price between owners and intending purchasers with a view to preventing advantage being taken of duress.

(3) To report on claims which may be made on the Government for damage to or deterioration of, the vessels and equipment while under detention.

(4) To report on claims which may be made on the Government for the returning of the detained vessel from their present storage place to places where they were picked up.

(5) By consultation with the Department of Fisheries, to determine which of the detained vessels shall first come under the arrangements to be put back into production.

(6) To report on steps that should be taken to dispose of vessels which present owners are unable to sell, charter, lease or otherwise transfer.

That the Committee be authorized to employ stenographic and other assistance and to incur such other expenses as they find necessary to facilitate the fulfilment of their function as outlined above with actual travelling and living expenses as may be approved by the Minister of Fisheries.

That the Committee which shall act without remuneration, be paid travelling and living expenses while away from their places of residence on the work of the Committee where these are not already provided for; and

That the cost of the Committee be charged against the war appropriation;

The Committee concur in the foregoing recommendation and submit the same for approval.

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

P. C. 365

At the Government House at Ottawa

Friday, the 16th day of January, 1942.

PRESENT:

His Excellency the Governor General in Council:

WHEREAS the Minister of Justice reports that by reason of the development of the war, it may become necessary to take special measures within certain areas of Canada,

Source: Nikkei National Museum, 2018-16-1-14-1-3
www.nikkeimuseum.org

NOW THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased to amend the Defence of Canada Regulations (Consolidation) 1941, and they are hereby amended by rescinding Regulation 4 thereof and substituting therefor, the following regulations:

"4". (1) The Minister of National Defence with the concurrence of the Minister of Justice may, if it appears necessary or expedient to do so in the public interest and for the efficient prosecution of the Ware, make in respect to any area in Canada, an order declaring that, after such time as may be specified in such order, such area shall be a protected area (hereinafter in this regulation referred to as a "protected area") and subject to the provisions of this regulation.

(2) The Minister of Justice may, with respect to a protected area, make orders in relation to any of the following matters; and

(a) To require all or any enemy aliens to leave such protected area;

(b) To prohibit all or any enemy aliens from entering, leaving or returning to such protected area except as permitted pursuant to such order;

(c) To impose upon all or any enemy aliens, ordinarily resident or actually present in such protected area, such restrictions as may be specified in the order in respect to their employment or business, their movements or places of residence, their associations or communications with other person, their activities in relation to the dissemination of news or propagation of news or otherwise with respect to the conduct of any such enemy aliens;

(d) To prohibit or restrict the possession or use by all or any enemy aliens, ordinarily resident or actually present in such protected area, of any specified articles and to require the delivery up by any such enemy aliens aforesaid of any such specified articles to the Royal Canadian Mounted Police:

(e) To authorize the detention, in such place and under such conditions as he may from time to time direct, of all or any enemy aliens ordinarily resident or actually present in such protected area.

(f) To authorize the detention of any persons, other than enemy aliens, ordinarily resident or actually present in such protected area in order to prevent such persons from acting in any manner prejudical to the public safety or the safety of the State.

(g) To authorize the release, upon such conditions as he may specify, of any person ordered to be detained or any article delivered up pursuant to this Regulation.

(3) Any person in the protected area reasonably believed by any peace officer

Source: Nikkei National Museum, 2018-16-1-14-1-4
www.nikkeimuseum.org

or by any person acting on behalf of His Majesty, to be contravening any order made under this Regulation may, without prejudice to any proceedings which may be taken against him, be removed from the protected area or detained therein by any peace officer or person acting on behalf of His Majesty aforesaid.

(4) This regulation shall be administered by the Commissioner of the Royal Canadian Mounted Police.

(5) This Regulation and any order made hereunder shall have full force and effect according to its terms notwithstanding anything contained in any of these regulations.

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

P.C. 1486

ORDER IN COUNCIL AMENDING DEFENCE OF CANADA REGULATIONS PROTECTED AREAS

Canada Gazette (Extra)
27th February 1942

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday the 24th day of February 1942.

PRESENT:

His Excellency the Governor General in Council:

WHEREAS the Minister of Justice reports that by reason of the development of the War it may become necessary to take special measures within certain areas of Canada;

NOW THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under the authority of the War Measures Act Chapter 206 of the Revised Statutes of Canada 1927, is pleased to amend the Defence of Canada Regulations (Consolidation 1941), and they are hereby amended by rescinding Paragraph 2 of Regulation 4 thereof and substituting therefore the following paragraph:

(2) The Minister of Justice may, with respect to protected areas, make orders in relation to any of the following matters:-

(a) To require any or all persons to leave such protected area;

(b) To prohibit any or all persons from entering, living or returning to such protected area except as permitted pursuant to such order;

(c) To impose upon any or all persons ordinarily resident or actually present in such protected area, such restrictions as may be specified in the order in respect of their employment or business, their movement of place of residence, their association

Source: Nikkei National Museum, 2018-16-1-14-1-5
www.nikkeimuseum.org

or communications with other persons, their activities in relation to the dissemination of news or the propogation of news or otherwise with respect to the conduct of any such persons;

(4) To prohibit or restrict the possession or use by any or all persons, ordinarily resident or actually present in such protected area, of any specified articles and to require the delivery up by any such persons aforesaid of any such specified articles to the Royal Canadian Mounted Police;

(e) To authorize the detention, in such place and under such conditions as he may from time to time direct, of any or all persons ordinarily resident or actually present in such protected areas;

(f) To authorize the release, upon such conditions as he may specify, of any person ordered to be detained or any article delivered up pursuant to this Regulation.

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

ORDER IN COUNCIL ESTABLISHING REGULATIONS RESPECTING THE BRITISH COLUMBIA SECURITY COMMISS ION

Canada Gazette (Extra)
11th March 1942

P.C. 1665

Duties and Powers of Commission

10. (1) It shall be the duty of the Commission to plan, supervise and direct the evacuation from the protected areas of British Columbia of all persons of the Japanese race.

(2) For the purpose of performing the duties aforesaid the Commission shall determine the time and year of the evacuation of such persons, mode of transportation, and all matters relative to the placement of such persons.

(3) The Commission shall provide for the housing, feeding, care and protection of such persons insofar as the same may be necessary.

(4) The plan or plans for the evacuation and placement aforesaid shall be submitted to the Minister, and shall be put into operation by the Commission when approved by the Minister.

11. (1) The Commission shall have power to require by order any person of the Japanese

Source: Nikkei National Museum, 2018-16-1-14-1-6
www.nikkeimuseum.org

race, in any protected area in British Columbia, to remain at his place of residence or to leave his place of residence and to proceed to any other place within or without the protected area, at such time and in such manner as the Commission may prescribe in such order, or to order the detention of any such person, and any such order may be enforced by another person nominated by the Commission to do so.

(2) The Commission may make orders respecting the conduct, activities and discipline of any person evacuated under the provisions of these Regulations.

