

**The Laws Establishing Canada's First World War
Registration and Reporting System of Aliens of Enemy Nationality**

Mark Minenko, C.D., LL.B., LL.M.

On October 22, 1914, Lawrence Fortescue, the Comptroller¹ of the Royal North West Mounted Police (RNWMP) wrote Sir Robert Borden, Canada's Prime Minister updating him about the RNWMP's enforcement of the provisions of the Proclamation of August 15, 1914².

This proclamation was Canada's immediate response to the perceived threat of thousands of immigrants of German and Austro-Hungarian nationality leaving Canada to reinforce enemy forces in Europe. Aliens of enemy nationality were to comply with the law brought about by war or be faced with internment. This proclamation also introduced a reporting and registry system for these Canadian residents.

In addition to providing some statistics about arrests, detentions and internments, the Comptroller made one telling comment which one may argue not only led to the refinement of the alien enemy reporting and registry process and system, but seemed to introduce the protection of the criminal law system for the tens of thousands of alien enemies in Canada. He advised the Prime Minister that the proclamation of August 15, 1914 had no penalty for breaking parole – not complying with the terms of the conduct Undertaking - and suggested that a sentence of imprisonment with hard labour "... would be a more severe punishment than being simply interned."³

My review of the government's subsequent decisions with respect to alien enemy registering and reporting requirements shows that the government, in part, took up the Comptroller's suggestion. Each of the three registration and reporting Orders in Council adopted during the First World War made non-compliance a criminal offence. By making violations of these new laws criminal offences, one could presume that those charged with these offences would be protected by the legal traditions and principles inherent in criminal law proceedings. That the arbitrariness of detention and internment which was too often seen on Canadian street corners in the first few weeks of the war would be eliminated.⁴

Unfortunately, a review of thousands of alien enemy cases dealt with through the criminal justice system reveals that the arbitrariness continued and that thousands of alien of enemy nationality were illegally convicted in criminal courts across Canada. They were convicted of laws which were repealed and convicted of laws which did not apply to them.

¹ *Royal North West Mounted Police Act*, R.S.C. 1906, C. 91, s. 10(1). The Comptroller outranked the Commissioner serving as a Deputy Minister equivalent and was responsible for the control and management of the Force and all matters connected to it.

² Library and Archives Canada (LAC), Borden Papers, RLB 673-674, M.G. 20, H1(c), Vol 191

³ *Ibid.* 106228

⁴ RNWMP correspondence between August 7-10, 1914 discloses that the military in Edmonton under the command of Major Griesbach was beginning to arrest individuals without legal warrant and wanted the RNWMP to hold them. Griesbach was also planning to post notices directing German reservists to report daily to the RNWMP or be arrested. Assistant Commissioner Cuthbert of Edmonton advised that "as far as I know there has been no indications of any departure from normal conditions in this respect. What enthusiasm and excitement are all to the opposite effect." He also asked if martial law had been declared to which Commissioner Perry advised that martial law was no in force and "no action to be taken by us unless legal warrant placed in our hands." LAC, Borden Papers, O.C. 207-209, M.G. 26, H1(a), vol. 46, 20997 and 21015

This paper reviews the evolution of the Canadian government addressing the question of the aliens of enemy nationality problem through an analysis of terms and application of the Proclamation of August 15, 1914 and the three alien enemy registration and reporting Orders in Council – P.C. 2721 of October 28, 1914, P.C. 2194 passed September 20, 1916, and P.C. 1908 from August 5, 1918.

A comparison of these four documents reveals a number of similarities. The greatest difference is that over the four years of the war, each new order expanded its scope and the classes of aliens of enemy nationality which needed to register and report thereby increasing its restrictions on the civil liberties of tens of thousands of Canadian residents.

Proclamation of August 15, 1914 (Appendix A)

From the declarations of war first against Germany on August 4, 1914 and then against Austria-Hungary on August 12, 1914, Canada's position appeared to be that as long as alien enemies carried on their normal lives and complied with the law, they were to be allowed to continue doing what they were doing. This proclamation's importance arises from two elements. First, it began establishing the nature of Canada's relationship with its large invited population of aliens of enemy nationality and secondly, that many provisions of future registration and reporting OCs find their origin in this proclamation.

