Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto Argentina

Mueble 7
Casilla 22

REPÚBLICA ARGENTINA

DIVISIÓN POLÍTICA

Ministerio de Relaciones Exteriores y Culto

GUERRA EUROPEA

Expediente ..... **Año** 1940

CREACION DE LA JUNTA MIXTA PERMANENTE

DE DEFENSA (DEFENSA DEL

CANADA)

EXPEDIENTE Nº 254.

Jorman - 75510 For. 64

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Argentina

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Argentina

Guerra 251

EMBASSY OF THE
UNITED STATES OF AMERICA

A Guerra y Marina

M E M O R A N D U M

La Junta Mixta Permanente de Defensa (Joint Permanent Defense Board) ha sido creada únicamente con el fin de determinar con anticipación las medidas de carácter militar y naval que debieran adoptarse por ambos Gobiernos en caso de que Cadaná fuese atacado por un estado no-americano.

Buenos Aires, 27 de Agosto de 1940.

ANOTADO

Buenos Aires, septiembre 6 de 1940.
Trasmítase en copia a los Ministerios de Guerra y Marina.

MINISTERIO DE RELACIONES EXTERIORES
6 SET 1940
DIVISION DE ASUNTOS RELIGIOSOS

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Buenos Aires, septiembre 6 de 1940.

D.A.P.

Señor Jefe:

Tengo el agrado de dirigirme a S.S. llevando a conocimiento de ese Departamento, copia de un Memorándum recibido de la Embajada de los Estados Unidos de América aquí acreditada, en el cual se informa que la Junta Mixta Permanente de Defensa ha sido creada únicamente para determinar anticipadamente las medidas de carácter militar y naval que debieran adoptarse en caso de que el Canadá fuese atacado por un estado no-americano.

Reitero a S.S. las seguridades de mi más distinguida consideración.

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
03 SET 1940
DIVISION DE ASUNTOS POLITICOS

ROBERTO GACHE
SUB SECRETARIO DE RELACIONES EXTERIORES

A S.S. el Señor Jefe de la Secretaría de Guerra.

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Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Buenos Aires, septiembre 6 de 1940.

D.A.P.

Señor Jefe:

Tengo el agrado de dirigirme a S.S. llevando a conocimiento de ese Departamento, copia de un Memorándum recibido de la Embajada de los Estados Unidos de América aquí acreditada, en el cual se informa que la Junta Mixta Permanente de Defensa ha sido creada únicamente para determinar anticipadamente las medidas de carácter militar y naval que debieran adoptarse en caso de que el Canadá fuese atacado por un estado no-americano.

Reitero a S.S. las seguridades de mi más distinguida consideración.

ROBERTO GACHE
SUB SECRETARIO DE RELACIONES EXTERIORES

A S.S. el Señor Jefe de la Secretaría de Marina.

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Embajada de la República Argentina

R.E. Nº 143

MESA DE ENTRADAS Y EXPEDICIONES
14 SEPT. 1940
MINISTERIO DE RELACIONES EXTERIORES Y CULTO

MESA DE ENTRADAS Y EXPEDICIONES
DIVISION ASUNTOS POLITICOS

Guerra 235.

Bogotá, 27 de Agosto de 1940.

Señor Ministro:

Tengo el honor de dirigirme a V.E. remitiéndole adjunto un recorte del diario "El Siglo" del día 24 de Agosto último, conteniendo un artículo sobre "la guerra europea y la solidaridad americana", en el que expresa que es este un asunto de actualidad, especialmente para Colombia en lo que respecta a la defensa del Canal de Panamá, ya que la política de la Casa Blanca dice, está arrastrando a los Estados Unidos a la guerra y con esta potencia a las demás naciones del Continente. Refiriéndose a la alianza del mencionado país con el Canadá, la califica como un preludio de la total beligerancia estadounidense al lado de Inglaterra.

Aprovecho la oportunidad para renovar a V.E. el testimonio de mi más alta y distinguida consideración.

ANOTADO

CON EL ANEXO CONFORME

Clodomiro Ospina

Buenos Aires, Setiembre 27 de 1940.-
Acúsese recibo.-

A S.E. el Señor José María Cantilo
Ministro de Relaciones Exteriores y Culto
Buenos Aires

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Argentina

"EL SIGLO"

Sábado 24 de Agosto de 1940

LA NOTA INTERNACIONAL.

Guerra europea y solidaridad americana

Está sobre el tapete internacional el asunto de la solidaridad americana en relación con la guerra europea, y en lo que respecta a Colombia, de manera especial, la cooperación en la defensa del Canal de Panamá, planteada por el gobierno colombiano, con detrimento talvez de la neutralidad, de la vida libre de nuestro país y de la misma paz del continente.

Para nadie es un misterio que la política de la Casa Blanca está arrastrando a la guerra a los Estados Unidos y con dicha potencia a nuestras débiles naciones que practican el entreguismo y la devoción a la "estrella polar", mal que pese a los ultrajes y ofensas de ella recibidos en el transcurso de pocos años.

El actual gobierno británico de Mr. Churchill se ha dado a la ingrata tarea de aliarse militarmente con el de Washington, ofreciéndole dádivas y facilidades para una presunta guerra con Alemania. Y el presidente Roosevelt traga gustoso el anzuelo, a pesar de la oposición norteamericana del aislamiento y aún de parte de algunos de sus devotos, que aconsejan por lo menos suma cautela. Ya celebró el gobierno sajoamericano con el Canadá una alianza que no es sino un preludio de la total beligerancia estadounidense al lado de Inglaterra. Ante esta situación, será cuerdo de parte de las repúblicas latinoamericanas cooperar con los Estados Unidos en la defensa de sus propiedades, fundándose en el espejismo de un compromiso de solidaridad que no existe?

También negocia el gobierno de Washington el arrendamiento de las posesiones británicas en América, lo que va igualmente contra los intereses pacíficos del continente, aunque, por razones de predominio, no haya levantado este asunto visible oposición en el congreso norteamericano.

Lo que sí ha despertado enérgica protesta en dicho parlamento es la transferencia de cincuenta o sesenta destroyers a la Gran Bertaña, tema que se viene discutiendo hace días con mucho acaloramiento. Los parlamentarios saxonamericanos partidarios del aislamiento sostienen, con razón, que Churchill está tratando de llevar a Estados Unidos a la guerra y hasta acérrimos partidarios de la política exterior de Roosevelt han reaccionado contra ella ante las maniobras que se están desarrollando para transferir primero los destroyers a una firma privada y luégo a algun país neutral de éste al Canadá o a la Gran Bretaña, eludiendo así la aprobación del Congreso.

En el debate internacional del senado colombiano se ha estado discutiendo sobre la procedencia o improcedencia de la intervención de Colombia en la defensa del canal, pues según aparece el gobierno es partidario de ésta, solicitando al efecto un gravosísimo empréstito, por más que el canciller López de Mesa, en la diversidad de sus undivagas declaraciones haya llegado hasta decir que tal defensa es sólo de carácter "espiritual" (?), lo que equivale a anular la cooperación como lo comentábamos en días pasados.

Se ha hablado largamente en el parlamento de las causas de la guerra, citando como principales las económicas, las culturales, las ideológicas, las nacionales.

Aunque a nada conduce esta discusión académica, porque nada tiene que ver este tópico con la neutralidad o la intervención de un Estado en una guerra que como la actual tiene visos de tornarse mundial, creemos por lo mismo, oportuno referirnos, aun cuando sea ligeramente, a causas, como anotación histórica que puede contribuir a las lecciones para el porvenir sobre todo de los pueblos que aún no han delinquido.

Destacados estadistas de las potencias, que no pueden confesar su pecado y aún comentadores internacionales que no pueden sustraerse a ciertas tendencias, tratan de ocultar o hacer caso omiso de las principales causas de las guerras y especialmente de la actual. En nuestro humilde concepto, la causa primaria y tan antigua como el mundo es el predominio de unos pueblos sobre otros; la causa inmediata de cada guerra es el resultado de la anterior. De ahí que se diga que siempre el delito engendrará delito.

La causa principal de la presente guerra son las duras condiciones del tratado militar de Versalles y sus cambios geográficos, así como la proclamación del Imperio Alemán en 1871 fue la causa determinante de la conflagración de 1914.

AMERICO LATINO.

EMBAJADA DE LA REPÚBLICA

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Argentina

Buenos Aires, Setiembre 27 de 1940.-

D.A.P.-

114

Señor Embajador:

Tengo el honor de dirigirme a V.E. para acusar recibo de su nota nº 143, de Agosto 27 ppdo., con la que se acompaña un recorte de prensa que contiene un artículo sobre la guerra europea y la solidaridad americana.-

Saludo a V.E. con las seguridades de mi más distinguida consideración.

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
26 SET 1940
DIVISION DE ASUNTOS POLITICOS

ROBERTO GACHE
SUB SECRETARIO DE RELACIONES EXTERIORES

A S.E. el Señor Embajador Extraordinario y Plenipotenciario
de la República Argentina en Colombia,
Don Alberto M.Candioti.-

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Argentina

La nota original fué entregada al doctor Kier, para ser agregada al exp. nº192 "Defensa Continental."

Por correo aéreo.

1.

Washington, 27 de Agosto de 1940.

R.E. Nº 431.

Confidencial.

Señor Ministro:

Cualquiera sea el juicio que merezca a las potencias totalitarias la conducta del Gobierno de los Estados Unidos frente al presente conflicto europeo, lo cierto es que este Gobierno ha tratado de mantenerse, por lo menos técnicamente, dentro del marco de la neutralidad.

Pero el curso que la guerra está siguiendo después de la derrota de Francia y las inciertas perspectivas sobre la suerte de la Gran Bretaña, plantean cuestiones tan graves para la defensa y seguridad de los Estados Unidos que este país se está desplazando hacia una posición que difícilmente puede considerarse como neutral y que es capaz de arrastrarle al conflicto.

Esta conclusión es ineludible cuando se medita un poco sobre las posibles consecuencias del acuerdo defensivo que acaba de concertarse con el Canadá, las negociaciones pendientes para la adquisición de bases navales y aéreas en las posesiones británicas de este lado del Atlántico y la probable cesión a la Gran Bretaña de cierto número de destroyers de la escuadra norteamericana.

Empezando por el acuerdo con el Canadá, hay que reconocer que su anuncio ha sido recibido con unánime satisfacción por la opinión pública. Caiga él o nó dentro de la órbita

A S.E. el Señor Don José Maria Cantilo,
Ministro de Relaciones Exteriores y Culto,
Buenos Aires.

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de la Doctrina de Monroe, ese acuerdo es reconocido, sobre todo en las presentes circunstancias, como esencial e inevitable para la propia defensa de los Estados Unidos. Nadie objeta ya las promesas hechas por el Presidente Roosevelt en su discurso de Kingston, hace dos años:

" El Dominio del Canadá es miembro de la hermandad
" del Imperio Británico. Puedo aseguraros que el pueblo de los
" Estados Unidos no quedaria impasible si el suelo canadiense
" fuera amenazado por la dominación de cualquier otro Imperio".

Y sin embargo ese acuerdo, significa un abandono radical de la posición neutral de los Estados Unidos.

Asi lo destaca un reciente editorial del "Washington Post":

" Los alemanes podrian sin discusión alguna, cali-
" ficar a este acuerdo como un acto de hostilidad. El Canadá
" está en guerra con Alemania. Los aviadores canadienses no se
" limitan a la defensa de Inglaterra sino que también bombar-
" dean ciudades alemanas.....No parece importarle a Estados
" Unidos que Canadá ataque a Alemania. Pero si Alemania re-
" suelve reaccionar contra el Canadá, ese acto, conforme al
" acuerdo de Ogdensburg, seria una agresión contra los Estados
" Unidos..... Verdad es que Wilhelmstrasse no está en posi-
" ción de cuestionar esta interpretación unilateral de la
" neutralidad. Sin embargo la ausencia de base moral de la
" política exterior alemana no justifica, de acuerdo al de-
" recho internacional, el camino en que nos estamos inter-
" nando."

Otros comentaristas señalan que si los Estados Unidos toman a su cargo la defensa de Canadá facilitan a éste el envio de sus propias fuerzas a Europa para proseguir la guerra con Alemania.

El acuerdo cobraria todavía mayor trascendencia si las vicisitudes de la guerra obligaran al Gobierno Británico

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a transferir su sede al Canadá. El Dominio haria inmediatamente parte de la zona de guerra y cuesta imaginar como podrian los Estados Unidos escapar entonces al conflicto.

En el caso de la adquisición de bases aéreas y navales en las posesiones británicas en América, también la opinión pública es unánimemente favorable. Todo el mundo reconoce que esas bases contribuirán poderosamente a una eficaz defensa de los Estados Unidos. Como no se trata, sin embargo, de una transferencia de soberania a esas posesiones, sino del arrendamiento de ciertas áreas, se plantean de inmediato algunos serios interrogantes:

¿ Serán estas bases para uso exclusivo de los Estados Unidos o podrán también ser empleadas por la Gran Bretaña?