12. (1) As a protective measure only, all property constituted in any protected area of British Columbia belonging to any person of the Japanese race resident in such area (excepting fishing vessels subject to Order in Council P.C. 288 of the 13th of January 1942, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner, pursuant to Order of the Minister of Justice dated February 26th 1942, or which is turned over to the Custodian by the owner, or which the owner, on being evacuated is unable to take with him, shall be vested in and subject to the control and amendment of the Custodian as defined in the Regulations respecting Trading with the Enemy, 1939; provided, however, that no commission shall be charged by the Custodian in respect to such control and management.

(2) Subject as hereinafter provided, and for the purpose of the control and management of such property, rights and interest by the Custodian, the Regulations respecting Trading with the Enemy 1939, shall apply mutatis mutandis to the same extent as if such property, rights and interest belonged to any enemy within the meaning of the said Regulations.

(3) The property, rights and interests so vested in and subject to the control and management of the Custodian, or the proceeds thereof, shall be dealt with in such manner as the Governor in Council may direct.

- -

P. C. 2483 March 27, 1942.

1. Regulation one is hereby amended by adding thereto the following paragraph:

"(bb) All persons of the Japanese race and means any person of the Japanese race required to leave any protected area of British Columbia by Order of the Minister of Justice under Regulation 4, as amended, of the Defence of Canada Regulations (Consolidation) 1941."

2. Regulation ten is hereby amended by adding thereto the following paragraphs:

"(5) Any such plan or plans shall make provision for the temporary placement only of

Source: Nikkei National Museum, 2018-16-1-14-1-7
www.nikkeimuseum.org

such persons during the continuation of the state of war now existing."

"(6) The Commission's authority relative to the placement of persons shall include power to vary or amend any placement order."

3. Regulation eleven is hereby amended by rescinding paragraph two thereof and substituting therefor the following:

"(2) The Commission may make orders respecting the conduct, activities and discipline of any person of the Japanese race who is within any protected area or who is ordinarily resident within any protected area or who is ordinarily resident within any protected area but who has left or leaves such area after February 5, 1942."

4. Regulation twelve is hereby rescinded and the following substituted therefor:

"12 (1) Subject as hereinafter in this Regulation provided, as a protective measure only, all property situated in any protected area of British Columbia belonging to any person of the Japanese race (excepting fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to Order of the Minister of Justice, or which is turned over to the Custodian by or on behalf of the owner, or which the owner, on being evacuated from the protected area, is unable to take with him; shall be vested in and subject to the control and management of the Custodian as defined in the Regulations respecting Trading with the Enemy (1939 provided, however, that no commission shall be charged by the Custodian in respect of such control and management.

"(2) The Custodian may notwithstanding anything contained in this Regulation, ordering that all or any property whatsoever, situated in any protected area of British Columbia, belonging to any person of the Japanese race shall, for the purpose of protecting the interests of the owner or any other person, be vested in the Custodian, and the Custodian shall have full power to administer such property for the benefit of all such interested persons, and shall release such property upon being satisfied that the interests aforesaid will not be prejudiced thereby.

"(3) For the purpose of the control and management of such property by the Custodian, the Consolidated Regulations Respecting Trading with the Enemy (1939) shall apply muatis mutandis to the same extent as if the property belonged to an enemy within the meaning of the said Consolidated Regulations.

(SGD)

A.D.P. HEENEY

Clerk of the Privy Council

Source: Nikkei National Museum, 2018-16-1-14-1-8
www.nikkeimuseum.org

ORDER IN COUNCIL P. C. 1810 dated 18th July 1947 as amended by ORDER IN COUNCIL P. C. 3737 dated 17th September 1947

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

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

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

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

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

That it is deemed advisable to appoint a Commissioner under Part 1 of the Inquiries Act to investigate the said claims and to make recommendations with respect thereto.

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

1. That the Honourable Mr. Justice Henry Irvein Bird be appointed a Commissioner

Source: Nikkei National Museum, 2018-16-1-14-1-9
www.nikkeimuseum.org

pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese race who are resident in Canada at the date of this Order, namely -

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

(b) that personal property vested in the Custodian pursuant to the above mentioned Orders was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property.

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

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

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

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

Source: Nikkei National Museum, 2018-16-1-14-1-10
www.nikkeimuseum.org

ORDER-IN-COUNCIL P. C. 3737

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

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

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

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

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

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

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

".J.P. Heeney"

Clerk of the Privy Council

Source: Nikkei National Museum, 2018-16-1-14-1-11
www.nikkeimuseum.org

P. C. 6247

AT THE GOVERNMENT HOUSE AT OTTAWA Monday the 20th of July, 1942

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Fisheries reports that by virtue of the authority of Order in Council of December 16th 1941, P.C. 9761 vessels used or operated by persons of the Japanese race within waters adjacent to the west coast of Canada were seized and detained:

That under the supervision of the Committee, under the Chairmanship of Honourable Justice Sidney A. Smith of Vancouver, appointed by Order in Council of January 13th 1942, P. C. 288, for the disposal of vessels and equipment so seized and detained, 1,027 vessels of a total of 1,265 vessels registered with the Committee have been disposed of.

That under the terms of reference the Committee so organized the disposal arrangements to first assure that boats and equipments would be available to the British Columbia fishing industry as might be needed to maintain essential fisheries production;

That the Committee has reported having achieved this objective up to the point where little further absorption may be immediately expected by the British Columbia fishing industry excepting vessels as may be disposed of in the course of the next two or three weeks;

That pursuant to the duty attached to its appointment, -

To report on steps that should be taken to dispose of vessels which present owners are unable to sell, charter, lease or otherwise transfer, the Committee either has reported that while the market has not yet been completely exhausted, the bulk of the remaining 238 vessels will have to be stored for a considerable period particularly as in general, the best vessels have already been disposed of;

That the Committee is of the opinion after consideration of all factors involved, that responsibility for administration of remaining boats and equipment might logically be turned over to the Custodian of Enemy Alien Property, who is now administering such properties of persons of the Japanese race in British Columbia; and

That it is important that personnel of the Department of National Defence for Naval Services, presently employed in the care and maintenance of the remaining vessels, should be released for urgent duties elsewhere at the earliest possible moment;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries concurred in by the Secretary of State and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased notwithstanding anything contained in the Regulations esta-

Source: Nikkei National Museum, 2018-16-1-14-1-12
www.nikkeimuseum.org

blished by Order in Council of March 4, 1942 P.C. 1665 as amended by Order in Council of March 27, 1942, P.C. 2483, to order and it is hereby ordered as follows:-

1. As a protective measure only all vessels and equipment seized and detained under the authority of Order in Council of December 6, 1941, P. C. 9761, which have not been disposed of under the supervision of the Committee appointed by Order in Council of January 13, 1942 P. C. 2881 shall on and after August 1, 1942, be vested in and subject to the control and management of the Custodian, as defined in the consolidated Regulations Respecting Trading with the Enemy (1939); provided however, that no commission shall be charged by the Custodian in respect to such control and management.

2. For the purpose of the control and management of such property by the Custodian, the Consolidated Regulations Respecting Trading with the Enemy 1939 shall apply mutatis mutandis, to the same extent as if the property belonged to an enemy within the meaning of the Consolidated Regulations.

3. All unfinished business of such Committee in respect of any vessels or equipment vested in the Custody pursuant to these Regulations, shall on and after August 1, 1942 be transferred to the Custodian.