Legislative History

An August 7, 1914 summary of the day's decisions in the Prime Minister's office indicates the Canadian government had resisted a British request to begin detentions.

Advice was received from the Colonial Secretary to arrest and detain all German officers or reservists as prisoners of war, but, having regard for the fact that many immigrants of German nationality are quietly pursuing their various avocations in various parts of Canada, it was not considered feasible or desirable to carry out this suggestion in its fullest scope. Accordingly an order was passed (*and published in the Canada Gazette*) that such person so long as they quietly pursue their avocations are not to be arrested or interfered with unless there should be reasonable ground to believe them to be engaged in espionage or in acts of a hostile nature, or in giving information to the enemy, or in other ways contravening any law or order; than all German officers or reservists attempting to leave Canada at any port should be arrested and detained; that precautions should be taken that important interior points be guarded in order to arrest German officers attempting to leave Canada with the intention of entering the United States and thence proceeding to Germany; and *that* the necessary ratified legislation should be submitted to Parliament at the next session. The necessary steps for enforcing this order *were* immediately taken by the Militia Department.⁵

The PM's daily summary for Wednesday, August 12, 1914, noted that war had broken out with Austria-Hungary and that an OC was passed expressing the same position with respect to persons of Austro-Hungarian nationality in Canada as was passed with respect to those of German nationality (Appendix A[1]).⁶

⁵ LAC, Borden Papers, OC 187- 191(2), MG 26, H1 (a), Vol. 37, 15567

⁶ *Ibid.* 15576

The August 15, 1914 summary indicates that the previous orders dealing with Germans and Austro-Hungarians were combined into the same order that day.⁷

This Proclamation was amended by P.C. 2072 approved 10 October 1919 which rescinded the prohibition on aliens leaving Canada and any restrictions or conditions of their leaving Canada.

Minister's Report

None.

Government Position

Although this Proclamation's initial paragraph suggests a noninterventionist approach, the following paragraphs suggest something quite different. An Extra edition of the Canada Gazette was used to ensure this proclamation's public announcement and its first paragraph emphasized this hands off approach:

That all persons in Canada of German or Austro-Hungarian nationality, so long as they quietly pursue their ordinary avocations be allowed to continue to enjoy the protection of the law and be accorded the respect and consideration due to peaceful and law-abiding citizens; and that they be not arrested, detained or interfered with, unless there is reasonable ground to believe that they are engaged in espionage, or engaging or attempting to engage in acts of a hostile nature, or are giving or attempting to give information to the enemy, or unless they otherwise contravene any law, order in council or proclamation.

However, past these initial calming expressions of intent, the proclamation continues on for several paragraphs and (1) sets out grounds for arrest and detention which could lead to internment, (2) the requirement of signing a good conduct Undertaking, (3) tasks the militia with guarding internees, and (4) the beginnings of a basic registry system through the Chief Commissioner of the Dominion Police's office.

Text and Offences

The Proclamation's second paragraph establishes the three classes of persons subject to arrest and detention: (1) German and Austrian or Austro-Hungarian military (including reservists) attempting to leave Canada; (2) all German and Austro-Hungarian subjects who attempt to leave Canada on a reasonable belief that they will assist the enemy; and (3) all enemy subjects engaged in espionage or assisting the enemy upon reasonable grounds of suspicion.

Paragraph three expanded the categories of those who can arrest and detain from members of Canada's militia to include constables of the Dominion Police, the Royal North West Mounted Police and others whom the Chief Commissioner of the Dominion Police authorizes to arrest and detain those from paragraph two.

Arresting officers were authorized to release those they had arrested if that person signed a good conduct Undertaking which included a reporting to authorities' provision (paragraph four).

⁷ *Ibid.* 15579

Internment was the penalty for those who were (1) found to be unreliable by the arresting officer, (2) who refused to sign the Undertaking or (3) who did not comply with the conditions of that Undertaking. Paragraph five also adds that the militia will provide the guards for interned prisoners.

The Proclamation's sixth and final paragraph provided for the arresting officers reports to be submitted to the Chief Commissioner of the Dominion Police including the names, addresses, occupations, date and place of detention and circumstances of the arrest and anything else which was necessary to report.