¿ Si las islas, ya que pertenecen a un beligerante, llegan a ser atacadas por una flota o fuerza enemiga serian defendidas por los Estados Unidos?

Delicados son estos problemas, como los que surgen del acuerdo con el Canadá, en su proyección sobre la neutralidad de los Estados Unidos. Mucho más delicados, sin embargo, son los que resultarían de una cesión de destroyers de la escuadra norteamericana a la Gran Bretaña. En este terreno la opinión pública está muy dividida. Es posible que la cesión de cincuenta o más destroyers a la Gran Bretaña, en estos momentos, pudiera tener un efecto decisivo en la suerte de la guerra. Asi lo creen las autoridades navales. Si ese fuera el caso, se comprende bien el interés del Gobierno de los Estados Unidos en facilitar una transacción que seria de una extrema importancia para la defensa de este país, fuera de su efecto sobre la de Gran Bretaña. El sentimiento predominante en las dos últimas semanas es que Inglaterra ha mejorado las probabilidades de supervivencia y que no se corre ya el riesgo de que esos destroyers fueran en definitiva a caer en manos de Alemania, precisamente cuando más los necesitaran los Estados Unidos.

Una activa minoria en el Congreso y en la prensa,

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sostiene, sin embargo, que ese riesgo no ha desaparecido y que Alemania tendria el perfecto derecho de considerar la cesión de esos destroyers como un acto de guerra. En cualquier caso, todos los rumores indican que esa cesión es inminente.

Cuesta comprender como todos estos arreglos puedan hacerse por la Administración, sin conocimiento o participación del Congreso. Hasta ahora nada se ha hecho por el Ejecutivo en ese sentido; por el contrario mucho se oye en favor de su derecho exclusivo en estas materias.

En el caso del acuerdo con el Canadá, el propio Sub-Secretario de Estado, Señor Sumner Welles, declaró a los periodistas que no se trataba de una alianza formal que requiriera la aprobación del Senado y que él estaba dentro de las facultades del Presidente en su caracter de Comandante en Jefe de las fuerzas de mar y tierra.

Con respecto a las negociaciones pendientes para la adquisición de bases navales y aéreas, se hace mérito de que Teodoro Roosevelt adquirió la base naval en Guantánamo, sin someter el asunto al Congreso y que se valió de una autorización vaga y general que estaba incluida en el presupuesto del Ministerio de Marina. Parece olvidarse el histórico debate que provocó en el Congreso durante la Administración Grant, la proyectada adquisición de Samana Bay en Santo Domingo. En todo caso se trata hoy de negociaciones con un país beligerante.

Por lo que hace al asunto de los destroyers la necesidad de acuerdo previo del Congreso se ha venido debatiendo intensamente durante las últimas semanas. El asunto se complica por el hecho de que el Attorney General, Señor Jackson, dictaminó en Junio último que la venta a la Gran Bretaña de ciertos torpedos en construcción era contraria a una ley de 1917. Cuesta creer, sin embargo, que ningun escrúpulo legal vaya a detener al Presidente Roosevelt, si él concluye que la cesión es no sólo necesaria sinó urgente y que la opinión pública del país lo acompañará.

No hay duda que, consideradas en conjunto todas

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estas medidas, son de gran importancia para la defensa de los Estados Unidos, que puede ser la razón fundamental que las inspira. No hay duda, tampoco, que ellas están preñadas de peligros en cuanto son capaces de poner a los Estados Unidos en los dinteles de un conflicto armado con las potencias totalitarias. De un lado aparecen apoyadas por la opinión pública del país, favorable a todo lo que signifique una mejor defensa de los Estados Unidos.. Por otro lado, esa misma opinión pública sigue expresándose contraria a cualquier paso que signifique envolver a este país en la guerra. Ultima expresión de ese sentimiento es la votación ayer en el Senado sobre servicio militar obligatorio, al aprobar una cláusula segun la cual los conscriptos no podrian llevarse fuera de los confines de los Estados Unidos, con excepción, de sus posesiones y de este Hemisferio. En otras palabras, prohibición de enviar tropas a Europa. Tan intenso es este sentimiento que la cláusula fué aprobada por 67 votos contra 4.

Cuesta comprender como ambas situaciones pueden conciliarse.

Aprovecho la oportunidad para saludar a V.E. con mi más alta y distinguida consideración.

Firmado:
Felipe A. Espil

EMBAJADA ARGENTINA WASHINGTON

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Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

RESERVADO

1 Guerra 251

República Argentina
Ministerio de Guerra

Buenos Aires, 16 de septiembre de 1940.

MINISTERIO DE GUERRA-SECRETARIA
RESERVADO
Letra [illegible] Nº 1341/39
Cde. 17 Fjs. —
ENTRADO / SALIDO
Día / Día 16
Mes / Mes IX
Año / Año 1940

(321)

Rdo.A.131/39
Cde. 13
(MG)

Señor Subsecretario:

Tengo el agrado de dirigirme al Señor Subsecretario acusando recibo a su atenta nota, por la que remite copia de un Memorandum recibido de la Embajada de los Estados Unidos de América aquí acreditada, en el cual se informa que la Junta Mixta Permanente de Defensa ha sido creada para determinar anticipadamente las medidas de carácter militar y naval que debieran adoptarse en caso de que el Canadá fuese atacado por un estado no-americano.

Al agradecer al Señor Subsecretario su gentil atención, aprovecho la oportunidad para renovarle las seguridades de mi más distinguida consideración.

VICTOR MAYO
CORONEL
JEFE DE LA SECRETARIA

ANOTADO

Buenos Aires, septiembre 25 de 1940

Agréguese a sus antecedentes

Al Señor Subsecretario de Relaciones Exteriores, Doctor D. ROBERTO GACHE.

S/d.-

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Buenos 25

MESA DE ENTRADAS Y EXPEDICIONES
DIVISION ASUNTOS POLITICOS

Consulado General
de la
República Argentina.

MESA DE ENTRADAS
23 OCT. 1940
MINISTERIO DE RELACIONES EXTERIORES Y CULTO

Nº 107

Ottawa, Septiembre 27 de 1940

Señor Ministro:

Tengo la honra de remitir a V. E. con la presente un ejemplar de la Reglamentación de las Leyes de Defensa de Canada (Defence of Canada Regulations) que acaba de aparecer.

Saludo al Señor Ministro con mi más alta consideración.

RAÚL AGUILAR
Consul General

ANOTADO

CON EL ANEXO CONFORME

DIVISION DE ASUNTOS POLITICOS

Buenos Aires, Octubre 29 de 1940.-

Acúsese recibo.-

A S. E. el Señor Ministro de Relaciones Exteriores y Culto de la Nación
Doctor Julio A. Roca

BUENOS AIRES

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Argentina

DEFENCE OF CANADA REGULATIONS

(CONSOLIDATION)

1940

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

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Histórico
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DEFENCE OF CANADA REGULATIONS

(CONSOLIDATION)

1940

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

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P.C. 4750

AT THE GOVERNMENT HOUSE AT OTTAWA

Thursday, the 12th day of September, 1940.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2483 of the 3rd day of September, 1939, the Defence of Canada Regulations were made and established;

And whereas the said Regulations have been amended from time to time;

And whereas the Minister of Justice reports that in order to facilitate reference thereto, it is expedient that the said Regulations and amendments be consolidated, reprinted and distributed to law enforcement officers and others.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the power conferred by the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:

1. The Defence of Canada Regulations, established by Order in Council, P.C. 2483, of the 3rd September, 1939, as amended, are hereby revoked effective on and from the coming into force of the Defence of Canada Regulations (Consolidation), 1940.
2. The attached Defence of Canada Regulations (Consolidation), 1940, numbered 1 to 64, inclusive, are hereby made and established in substitution for the Regulations hereby revoked.
3. All orders, rules and by-laws made under the Regulations hereby revoked, shall continue good and valid in so far as they are not inconsistent with the Regulations hereby made and established until such orders, rules and by-laws are revoked, varied or extended.
4. The said Defence of Canada Regulations (Consolidation), 1940, shall be printed and distributed by the King's Printer to the persons whose names appear on the Official Mailing List.
5. The said Defence of Canada Regulations (Consolidation), 1940, shall come into force and have effect upon, from and after the 16th day of September, 1940.

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

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PART I

GENERAL

Directions as to non-interference with persons and property.

1. The ordinary avocations of life and the enjoyment of property will be interfered with as little as may be permitted by the exigencies of the measures which may be required to be taken for securing the public safety and the defence of Canada.

The Departments of the Government, officers thereof, and other persons executing the following Regulations, shall observe this general principle.

Interpretation.

2. (1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

(*a*) "aircraft" means all machines which can derive support in the atmosphere from reactions of the air.

(*b*) "ammunition" includes ammunition for any firearm, grenades, bombs and other like missiles whether capable of use with a firearm or not.

(*c*) "enemy alien" means a person who, not being a British subject, possesses the nationality of a State at war with His Majesty.

(*d*) "essential services" means such services as may for the time being be declared by the Governor in Council to be essential for the prosecution of the war or to the life of the community.

(*e*) "explosive" includes gun powder, blasting powder, nitroglycerine, gun cotton, dynamite, blasting gelatine, gelignite, fulminates of mercury or other metals, coloured fires, and every other substance whether chemical compound or mechanical mixture, used or manufactured with a view to produce a violent effect by explosion, or a pyrotechnic effect, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, fog and other signals, and every other adaptation or preparation of an explosive as above defined.

(ee) "justice of the peace" includes a police magistrate, a stipendiary magistrate, or any person having the power or authority of two or more justices of the peace.

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(*f*) "munitions of war" means arms, ammunition, implements of war, military, naval or air stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof.

(*g*) "radio" means and includes radiotelegraph, radiotelephone and any other form of radioelectric communication including the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves.

(*h*) "senior police officer" means any officer of the Royal Canadian Mounted Police not below the rank of inspector; any officer of like or superior rank of any provincial police force or of any police force of a city or town with a population of not less than ten thousand; or any person upon whom the powers of a senior police officer are for the purposes of these Regulations conferred by the Governor in Council.

(*i*) "ship" and "vessel" have respectively the same meanings as in the Canada Shipping Act, 1934.

(*j*) "war offence" means—

(i) treason in so far as it consists in adhering to the King's enemies, giving them aid and comfort;

(ii) an offence under any of the provisions of The Official Secrets Act;

(iii) an offence against any of these Regulations;

(iv) attempting or conspiring to commit, or aiding, abetting, counselling or procuring the commission of, or being accessory to, any of the offences specified in clauses (i) to (iii) of this paragraph.

(2) For the purposes of these Regulations, the person for the time being in charge of any vessel or aircraft shall be deemed to be the master of the vessel or the pilot of the aircraft, as the case may be.

(3) Nothing in these Regulations shall restrict the doing of anything by any servant of His Majesty or by any constable, acting in the course of his duty as such.

PART II

ESPIONAGE AND ACTS LIKELY TO ASSIST THE ENEMY

Access to Certain Premises and Areas

Protected places.

3. (1) If, as respects any premises, it appears to the Minister of Justice to be necessary or expedient, in the interests of the safety of the State or the efficient prosecution of the war, or for maintaining supplies and services necessary to the life of the community, that special precautions should be taken to prevent the entry of unauthorized persons, he may by order declare those premises to be a protected place for the purposes of these Regulations; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made by the order, be in those premises without the permission of such authority or person as may be specified in the order.

Any premises in relation to which an order made under this Regulation is in force are hereafter in these Regulations referred to as "a protected place."

(2) Where, in pursuance of this Regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the authority by whom the order was made or by, or on behalf of, the authority or person granting the permission; and any constable, any person acting on behalf of His Majesty, or any person authorized in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this Regulation, or, while in such a place, fails to comply with any direction given under this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by any constable, any person acting on behalf of His Majesty, or any person authorized in that behalf by the occupier of the premises.

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(4) The Official Secrets Act shall have effect as if references therein to a prohibited place included references to a protected place.

Protected areas.

4. (1) Without prejudice to any other of these Regulations, the Minister of Justice, if satisfied that it is necessary or expedient, in the interests of the safety of the State or the efficient prosecution of the war, to regulate the entry of persons into any area, may by order declare that area to be a protected area for the purposes of these Regulations; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person who was not at the beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

Any area in relation to which an order made under this Regulation is in force is hereafter in these Regulations referred to as "a protected area."

(2) If any person is in a protected area in contravention of this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the directions of any constable or any member of His Majesty's forces on duty in the area.

Controlled areas.

5. Without prejudice to any other of these Regulations the Minister of National Defence may, as respects any area in relation to which it appears to him to be necessary to take special precautions owing to the presence in that area of members of His Majesty's forces or munitions of war, make such by-laws regulating the conduct of persons in the said area as may be necessary for the protection of persons and property in that area, for safeguarding the discipline and efficiency of members of His Majesty's forces therein, or for facilitating the enforcement therein of these Regulations; and such by-laws may make provision for restricting access to that area, and for removing therefrom any person who is therein in contravention of the by-laws.

6. (1) No person shall— Trespassing and loitering.