4. Such arrangements as will make it impossible for the present owners of any vessels or equipment vested in the Custodian pursuant to this order to freely negotiate for charters, leases or sales of such vessels and equipment as they own, to persons other than those of Japanese origin, shall be made by the Custodian, provided that the Custodian approves of such charters, leases or sales, which approval shall be a prerequisite for the use of such vessels and equipment in any capacity.

(SGD) A.D.P. HEENEY,

Clerk of the Privy Council

- -

ORDER IN COUNCIL REVOKING P.C. 5523 dated 29th June 1942 and P.C. 6885 dated 20th July, 1942 - transfer to the Custodian of the property of persons of the Japanese race evacuated from the protected areas of British Columbia

P. C. 469

At the Government House at Ottawa, Tuesday the 19th day of January 1943.

Present:

His Excellency the Governor General in Council.

WHEREAS by Order in Council dated the 29th June 1942, (P.C. 5523) amended by

Source: Nikkei National Museum, 2018-16-1-14-1-13
www.nikkeimuseum.org

Order in Council dated the 4th August 1942, (P.C. 6885) Regulations were made imposing certain duties and responsibilities on the Director of Soldier Settlement of Canada in relation to agricultural lands owned by persons of the Japanese race ordinarily resident in the protected areas of British Columbia;

AND WHEREAS the Secretary of State reports that the appraisal of lands contemplated by the said Order in Council as amended have been made and that it is the opinion of the Minister of Mines and Resources to whom the Director of Soldier Settlement in Canada reports under the said Order in Council as amended, that the said Order in Council as amended should be revoked;

That by Order in Council dated the 20th July 1942 (P.C. 6247) it was provided that on and after the 1st August 1942 all unfinished business of the Committee under the chairmanship of the Honourable Mr. Justice Sidney A. Smith of Vancouver, appointed by Order in Council of 13th January 1942 (P.C. 288) in respect to vessels or equipment vested in the Custodian under the said order, should be transferred to the Custodian, and the Custodian was vested with all vessels and equipment which had not been disposed of under the supervision of the said Committee;

That since the transfer was effected, question has been raised as to the authority of the Custodian to deal with unfinished business of the said Committee in relation to vessels or equipment disposed of prior to the 1st August, 1942, and it is expedient to remove any doubts in this respect;

And that by Orders in Council relating to the property of persons of the Japanese race evacuated from the protected areas in British Columbia, the Custodian has been vested with the responsibility of controlling and managing property belonging to persons of the Japanese race who have been evacuated from the protected areas, except deposits of money, shares of stock, debentures, bonds or other securities or other property which the owner on being evacuated from the protected areas was able to take with him; and

That the evacuation of persons of the Japanese race from the protected areas has now been substantially completed and that it is necessary to provide facilities for liquidation of property in appropriate cases.

Therefore His Excellency the Governor General in Council on the recommendation of the Secretary of State concurred in by the Minister of Mines and Resources, the Minister of Pensions and National Health, the Minister of Labour and the Minister of Fisheries, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:

1. Order in Council dated 29th June, 1942, (P.C. 5523) and amending Order in Council dated 4th August, 1942 (P.C. 6885) are hereby revoked.

Source: Nikkei National Museum, 2018-16-1-14-1-14
www.nikkeimuseum.org

2. Paragraphs numbered 3 and 4 in Order in Council dated 20th July, 1942 (P.C. 6247) are hereby rescinded, and the following are substituted therefor:

3. The Custodian may, where he considers it advisable so to do, liquidate, sell or otherwise dispose of any such vessel or equipment on such terms and conditions as he deems advisable, and in an agreement entered into or document executed by the Custodian on or after August 1, 1942 and prior to the date of this Order, purporting to be an agreement for, or to be, a transfer, conveyance or other disposition of any such vessel or equipment or of any right, title or interest therein, is hereby given full legal validity, force and effect as if the Custodian had full power to enter into such agreement or to execute such document, and as if such vessel or equipment or such right, title or interest therein, as the case may be, had been vested in the Custodian, at the time of the entry into such agreement or the execution of such document.

4. Without restricting the generality of the powers hereinbefore conferred, all unfinished business of the said Committee is hereby transferred to the Custodian and shall be deemed to have been so transferred as on and from the 1st August, 1942. Wherever, under Orders in Council under the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, the Custodian has been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the protected areas, such power and responsibility shall be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property; and for the purpose of such liquidation, sale or other dispositions, the Consolidated Regulations respecting Trading with the Enemy (1939) shall apply mutatis mutandis as if the property belonged to any enemy within the meaning of the said Consolidated Regulations.

A.D.P. Heeney,

Clerk of the Privy Council

- -

ORDER-IN-COUNCIL P. C. 2512 being Regulations Respecting Trading with the Enemy 1939

(a) "Person" shall extend to and include persons and bodies of persons, incorporated (wherever incorporated) and unincorporated, such as firms, clubs, companies and municipl authorities, and, as well, trustees, executors and administrators.

Section 24

(1) All property, rights and interests in Canada belonging at the Commencement

Source: Nikkei National Museum, 2018-16-1-14-1-15
www.nikkeimuseum.org

of the present war, to enemies and whether or not such property, rights and interests have been disclosed to the Custodian as required by these regulations, are hereby vested in and subject to the control of the Custodian. Regulations are hereby vested in and subject to the control of the Custodian.

(2) This regulation shall be vesting order and shall confer upon the Custodian all the rights of the original enemy holder, including the power of selling, managing and otherwise dealing with such property, rights and interests as he may in his sole discretion decide.

Section 45

The Custodian may at any time, at his discretion and by such notice, conveyance, transfer or release as he may think proper, relinquish any property, right or interest or the proceeds of the liquidation of any property, right or interest.

Section 46

The Custodian may dispose of any property, right or interest, at such time and place and to such person or persons and upon such terms and in such manner, whether publicly or privately as he in his discretion shall think proper.

Section 60, subsection 4

The Custodian shall keep a register of all property whereof returns have been made to him, or which is held by him, under these regulations, and such register may be inspected by any person who appears to the Custodian to be interested as creditors or otherwise at all reasonable times free of charge.

- -

R. S. C. 1927

Chapter 99

An Act respecting Public and Departmental Inquiries

PART I

Section - 2

The Governor in Council may, whenever he deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof. R.S., c.104, s.2.

Section - 3

In case such inquiry is not regulated by any special law, the Governor in Council may, by a commission in the case, appoint persons as commissioners by whom the

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inquiry shall be conducted. R.S.,c.104,s.3.

Section - 4

The commissioners shall have the power of summoning before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons, entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine. R.S.,c.104,s.4.

Section - 5

The commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases. R.S.,c.104,s.5.

Section - 11

The commissioners, whether appointed under part I or under Part II of this Act, if thereunto authorized by the commission issued in the case, may engage the services of such accountants, engineers, technical advisers, or other experts, clerks, reporters, and assistants as they deem necessary or advisable, and also the services of counsel to aid and assist the commissioners in the inquiry.

2. The commissioners may authorize and depute any such accountant, engineers, technical advisers, or other experts or any other qualified persons, to inquire into any matter within the scope of the commission as may be directed by the commissioners.