Enforcement and Enforcement Issues

The terms of this proclamation were applied immediately. An up-date memorandum prepared by the Comptroller of the RNWMP in September, 1914 and forwarded to the Militia Department and to the Chief Commissioner of Dominion Police gave a hint as to what future operations might look like when dealing with aliens of enemy nationality.⁸ It was based upon the Regina-based RNWMP Commissioner's cable with respect to the RNWMP's use of this Proclamation in dealing with Austrian and German reservists in Western Canada:

Apparently considerable number of reservists trying to cross boundary via Lethbridge and Coutts railway. We have got twenty-nine in the Guard Room at Lethbridge. Paroled four. Nine more expected at Lethbridge to-night. Searching examination made into each case. In addition we have five more confined in Regina, three suspected of spying. As soon as possible full reports will be made.(sic)⁹

Not all individuals who were granted the Proclamation's paragraph three arrest and detention authority understood the power they had been granted. An example of how a misunderstanding on the part of a government official who was granted these powers in the first few weeks of the war resulted in his restricting civil liberties arrived on Borden's desk via a Night Lettergram from a Vancouver lawyer, A.J.B. Mellish.¹⁰

Sep 7, 1914
Premier Borden, Ottawa,
William Sereda an Austrian was arrested here August twenty eight by Malcolm Reid Immigration Officer and is held without trial in police station as prisoner of war on behalf of Sereda I urge you to order immediately inquiry before competent judge as to propriety of keeping him a prisoner.
A.J.B. Mellish. (sic)

William Sereda, having already spent 11 days in jail, would spend at least another 23 before someone would conclude that he could be released.

The Prime Minister's office asked for comments from the Ministers of the Militia, Justice and the Interior. The Justice Minister asked the Chief Commissioner of the Dominion Police to investigate while the Militia Department's Judge- Advocate-General (JAG) offered his opinion on September 11, 1914.

⁸ LAC, Borden Papers, RLB 673-674(2), M.G. 26, H1(c), Vol. 191

⁹ *Ibid.*

¹⁰ *Ibid.* 106011. Based upon information provided by the Law Society of British Columbia he was admitted in BC on December 19th of 1910 and attended the University of London, University of Mount Allison College and Harvard University

Colonel Henry Smith, the JAG, opined that “it is difficult to understand why a man has been detained in custody without a trial ... unless there is some more serious charge against him. If there is no other charge he should merely have been interned or released on his parole.” In the end, he suggests that this is an Interior department matter as the arrest was made by an Immigration Agent.¹¹

On September 30th, Doherty advises the PM that the Dominion Police have investigated the matter and that he has suggested that Reid be told to take this man’s parole and keep him under surveillance. He added:

Your wire re Sereda Austrian reservist. Time of arrest was endeavouring report consul Seattle. Inadvertently came this office mistaking same for U.S. immigration. Barristers Mellish and Blackstone were interested on his behalf but I refused take responsibility release him but promised recommend same when military prison was established. Lawyers state now he is willing subscribe undertaking reporting here once a month. If you deem advisable I will release. Have taken stand here that bonafide business men should be parolled but actual reservists of Sereda type should remain as prisoners of war. (sic)¹²

Doherty concludes that Sereda was detained as an alien enemy, prisoner of war and that there are no grounds for a trial. Citing section 11 of the *War Measures Act*, which states that a judge can only deal with such a matter upon the Minister of Justice’s authorization, he was not prepared to intervene. Sereda was paroled,

An example of the Chief Commissioner of Dominion Police’s use of his section three authority was when early in the war, certain members of the Ontario Provincial Police were authorized by him to arrest aliens and exercise the parole function.¹³

Almost immediately, the court system found a number of aliens of enemy nationality appearing before Justices of the Peace (JP).