(*a*) trespass on or near any premises to which this Regulation primarily applies, or

(*b*) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of His Majesty's service, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft, or

(*c*) trespass on premises in the vicinity of any protected place;

and if any person is found trespassing on any premises in contravention of this paragraph, or is found on any vehicle, vessel or aircraft on any occasion on which he has entered or boarded it in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by the appropriate person from the premises or from the vehicle, vessel or aircraft, as the case may be.

(2) No person shall, for any purpose prejudicial to the public safety or the safety of the State, be in, or near, any premises to which this Regulation primarily applies or any such vehicle, vessel or aircraft as aforesaid; and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or near, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety or the safety of the State.

(3) No person loitering in the vicinity of a protected place, of any premises to which this Regulation primarily applies or of any such vehicle, vessel or aircraft as aforesaid, shall continue to loiter in that vicinity after being requested by the appropriate person to leave it.

(4) The premises to which this Regulation primarily applies are premises used or appropriated—

(*a*) for any of the purposes of His Majesty's service or for the defence against, or protection from, an enemy, or

(*b*) for the performance of any essential services.

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(5) In this Regulation the expression "the appropriate person" means—

(*a*) any person acting on behalf of His Majesty,

(*b*) any constable,

(*c*) the person occupying the premises or being in charge of the vehicle, vessel or aircraft, as the case may be, or any person authorized by him.

Prohibition against trespassing on certain property.

7. (1) No person shall trespass on any railway.

(2) No person shall loiter on or under or near any tunnel, bridge, viaduct or culvert.

Control of highways over or near defence works and protected places.

8. The Minister of National Defence, if he considers it necessary in the interests of the safety of the State so to do, may by order provide for the stopping up or diversion of any highway passing through any protected place or works of defence, or through any land adjoining any such place or works, and for prohibiting or restricting the exercise of any right of way over, or the use of any waterway passing through, any such place, works or land as aforesaid.

Control of Means of Communication

Signalling to foreign vessels and aircraft.

9. Subject to any exemptions for which provision may be made by order of the Minister of Transport, no person shall make any signal (either visually or by means of sound) to any foreign vessel or foreign aircraft;

Provided that the preceding provisions of this Regulation shall not restrict the making of any signal for the purpose only of saving life or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a Power at war with His Majesty.

Signalling apparatus.

10. Subject to any exemptions for which provisions may be made by order of the Minister of Transport no person shall, except with permission granted by or on behalf of a senior police officer have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to the safety of the State:

Provided that the preceding provisions of this Regulation shall not apply—

(*a*) in relation to any radio apparatus, or

(*b*) in relation to any apparatus forming part of the equipment of a vessel or aircraft, being an apparatus which is required by law to be carried therein.

Radio.

11. (1) No person shall establish any radio station, as defined in The Radio Act, 1938, or install, operate or have in his possession any radio apparatus at any place in Canada or on any ship or aircraft registered in Canada, except under and in accordance with a licence granted in that behalf by the Minister of Transport.

(2) Notwithstanding anything in The Radio Act, 1938, or in the Canada Shipping Act, 1934, or in any regulation issued under such Acts, the Minister of Transport may in his discretion cancel or suspend any licence issued on his behalf in respect of any radio station established on land or on any vehicle in Canada, or on any ship or aircraft registered in Canada, and may control the transmission of messages by such stations, or the working of any radio apparatus used therein in any manner he may deem expedient:

Provided that such cancellation or suspension of a licence shall not render the former licensee liable in any manner for retaining in his or her possession contrary to Section 5 of The Radio Act, 1938, the radio apparatus employed in the station for which such licence was previously in force, on condition that the said equipment is dismantled in such a manner as may be prescribed by the said Minister or any person authorized by him.

(3) Any person duly authorized by the Minister of Transport may take such steps and use such force as may appear to that person to be reasonably necessary for securing compliance with any of the preceding paragraphs of this Regulation where a contravention of such has occurred, and for enabling proceedings in respect of such contravention to be effectually taken.

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Means of secret communication.

12. (1) No person shall knowingly have in his possession, or knowingly send by post or otherwise to any destination, whether within or outside Canada:—

(*a*) Any instructions for utilizing any means of secretly conveying, receiving or recording information

(*b*) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, or

(*c*) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-paragraph (*a*) of paragraph (1) of this Regulation, shall, if requested by or on behalf of the Minister of Justice so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this Regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of the Minister of Justice so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) of this Regulation shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1) of this Regulation.

(5) In this Regulation the expression "instructions for utilizing any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) of this Regulation shall not apply—

(*a*) to the possession of any code or cipher which is proved to be intended and used solely for commercial or other legitimate purposes, or

(*b*) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used.

Telegraph Censorship.

13. (1) The appropriate Minister may:

(*a*) Direct or cause the whole or part of the offices, works and property of any cable, radiotelegraph, telegraph or telephone company or any radio apparatus in the possession or under the control of or on the premises of any individual or company, to be entered and possessed in the name of His Majesty, and on his behalf, and to be used for His Majesty's service, and subject thereto, for such ordinary service as the Minister may permit;

(*b*) Direct any person to assume entire or partial control of the transmission of messages by the cables, apparatus or wires of any such individual or company;

(*c*) Direct any cable, radiotelegraph, telegraph or telephone company to submit to him or to any person authorized by him all cablegrams, telegrams and messages tendered for transmission or arriving by any such company's cable, wires or radio apparatus, or any class or classes of such telegrams, cablegrams or messages, or to deliver the same to him or to his agent; the said Minister may direct any such company to transmit through certain named offices only, all messages (including oral messages tendered to or received by any telephone company) that may be intended to pass out of Canada.

(2) The appropriate Minister may require any person whom he commissions, directs or authorizes to enter, take possession of or assume control of any office, works or property or part thereof, or of the transmission of messages in pursuance of this Regulation, and may also require any person employed by or connected with any such company as is mentioned in this Regulation to subscribe to the oath appended hereunder:

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In the matter of the War Measures Act

and

In the matter of the Defence of Canada Regulations.

I, ... of the .....
of ....., in the ..... of .....,
....., DO SOLEMNLY SWEAR that I will not,
(Occupation)

until relieved of this obligation by notice in writing from the Minister of ....., transmit or permit to be transmitted any message (by cable, radio, ordinary telegraph or telephone, as the case may be) passing through the office or exchange in which I am employed and intended for delivery outside of Canada, unless I am satisfied on good and reasonable grounds that the said message contains no matter giving information such as is calculated to be or as might be directly or indirectly useful to the enemy, and that I will to the best of my ability learn the subject-matter of all messages, intercept any message containing any such information, and will immediately make known the terms of such message and all facts that I can ascertain as to the identity of the sender thereof to .....

Sworn before me at the ..... of .....,
in the ..... of ....., this .....
day of ....., A.D. 19....

(3) All persons who, in pursuance of this Regulation have entered, taken possession of or assumed control of any office, works or property or part thereof, or of the transmission of messages, and also all persons employed by or connected with any such company as is mentioned in this Regulation, shall obey and conform to all such directions as may be issued by the appropriate Minister.

(4) Whenever in this Regulation the expression "company" is used, either in association with such words as "cable" or "telegraph" or otherwise, it shall be deemed to extend to and to include a person, partnership and a body corporate.

(5) In this Regulation the expression "the appropriate Minister" means:

(*a*) With reference to the operations, works or property of any cable company, telegraph company or telephone company and so far as concerns trans-oceanic radio communications with reference to the operations, offices, works or property of any radio telegraph company, the Minister of National Defence.

(*b*) With reference to the operations, offices, works or property of any radiotelegraph or radiotelephone station, radio broadcasting station or any other class of radio station whether for transmission or reception, or both, which do not form part of any of the classes of telecommunication hereinbefore in this paragraph mentioned, the Minister of Transport.

Control of postal communications.

14. (1) The Postmaster General may make provision by order for securing that mailable matter of any such description as may be specified in the order shall not be despatched by post from Canada to destinations outside Canada, except in accordance with the order.

(2) The Postmaster General may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from Canada to any destination outside Canada otherwise than by post, or conveyed into Canada otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

(3) Any person who is about to leave Canada or arrives in Canada, which person is hereafter referred to as the "traveller" shall, if requested so to do by the appropriate officer,—

(*a*) declare whether or not the traveller has with him any such article as is mentioned in paragraph (2) of this Regulation;

(*b*) produce any such article as aforesaid which he has with him;

and the appropriate officer, and any person acting under his directions, may examine or search any article which

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the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of paragraph (2) of this Regulation, and, if the appropriate officer has reasonable ground for suspecting that the traveller has any article about his person in contravention of that paragraph, he may search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the appropriate officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph or is in the traveller's possession in contravention of that paragraph:

Provided that no woman shall be searched in pursuance of this paragraph except by a woman.

(4) Where any person is found on any occasion in circumstances in which it is reasonable to suppose that he is communicating with or intends to communicate with a traveller, the provisions of paragraph (3) of this Regulation shall apply in relation to the person so found as they apply in relation to the traveller; and where any person is on any occasion found travelling to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if he on being so found had been a traveller.

Censorship.

(5) The Postmaster General may by order make provision for the censorship of all mailable matter, or of any class or classes of such mailable matter, as may pass through or be dealt with in any way in the mails of Canada and the Postmaster General may appoint a Director of Postal Censorship to carry out the purposes of this Regulation.

(6) Where there is declared or produced to the appropriate officer in compliance with this Regulation, or discovered by the appropriate officer in circumstances in which it ought to have been so declared or produced, any such plate, film or other article as aforesaid which he suspects to have been exposed in a camera but not developed, he may cause to be taken, or require the person by whom it is declared or produced or in whose possession it is discovered to take such steps (including subjection

of the article to the process of development) as may be reasonably necessary for enabling the appropriate officer to ascertain whether or not it has been so exposed.

(7) In this Regulation—

(*a*) the expression "mailable matter" has the same meaning as in the Post Office Act, Chapter 161, R.S. of Canada, 1927;

(*b*) the expression "photographs" includes any photographic plates, photographic films or other sensitized articles which have been exposed in a camera, whether they have been developed or not; and

(*c*) the expression "the appropriate officer" means any officer of the Post Office or Customs and Excise, any immigration officer or any constable.

Control of publications.

15. (1) The Secretary of State of Canada may make provision by order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication, or, as the case may be, the unrestricted publication, thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and an order under this paragraph may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order including provisions for securing that documents, pictorial representations, photographs or cinematograph films shall, before publication, be submitted or exhibited to such authority or person as may be specified in such order.

(2) In this Regulation—

(*a*) the expression "cinematograph film" includes a sound tract and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film;

(*b*) the expression "publication" means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds, in connection with the exhibition of the film as aforesaid.

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Safeguarding Information Useful to the Enemy

General provisions for safeguarding information.

16. No person shall, in any manner likely to prejudice the safety of the State or the efficient prosecution of the war, obtain, record, communicate to any other person, publish, or have in his possession any document or other record whatsoever containing, or conveying any information being, or purporting to be, information with respect to any of the following matters, that is to say:—

(*a*) the number, description, armament, equipment, disposition, movement or condition of any of His Majesty's forces, vessels or aircraft;

(*b*) any operations or projected operations of any of his Majesty's forces, vessels or aircraft;

(*c*) any measures for the defence or fortification of any place on behalf of His Majesty;

(*d*) the number, description or location of any prisoners of war;

(*e*) munitions of war;

(*f*) any other matter whatsoever information as to which would or might be directly or indirectly useful to the enemy.

Communication with enemy agents.

17. No person shall communicate or associate with any other person if he has reasonable cause to believe that such other person is engaged in assisting the enemy:

Provided that in any proceedings taken by virtue of this Regulation in respect of any particular communication or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to the public safety or the safety of the State.

Photography, etc.

18. (1) Subject to any exemptions for which provision may be made by order of a competent authority, no person shall, except under the authority of a written permit granted by or on behalf of a competent authority make or publish any photograph, sketch, plan or other representation—

(*a*) of a protected place, or of any part of or object in a protected place, or of an object of any such description as may be specified by order of a competent authority, or

(*b*) of, or of any part of or object in, any area in Canada as may be specified by order of a competent authority, being an area in relation to which the restriction of photography appears to that competent authority to be expedient in the interests of the safety of the State.

(2) A competent authority may make such orders, and any person acting on behalf of a competent authority may give such special directions, as the said authority or person thinks necessary for securing that photographs, sketches, plans or other representations made under the authority of a permit granted in pursuance of paragraph (1) of this Regulation, shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order or directions, as the case may be; and a competent authority, or any person acting on its behalf, may, if that authority or person thinks it necessary in the interests of the safety of the State so to do, retain or destroy or otherwise dispose of, anything submitted as aforesaid.

(3) For the purposes of this Regulation, "a competent authority" shall mean the Minister of Justice or the Minister of National Defence.

Insurance Inspectors and reports.

18A. (1) Every insurer, whether company, reciprocal exchange or underwriter, carrying on business in Canada, and every insurance agency or broker inspecting insurance risks in Canada, shall employ, for the inspection of property risks in Canada, only inspectors who have been furnished with a card of identification by the Commissioner of the Royal Canadian Mounted Police.