3. The persons so deputed, when authorized by Order in Council, shall have the same powers which the commissioners have to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.

4. The persons so deputed shall report the evidence and their findings, if any, thereon to the commissioners. 1912,c.28,s.1.

Section - 12

The commissioners may allow any person whose donduct is being investigated under this Act, and shall allow any person against whom any charge is made in the course of such investigation, to be represented by counsel. 1912, c.28,s.1.

Section - 13

No report shall be made against any person until reasonable notice shall have been given to him of the charge of misconduct alleged against him and he shall have been allowed full opportunity to be heard in person or by counsel. 1912,c.28,s.1.

Source: Nikkei National Museum, 2018-16-1-14-1-17
www.nikkeimuseum.org

Creation of the Bird Commission

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

B 108

C O P Y

Order-in-Council P. C. 1810

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

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

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

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

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

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

That is is deemed advisable to appoint a Commissioner under Part 1 of the Inquiries Act to investigate the said claims and to make recommendations with respect thereto.

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

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

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

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

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

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

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

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

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SESSIONAL PAPER NO. 99 C.

P. C. 365

WEDNESDAY FEB 25 1942

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 16th day of JANUARY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Justice reports that by reason of the development of the war it may become necessary to take special measures within certain areas of Canada;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased to amend the Defence of Canada Regulations (Consolidation) 1941, and they are hereby amended by rescinding Regulation 4 thereof and substituting therefor the following Regulation:

"4(1)The Minister of National Defence with the concurrence of the Minister of Justice may, if it appears necessary or expedient so to do in the public interest and for the efficient prosecution of the War make, in respect of any area in Canada, an order declaring that, after such time as may be specified in such order such area shall be a protected area (hereinafter in this regulation referred to as a "protected area") and subject to the provisions of this regulation.

(2) The Minister of Justice may, with respect to a protected area, make orders in relation to any of the following matters:-

(a) To require all or any enemy aliens to leave such protected area;

(b) To prohibit all or any enemy aliens from entering, leaving or returning to such protected area except as permitted pursuant to such order;

(c)/

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(c) To impose upon all or any enemy aliens, ordinarily resident or actually present in such protected area, such restrictions as may be specified in the order in respect of their employment or business, their movements or places of residence, their associations or communications with other persons, their activities in relation to the dissemination of news or the propagation of opinions or otherwise with respect to the conduct of any such enemy aliens;

(d) To prohibit or restrict the possession or use by all or any enemy aliens, ordinarily resident or actually present in such protected area, of any specified articles and to require the delivery up by any such enemy aliens aforesaid of any such specified articles to the Royal Canadian Mounted Police;

(e) To authorize the detention, in such place and under such conditions as he may from time to time direct, of all or any enemy aliens ordinarily resident or actually present in such protected area;

(f) To authorize the detention of any persons, other than enemy aliens, ordinarily resident or actually present in such protected area in order to prevent such persons from acting in any manner prejudicial to the public safety or the safety of the State;

(g) To authorize the release, upon such conditions as he may specify, of any person ordered to be detained or any article delivered up pursuant to this Regulation.

(3) Any person in the protected area reasonably believed by any peace officer or by any person acting on behalf of His Majesty to be contravening any order made under this Regulation may, without prejudice to any proceedings which may be taken against him, be removed from the protected area or detained therein by any peace officer or person acting on behalf of His Majesty aforesaid.

(4) This Regulation shall be administered by the Commissioner of the Royal Canadian Mounted Police.

(5) This Regulation and any order made hereunder shall have full force and effect according to its terms notwithstanding anything contained in any other of these Regulations.

A.D.P. Heeney

Sgd. A.D.P.Heeney

Clerk of the Privy Council.

Source: Nikkei National Museum, 2018-16-1-14-3-3
www.nikkeimuseum.org

P. C. 1271

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 17th day of FEBRUARY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Acting Minister of Labour reports that as Canadian nationals of Japanese racial origin have expressed their desire to assist in the war effort of the Dominion and as it has not been found expedient to enlist such Canadians in unrestricted numbers in the armed forces of the Dominion it is deemed opportune, having regard to the necessity for the fullest possible utilization of the man power of Canada in the furtherance of the war effort, to form a civilian corps composed of male Canadian nationals of Japanese racial origin;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Labour, and under authority of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to order and doth hereby order as follows,-

1. There shall be a corps to be known as the Canadian Japanese Construction Corps.

2. The said Corps shall consist of a headquarters establishment and sub-units to the number found necessary.

3. The Commandant of said Corps shall be appointed by the Minister of Labour with the concurrence of the Minister of Justice and the Minister of Labour shall appoint such additional officers and civilian personnel as may be necessary.

4. Enrolment in the Corps shall be voluntary and for the duration of the present war.

5./

Source: Nikkei National Museum, 2018-16-1-14-3-4
www.nikkeimuseum.org

5. All personnel of the Corps shall be required to undergo an official medical examination to ascertain their physical fitness for enrolment in the Corps.

6. The basic rate of pay of personnel of the said Corps shall be $1.00 per calendar day.

7. Dependents allowance will be payable to dependents of members of the Corps on a scale to be approved by the Minister of Labour which shall be on a basis comparable to the allowances paid by the city of Vancouver to relief recipients and not greater than 50% of the scale of dependents allowance payable to dependents of an enlisted man in the Canadian Army (Active Service) under Financial Instruction and Regulations (Army).

The term "dependent" shall mean a member of the family of a member of the Corps who would qualify for dependents allowance if such member of the Corps were a member of the Canadian Army (Active Service).

To qualify for the issue of dependents allowance a member of the Corps must assign not less than 50% of his monthly pay to such dependents.

8. A gratuity of $2.00 for each completed month of service shall be paid to personnel of the Corps on discharge, except on discharge for misconduct.

9. Rates of pay for the Commandant, other officers, supervisory personnel, and men engaged in skilled trades of sub-units who shall be members of the Corps shall be as prescribed by the Minister of Labour.

10. Personnel of the Corps shall be provided with accommodation, subsistence, clothing and medical attention.

11. The said Corps shall be employed within or without Canada on projects designed to further the war effort of Canada, as may be authorized from time to time by Order of the Governor in Council.

12. Applications for enrolment in the Corps shall be accepted and an oath or affirmation of allegiance shall be administered on acceptance at offices of the Corps which shall be established at Vancouver and such other places as may be necessary.

13. Transportation of personnel of the said Corps from the place of enrolment to subsequent locations shall be provided, and on discharge transportation to the place of enrolment shall be similerly provided.

14. The Governor in Council may upon such terms and conditions as may be agreed upon, - enter into agreements with any of the provinces or any corporation or individual in respect to carrying out by the said Corps any work which may further the war effort of Canada.

Source: Nikkei National Museum, 2018-16-1-14-3-5
www.nikkeimuseum.org

15. The general direction and administration of the Corps shall be vested in the Minister of Labour..

16. The Minister of Labour shall have full authority to issue administrative rules and regulations concerning the discipline and the administration of the said Corps, including regulations in respect to offences and penalties set forth in Schedule "A" annexed hereto, which said penalties are hereby authorized.