One of the first charged with being an alien enemy was Fritz G. Eisentraut. On August 25, 1914, he appeared before JP J. H. Heffenan in Stettler, Alberta on the charge of being a POW. He was found guilty and placed on parole. Initially not much more was known about his circumstances as the only source for this information was the monthly Royal North West Mounted Police Form No. 125.¹⁴ A review of the Borden papers on another subject revealed how he came to the attention of the police. His situation is reported in the RNWMP correspondence dealing with the state of martial law in Edmonton. He had written a letter to the German Consul in Winnipeg asking whether he needs to report for military service as he is an “under officer”. He wrote that he was living east of Red Deer and had not heard much news as telegrams are only received twice a week at the local town which was 30 miles away from where he was living.¹⁵

¹¹ *Ibid.* 106060

¹² *Ibid.* 106135

¹³ Archives of Ontario, Attorney General Central Registry fonds, RG 4-32-414250 file 726. Memo from Superintendent Ontario Provincial Police to Ontario Attorney General, 13 April 1915

¹⁴ Provincial Archives of Alberta (PAA), RNWMP fonds, Acc. #66.166, file 928m. This form was submitted to the provincial Attorney General every month and only has basic information such as the charge, dates and names

¹⁵ LAC, Borden Papers, O.C. 207-209, M.G. 26, H1(a), vol. 46, 21018

On December 16, 1914, an Austrian, George Smokol, age 22, appeared before Toronto's Police Magistrate Ellis charged with vagrancy.¹⁶ He (country of origin - Austria) and two others, whose country was given as Canada, were arrested the same day, December 14, 1914, on the same charge. One of the Canadians was remanded for sentencing while the other was "remanded till called on". Smokol was "handed to military authorities." Although his name does not appear on current lists of internees, one can conclude that he was either interned or released on parole by the military authorities.

A review of Toronto Police Register of Criminals appearing in the Police Magistrate's courts between August 1, 1914 and January 31, 1915 indicates few *War Measures Act*-related charges being dealt with. Of the 19,750 charges reviewed, only two charges of treason (committed to trial), no Prisoner of War charges and four vagrancy charges resulted in the accused being "handed to military authorities".

A review of over 30,000 criminal records in Alberta during the First World War indicates that from 17 November to 31 December 1914 there were 33 charges of being an alien enemy - 31 were paroled and the other two were fined \$5 and \$1 each. The only record found prior to November was Mr. Eisentraut. For the first six months of 1915 an additional 35 men were charged with like offences of which 16 were interned with the remainder paroled.

The arrival of a new RNWMP Inspector for Lethbridge, Frederick William Chaney, saw an increase in the number of charges being brought to court. After his arrival on station, his name was submitted to the Alberta Attorney General for appointment as a JP.¹⁷ It was customary for the Inspectors of the RNWMP to be appointed a JP "to carry out their magisterial duties."¹⁸ Chaney was appointed a JP on September 7, 1915.¹⁹ When the Alberta Provincial Police force took over responsibilities from the RNWMP, Inspectors of this force were appointed *ex officio* JPs by virtue of the Police Act.²⁰

A review of the RNWMP Form 125 monthly reports for the first six months of 1915 indicates that Inspector Chaney did not wait until his appointment as a JP to begin exercising the powers given to members of the RNWMP in this Proclamation. These were powers to arrest, detain and intern (sections 2, 3 and 5).

R. Schaaf was charged on February 16, 1915 in Stirling, Alberta with "German leaving Canada." Chaney was hearing one of his first cases in Lethbridge court and on February 21st, interned him in Banff.²¹

During March, 1915, Inspector Chaney sat three different days in Lethbridge and interned all four men who appeared before him – one was an Austrian attempting to leave Canada and the other three were German suspects. His superior officer, P.W. Pennefather, sat in the same court on April 3rd and heard three cases of suspected Austrians – all were released, one being a Montenegrin and the other two were Serbs and hence not alien enemies, although arrested and charged as such.

¹⁶ Toronto Archives, Toronto Police Service fonds, 38-94-4-28-141501, Toronto Police Register of Criminals 173

¹⁷ PAA, Alberta Attorney General Justice of the Peace fonds, Acc. #69.210, file 1932, Chaney, Vol. 1. Letter Commissioner Perry to Deputy Attorney General, 27 July 1915

¹⁸ *Ibid.* Letter from W. A. Buchanan, M.P. Lethbridge to G.P. Owen Fenwick, Acting Deputy Attorney General, Alberta, 25 August 1915

¹⁹ *Ibid.* Alberta O.C. 886/15, 7 September 1915

²⁰ PAA, Alberta Attorney General Justice of the Peace fonds, Acc. #69.210, file 387/JP McDonnell, Vol. 4 letter Deputy Attorney General to A.E.C. McDonnell, 12 February 1919

²¹ PAA, RNWMP fonds, Acc. #66.166, file # 928j, Form 125

In May, 1915, Inspector Chaney sat six days in Lethbridge Court where 12 men appeared before him arrested on charges of being “suspected Austrian”, being German or being an Austrian failing to report. As it turned out four were Russians and released, one suspected Austrian was sent to Edmonton, five others were paroled, one was warned and released and the G. Cohen, charged with being a German, was interned.