(2) Each such insurer, agency and broker shall file forthwith with the Commissioner of the Royal Canadian Mounted Police at Ottawa a complete list of its inspectors who inspect property risks in Canada, giving for each such inspector his residence and the territory in which he operates.

(3) The said Commissioner shall thereupon issue to each such insurer, agency and broker a card of identification and approval, in such form as he deems appropriate, in respect of each inspector included in the said list of which

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he approves, having regard to the terms of this Regulation and to the public interest; and on and after the first day of August, 1940, no insurance inspector not so identified and approved shall inspect any such property.

(4) Except as hereinafter provided no report by an inspector on his inspection of any such property, or copy of such report shall be sent to any point outside of Canada.

(5) If any such insurer, agency or broker has no Canadian branch or office in which final action can be taken on any such report, or if for any other reason the report is required to be sent to any point outside of Canada, such report shall be submitted first to the said Commissioner, who, after examination, shall either forward it to the address indicated by the sender, or return it to the Canadian office of the sender with appropriate instructions.

Inventions and Designs.

19. (1) Where, either before or after the coming into force of this Regulation, an application has been made to the Commissioner of Patents, for the grant of a patent or the registration of a design, the said Commissioner, if satisfied, on the advice of the Minister of National Defence that it is expedient in the interests of the safety of the State or the efficient prosecution of the war so to do, may, notwithstanding anything in any Act, omit or delay the doing of anything which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(2) No person shall, except under the authority of a written permit granted by, or on behalf of, the Commissioner of Patents, make any application for the grant of a patent, or the registration of a design, in any foreign country.

(3) The Minister of National Defence, if it appears to him to be necessary or expedient in the interests of the safety of the State or the efficient prosecution of the war so to do, may give directions to any person requiring him to furnish to such authority or person as may be specified in the directions any such information in his possession relating to any invention, design or process as may be

specified in the directions, or demanded of him by the said authority or person.

(4) The right of a person to apply for, or obtain, a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to a person in compliance with paragraph (3) of this Regulation, or used by a person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used as aforesaid.

(5) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of, the Crown the Minister of National Defence may authorize the use of any drawing, model, plan or other document or information in such manner as appears to him to be expedient in the interests of the safety of the State or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and so far as it confers on any person, otherwise than for the benefit of the Crown, a right to receive any payment in respect of the use of any document or information in pursuance of such an authorization, shall be inoperative.

(6) In addition to any other penalty which may be imposed, the Commissioner of Patents, with the approval of the Secretary of State of Canada, may, in his absolute discretion subject to such terms and conditions as he may think fit, order the avoidance or suspension in whole or in part of any patent or licence, the person entitled to the benefit of which either is the subject of any State at war with His Majesty or has contravened any provision of this Regulation or any order of the Commissioner of Patents issued under the authority of this Regulation:

Provided always that the Commissioner may at any time, with the approval of the Secretary of State of Canada, in his absolute discretion revoke any avoidance or suspension of any patent or licence ordered by him.

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RESTRICTIONS ON MOVEMENTS AND ACTIVITIES OF PERSONS

Entering enemy territory

20. (1) Except in due course of operations of war, no person, being either a British subject or a person enjoying His Majesty's protection, shall, without the permission of the Secretary of State for External Affairs or of a person authorized by him to grant permissions for the purpose of this Regulation, voluntarily enter any enemy territory or voluntarily go on board any vessel or aircraft being used in the service of a Power at war with His Majesty.

(2) In this Regulation the expression " enemy territory " means any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a Power at war with His Majesty, but does not include any area in the occupation of His Majesty or of an allied or associated Power.

Restriction orders and detention orders.

21. (1) The Minister of Justice, if satisfied, that with a view to preventing any particular person, from acting in any manner prejudicial to the public safety or the safety of the State it is necessary so to do, may, notwithstanding anything in these Regulations, make an order:—

(*a*) prohibiting or restricting the possession or use by that person of any specified articles;

(*b*) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his movements or place of residence, in respect of his association or communication with other persons, or in respect of his activities in relation to the dissemination of news or the propagation of opinions;

(*c*) directing that he be detained in such place, and under such conditions, as the Minister of Justice may from time to time determine;

and any person shall, while detained by virtue of an order made under this paragraph, be deemed to be in legal custody.

(2) If any person is in any place or area in contravention of an order made under this Regulation, or fails to leave any place or area in accordance with the requirements of such an order, then, without prejudice to any proceedings

which may be taken against him, he may be removed from that place or area by any constable or by any person acting on behalf of His Majesty.

(3) The Minister of Justice shall, at the beginning of each session of Parliament and every four weeks thereafter during each session, make a report to Parliament showing the action taken under this regulation, which report shall show:

(*a*) the number of persons detained under orders made pursuant to this regulation; and

(*b*) the number of cases, if any, in which the Minister of Justice declined to follow the advice of any Advisory Committee which may be appointed under the next following regulation.

Advisory Committees

22. (1) For the purposes of the preceding Regulation the Minister of Justice may appoint one or more advisory committees, each such committee to consist of a person who holds or has held high judicial office.

(2) The functions of any such committee shall be to consider, and make recommendations to the Minister of Justice with respect to, any objections against an order under the preceding Regulation which are duly made to the committee by the person to whom the order relates.

(3) The Minister of Justice may make rules as to the manner in which objections against such an order as aforesaid may be made to such an advisory committee, and such rules shall contain provisions for enabling any person in respect of whom an order is made under the preceding Regulation to make objections against the order either in person or by counsel, solicitor or agent; and it shall be the duty of the Minister of Justice to secure that every such person is informed of his right to make objections under this Regulation.

(3A) (*a*) Any person who has been detained under an order made pursuant to the provisions of the preceding regulation may object to such order to any Advisory Committee;

(*b*) A written notice of objection signed by the objector shall be delivered to and filed with the person having the custody of such objector within thirty days from

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the date of such order, or such further time as the Minister of Justice in his discretion may allow and a true copy of such notice shall forthwith be forwarded by the person aforesaid to the Minister of Justice for transmission to a Committee;

(*c*) A Committee on receipt of such copy of notice shall give such directions as may be convenient and necessary for the prompt and just disposition of the objection;

(*d*) It shall be the duty of such Committee to inform the objector within a reasonable time before the hearing of the grounds on which the order has been made against him, and to furnish him with such particulars as are, in the opinion of the Committee, sufficient to enable him to present his case.

(4) A committee appointed under the provisions of this Regulation may administer oaths and may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper.

(5) A committee shall have all the powers and authority of a Commissioner appointed under Part I of the Inquiries Act, Chapter 99 of the Revised Statutes of Canada 1927.

23. (1) No person shall—

Prisoners of war, etc.

(*a*) knowingly assist a prisoner of war to escape from custody, or knowingly harbour an escaped prisoner of war; or

(*b*) give an escaped prisoner of war any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the prisoner.

(2) The Secretary of State of Canada may by order provide—

(*a*) for regulating access to, and the conduct of persons in, places in Canada where prisoners of war are detained, and for prohibiting or regulating the dispatch or conveyance, from outside such places to or for prisoners of war therein, of any such articles as may be specified in the order;

(*b*) for prescribing conditions to be observed in connection with the employment of, or the provision

of board or lodging for, prisoners of war in Canada while elsewhere than in places for the detention of prisoners of war.

(3) No proceedings shall be taken, by virtue of this Regulation, against a person in respect of any act done by him when he is himself a prisoner of war.

(4) The term " prisoner of war " used in this Regulation shall include any person detained or interned under these Regulations.

Enemy Aliens

24. (1) All enemy aliens legally admitted to Canada and ordinarily resident in Canada, so long as they peacefully pursue their ordinary avocations, shall be allowed to continue to enjoy the protection of the law and shall be accorded the respect and consideration due to peaceful and law-abiding citizens, and they shall not be arrested, detained or interfered with, provided they comply with the requirements in respect of registration prescribed in the next following Regulation, unless the Minister of Justice is satisfied that they have acted, or may act, in any manner prejudicial to the public safety or the safety of the State.

Arrest, detention and internment.

(2) All enemy aliens who—

(*a*) are members of enemy armed forces and who attempt to leave Canada;

(*b*) attempt to leave Canada, and in regard to whom there is reasonable ground to believe that their attempted departure is with a view to assisting the enemy;

(*c*) are engaged or who attempt to engage in espionage or acts of a hostile nature, or who give or who attempt to give information to the enemy, or who assist or attempt to assist the enemy, or who are on reasonable grounds suspected of doing or attempting to do any of the said acts;

shall be arrested and detained.

(3) The power to effect the arrest and detention of all or any person or persons coming within any of the classes mentioned in paragraph (2) of this Regulation shall be vested in the Commissioner, officers and constables of

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the Royal Canadian Mounted Police and in such other persons as may be authorized so to do by the Commissioner of the Royal Canadian Mounted Police.

(4) The authorities and officers mentioned in paragraph (3) of this Regulation shall be authorized to release any such person so arrested or detained as aforesaid of whose good faith and responsibility they may be satisfied on his signing an undertaking in the form following:

UNDERTAKING

I, ..., at present of....., in the Province of ....., in the Dominion of Canada, do hereby declare that I am a.....$\frac{\text{subject.}}{\text{citizen.}}$

I now, in consideration of my release or exemption from detention as a $\frac{\text{subject}}{\text{citizen}}$ of ....., hereby undertake and promise that I will report to such officer or official and upon such terms as the Canadian authorities may from time to time prescribe; that I will carefully observe and obey the laws of Canada and such rules or regulations as may specially be prescribed for my conduct by competent authority; that I will strictly abstain from taking up arms against and from doing any act of hostility towards the Government of this country, and that, except with the permission of the officer or official under whose surveillance I may be placed, I will strictly abstain from communicating to anyone whomsoever any information concerning the existing war or the movement of troops or the military preparations which the authorities of Canada, or the United Kingdom or any of His Majesty's dominions or any allied or associated Power may make, or concerning the resources of Canada, and that I will do no act and will not encourage the doing of any act which might be of injury to the Dominion of Canada or the United Kingdom or any of His Majesty's dominions or any allied or associated Power.

Dated this ..... day of .....

Witness:.....

Signature:.....

(5) Any such person so arrested and detained as aforesaid, of whose good faith and responsibility the officer or authority making the arrest is not satisfied, or who refuses to sign such undertaking or who, having signed such undertaking, fails to abide by its terms, shall be interned as a prisoner of war in such place as may be provided by the Department of National Defence; and, if it be deemed necessary that guards be placed on persons so interned, such guards shall be furnished by the Department of National Defence. Pending internment any such person may be confined without warrant in any police station, lock-up or gaol, and the keeper or person in control of such police station, lock-up or gaol shall take and safely keep any such person so committed until he is interned or released.

(6) All such authorities and officers who may exercise any of the powers prescribed in this Regulation shall report in each case to the Commissioner, Royal Canadian Mounted Police, stating the name, address and occupation of the person detained or paroled, the date and place of detention and generally the circumstances of the arrest and detention and all such information as may be necessary or useful for the purposes of record and identification.

(7) On the coming into force of this Regulation public notice thereof shall forthwith be given by Proclamation.

Registration and internment.

25. (1) One or more offices of registration shall be established, in such cities, towns and other places as may from time to time be designated by the Minister of Justice and officers shall be appointed by the Minister of Justice for each of the offices so established, who shall be called Registrars of Enemy Aliens, hereinafter referred to as "Registrars." For that purpose, members of the public service of Canada, including the Royal Canadian Mounted Police and Postmasters, and of the Provincial and Municipal public services and police, may, with the concurrence of the appropriate authority, be appointed.

(2) The Registrars shall be under the immediate direction of an officer who shall be appointed by the Governor in Council and who shall be called Registrar General of Enemy Aliens, hereinafter referred to as the "Registrar General," and who shall be responsible to and shall report

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to the Minister of Justice. The Registrar General, subject to the approval and directions of the Minister of Justice, may appoint such assistants to such Registrars, clerks and other officers, as may be necessary for the proper carrying out of the provisions of this Regulation.

(3) The Registrar General shall, subject to the directions and approval of the Minister of Justice, have authority to make provisions for a Central Registry at Ottawa and, if necessary, for regional registries and for co-ordination of registration, and generally to carry out the true intent and purpose of this Regulation.

(4) It shall be the duty of a Registrar to examine each enemy alien attending before him and to register in a book, to be provided for the purpose, the name, age, nationality, place of residence in Canada and in the country of nationality, occupation, desire or intention to leave Canada, the names of the wife and children, if any, in Canada of every such alien, and such other particulars necessary for identification of such enemy alien or otherwise as may to the Registrar seem advisable. Provision may be made by the Registrar General for the issue to each enemy alien registered in accordance with the provisions of this Regulation of an identification document for which a fee sufficient to cover the cost thereof may be charged.