17. The Minister of Labour may enter into arrangements with other Departments of the Government for the provision of any part of the administration of the Corps, for necessary services, supplies and equipment, and may delegate to any other Department of the Government the operating supervision of any approved project.

18. Every one who falsely represents himself to be a member of the Corps, or who not being a member thereof makes use of any badge or article or uniform or equipment in such manner as is likely to make persons believe that he is a member of the Corps, is liable upon summary conviction to a fine not exceeding one hundred dollars and costs, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

19. All costs connected with the establishment and operations of the Corps shall be charged to the War Appropriation.

Sgd. A.D.P.Heeney

Clerk of the Privy Council.

Source: Nikkei National Museum, 2018-16-1-14-3-6
www.nikkeimuseum.org

SCHEDULE "A"

OFFENCES AND PENALTIES

1. Every member, holding Officer rank within the Corps only, who is charged with any of the offences enumerated in the next following paragraph, may be placed under arrest and the Commandant will, on receipt of the charge in writing, conduct an investigation into all the circumstances surrounding the charge and will submit the evidence adduced, together with his findings and recommendations to the Minister of Labour for confirmation of such recommendations or otherwise.

2. Every member, subordinate to those referred to in the preceding paragraph, who is charged with:-

(a) Disobeying or refusing to obey the lawful command of, or striking his superior in rank, or any other member of the Corps placed in authority over him;
(b) Oppressive or tyrannical conduct to his inferior in rank or any other member of the Corps over whom he exercises authority;
(c) Intoxication, however slight;

(d) Having intoxicating liquor illegally in his possession or concealed;
(e) Mutinous or insubordinate conduct;
(f) Leaving any post on which he has been placed as guard, or escort, or any other duty;
(g) Being asleep, not alert, or inattentive whilst on tour of duty;
(h) Deserting or absenting himself from his duties or quarters without leave;
(i) Conduct, disorder, or neglect to the prejudice of morality or discipline, although not specified in any rule or regulation;
(j) Violating any standing order, rule or regulation of the Corps,

may be forthwith placed under arrest and detention, to be dealt with as prescribed in the next following paragraph.

3. The Commandant may, forthwith, on a charge in writing of any one or more of the offences listed being preferred against any member of the Corps of subordinate rank referred to in the preceding paragraph, cause the person so charged to be brought before him, and he shall then and there, in a summary way, investigate the said charge, and, if proved on oath, to his satisfaction, shall thereof convict the offender.

(a) Any such offender shall be liable to a fine not exceeding fifteen days' pay, or to confinement to quarters for any term not exceeding thirty days, or to both fine and confinement; or to reduction in rank or dismissal from the Corps.

4. All pecuniary penalties imposed under the preceding section and all pay due to deserters at the time of their desertion shall form a fund to be managed by the Commandant, to be used for the general benefit, recreational or otherwise, of the subordinate members of the Corps, as the Minister approves. A statement of such fund, indicating receipts and disbursements, shall be submitted quarterly to the Minister.

Source: Nikkei National Museum, 2018-16-1-14-3-7
www.nikkeimuseum.org

P. C. 1348

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 19th day of FEBRUARY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS, under authority of the Defence of Canada Regulations (Consolidation) 1941 as amended by Order in Council P.C. 365 dated January 16, 1942, a protected area has been established in British Columbia;

AND WHEREAS it is deemed to be in the interest of national security that certain male enemy aliens, including Japanese Nationals, be removed from said area and employed in other localities.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and the Minister of Mines and Resources and under the authority of the War Measures Act, Chapter 206, of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:-

The Minister of Mines and Resources is hereby authorized to establish work camps for male enemy aliens, including Japanese Nationals, on projects located outside of protected areas, that would be of national benefit and to make necessary arrangements for the maintenance, care, and employment of said aliens, including Japanese Nationals, who may be allocated to such camps by the Minister of Labour, and for the supervision of the work to be there undertaken;

The projects shall be such as are approved by the Minister of Labour from time to time, with the concurrence of the Minister of Mines and Resources, and, the Minister of Labour may upon such terms and conditions as may be agreed upon enter into agreements with any of the provinces or any corporation or individual in respect to the employment of said enemy aliens, including Japanese Nationals, on any other projects approved by the Minister of Labour with the concurrence of the Minister of Mines and Resources;

Source: Nikkei National Museum, 2018-16-1-14-3-8
www.nikkeimuseum.org

P. C. 1348

The remuneration of the said aliens, including Japanese Nationals, shall be on the basis of an eight-hour working day and a forty-eight-hour week at 25 cents per hour for unskilled labour and the Minister of Labour shall have authority to make regulations, as required from time to time, in respect to wage schedules, hours of labour, medical inspection and to the extent of medical care, hospitalization, unemployment insurance contributions and workmen's compensation benefits which shall be available to enemy aliens, including Japanese Nationals, when employed on the works projects of which he has approved;

The said aliens, including Japanese Nationals, employed under authority of this Order who have dependents resident in Canada shall be required to assign twenty dollars from their monthly earnings for the maintenance of the said dependents and the Dominion, upon approval of the Minister of Labour, may pay in addition an allowance of not more than five dollars a month for each dependent child of an employed alien but such payments shall not be made in respect of more than five dependent children in any one family;

The said enemy aliens, including Japanese nationals, when employed as aforesaid shall be deemed to be employees within the meaning of that term as defined in the Government Employees Compensation Act for all purposes other than the payment of compensation for temporary disability, but allowing in all temporary disability cases necessary first aid, medical and hospitalization expenses and in all other cases compensation not in excess of two-thirds of the average weekly earnings of the employee regardless of any minimum rate of compensation, statutory or otherwise, which may be in effect in any province at any time;

The Minister of Labour is hereby authorized to make such arrangements with the Minister of Justice as may be necessary from time to time to insure the proper conduct and control of enemy aliens, including Japanese Nationals, employed as aforesaid outside the aforementioned protected area;

Any expenditures incurred in connection with the aforementioned removal, maintenance, care, and employment of the said enemy aliens, including Japanese Nationals, shall be met from funds provided from time to time from the War Appropriation Vote.

A.D.P. Heeney

Sgd. A.D.P. Heeney

Clerk of the Privy Council.

Source: Nikkei National Museum, 2018-16-1-14-3-9
www.nikkeimuseum.org

P. C. 1365

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 19th day of FEBRUARY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS in view of the war with Japan it is considered desirable that regulation 37A of the Defence of Canada Regulations be amended so as to make the provisions with respect to firearms and explosives applicable to persons of the Japanese race naturalized since 1922.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under the authority of the War Measures Act, chapter 206 of the Revised Statutes of Canada 1927, is pleased to amend paragraph (1) of regulation 37A of the Defence of Canada Regulations (Consolidation) 1941, and it is hereby amended by inserting immediately before the proviso thereto the following,

"or, (d) at the time of his naturalization was a national of Japan or of any country or territory which on the eighth day of December, 1941, was under the sovereignty or control of Japan, or in his application for naturalization described his nationality as Japanese:"

A. D. P. Heeney

Sgd. A.D.P.Heeney

Clerk of the Privy Council.