On June 7, 1915, J. Zur and J. Hovanecz appeared before Inspector Chaney on the charge of being Austrians suspected of attempting to break parole. They had both been charged the day before in Coalhurst, Alberta. The hearing was held in Lethbridge and they were both released on Parole. Section 5 of this Proclamation provided for no other penalty than internment.

August, 1915 proved to be a month where the RNWMP in Southern Alberta seemed to relentlessly pursue Prisoners of War.

Forty men were brought up on the charge of being a Prisoner of War. Eight were Germans with the remainder Austrians. All were interned with one exception - J. Cozuliac, charged in Commerce, Alberta,

Inspector Chaney remained in Lethbridge until February, 1919.²² The introduction of the three registration and reporting OCs provided him and two other JP (either serving or just retired RNWMP officers) ample opportunities to enforce British justice. Of approximately 2,300 identified *War Measures Act*-related offences in Alberta, more than one third of them appeared before one of three JPs. Inspector Chaney’s record of 259, of which 248 interned or convicted, ranks him third in appearances. Chaney’s direct supervisor, Superintendent P.W. Pennefather (270 with 246 interned/convicted), and in Edmonton, former RWNMP Superintendent and future Alberta Lieutenant Governor, P.C.H. Primrose (265 with 253 interned/convicted) were the two other JP who had more aliens of enemy nationality appear before them.

Were they enforcing British justice or were other forces at play?

A report prepared by the Alberta Provincial Police (A.P.P.) may shed some light with respect to the exercise of their judicial functions by Chaney and Pennefather in Lethbridge.²³

Based upon a request in 1917 by Alberta’s Deputy Attorney General, A.P.P. Acting Assistant Superintendent J.S. Piper investigated the issue of alien convictions by these two men.

Piper’s report notes that for some time, while members of the Dominion Police were arresting Military Service and Registration Act defaulters, arrests of aliens of enemy nationality were also being made. Most alien arrests were made on Saturdays when large numbers of aliens visited Lethbridge from work sites in Coalhurst, Chinook Mines, Commerce and Black Diamond to purchase their supplies. All the arrested men appeared before either Chaney or Pennefather. Piper noticed that the Dominion Police would often be accompanied by Detective Lobb of the RNWMP (of the approximately 2,300 charges identified from Alberta court records related to War Measures Act related offences, Lobb arrested 341 of them) and they would visit all the trains upon their arrival. Newspaper reports seemed to blame the A.P.P. and/or the city police for the arrests of aliens of enemy nationality. Both groups denied their involvement in these arrests.

²² PAA, Justice of the Peace fonds, Acc.# 69.210, Box 111, File 1932/JP Chaney, letter Pennefather to Deputy Attorney General Alberta, 22 December 1919

²³ PAA, Justice of the Peace fonds, GR 69.210, Vol. 1123/JP Pennefather, Vol. 2. Report from Piper to Superintendent, A.P.P., 1 August 1918

Piper noted that “as far as I know none of these cases were ever taken by the Dominion Police before the City Magistrate, W.H. Irwin.” He reports that “it is a well-known fact that a large number of the aliens in the Lethbridge District have never been registered under the usual Orders in Council, as the nearest Registration office at the time was Calgary, but this work was solely the duty of the RNMWP and no aliens report to the Provincial Police at Lethbridge whatever.” Piper finishes his report with the comment that while he was in charge of the A.P.P. in that area Pennefather was most cordial and provided assistance as required.

At the time, JPs in Alberta were not paid employees of the government and were only paid when an accused was found guilty, fined and had costs awarded against them. These costs included costs for the JP and the arresting police officer.