(5) Every enemy alien shall, as soon as possible after the publication in the *Canada Gazette* of a notice designating an area as one wherein a Registry Office is to be established under this Regulation, attend before the Registrar or one of the Registrars in the city, town or place within or nearest to which he is or resides, and truly answer such questions with regard to the matters referred to in paragraph (4) of this Regulation as may be put to him by the Registrar.

(6) No enemy alien shall be permitted to leave Canada without an exeat from the Registrar General, but the Commissioner of the Royal Canadian Mounted Police may in any case grant or cancel the exeat to an enemy alien who has been registered.

(7) The Registrar General may issue an exeat to an enemy alien if he is satisfied upon the examination and

registry and report of a Registrar that such enemy alien will not materially assist by active service, information, or otherwise, the forces of the enemy. The exeat shall be endorsed upon the identification document in any case in which such a document has been issued or is to be issued to an enemy alien.

(8) If it appears to the Registrar that any enemy alien who is not permitted to leave Canada or who having been permitted to leave Canada has not left Canada pursuant to such permission may consistently with the public safety be suffered to remain at large, such enemy alien shall be required to give an undertaking in such form as is prescribed in the preceding Regulation. If such enemy alien has not given, and refuses to give such an undertaking, he shall be interned as a prisoner of war. The Registrar shall report immediately to the nearest Chief of Police and to the nearest Royal Canadian Mounted Police station and to the Registrar General, the names and addresses of those who are permitted to remain at liberty. Any enemy alien who in the judgment of the Registrar cannot consistently with the public safety be allowed at large shall be interned as a prisoner of war and any enemy alien who has been allowed at large by a Registrar may, upon the order of the Minister of Justice if in his judgment such alien cannot consistently with the public safety be allowed at large, be interned as a prisoner of war.

(9) If any enemy alien who is by the terms of this Regulation required to register, fails to do so within one month of the notice referred to in paragraph (5) of this Regulation or within seven days after the date when he shall by reason of his residence come within the description of those required to register, whichever date shall be last, or if he refuse or fail to answer truly any of the questions put by the Registrar, or if being registered he fail to report as hereinbefore required or to observe any of the conditions upon which he is permitted to be at liberty, he shall, in addition to any other penalty to which he may therefor by law be liable, be interned as a prisoner of war.

(10) If any enemy alien interned under the provisions of these Regulations has a wife or children living with or dependent upon him, such dependents may be permitted to accompany him.

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Release of enemy alien.

26. Nothing in the two preceding Regulations shall prevent the Minister of Justice from ordering the release of any enemy alien from arrest, detention or internment, or from ordering the arrest, detention or internment of any enemy alien.

Certificate of exemption.

26A. The provisions of regulations 24, 25 and 26 of these Regulations shall apply *mutatis mutandis* to all persons born in territories which were under the sovereignty or control of the German Reich on September 3, 1939, who are not naturalized British subjects, and to all persons born in territories which were under the sovereignty or control of Italy on June 10, 1940, who are not naturalized British subjects: Provided that in the case of any such persons the Registrar General may issue a certificate exempting such persons from the operation of the provisions relating to enemy aliens.

Objection to arrest or detention

26B. (1) The provisions of regulations 24, 25 and 26 of these Regulations shall apply *mutatis mutandis* to all persons who have become naturalized British subjects since the first day of September, 1922, who

(*a*) at the time of their naturalization were nationals of the German Reich or of any country or territory which on the third day of September, 1939, was under the sovereignty or control of the German Reich; or

(*b*) at the time of their naturalization were nationals of Italy or of any country or territory which on the tenth day of June, 1940, was under the sovereignty or control of Italy; or

(*c*) in their application for naturalization described their nationality as German or Italian;

Provided that in the case of any such person the Registrar General may issue a certificate exempting such person from the operation of any of the said provisions.

(2) Should any of the persons mentioned in paragraph (1) of this regulation be arrested or detained under the provisions of regulations 24, 25 or 26 of these Regulations they shall have the right to make objection against the order under which they are arrested or detained, and the provisions of regulation 22 of these Regulations shall apply *mutatis mutandis* to such objections.

SABOTAGE AND MISREPRESENTATION

Sabotage etc.

27. (1) No person shall do any act with intent to impair the efficiency or impede the working of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used for the purposes of any of His Majesty's forces, or for any undertaking engaged in the performance of essential services: Provided that a person shall not be guilty of an offence under this regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

(2) The preceding provisions of this regulation shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as they apply in relation to the doing of any act by a person.

28. No person shall knowingly—

Interference with telegraphic communications.

(*a*) cause interference with the sending or receiving of communications by means of radio, or

(*b*) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means.

29. No person shall—

Interference with His Majesty's forces, etc.

(*a*) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of His Majesty's forces or the carrying on of their work by persons engaged in the performance of essential services, or

(*b*) do, in relation to any person whom he knows to to be a member of His Majesty's forces or to be a person so engaged, any act with intent thereby to render him incapable of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged.

Provided that a person shall not be guilty of an offence under this Regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

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Misleading acts and misrepresentation.

30. (1) No person shall—

(*a*) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of His Majesty or a foreign Government, or as a member of a police force or fire brigade, or in the service, or on behalf, of an undertaking engaged in the performance of essential services.

(*b*) do any act whereby there are communicated, or likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the safety of the State or the securing of the public safety, or

(*c*) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorized by or on behalf of the Minister of National Defence, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose or otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal, or

(*d*) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the safety of the State or the securing of the public safety.

(2) In this Regulation the expression "defence signal" means any signal authorized by or on behalf of the Minister of National Defence to be used for any purpose connected with the safety of the State or the securing of the public safety.

False passports, etc.

31. No person shall be in possession of a false passport or, being a subject of a Sovereign or State at war with His Majesty, shall pass under an assumed name.

PART III

PUBLIC SAFETY AND ORDER

Evacuation of areas.

32. The Minister of National Defence or any person authorized by him to act under this Regulation, may, if it appears to him to be necessary or expedient so to do for the purpose of meeting any actual or apprehended attack by the enemy or of protecting persons or property from the dangers involved in such attack, make as respects any area in Canada, an Order directing that after such time as may be specified in the order, no person other than a person of such a class as may be so specified shall be in that area without the permission of such authority or person as may be so specified.

Precautions against hostile attack.

33. (1) The Minister of National Defence or the Minister of Pensions and National Health may by order prescribe the steps which are to be taken by persons in Canada to protect themselves against the dangers involved in an attack by the enemy, and any such order may provide that, upon the giving of any such notice or signal as may be specified in the order, any persons or classes of persons may, in such circumstances and subject to such conditions (if any) as may be specified in the order, enter and remain in any such premises or parts of premises as may be designated in such manner, and by such authority or person, as may be so specified.

(2) No person shall—

(*a*) wilfully obstruct any person entering or seeking to enter any premises or part of any premises in accordance with an order made under paragraph (1) of this Regulation, or

(*b*) eject from any premises or part of any premises any person who is entitled to be therein by virtue of such an order.

(3) Either of the said Ministers may by order prohibit or restrict, or empower a senior police officer to prohibit or restrict, assemblies of persons in any area in Canada, either generally or for particular purposes, in so far as such prohibition or restriction appears to the Minister to

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be necessary in order to minimize the risk of loss of life or personal injuries being caused in that area in consequence of any attack by the enemy; and any constable may take such steps, and use such force, as may be reasonably necessary to secure compliance with any order under this paragraph.

Damage to premises and contamination by gas.

34. (1) Where, as respects any premises, it appears to any senior police officer or to any person authorized by the Minister of National Defence or the Minister of Pensions and National Health to act under this paragraph, that by reason of the fact—

(*a*) that substantial damage has occurred in those premises, or

(*b*) that works of demolition or construction are being, or are about to be, executed in the premises, or

(*c*) that, in consequence of hostile action, the premises are contaminated by any lethal gas or other noxious substance,

it is expedient in the interests of the public safety, the safety of the State or the maintenance of public order so to do, the said officer or person may take, or authorize the taking of, such steps, and give such directions, as he thinks necessary for the purpose of the protection of persons and property in, or in the vicinity of, those premises; and for the avoidance of doubt it is hereby declared that the powers conferred in relation to any premises by the preceding provisions of this Regulation include powers to stop up, and to prohibit or restrict the use of, any highway, and to prohibit or restrict the occupation of premises, so far as may be necessary for the said purpose.

(2) Any person authorized to act under this Regulation may, if satisfied with respect to any chattel that, in consequence of hostile action, the chattel is contaminated by any lethal gas or other noxious substance, and that in order to prevent danger to life or health being occasioned thereby it is necessary so to do,—

(*a*) cause to be taken in relation to the chattel all such steps as may be reasonably necessary to render it free from the contamination, or

(*b*) if it is not reasonably practicable so to render the chattel free from the contamination, cause the chattel to be destroyed.

Control of lights and sounds.

35. (1) The Minister of National Defence or any person authorized by him to act under this Regulation may by order provide—

(*a*) for prohibiting or regulating the display of lights of any such description as may be specified in the order;

(*b*) for securing that, in such circumstances as may be specified in the order, indication of the position of such premises and places, and warning of the presence of such vehicles or vessels, as may be specified in the order shall be given by means of such lights as may be prescribed by the order, and for prescribing the manner in which any apparatus used for the purpose of exhibiting such lights is to be constructed, installed and used;

(*c*) for prohibiting or regulating such activities as may be specified in the order, being activities which, by reason of their involving the emission of flames, sparks or glare or the making of noise, might, in the opinion of the said Minister, serve to convey information useful to the enemy or otherwise interfere with measures taken for the safety of the State.

Any such order may be made so as to apply to any area or premises therein, may make different provision as respects different classes of premises, vehicles or vessels, may provide for exempting any premises, vehicles or vessels (either absolutely or conditionally) from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the Minister of National Defence to be necessary or expedient for the purposes of the order.

(2) If any order made under this Regulation is contravened or not complied with in the case of any premises, vehicle or vessel, any constable and any member of His Majesty's forces may enter the premises or board the vehicle or vessel and take in relation thereto all such steps as may be reasonably necessary for the enforcement of the order, and (without prejudice to any proceedings which may be taken against any other person) the occupier

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of the premises, the person in charge of the vehicle, or the master of the vessel, as the case may be, shall be guilty of an offence against this Regulation;

Provided that, in any proceedings which, by virtue of this paragraph are taken against any person in respect of a contravention of, or non-compliance with, such an order on the part of another person, it shall be a defence for the defendant to prove that the contravention occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

Power to require inhabitants to remain indoors.

36. The Minister of National Defence or any person authorized by him to act under this Regulation may by order require every person within an area specified in the order to remain within doors between such hours as may be specified in the order and in such case, no person within that area shall remain out between such hours without a permit in writing from a person authorized in the Order to issue such permits.

Explosives, ammunition and firearms.

37. (1) The Minister of Justice may by an order made as respects any specified area in Canada provide, subject to any exemptions for which provision may be made by the order, for prohibiting (either absolutely or conditionally) the possession in that area of any explosive, any ammunition or any firearm or component part of a firearm; and such an order may be made either with respect to all explosives, ammunition, firearms or component parts of firearms, or with respect to any class of explosives, ammunition, firearms or component parts of firearms.

(2) Every person who, in any such area in Canada as may be specified by order of the Minister of Justice, not being an area in relation to which an order made under paragraph (1) of this Regulation is in force, has in his possession or under his control any explosive, any ammunition or any firearm or component parts of a firearm, shall comply with such directions for securing the safe custody thereof as may be given by the senior police officer for the district in which the explosives, ammunition, firearm or component parts is or are situate, and any such directions may require the removal of the explosive, ammunition,

firearm or component parts to such place in the first-mentioned area as may be specified in the directions.

If any directions given under this paragraph by a senior police officer are not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said officer may cause the articles to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

Seizure of explosives, ammunition and firearms.

37A. (1) Notwithstanding anything to the contrary contained in the Criminal Code the possession of firearms or any ammunition therefor or of any dynamite, gunpowder or other dangerous explosive within Canada is prohibited to any person who (*a*) is an alien, or (*b*) has become a naturalized British subject since the first day of September, 1922, and at the time of his naturalization was a national of the German Reich or of any country or territory which on the third day of September, 1939, was under the sovereignty or control of the German Reich, or in his application for naturalization described his nationality as German; or (*c*) at the time of his naturalization was a national of Italy or of any country or territory which on the tenth day of June, 1940, was under the sovereignty or control of Italy; or in his application for naturalization described his nationality as Italian.

(2) It shall be the duty of every such person within Canada having in his possession or upon his premises any firearm or any ammunition therefor or any dynamite, gunpowder or other dangerous explosive within ten days from the publication of this regulation in the *Canada Gazette* to cause such firearm, ammunition, dynamite, gunpowder or other dangerous explosive to be delivered to a justice of the peace residing in or near the locality where such firearm, ammunition, dynamite, gunpowder or other dangerous explosive is had in possession, or to an officer or constable of a police force of the province or city in or near such locality or to an officer or constable of the Royal Canadian Mounted Police.

(3) Any justice of the peace or any such officer or constable receiving any such firearm, ammunition, dynamite,

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gunpowder or other dangerous explosive shall give to the person delivering the same a receipt therefor and shall report the fact to the Commissioner of the Royal Canadian Mounted Police under whose direction the property so delivered shall be retained or otherwise disposed of.