Source: Nikkei National Museum, 2018-16-1-14-3-10
www.nikkeimuseum.org

P.C. 1457

IH/10

10

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 24th day of FEBRUARY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by reason of the existence of a state of war between Canada and Japan, it is necessary for the security, defence, peace, order and welfare of Canada to regulate in certain respects the activities in Canada of persons of the Japanese race and of Japanese controlled companies;

AND WHEREAS for this purpose it is deemed advisable to regulate the acquisition of land or any interest therein or growing crops in Canada by persons of the Japanese race and by such companies;

NOW, THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under the authority of the War Measures Act, Chapter 206, R.S.C. 1927, is pleased to amend the Defence of Canada Regulations (Consolidation) 1941, and they are hereby amended by adding thereto the following regulation as Regulation 39 E.

C. 5295)
July, 1941.

39 E.(1) No person of the Japanese race and no Japanese company shall, except as hereinafter provided, have the capacity, after the date of this regulation, during the continuation of the state of war now existing, to acquire or hold land or growing crops in Canada.

(2) No conveyance made or executed after the date of this regulation shall be effective to convey to or for the benefit of a person of the Japanese race or of a Japanese company any land or growing crops in Canada.

(3) (a) Nothing in this regulation shall deprive a person of the Japanese race or a Japanese company of capacity to hold land or growing crops acquired or held by such person or company before the date of this regulation or acquired by such person or company after the date of this regulation pursuant to the terms of a written contract or agreement executed before the date of this regulation or under a will or on intestacy.

(b)

Source: Nikkei National Museum, 2018-16-1-14-3-11
www.nikkeimuseum.org

(b) Nothing in this regulation shall deprive a person of the Japanese race of capacity to lease any building or part of a building for residential purposes only, for a term not exceeding one year or from month to month or for some lesser periodic tenancy.

(4) (a) The Minister of Justice may, if it appears to him to be in the public interest so to do, grant to a person of the Japanese race or to a Japanese company, a licence to acquire or hold land or growing crops in Canada or any interest therein which such person or company would by reason of this regulation be denied the capacity to acquire or hold.

(b) A person of the Japanese race or a Japanese company to whom or to which such a licence is granted shall have the capacity to acquire or hold land or growing crops in Canada or any interest therein in accordance with the terms and conditions of such licence.

(c) A conveyance of land or growing crops made in conformity with any such licence shall be effective according to its terms.

(5) Any person who after the date of this regulation, makes or executes any conveyance other than a conveyance made in conformity with a licence granted hereunder or a lease granted in accordance with subsection (b) of section 3 of these regulations, of any land or growing crops to or for the benefit of any person whom he knows to be of the Japanese race or to a company which he knows to be a Japanese company shall be guilty of an offence and liable on summary conviction to a fine not exceeding $500.00 or to imprisonment for a term not exceeding three months.

(6) In this regulation:

(a) "Conveyance" shall include a gift, conveyance, transfer, agreement for sale, appointment, lease, settlement, mortgage, charge, encumbrance, or other conveyance by deed, bill of sale or other instrument made inter vivos, and "convey" shall have a meaning corresponding with "conveyance."

(b) "Japanese company" means any corporation of which the majority of the shares issued by the company are owned by persons of the Japanese race, or of which a majority of the Directors are persons of the Japanese race.

(c) "Land" shall include land and any real or immovable property and any interest, legal or equitable therein and the right to possession thereof.

(d)/

Source: Nikkei National Museum, 2018-16-1-14-3-12
www.nikkeimuseum.org

(d) "Person of the Japanese race" means, as well as any person wholly of the Japanese race, a person not wholly of the Japanese race if his father or mother is of the Japanese race and if the Commissioner of the Royal Canadian Mounted Police by notice in writing requires him to register pursuant to Order in Council P.C. 9760 of December 16, 1941.

A. D. P. Heeney.

Clerk of the Privy Council.

Source: Nikkei National Museum, 2018-16-1-14-3-13
www.nikkeimuseum.org

P. C. 1486

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 24th day of FEBRUARY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Justice reports that by reason of the development of the war it may become necessary to take special measures within certain areas of Canada;

NOW THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under the authority of The War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend the Defence of Canada Regulations (Consolidation) 1941, and they are hereby amended by rescinding paragraph 2 of Regulation 4 thereof and substituting therefor the following paragraph:

(2) The Minister of Justice may, with respect to a protected area, make orders in relation to any of the following matters:-

(a) To require any or all persons to leave such protected area;

(b) To prohibit any or all persons from entering, leaving or returning to such proted area except as permitted pursuant to such order;

(c) To impose upon any or all persons ordinarily resident or actually present in such protected area, such restrictions as may be specified in the order in respect of their employment or business, their movements or places of residence, their associations or communications with other persons, their activities in relation to the dissemination of news or the propagation of opinions or otherwise with respect to the conduct of any such persons;

(d)/

Source: Nikkei National Museum, 2018-16-1-14-3-14
www.nikkeimuseum.org

(d) To prohibit or restrict the possession or use by any or all persons, ordinarily resident or actually present in such protected area, of any specified articles and to require the delivery up by any such persons aforesaid of any such specified articles to the Royal Canadian Mounted Police;

(e) To authorize the detention, in such place and under such conditions as he may from time to time direct, of any or all persons ordinarily resident or actually present in such protected area;

(f) To authorize the release, upon such conditions as he may specify, of any person ordered to be detained or any article delivered up pursuant to this Regulation.

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

Source: Nikkei National Museum, 2018-16-1-14-3-15
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Order in Council P.C. 1486, approved February 24, 1942: amending the Defence of Canada Regulations so as to provide authority for the Minister of Justice to require any or all persons to leave a protected area, as defined by Order of the Minister of National Defence, and to impose restrictions in respect of their employment, business, movement, or places of residence; to prohibit or restrict the possession or use by any or all persons in the protected area of any specified articles and require their delivery to the Royal Canadian Mounted Police; to authorize the detention or release of any or all persons ordinarily resident or actually present in such protected area.

Order in Council P.C. 365, approved January 16, 1942: amending the Defence of Canada Regulations so as to authorize the Minister of National Defence, with the concurrence of the Minister of Justice, to declare any area in Canada a protected area if it appears necessary or expedient so to do and in the public interest, and in respect of such areas conferring certain powers in respect of the person and property of enemy aliens.

Order in Council P.C. 1271, approved February 17, 1942: providing for the establishment of a "Canadian Japanese Construction Corps," to be formed from Canadian Nationals of Japanese racial origin, and establishing conditions of enrolment and terms of service for the said Corps.

Order in Council P.C. 1348, approved February 19, 1942: authorizing the establishment of work camps for male enemy aliens including Japanese nationals on projects located outside of protected areas.

Order in Council P.C. 1365, approved February 19, 1942: prohibiting the possession of firearms or explosives by persons of Japanese race.

Order in Council P.C. 1457, approved February 24, 1942: regulating the acquisition of land or any interest therein, or the growing of crops in Canada by persons of Japanese race and by Japanese controlled companies.

(For copies of the above Orders in Council, see Appendix No. 1 at end of this day's Votes and Proceedings.)