Criminal enforcement of the provisions of the Proclamation was not the only issue which arose early during the First World War.

The federal government also found itself defending its position with respect to the rights of aliens of enemy nationality as expressed in the Proclamation and withstood pressure to change it.

The District of North Vancouver presented a petition to the Prime Minister stating that subjects of enemy countries have large holding in British Columbia and were selling either the land or the timber rights in the United States. The petition called on the government “to prevent the transfer of property by any subject of an enemy’s country” and that the land should be confiscated by the federal government pending a decision as to its disposal at the end of the war.²⁴ The District further advised that this “would probably do much to prevent rioting and destruction of property in the event of public resentment being aroused by a repetition of the inhuman and illegal methods of warfare being practiced by the enemy.”

These suggestions of rioting and destruction of property may have been caused by the public outrage resulting from the sinking of the Lusitania only a few weeks earlier.

In any event, the Minister of Justice advised Cabinet, that “a disposition, which should exist among the loyal citizens of the Dominion, to observe and abide by the laws as they stand” and that the government should not repeal or modify its policy. If there were to be riots they should be dealt with under the criminal laws. Doherty recommended no policy change and that the District should be so advised.

A 12 July 1915 letter from an Inspector with the British Columbia Justice department asked about land transfers by alien enemies. The question was whether and “how far alien enemies should be allowed to convey away their real estate...”²⁵

The Inspector advised that he had looked to the Public Notice to alien enemies of September 2, 1914²⁶ and had directed all Registrars of Land Titles Offices not to grant any transfers of land from alien enemies who were not resident in Canada. The issue raised by the Registrars was how were they to determine whether the transferor of land was an alien enemy.

The document which he had relied upon was had been published in an Extra edition of the Canada Gazette and was dated 2 September 1914 and stated that “many persons of German and Austro-Hungarian nationality” living in Canada were concerned for their safety and were afraid that the

²⁴ LAC, Justice Department Fonds, R.G. 13, Vol.194, file 1061 Minister of Justice Report to The Governor General in Council, 15 June 1915

²⁵ LAC, Justice Department Fonds, R.G. 13, Vol. 195, file 1174, Letter from H.C. Hamilton to Deputy Minister of Justice, Ottawa, 26 July 1915

²⁶ Set out as Document No. 49, Government of Canada, *Copies of Proclamations, Orders in Council and Documents Relating to the European War* (Ottawa: Government Printing Bureau, 1915) 73

Government “might deprive them of their freedom to hold property or to carry on business.” This notice advised that these fears are unfounded, that the government’s policy was as stated in the August 15, 1914 Proclamation and repeated that “so long as they quietly pursue their ordinary avocation be allowed to continue to enjoy the protection of the law...”²⁷

The Deputy Minister of Justice’s response of 17 August 1915 advised British Columbia that they should read the proclamations of August 15th and September 2nd together to establish its position. He also supported B.C.’s position that non-resident alien enemies should not be allowed to transfer their property in light of the trading with the enemy rules (passing money to the benefit of the enemy). The Deputy also suggested that B.C. registrars develop their own rules with respect to what might be required to satisfy themselves as to the residence of an alien enemy.

Following up a question from Alberta’s Deputy Attorney General as to whether and when the property of an alien enemy can be confiscated the federal Deputy Attorney General (Newcombe) provided a quick response.²⁸

This arose from a situation where upon his arrest for perjury, William Kahler had in his possession cash and a bank draft amounting to \$6,055.00. Alberta was advised that there was no regulation about the confiscation of alien enemy subject property and emphasized the terms of the Proclamation of 7 August 1914 – that immigrants of German nationality who are quietly pursuing their usual avocations shall not be interfered with. He further added that if they contravene the law then they are not quietly pursuing their avocation. As this man had been charged with a criminal offence he was not entitled to the Proclamation’s protection. Just in case of a change of heart, the Deputy Minister of Justice advised that an OC from 2 May 1916 requiring all enemy subjects in Canada to provide particulars of property when the Custodian requires them to provide same may be helpful in this situation. Apparently the Custodian had provided the requisite notice through the Canada Gazette and local press and Alberta was advised that “you may find that through this medium particulars may be obtained which will throw more light on the source of the property which you mention.”