(4) If any such person within Canada is reasonably suspected of having in his possession or upon his premises any firearm or ammunition therefor, dynamite, gunpowder or other dangerous explosive he may be searched or his premises or any place occupied or believed to be occupied by him may be searched by any peace officer or by any officer or constable of the Royal Canadian Mounted Police without warrant and if any firearm, ammunition, dynamite, gunpowder or other dangerous explosive be found upon the premises or person of any such person or in any such place as aforesaid the same shall be seized and if such search and seizure shall have taken place after the expiration of the period of ten days hereinbefore mentioned the property so seized may be forfeited to the Crown and the person upon whom or upon whose premises or in whose possession any such firearm, ammunition, dynamite, gunpowder or other dangerous explosive is found shall be guilty of an offence against this regulation.

(5) Any person who gives, sells, hires, leases or transfers possession of any firearm, ammunition, dynamite, gunpowder or other dangerous explosive to any such person shall be guilty of an offence against this regulation.

(6) If any question arises under this regulation, or in any proceeding instituted thereunder, or with reference to anything done or proposed to be done under the authority thereof as to whether any person is an alien or is a naturalized British subject coming within the classes described in paragraph (1) of this regulation, the onus of proof that any person so suspected or charged is not an alien or is not a naturalized British subject coming within the classes described in the said paragraph (1) as aforesaid shall lie upon the accused in such proceeding.

(7) The Commissioner of the Royal Canadian Mounted Police shall have power to make orders for the exemption of residents from the provisions of this Regulation, and to make such provisions for licences or permits as may appear to be expedient.

(8) The Commissioner of the Royal Canadian Mounted Police shall have power to make orders for the exemption from the provisions of this Regulation of bona fide tourists and visitors from Allied or neutral countries, and to make such provisions for temporary licences or permits for such persons as may appear to be expedient.

Licences for firearms.

37B. (1) "Firearm" for the purposes of this regulation means a rifle or shotgun.

(2) Notwithstanding anything contained in the Criminal Code relating to the issue of licences or permits for firearms, or in paragraph (7) of regulation 37A of these Regulations, but subject to the provisions of paragraph (8) of the said regulation, everyone is guilty of an offence against this regulation and liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, or on indictment to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding two years, or to both fine and imprisonment, who, on or after the thirtieth day of September, 1940, has in his possession any firearm without having a certificate of registration for same.

(3) (*a*) The Commissioner of the Royal Canadian Mounted Police, or any member of the Force duly authorized by him, or any person authorized by the Attorney General of a province, shall register every firearm in respect to which application for registration is made and shall thereupon record the name, address and occupation of the person making the application, the name of the owner, the use, if any, to which the firearm is intended to be put and a full description of such firearm;

(*b*) Upon registering any firearm a certificate containing the information referred to in sub-paragraph (*a*) of this paragraph shall be prepared in triplicate. The original certificate shall be given to the owner of the firearm; the duplicate certificate shall be retained by the registering official; and the triplicate certificate shall be forwarded to the Commissioner of the Royal Canadian Mounted Police at Ottawa: Provided, however, that the giving of a certificate

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of registration shall be refused to the owner of the firearm, or if given shall be cancelled, if the said Commissioner or Attorney General is not satisfied that the possession of such firearm by the owner thereof is in the interest of the public safety or the safety of the State;

(*c*) In the event of a certificate of registration of any firearm being refused or cancelled as aforesaid, the owner thereof shall within ten days from such refusal or cancellation deliver, or cause to be delivered, such firearm to a justice of the peace or a police officer or constable and the provisions of paragraphs (2) and (3) of regulation 37A of these Regulations shall apply *mutatis mutandis* to such owner and firearm.

(4) If any person is reasonably suspected of having in his possession or upon his premises, contrary to the provisions of this regulation, any firearm for which a certificate of registration has been refused or cancelled, pursuant to this regulation, he may be searched, or his premises or any place occupied or believed to be occupied by him may be searched by any peace officer without warrant, and if any such firearm be found upon any such person or his premises, or in any such place as aforesaid, the same shall be seized and forfeited to the Crown to be disposed of as the Attorney General of the province in which such forfeiture takes place may direct.

(5) In any prosecution for an offence against this regulation the onus of proof that the accused has a certificate of registration for any firearm, or obtained a permit therefor, shall lie upon the accused.

(6) No person (in this paragraph referred to as "vendor") shall sell or barter or, without lawful excuse, give or transfer possession of any firearm to any person who is not the holder of a permit to purchase. In the event of such a transaction between a vendor and the holder of a permit to purchase, the vendor shall acquire and retain such permit.

(7) No person shall sell or offer for sale any firearm without having a permit so to do.

(8) No person shall buy any firearm for resale without having a permit so to do, and every person having such permit shall keep a record of any purchase, the date thereof, and such sufficient description of the firearm purchased as may be necessary to identify it, and shall send a duplicate of such record by registered mail to the person who issued the permit.

(9) The provisions of subsections two and three of section one hundred and twenty of the Criminal Code respecting the issue of permits in Form 76C, 76D and 76E for pistols and revolvers shall apply *mutatis mutandis* to firearms under this regulation.

(10) Every person who contravenes the provisions of paragraphs (6), (7), (8) or (9) of this regulation shall be guilty of an offence against this regulation and liable on summary conviction to a penalty not exceeding one hundred dollars and costs, or to imprisonment for three months, or to both fine and costs and imprisonment.

Registration of revolver or pistol cancelled.

37C. (*a*) Notwithstanding anything contained in the Criminal Code relating to the registration of pistols or revolvers, or in paragraph (7) of regulation 37A of these Regulations, but subject to the provisions of paragraph (8) of the said regulation, the Commissioner of the Royal Canadian Mounted Police or the Attorney General of a province may cancel the registration made pursuant to the provisions of the Criminal Code of any pistol or revolver if the Commissioner or Attorney General as aforesaid is not satisfied that the possession of such pistol or revolver by the owner thereof is in the interest of the public safety or the safety of the State;

(*b*) In the event of such registration being so cancelled the owner of the pistol or revolver shall within ten days from the date of such cancellation deliver, or cause to be delivered, such pistol or revolver to a justice of the peace or a police officer or constable, and the provisions of paragraphs (2) and (3) of regulation 37A of these Regulations shall apply *mutatis mutandis* to such owner and pistol or revolver;

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(*c*) If the owner of such pistol or revolver fails to comply with the provisions of paragraph (*b*) of this regulation, the provisions of paragraph (4) of regulation 37B of these Regulations shall apply *mutatis mutandis* to such owner and pistol or revolver, and for the purposes of the provisions of section one hundred and twenty-one A of the Criminal Code such pistol or revolver shall be deemed not to have been registered.

Manufacture and transport of dangerous articles.

38. (1) If, as respects any premises in Canada used for producing, treating, handling or keeping any articles or substances, the Minister of Mines and Resources is satisfied that precautions should be taken against special risks arising from the nature of the articles or substances, he may by order make such provision as appears to him to be necessary or expedient for protecting persons and property in, or in the vicinity of, such premises against any such risks as aforesaid; and any such order may authorize the searching of persons entering or seeking to enter, or being within, any premises to which the order applies.

(2) The appropriate Minister may by order make, in relation to the conveyance of any description of articles or substances specified in the order, such provision as appears to him to be necessary or expedient for protecting persons and property against special risks arising, in connection with such conveyance, by reason of the nature of those articles or substances.

For the purposes of this paragraph the expression "the appropriate Minister" means

(*a*) as respects conveyance by railway, aircraft or vessel, the Minister of Transport;

(*b*) as respects conveyance otherwise than by railway, aircraft or vessel, the Minister of Mines and Resources.

(3) In relation to any premises in the possession or under the control of the Department of National Defence, and in relation to any vehicle or vessel in the possession of the said Department, paragraphs (1) and (2) of this Regulation shall have effect as if for the references in

those paragraphs to the Minister of Mines and Resources and the appropriate Minister, respectively, there were substituted references to the Minister of National Defence.

Reproduction of uniform, etc. without permission prohibited.

38A. No person shall, except with written permission by or on behalf of the Minister of National Defence, manufacture, print, display, paint, use or reproduce in any form or manner for any commercial purpose of any kind or nature whatsoever any uniform of any of His Majesty's Naval, Military or Air Forces, or any portion of said uniform or any badge, insignia, decoration, medal, award, battlehonour, emblem or device used by or adopted for the purposes of any of the said Forces, or any uniform or portion thereof, badge, insignia, decoration medal, award, battlehonour, emblem or device so similar to that so used by or adopted for the purposes of any of the said Forces as to be likely to be mistaken therefor: Provided that the provisions of this regulation shall not extend to a person carrying on the manufacture or sale of any of the said uniforms or portions thereof, badges, insignia, decorations, medals, awards, battlehonours, emblems or devices solely for the purposes of any of His Majesty's Naval, Military or Air Forces.

39. No person shall

Causing disaffection.

(*a*) spread reports or make statements intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated powers or to prejudice His Majesty's relations with foreign powers;

(*b*) spread reports or make statements intended or likely to prejudice the recruiting, training, discipline, or administration of any of His Majesty's forces; or

(*c*) spread reports or make statements intended or likely to be prejudicial to the safety of the State or the efficient prosecution of the war.

Printing, publishing, etc., material causing disaffection.

39A. No person shall print, make, publish, issue, have knowingly in his possession in quantity, circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind containing any material, report or statement,

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(*a*) intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated powers, or to prejudice His Majesty's relations with foreign powers;
(*b*) intended or likely to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces; or
(*c*) intended or likely to be prejudicial to the safety of the State or the efficient prosecution of the war.

Prosecution.

39B. (1) A prosecution for an offence against regulations 39, 39A or 39C of these Regulations shall not be instituted except by, or with the consent of, counsel representing the Attorney General of Canada or of the province: Provided that this paragraph shall not prevent the arrest or the issue, or the execution of a warrant for the arrest, of any person in respect of any such offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the consent herein required for the institution of a prosecution for the offence has not been obtained.

(2) It shall be a defence to any prosecution for an offence against regulations 39 or 39A to prove that the person accused intended in good faith merely to criticize or to point out errors or defects in, the Government of Canada or any province thereof, or in either House of Parliament of Canada or in any legislature, or in the administration of justice.

Illegal organizations, property rights and interests subject to control of the Custodian.

39C. (1) The following associations, societies, groups or organizations are hereby declared to be, and shall be deemed to be, illegal organizations, viz.:—

(*a*) The Auslands Organization of the National Sozialistische Deutsche Arbeiterpartei;
The Deutsche Arbeitsfront;
The Canadian Society for German Culture (Deutscher Bund fur Kanada);
The National Unity Party;
Canadian Union of Fascists;
The Communist Party of Canada;
The Young Communist League of Canada;

The Canadian Labour Defence League;
The League for Peace and Democracy;
The Ukrainian Labour Farmer Temple Association;
The Finnish Organization of Canada;
The Russian Workers and Farmers Club;
The Croatian Cultural Association;
The Hungarian Workers Club;
The Polish People's Association; and
The Canadian Ukrainian Youth Federation;

(*b*) any association, society, group or organization which the Governor in Council, by notice published in the *Canada Gazette*, declares to be an illegal organization.

(2) Every person who after the publication of this regulation in the *Canada Gazette* continues to be or becomes an officer or member of an illegal organization, or professes to be such, or who advocates or defends the acts, principles or policies of such illegal organization shall be guilty of an offence against this regulation.

(3) In any prosecution under this regulation, if it be proved that the person charged has

(*a*) attended meetings of an illegal organization; or
(*b*) spoken publicly in advocacy of an illegal organization; or
(*c*) distributed literature of an illegal organization by circulation through the Post Office mails of Canada, or otherwise;

it shall be presumed, in the absence of proof to the contrary, that he is a member of such illegal organization.

(4) (*a*) All property, rights and interests in Canada belonging to any illegal organization shall be vested in and be subject to the control and management of the Custodian, as defined in the Regulations respecting Trading with the Enemy, 1939;
(*b*) Subject as hereinafter provided, and for the purpose of the control and management of such property, rights and interests 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 an enemy within the meaning of the said Regulations;

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

Gatherings of persons required to register with Registrar of Enemy Aliens.

39D. Where any persons who are required to register with the Registrar of Enemy Aliens pursuant to the provisions of these Regulations gather together in such circumstances as to give to a peace officer reasonable grounds for believing that such gathering is not in the interest of the State, such peace officer may order such persons to disperse forthwith and any person who fails to obey such order shall be guilty of an offence against this regulation.

PART IV

SHIPS AND AIRCRAFT

General control of shipping.

40. (1) Every vessel within the ports of Canada or Canadian waters, as defined in the Customs Act, shall comply with such orders as to the navigation and mooring of vessels as may be issued by, or on behalf of, the Minister of National Defence, and shall obey any orders given, whether by signal or otherwise, by any officer in command of any of His Majesty's Canadian ships or of any other of His Majesty's ships or any naval, military or air force officer engaged in the defence of the coasts of Canada.