Source: Nikkei National Museum, 2018-16-1-14-3-15a
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P.C. 1542

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of FEBRUARY, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL --

WHEREAS by Regulation 4 of the Defence of Canada Regulations (Consolidation) 1941, as amended by Order in Council P.C. 365 of January 16, 1942, and by Order in Council P.C. 1486 of February 24, 1942, provision is made for the establishment of "protected areas" and the Minister of Justice is authorized to make orders in relation to, amongst other matters, the prohibition or restriction of the possession or use by any or all persons ordinarily resident or actually present in such protected area of any specified articles and is authorized to require the delivery up by any such persons of any such specified articles to the Royal Canadian Mounted Police;

AND WHEREAS the Minister of Justice reports that the Commissioner of the Royal Canadian Mounted Police has advised him that for administrative purposes it might be desirable that the Minister of Justice be authorized to require that such specified articles be delivered up to persons other than members of the Royal Canadian Mounted Police.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend Regulation 4 of the Defence of Canada Regulations (Consolidation) 1941, as amended by Order in Council P.C. 365 of January 16, 1942, and by Order in Council P.C. 1486 of February 24, 1942, and it is hereby amended by striking out sub-paragraph (d) of paragraph (2) thereof and substituting therefor the following sub-paragraphs:

"(d)/

Source: Nikkei National Museum, 2018-16-1-14-4-3
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"(d) to prohibit or restrict the possession or use by any or all persons ordinarily resident or actually present in such protected area of any specified articles and require the delivery up by any such person aforesaid of any such specified articles to any Justice of the Peace, residing in or near the locality where such specified article is had in possession or to an officer or constable of the Police Force of the Province or city in or near such locality or to an officer or Constable of the Royal Canadian Mounted Police;

(dd) to require any such Justice of the Peace or officer or constable receiving any specified article required to be delivered by any person under sub-paragraph (d) of this paragraph to give to the person delivering the same a receipt therefor and to report the fact to the Commissioner of the Royal Canadian Mounted Police;

(ddd) to order under whose direction any articles delivered under sub-paragraph (d) of this paragraph shall be retained or otherwise disposed of;

(dddd) to authorize any peace officer or any officer or constable of the Royal Canadian Mounted Police to search without warrant the premises or any place occupied or believed to be occupied by any person reasonably suspected of having in his possession or upon his premises any articles specified under sub-paragraph (d) of this paragraph and to seize any such specified articles found on such premises."

A. D. P. Heeney.

Clerk of the Privy Council.

Source: Nikkei National Museum, 2018-16-1-14-4-4a
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3. The Commission may, with the approval of the Minister, make by-laws not inconsistent with the provisions hereof, for the direction, conduct and government of its business.

4. Every document purporting to be or to contain a by-law, order or other instrument of the Commission, and purporting to be signed by the Chairman, shall be evidence of such by-law, order or other instrument.

5. (1) The Commission may, with the approval of the Minister, employ such professional technical and other officers, clerks and employees as it may deem necessary for the proper conduct of its affairs, and may, with the approval of the Governor in Council, fix their remuneration.

(2) The Commission may utilize the services of any officer, servant or employee of any department of the Government of Canada loaned by the Minister thereof.

6. (1) The Commission may enter into contracts, and hold property, real or personal, and shall be deemed to have the powers necessary to perform the duties assigned to the Commission, including all powers incidental to the performance of the said duties.

(2) The Commission may sue, and, with the consent of the Attorney General of Canada, be sued in its own name, in respect of its own acts, but such proceedings shall only be taken in the Exchequer Court of Canada.

(3) The Commission shall in all matters, including those relating to the responsibility of the members of the Commission for the acts of any servant or agent of the Commissinn, be deemed to be an agent of the Crown.

7./

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P.C. 1665

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 4th day of MARCH, 1942.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS in view of the serious situation prevailing in the Province of British Columbia arising out of the war with Japan it is deemed necessary for the security and defence of Canada to take further steps for the evacuation of persons of the Japanese race from the protected areas in that Province;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, and under and by virtue of the powers conferred by the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the following regulations and they are hereby made and established accordingly:

Interpretation

1. (1) In these Regulations unless the context otherwise requires -

(a) "Commission" means the British Columbia Security Commission established under the provisions of this Order.

(b) "Minister" means the Minister of Labour.

(c) Other words and phrases shall have the same meaning as in the Defence of Canada Regulations.

British

Source: Nikkei National Museum, 2018-16-1-14-5-3
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3. The Commission may, with the approval of the Minister, make by-laws not inconsistent with the provisions hereof, for the direction, conduct and government of its business.

4. Every document purporting to be or to contain a by-law, order or other instrument of the Commission, and purporting to be signed by the Chairman, shall be evidence of such by-law, order or other instrument.

5. (1) The Commission may, with the approval of the Minister, employ such professional technical and other officers, clerks and employees as it may deem necessary for the proper conduct of its affairs, and may, with the approval of the Governor in Council, fix their remuneration.

(2) The Commission may utilize the services of any officer, servant or employee of any department of the Government of Canada loaned by the Minister thereof.

6. (1) The Commission may enter into contracts, and hold property, real or personal, and shall be deemed to have the powers necessary to perform the duties assigned to the Commission, including all powers incidental to the performance of the said duties.

(2) The Commission may sue, and, with the consent of the Attorney General of Canada, be sued in its own name, in respect of its own acts, but such proceedings shall only be taken in the Exchequer Court of Canada.

(3) The Commission shall in all matters, including those relating to the responsibility of the members of the Commission for the acts of any servant or agent of the Commissinn, be deemed to be an agent of the Crown.

7./

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British Columbia Security Commission

2. (1) There shall be a Commission, to be known as the British Columbia Security Commission, which shall consist of three members, a Chairman and two Commissioners, who shall hold office during pleasure.

(2) The members of the Commission shall be appointed by the Governor in Council, on the recommendation of the Minister, and shall be paid such remuneration and allowances as may be fixed by the Governor in Council;

(3) Except as otherwise herein provided any act of the Commission shall require the concurrence of all members of the Commission.

(4) Where for any reason any member of the Commission is unable to act, the Minister may appoint temporarily a substitute member, upon such terms and conditions as he may determine.

(5) The headquarters of the Commission shall be at a place selected by it in the Province of British Columbia, and meetings of the Commission may be held at the headquarters, or at such other place in British Columbia or elsewhere, as the Chairman may decide.

(6) The members of the Commission shall take and subscribe an oath before any Superior Court judge in the Province of British Columbia, which shall be filed in the office of the Clerk of the Privy Council, and which shall be in the following form:

"I . . . . . solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as a member of the British Columbia Security Commission."

3./

Source: Nikkei National Museum, 2018-16-1-14-5-5
www.nikkeimuseum.org

7. (1) No transaction shall be entered into by the Commission involving an expenditure in excess of Fifteen Thousand dollars, except with the approval of the Governor in Council.

(2) No real property shall be purchased by the Commission except with the approval of the Governor in Council.

8. The Commission may enter into any arrangement with any department of the Government of Canada or of the Government of the Province of British Columbia for the use of or occupation of any Dominion or Provincial Crown Lands.

Advisory Committee

9. (1) There shall be appointed by the Governor in Council an Advisory Committee to the British Columbia Security Commission, to consist of not more than twenty members, to advise the Commission on all matters relating to the duties of the Commission.