The issue of land transfers was again raised in the fall of 1918 and provided another opportunity for the federal government to interpret this Proclamation.

On September 4, 1918, J.A. Couture, a Notary in Montreal, wrote the Minister of Justice asking whether enemy subjects residing or domiciled in Canada had lost their right to buy or sell buildings. The Assistant Deputy Minister of Justice responded by first quoting the 15 August 1914 Proclamation and indicating that “how far any particular individual is entitled to the benefit of this Proclamation is a question of law and fact dependent upon the circumstances of his case, and is a matter about which he should consult his solicitor.”²⁹

P.C. 2721 (Appendix B)

On 28 October 1914, almost three months into the First World War, the Minister of Justice submitted a Minister’s Report to Cabinet asking that he be granted powers to establish Canada’s first formal registration and reporting requirement of the war. He explained that it was necessary to take measures to prevent espionage, to prevent the return of enemy reservists to their home countries, to

²⁷ *Ibid.* 74

²⁸ LAC, Justice Department fonds, R.G. 13, Vol. 211, file 551, letter Deputy Attorney General Alberta to Deputy Minister of Justice, 28 March 1917

²⁹ LAC, Justice Department Fonds, R.G.13, Vol. 227, file 1948, letter Asst. D.M.J. to J.A. Couture, 6 September 1918

properly supervise and control those alien enemies who were prevented from leaving Canada, to allow for internment and finally to allow unemployed aliens of enemy nationality who have the desire and means to leave Canada to do so.

He also advised that it was probable that aliens of both classes (enemy and friendly) were found grouped within or in the immediate vicinity of Canada's large cities and towns. This conclusion would later guide the Minister's designation of the locations for registration centres.

The introduction of this new law was a significant departure from the Government of Canada's earlier position with respect to the alien enemy situation in Canada.

Legislative History

This registration and reporting Order in Council was passed by Cabinet on October 28, 1914.

The following individuals, departments and agencies were provided copies of this OC – Justice - October 28, Governor General, British High Commissioner, Sir George Foster, E.L. Newcombe (Deputy Attorney General) – October 29, External Affairs, and RNWMP – November 11.

It was published in the 31 October, 1914 Canada Gazette with the final, published version having one more amendment – adding to paragraph eight a reference to the proclamations made in paragraph four which tied the one month reporting requirement to the announcement of a city being designated as a registration centre.

This OC was amended by three subsequent OCs.

On 20 November, 1914, P.C. 2920 added three new elements (Appendix B [1]).

Section seven now included three new provisions. Firstly, alien enemies could be made to report to the registrar instead of the Chief of Police, secondly, the registrar may require the alien enemy to report more frequently than once per month, and thirdly, a paper trail was created by putting in place a new form – an undertaking or contract between the alien enemy and Canada.

This undertaking, which was to be signed and witnessed, required the alien enemy to:

1. confirm that he wanted to remain in Canada;
2. declare that he had the means to support himself;
3. agree that he would “conform to and observe the laws and customs of the country”;
4. report to either the Chief of Police or the Registrar on a certain day each month;
5. abstain from taking up arms or commit any hostile act “towards the Government of His Britannic Majesty”;
6. not to provide any information about the war, troop movement, military preparation or Canadian resources to anyone without the prior permission of the Registrar or Chief of Police; and
7. not commit any act injurious to Canada, the United Kingdom or any British Dominions or Possessions.

This OC clarified section eight by ensuring that the one month registration requirement only started from the date when a registration office was opened in any particular location and not from the date of the publication of this new law.

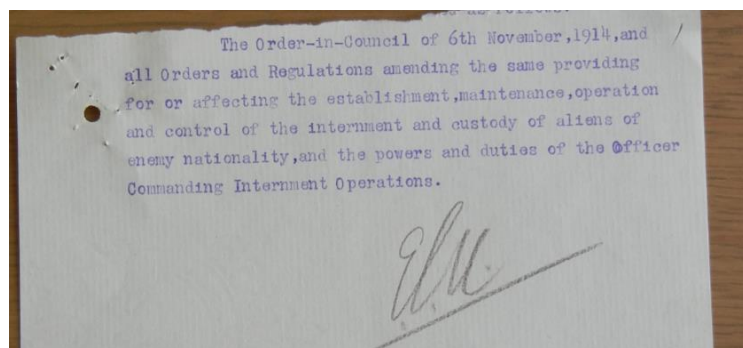
Its third amendment added a new section, section 13 confirming that anyone who had taken an Oath of Allegiance to His Majesty pursuant to the Oath of Allegiance Act and held office in His Majesty's service did not need to register nor to report. This change also relieved Armenian Christians of the obligation to register or report.