(2) Every vessel of Canadian registry or licence wheresoever it may be shall comply with such orders as to its navigation and mooring as may be issued by, or on behalf of, the Minister of National Defence and shall obey any orders given, whether by way of signal or otherwise, by any officer in command of His Majesty's Canadian ships or of any other of His Majesty's ships, or by any naval, military or air force officer engaged in the defence of the coasts of Canada.

(3) If the master or other person in command or charge of such vessel fails to comply with or to obey any order issued or given under this Regulation, he shall be guilty of an offence against this Regulation.

Permission for Ship or Aircraft to leave port or place or Canadian waters.

40A. (1) Any person authorized by the Minister of National Defence or by the Minister of National Revenue to act under this Regulation may, if it appears to that person to be necessary in the interests of the defence of Canada so to do, give, with respect to any particular ship or aircraft at a port or place in Canada or within Canadian waters, directions that the ship or aircraft shall not leave the port or place or Canadian waters until permitted to do so by such authority or person as may be specified in the directions and, in the case of a ship or aircraft in Canadian waters, that such ship or aircraft shall, in addition, proceed to a Canadian port or place named in the directions; and, if that ship or aircraft leaves or attempts to leave the port or place in contravention of any such directions as aforesaid or fails to proceed to the Canadian port or place named in the directions, the master of the ship or pilot of the aircraft, as the case may be, shall be guilty of an offence against this Regulation:

Provided that the directions given under this paragraph shall cease to have effect seventy-two hours after the time at which they are given unless in the meantime they have been confirmed by the Minister of National Defence or the Minister of National Revenue.

(2) Any person acting on behalf of His Majesty may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary to secure compliance with any directions given under this Regulation with respect to the ship or aircraft or, where an offence against this Regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

Transfer of ships registered in Canada.

41. (1) A transfer made on or after the date on which these Regulations come into force of a British ship registered in Canada, or of a share therein or of a mortgage thereof (including transfer of mortgage) to a person not qualified to own a British ship, or to a foreign-controlled company, shall not have any effect unless the transfer is approved by the Minister of Transport; and any person who makes, or purports to make, such a transfer after the coming into force of this Regulation without that approval shall be guilty of an indictable offence and shall be liable

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to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand dollars or to both such imprisonment and fine.

(2) The expression "foreign-controlled company" means any corporation in respect of which

(*a*) the majority of the directors, or persons occupying the position of directors by whatever name called, are not British subjects; or

(*b*) the majority of the voting power is in the hands of persons who are not British subjects, or who exercise their voting powers directly or indirectly on behalf of persons who are not British subjects; or

(*c*) the control is by any other means whatever in the hands of persons who are not British subjects; or

(*d*) the executive is a foreign-controlled company, or the majority of the executive are appointed by a foreign-controlled company.

A corporation shall not be deemed to be a British subject for the purposes of this Regulation unless it is established in and subject to the laws of some part of His Majesty's dominions or of some British Protectorate, and has its principal place of business therein.

(3) The Minister of Transport may require any person who is the owner or mortgagee of a British ship registered in Canada, or who applies to be registered as the owner or mortgagee of a British ship registered in Canada—to furnish to him such particulars as appear necessary to him for the purpose of ascertaining whether or not that person is, or is a trustee for, or otherwise represents, a foreign-controlled company, and, in the case of a corporation, may also require the secretary, or any other officer of the corporation performing the duties of secretary, to furnish those particulars.

If any person fails to supply such particulars as it is in his power to give when required, or furnishes particulars which are false in any material particular, he shall be guilty of an offence under this Regulation.

(4) Where, after the coming into force of this Regulation, any person who is the owner or mortgagee of a British ship registered in Canada, ceases to be a British subject

or becomes a foreign-controlled company, that ship, or, in the case of a mortgagee of a ship, the interest of the mortgagee, shall be subject to forfeiture in accordance with the procedure provided in Part I of the Canada Shipping Act, 1934, as if it had become so subject under such Part.

(5) No application for the transfer of the registration of a British ship registered in Canada, from a port of registry in Canada to a port of registry outside of Canada, shall hereafter be made or granted without the written consent of the Minister of Transport.

(6) In this Regulation, unless the context otherwise requires, any reference to a ship shall include a reference to a share in a ship.

Aircraft.

41A. Regulation 41 shall apply to aircraft, as defined in The Air Regulations, 1938, in the same manner and to the same extent as if the expression "Aircraft" was used in the said Regulation in the place and stead of the expression "ship," provided that when the expression "aircraft" is so used, any reference in the said Regulation, to a share or mortgage, or to a mortgagee, or to the Canada Shipping Act, 1934, shall be deleted therefrom, as also subsections 5 and 6 thereof.

Issue of licences.

42. After the coming into force of the preceding Regulation no licence for a vessel not required to be registered under the Canada Shipping Act, 1934, shall be issued under sections 106 to 112 of that Act unless the issue thereof has been approved by the Minister of Transport, and no transfer of any interest in any such vessel shall be effective unless made by an instrument in writing approved by the Minister of Transport and filed with the Collector or other chief officer of the Customs at a port or place in Canada, or, in the case of a licensed vessel, at the port or place in Canada at which the licence of such vessel has been issued.

Measures for safety of British ships registered in Canada.

43. (1) Subject as hereinafter provided, the Minister of National Defence may, if it appears to him to be necessary or expedient for the safety of British ships registered in Canada and of persons on board such ships so to do, make provision by order—

(*a*) for securing that any such ship to which the order applies shall not, except under permission granted

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by or on behalf of the Minister of National Defence, proceed to sea from any port (whether within or outside Canada) unless such requirements in respect of the alteration of the structure or external appearance of the ship, and in respect of the equipping of the ship with any particular apparatus, contrivance or appliance, as may be contained in the order have been complied with;

(*b*) for securing the proper maintenance and efficient use of any apparatus, contrivance or appliance with which any such ship is equipped in pursuance of the order;

(*c*) for any incidental and supplementary matters for which it appears to the Minister of National Defence to be necessary or expedient for the purposes of the order to provide;

and an order under this Regulation may be made so as to apply either to a particular British ship registered in Canada or to such ships of a particular class, and so as to apply to any such ship or ships either wherever it or they may be or while in such waters, or engaged on such voyages, as may be specified in the order.

(2) If any such ship proceeds or attempts to proceed to sea in contravention of an order made under this Regulation, the master of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation.

(3) Any person acting on behalf of His Majesty may, in relation to any such ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the ship, or, where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

Control of tonnage.

44. (1) Without prejudice to any navigation order and subject to the provisions of this paragraph, the Minister of Transport may make provision by order for imposing in relation to any British ship registered in Canada to

which the order applies, restrictions in respect of all or any of the following matters, that is to say:—

(*a*) the trades in which the ship may be engaged, and the voyages which may be undertaken by the ship;

(*b*) the classes of cargoes or passengers which may be carried in the ship; and

(*c*) the chartering of the ship, and the terms and conditions upon which cargoes or passengers may be carried in the ship;

and any such order may contain such incidental and supplementary provisions as appear to the Minister of Transport to be necessary or expedient for the purposes of the order, including provisions for securing that any ship to which the order applies shall not proceed to sea from any port (whether within or outside Canada) except under the authority of a licence granted by or on behalf of the said Minister, and for requiring any such ship to comply with any directions given on behalf of the said Minister as to the ports to which the ship is to proceed for any particular purposes.

Any provisions of an order under this paragraph may be framed so as to apply to all British ships registered in Canada or to any class of such ships or to any one of such ships, and so as to apply to any such ship or ships wherever it or they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified in the order.

(2) If any such ship proceeds or attempts to proceed to sea in contravention of an order made under this Regulation, or if otherwise there is any contravention of such an order in the case of a ship, the master of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation.

(3) Any person acting on behalf of His Majesty may, in relation to any such ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the ship, or, where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

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Deserters from ships.

45. Any person lawfully engaged to serve on board any ship belonging to, or chartered or requisitioned by, or on behalf of His Majesty, who in Canada deserts from his ship or absents himself therefrom without leave may, notwithstanding anything contained in the Canada Shipping Act, 1934, be conveyed on board his ship by, or under the direction of, any one or more of the following persons, that is to say, the master of the ship, the mate of the ship, the person having the management of the ship, any constable, or any commissioned officer in His Majesty's forces.

Seamen required to have written pass when absent from their ship.

46. No seaman lawfully engaged to serve on board any ship belonging to, or chartered, or requisitioned by or on behalf of His Majesty, shall be absent from his ship, whether upon duty or otherwise, without a written pass which shall state the period of his authorized absence, duly signed by the master, mate, purser, or first engineer of his ship, and any such seaman so being absent without such a pass, or being found without the same in his possession, shall be guilty of an offence against this Regulation and shall moreover be subject to the exercise of the authority conferred by the next preceding Regulation, as if absent from his ship without leave.

Control of Aviation.

47. Save and except as may be permitted by the Minister of Transport the navigation over Canada and Canadian waters, as defined by the Customs Act, of all aircraft other than aircraft exclusively employed in His Majesty's Service, is prohibited. The permission herein mentioned may extend to the navigation of all said aircraft, or of any specified aircraft, over Canada and Canadian waters, as so defined, or over any specified area or with respect to any time or any specified time.

PART V

ESSENTIAL SUPPLIES

Requisitioning of property other than land.

48. (1) Subject as hereinafter provided, the Minister of National Defence, hereinafter referred to as the Minister, if it appears to him to be necessary or expedient so to do in the interests of the public safety, the safety of the State or the efficient prosecution of the war, or for maintaining supplies and services necessary to the life of the community, may requisition—

(*a*) any chattel in Canada (including any vessel or aircraft or any article on board a vessel or aircraft), and

(*b*) any British ship or aircraft registered in Canada or any article on board such British ship or aircraft, wherever the ship or aircraft may be;

and may give such directions as appear to him to be necessary or expedient in connection with the requisition;

Provided that the preceding provisions of this Regulation shall not authorize the requisitioning of any British ship or aircraft registered elsewhere than in Canada, or of anything on board such a ship or aircraft.

(1A) Any of the powers of the Minister of National Defence under this Regulation may be exercised by the Minister of National Defence for Air, in any matter that affects or relates to the Air Services; and by the Minister of National Defence for Naval Services, in any matter that affects or relates to the Naval Services.

(2) If the Minister requisitions any property under this Regulation, he may use or deal with, or authorize the use of or dealing with, the property for such purpose and in such manner as he thinks expedient in the interests of the public safety, the safety of the State or the efficient prosecution of the war, or for maintaining supplies and services necessary to the life of the community, and may hold, or sell or otherwise dispose of, the property as if he were the owner thereof.

(3) The Minister, if it appears to him to be necessary for the effectual exercise in his powers under paragraph (1)

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of this Regulation so to do, may, by order made as respects the whole of Canada or any part thereof,—

(*a*) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any premises in the area to which the order relates, any such articles as may be described in the order, shall remove the articles, or cause or permit them to be removed, from the premises until the removal of the articles therefrom is permitted by such authority or person as may be specified in the order;

(*b*) require the owner or occupier of any premises in the said area to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the premises, and, if so, the number or quantity of those articles which was or will be on the premises on that date, according as the order may direct.

(4) The Minister may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of his functions under paragraphs (1) to (3) of this Regulation to any particular persons or class of persons.

Control of land transport.

49. (1) The Minister of Transport, or any person authorized by him may by order in writing direct that the control, management or operation of any railway, light railway, tramway or road transport, including any railway or road transport owned or controlled by His Majesty, be exercised and performed in such manner as the said Minister may think proper in the interests of the public safety, the safety of the State, or the efficient prosecution of the war, or for maintaining supplies and services necessary to the life of the community.

(2) The Minister of Transport, or any person authorized by him, may by order in writing give directions for prohibiting or restricting, within such area and for such period as may be specified in the order, the public use of any highway or railway, including any railway owned or controlled by His Majesty, so as to facilitate the move-

ment on such highway or by such railway of His Majesty's forces or of war supplies.

Licensing of explosives factories.

50. Where—

(*a*) the draft of a licence for the establishment of a factory or magazine for gunpowder or other explosives is, in pursuance of the Explosives Act, submitted to the Minister of Mines and Resources by the applicant for the licence, or

(*b*) an application for an amending licence for the making of any alteration in such a factory or magazine is made to the said Minister in pursuance of the said Act,

the said Minister may, instead of taking any other steps which he is required by the said Act to take in respect of the application, grant the licence or amending licence, as the case may be, subject to such conditions, if any, as he may think proper, and any licence granted under this Regulation shall have effect for the purposes of the Explosives Act, as if it had been duly granted under that Act.

Handling and conveyance of ammunition, etc., in Canadian waters.

51. (1) The Minister of Transport may make such regulations as may be necessary for regulating the shipping, unshipping, handling, storage and conveyance of ammunition, explosives and inflammable substances in any ports or in Canadian waters as defined in the Customs Act: Provided that no such regulation shall apply to the shipping, unshipping, handling or conveyance of ammunition, explosives or inflammable substances in any vessel or aircraft in the service of, or under the control of His Majesty.