(2) Meetings of the said Advisory Committee may be called by the Chairman of the Commission.

(3) Any member of the said Advisoby Committee may be paid his actual reasonable disbursements incurred in connection with the performance of the work of the Advisoby Committee.

Duties and Powers of Commission

10. (1) It shall be the duty of the Commission to plan, supervise and direct the evacuation from the protected areas of British Columbia of all persons of the Japanese race.

Source: Nikkei National Museum, 2018-16-1-14-5-6
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(2) For the purpose of performing the duties aforesaid the Commission shall determine the time and order of the evacuation of such persons, the mode of transport and all matters relative to the placement of such persons.

(3) The Commission shall provide for the housing, feeding, care and protection of such persons in so far as the same may be necessary.

(4) A plan or plans for the evacuation and placement aforesaid shall be submitted to the Minister, and shall be put into operation by the Commission when approved by the Minister.

11. (1) The Commission shall have power to require by order any person of the Japanese race, in any protected area in British Columbia, to remain at his place of residence or to leave his place of residence and to proceed to any other place within or without the protected area at such time and in such manner as the Commission may prescribe in such order, or to order the detention of any such person, and any such order may be enforced by any person nominated by the Commission so to do.

(2) The Commission may make orders respecting the conduct, activities and discipline of any person evacuated under the provisions of these Regulations.

Custody of Japanese Property

12. (1) As a protective measure only, all property situated in any protected area of British Columbia belonging to any person of the Japanese race resident in such area (excepting fishing vessels subject to Order in Council P.C. 288 of the 13th January, 1942, and deposits

of

Source: Nikkei National Museum, 2018-16-1-14-5-7
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of money, shares of stock, debentures, bonds or other securities), delivered up to any person by the owner pursuant to the Order of the Minister of Justice dated February 26, 1942, or which is turned over to the Custodian by the owner, or which the owner, on being evacuated, is unable to take with him, shall be vested in and subject to the control and management of the Custodian as defined in the Regulations respecting Trading with the Enemy, 1939; provided, however, that no commission shall be charged by the Custodian in respect of such control and management.

(2) Subject as hereinafter provided, and for the purposes of the control and management of such property, rights and interest by the Custodian, the Regulations respecting Trading with the Enemy, 1939, shall apply mutatis mutandis to the same extent as if such property, rights and interests belonged to any enemy within the meaning of the said Regulations.

(3) The property, rights and interests so vested in and subject to the control and management of the Custodian, or the proceeds thereof, shall be dealt with in such manner as the Governor in Council may direct.

Departmental Assistance

13. All departments and agencies of the Government of Canada shall assist the Commission by lending to the Commission such personnel and by furnishing such medical aid, hospitalization, food, clothing, transportation, use of land, buildings, equipment, utilities and other supplies and services as are available, and may be required by the Commission, and in particular, but without restricting the generality of the foregoing, there shall be furnished to the Commission,-

(a)

Source: Nikkei National Museum, 2018-16-1-14-5-8
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(a) assistance by the Royal Canadian Mounted Police in the compiling of information concerning the persons to be evacuted under these Regulations in the segregation and concentration of such persons and in the maintenance of public security in respect thereof.

(b) assistance by the Department of Transport in the transportation of persons evacuated under these Regulations.

(c) assistance by the Department of National Defence by furnishing personnel to advise on and assist in the housing, feeding and clothing of persons evacuated under these Regulations.

(d) assistance by the Department of Munitions and Supply in advising upon and entering into contracts or other arrangements to provide housing, food, supplies and services for such persons.

(e) assistance by the Royal Canadian Mounted Police and/or the Department of National Defence in the protection of persons evacuated under these Regulations and in the maintenance of public security in respect thereof.

(f) assistance by the Department of Labour in establishment of work camps and in providing employment, and in particular in the absorption of evacuated persons in the Canadian Japanese Construction Corps constituted by Order in Council P.C. 1271 of February 17th, 1942, or in the work camps established under Order in Council P.C. 1348 of February 19th, 1942, or in any other activity in which such persons can be employed without prejudice to the public safety or the safety of the State, outside the protected areas in British Columbia.

Provided, however, that notwithstanding the provisions of these Regulations any minister responsible for the administration of any of the departments or agencies of the Government shall have the right to determine whether or not any item of assistance requested can be made available.

Expenses/

Source: Nikkei National Museum, 2018-16-1-14-5-9
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Expenses

14. All expenses or costs incurred by the Commission or by any department or agency of the Government of Canada in connection with the enforcement or administration of these Regulations shall be payable out of moneys appropriated by Parliament to carry out measures deemed necessary in consequence of the existence of a state of war.

Offences

15. Every person who contravenes or fails to comply with any of these Regulations or any order or by-law made under any of these Regulations shall be guilty of an offence, and liable, on summary conviction, to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment.

16. Nothing contained herein shall be construed to limit or derogate from the powers conferred on any authority other than the Commission by the Defence of Canada Regulations or any other statute or law.

A. P. Murray.

Clerk of the Privy Council.

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P.C. 1666

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 4th day of MARCH, 1942

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council P.C. 1665, dated 4th March, 1942, the British Columbia Security Commission has been constituted and established, and provision has been made for an Advisory Committee;

AND WHEREAS it is deemed expedient that the Members of the Commission and of the Committee should be appointed forthwith.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Right Honourable W.L. Mackenzie King the Prime Minister, is pleased to appoint and doth hereby appoint the following persons as Members of the British Columbia Security Commission established under the provisions of Order in Council P.C. 1665, dated 4th March, 1942, to hold office during pleasure:

Austin C. Taylor, Chairman;
Assistant Commissioner J.N. Mead,
Royal Canadian Mounted Police;
Assistant Commissioner John Shirras,
B.C. Provincial Police

His Excellency in Council, on the same recommendation is further pleased to appoint and doth hereby appoint the following persons as Members of the Advisory Committee established under the provisions of Order in Council P.C.1665, dated 4th March, 1942, to hold office during pleasure:

Hon.

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www.nikkeimuseum.org

Hon. R. L. Maitland, Attorney General of B.C. - Victoria;
Hon. George Pearson, Minister of Labour, Victoria;
Harold E. Winch, Leader of the Opposition in B.C.- Victoria;

Captain M. C. Robinson -	Vancouver;
Major Hamish Hamilton -	Vancouver;
Dr. Lyall Hodgins -	Vancouver;
General J. A. Clark -	Vancouver;
G. Lyall Fraser -	Vancouver;
Wendell B. Farris, K.C. -	Vancouver;
T. M. Harnett -	Vancouver;
A. D. Darlington -	Vancouver;
R. H. B. Ker -	Victoria;
William Mott -	New Westminster;
J. McKimmon -	Mission City;
R. G. Rutherford -	Kelowna;
Mrs. Mary Sutherland -	Revelstoke;
Mrs. Evelyn M. Scurrah -	Victoria;
Bert Showler -	Vancouver;
E. R. Morton -	Vancouver;
George W. Nickerson -	Prince Rupert.

A. D. P. Heeney

Clerk of the Privy Council.

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