(2) Any reference in this Regulation to shipping or to unshipping shall be construed as including a reference to putting on board aircraft or to unloading from aircraft, as the case may be.

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PART VI

GENERAL AND SUPPLEMENTARY PROVISIONS

Power to obtain information.

52. Any person, if so required by an officer of His Majesty's naval, military or air forces, or by a sailor, soldier or airman engaged on sentry, patrol or other similar duty, shall stop and answer to the best of his ability and knowledge any questions which may be reasonably addressed to him.

Nothing in this Regulation shall be construed as giving any officer any power to stop or question any person, not being a person subject to the Naval Service Act, or to military or air force law, unless such officer is acting in the performance of his duties.

Notices.

53. (1) Any person by whom an order is made in pursuance of these Regulations or a person acting on behalf of such a person shall give public notice of the order in such manner as he may consider best adapted for informing persons affected by the order.

(2) Any constable or any member of His Majesty's naval, military or air forces or any person acting on behalf of the person issuing any such order as aforesaid, may affix any such notice to or cause it to be displayed on any premises, vehicle or vessel and may for such purposes enter any premises at any reasonable time during the day.

(3) No person except under lawful authority shall remove, alter, deface or obliterate any notice posted pursuant to the provisions of this Regulation.

54. If any person—

False statements.

(*a*) in answer to any request made in pursuance of any of these Regulations, or any order made under any of these Regulations, makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or

(*b*) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by any of these Regulations

or by an order under any of these Regulations to make,

he shall be guilty of an offence against that Regulation.

Obstruction.

55. No person shall obstruct any servant of His Majesty, or member of a fire brigade acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these Regulations, or otherwise discharging any lawful functions in connection with the securing of the public safety or the safety of the State.

Restrictions on disclosing information.

56. No person who obtains any information by virtue of these Regulations shall, otherwise than in connection with the execution of these Regulations or of an order, rule or by-law made under these Regulations, disclose that information except with permission granted by, or on behalf of, a Minister of the Crown.

Administrative Provisions

Licences, permits, etc.

57. (1) Any person claiming to be the holder of any permit, licence, certificate or written permission granted or issued for the purposes of any of these Regulations shall, on demand made in that behalf by any constable or by any person acting on behalf of His Majesty, produce the permit, licence, certificate or permission, as the case may be, to the person making the demand.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence, certificate or written permission granted or issued for the purposes of any of these Regulations, or makes or has in his possession any document so closely resembling such a permit, licence, certificate or permission as to be calculated to deceive, he shall be guilty of an offence against this Regulation.

(3) Any permit, licence, certificate or permission granted for the purposes of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

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Power to enter and search premises.

58. (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that a war offence has been, is being, or is about to be committed, and that evidence thereof is to be found at any premises specified in the information, he may grant a search warrant authorizing any senior police officer or any commissioned officer in His Majesty's force, together with any other persons named in the warrant and any other constables or members of His Majesty's forces to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any such person which the officer has reasonable ground for believing to be evidence of an offence as aforesaid.

(2) No woman shall, in pursuance of a warrant issued under this regulation, be searched except by a woman.

(3) For the purposes of this regulation every commissioned officer of the Royal Canadian Mounted Police shall be a justice of the peace.

Power to stop and search vehicles.

59. (1) The person driving, or in control of, any road vehicle in motion shall stop the vehicle on being required so to do by any constable in uniform or by any member of His Majesty's forces being in uniform and on duty.

(2) If—

(*a*) as respects any road vehicle being on a public highway or in a place to which the public have access, or

(*b*) upon any occasion on which the person driving, or in control of, a road vehicle has been lawfully required to stop but has failed to do so,

any constable, or any member of His Majesty's forces acting in the course of his duty as such, has reasonable ground for suspecting that there is to be found in the vehicle evidence of the commission of a war offence, he may stop and search the vehicle and may seize any article found therein which he has reasonable ground for believing to be evidence of the commission of such an offence.

The powers conferred by this paragraph shall be in addition to, and not in derogation of, any of the powers conferred by the last preceding Regulation.

(3) In this Regulation the expression "road vehicle" means any vehicle designed or adapted for use on roads.

Power to arrest without warrant.

60. Any constable, any member of His Majesty's forces acting in the course of his duty as such, or any person authorized by the Minister of Justice to act under this Regulation may arrest without warrant any person whom he has reasonable ground for suspecting of having committed a war offence.

Identification.

60A. (1) Subject as hereinafter mentioned, and without prejudice to any other powers in that behalf, a person who is detained under regulation 21 of these Regulations or who is in lawful custody, charged with or convicted of any offence against these Regulations, may be photographed and measured by any constable or prison officer.

(2) The photographs to be taken may include a photograph of the full face, a photograph of the true profile and a full length photograph.

(3) The measurements to be taken may include:—

(*a*) his height when standing;

(*b*) the size and relative position of every scar and distinctive mark upon any part of his body; and

(*c*) the external filament of the fingers and thumbs of both hands—to be taken by pressing them, first upon an ink plate, and then upon paper or cardboard, so as to leave a clear print of the skin surface.

(4) A photograph of a person taken in pursuance of the powers conferred by this regulation shall not be published, except for the purpose of tracing him or shown to any person, other than a constable or servant of the Crown acting in the course of his duty or a person authorized by a constable or servant of the Crown so acting to see it.

(5) Where any person has been photographed and measured under this regulation, all photographs (both negatives and copies), fingerprint impressions and records of measurements so taken shall, unless he is convicted of an indictable offence be destroyed on the expiration of this regulation.

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Attempts to commit offences, and assisting offenders.

61. (1) Without prejudice to the operation of sections 69 and 72 of the Criminal Code, any person who attempts to commit, or does any act preparatory to the commission of, an offence against any of these Regulations, shall be deemed to be guilty of an offence against that regulation.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these Regulations, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

Legal proceedings.

62. (1) For the purposes of the trial of a person for an offence against any of these Regulations, the offence shall be deemed to have been committed either at the place at which the same actually was committed, or at any place in Canada in which the offender may be found.

(2) In addition, and without prejudice to any powers which a Court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before a Court against any person for an offence against any of these Regulations or the proceedings on appeal, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be likely to assist the enemy or to prejudice the public safety, the safety of the State or the efficient prosecution of the war, that all or any portion of the public shall be excluded during any part of the hearing, the Court may make an order to that effect but the passing of sentence shall in any case take place in public.

Offences by corporations

(3) Where the person guilty of an offence against any of these Regulations is a company or corporation, every person who at the time of the commission of the offence was a director or officer of the company or corporation shall be guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent, or that he exercised all due diligence to prevent the commission of such offence.

(4) Where any act is committed by or on behalf of or in the name of any association, organization or society which if committed by an individual person would constitute an offence against the provisions of regulations 39 or 39A of these Regulations, each officer, or person acting or professing to act or holding himself out as an officer or otherwise performing or purporting to perform any executive or official work or duty for or on behalf of any such association, organization or society shall be deemed to have committed such act and be guilty of such offence unless he proves that the act constituting the offence took place without his knowledge or consent or that he exercised all due diligence to prevent the commission of such act.

Penalties.

63. (1) Every person who contravenes or fails to comply with any of these Regulations, or any order, rule, by-law, or direction, made or given under any of these Regulations, shall be guilty of an offence against that Regulation.

(2) Where no specific penalty is provided, such person shall be liable on summary conviction to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment; but such person may, at the election of the Attorney General of Canada or of the Province, be prosecuted upon indictment, and if convicted shall be liable to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.

(3) No person who has been convicted upon indictment for an offence against these Regulations and sentenced to imprisonment, and who has given notice of appeal or made application for leave to appeal from such conviction shall, notwithstanding any statutory provision or other law to the contrary, be admitted to bail pending the determination of such appeal.

Service of notices.

64. Without prejudice to any special provisions contained in these Regulations, a notice to be served on any person for the purposes of any of these Regulations may be served by posting it addressed to that person at his last or usual place of abode or place of business.

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SCHEDULE "A"

The following notices have been published in the *Canada Gazette* pursuant to the provisions of Regulation 39:—

PRIVY COUNCIL

NOTICE

Notice is hereby given that by Order in Council P.C. 2527 of the twelfth day of June, 1940, passed pursuant to the provisions of regulation 39C of the Defence of Canada Regulations, the following associations, societies, groups or organizations have been declared to be illegal organizations, namely:—

Italian Fascio Abroad (Fasci Italiani All'Estero);

O.V.R.A. Opere Volontarie Repressione, Anti-Fascisto. (National Organization for the Repression of Anti-Fascism);

Dopolavoro (After Work Organization);

Associazione Combattenti Italiani (Italian War Veterans' Association);

O.G.I.E. Organizzazioni Giovanili Degli Italiani All'-Estero (Italian Youth Organization Abroad); and

The Italian United Moral Front (A combination of Italian and Italo-Canadian Societies in Montreal under the control of the Canadian Fascio).

A. D. P. HEENEY,
Clerk of the Privy Council.

("Extra" dated June 13, 1940.)

PRIVY COUNCIL

NOTICE

Notice is hereby given that by Order in Council P.C. 2682 of the 20th day of June, 1940, passed pursuant to the provisions of regulation 39C of the Defence of Canada Regulations, Technocracy Inc. has been declared to be an illegal organization.

A. D. P. HEENEY,
Clerk of the Privy Council.

("Extra" dated June 20, 1940.)

PRIVY COUNCIL

NOTICE

Notice is hereby given that by Order in Council P.C. 2943 of the 4th day of July, 1940, passed pursuant to the provisions of regulation 39C of the Defence of Canada Regulations "Jehovah's Witnesses" has been declared to be an illegal organization.

A. D. P. HEENEY,
Clerk of the Privy Council.

("Extra" dated July 4, 1940.)

PRIVY COUNCIL

NOTICE

Notice is hereby given that by Order in Council P.C. 4255 of the twenty-seventh day of August, 1940, passed pursuant to the provisions of regulation 39C of the Defence of Canada Regulations, the following associations, societies, groups or organizations have been declared to be illegal organizations, namely:—

The Workers and Farmers Publishing Association;
The Road Publishing Company;
The Croatian Publishing Company;
The Polish People's Press;
The Serbian Publishing Association; and
The Finnish Society of Toronto.

A. D. P. HEENEY,
Clerk of the Privy Council.

("Extra" dated August 29, 1940.)

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SCHEDULE "B"

P.C. 4304

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of August, 1940.

PRESENT:

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS sub-paragraph (*h*) of paragraph (1) of regulation 2 of the Defence of Canada Regulations defines "senior police officer" to mean certain senior officers therein referred to and

"any person upon which the powers of a senior police officer are for the purposes of these Regulations conferred by the Governor in Council."

AND WHEREAS paragraph (1) of regulation 58 of the said Regulations provides for the issuing of a search warrant in connection with war offences to any senior police officer;

AND WHEREAS by Order in Council P.C. 2929 of the twenty-ninth day of September, 1939, non-commissioned officers and constables of the Royal Canadian Mounted Police, owing to difficulties in many localities in having present a senior officer, were for the purposes of carrying out the provisions of paragraph (1) of the said regulation 58 deemed to be senior police officers within the meaning of sub-paragraph (*h*) of paragraph (1) of the said Regulation 2;

AND WHEREAS sub-inspectors of the Royal Canadian Mounted Police are not included in the definition of "senior Police officer," nor are they included within the classes referred to in the said Order in Council P.C. 2929;

AND WHEREAS the Minister of Justice states that it is considered desirable that the powers of a senior police officer should be conferred upon sub-inspectors of the

Royal Canadian Mounted Police, sub-inspectors, non-commissioned officers and constables of every provincial police force, and every chief of police of a municipal police force for the purposes of carrying out the provisions of paragraph (1) of the said regulation 58 for the reason that it is difficult in many localities to have present at every search a senior officer.

NOW, THEREFORE, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of sub-paragraph (*h*) of paragraph (1) of regulation 2 of the Defence of Canada Regulations is hereby pleased to confer the powers of a senior police officer, for the purposes of paragraph (1) of regulation 58 of the said Regulations upon sub-inspectors of the Royal Canadian Mounted Police, sub-inspectors, non-commissioned officers and constables of every provincial police force, and every chief of police of a municipal police force.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

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Buenos Aires, Octubre 29 de 1940.-

D.A.P.-

Señor Cónsul General:

Tengo el agrado de dirigirme a S.S. para acusar recibo de su nota nº 107, de Setiembre 27 ppdo., con la que se acompaña un ejemplar de la Reglamentación de las Leyes de Defensa de Canadá, recientemente publicado.-

Saludo a S.S. con las seguridades de mi distinguida consideración.

CARLOS M. KIER
DIRECTOR DE ASUNTOS POLITICOS

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
RECIBIDO EL
DIVISION DE ASUNTOS POLITICOS

A S.S. el Señor Cónsul General de la República Argentina en Ottawa,
Don Saúl Aguilar.-

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