The reason for these amendments is that the chiefs of police were complaining about the increased work load for them and their staff, that there was a need of a paper trail in order to ensure that any prosecutions would be supportable and that due to the haste with which P.C. 2721 was passed to allow section eight to stand would make it impossible to prosecute someone for an offence which he could not avoid, especially if a registration centre was not established well into the winter or never established at all.

The second amending OC, P.C. 1493, passed 26 June 1915, confirmed the closure of seven registration offices (Sydney, Ottawa, Toronto, Brandon, Regina, Calgary and Victoria) and amended the section 11 requirement of securing a Registrar's certificate as part of the naturalization process in those cities.

P.C. 2072 dated 10 October 1919 was the third amendment and rescinded section five - removing the ability of the Chief Commissioner of the Dominion Police to grant or cancel an Exeat allowing an alien of enemy nationality to leave Canada or any other imposition of restrictions or conditions of their leaving Canada.

There may be some question whether this OC was repealed as part of P.C. 2465 approved on 20 December 1919. P.C. 2465 provided for the repeal of those OCs made pursuant to section six of the *War Measures Act, 1914*. It listed nine OCs or regulations which would remain in force until the last day of the Parliament's next session including Internment Operations. Reading both the text of this OC and the Minister's Report we find that although the War Measures Act is used as the authority for this regulation, there is no reference to section six. A search of the Orders in Council Report records provides us with the answer via a torn off note initialled by the Deputy Attorney General which reads as indicated below:



Newcombe wanted to ensure that P.C. 2817 of 6 November 1914 remained in force because the Internment Operations would not be wound up for some time. This OC was critical as it appointed Otter as the Officer Commanding Internment Operations, ensured that the Militia and Defence Department provided the guards and staff, allowed for expenditure of funds, and made the RNWMP and the secret service available to be called upon for assistance when required.

The result is that P.C. 2721 was repealed effective 1 January 1920.

Legal basis for P.C. 2721

This was the first registration and reporting OC to be made pursuant to the new *War Measures Act*. The August 15th Proclamation was passed prior to this act.

To determine if this new law was a law which could be made by Cabinet we look to the test set out in the Supreme Court of Canada's decision in *Re: Gray*.³⁰

The test established by Mr. Justice Duff, had two elements limiting cabinet OCs:

1. the authority is “exercisable during war only”; and
2. “the measures passed under it must be such as the Governor-in-Council deems advisable by reasons of war.”³¹

As Mr. Justice Duff did not make this comment until 19 July 1918, Cabinet did not have the benefit of the court's direction with respect to the required wording. However, both elements are found using the plain meaning rule (literal approach) of statutory interpretation applicable at the time. A court would have looked to the plain meaning of the words used.

It is clear from the expressions used in the drafting of this law that it applies to aliens of enemy nationality. There would be no enemy nationality unless there was a war making some aliens friendly (those who are not naturalized citizens, but whose nationality is of a British ally – the French, Belgians and Russians or are of neutral nation e.g. United States of America) and all others, aliens enemies. When the Minister of Justice refers to “aliens of both classes” in the second introductory paragraph, the Cabinet makes it clear that it recognizes that during war there would be two classes of aliens and clearly make this new law only applicable to “aliens of enemy nationality” because there is a war.

Grounds for P.C. 2721

Many reasons have been proposed for this new law.

Some suggest the reason stems from the 8 August 1914 proposal by the president of the Canadian Pacific Railway to establish a series of camps.³² Others suggest surveillance and control.³³ A review of the Borden papers and Justice Department records support other reasons –the need for a penalty for not complying with the Undertaking from the 15 August 1914 Proclamation and secondly for dealing with the hardship faced by unemployed alien enemies who began gathering in the larger cities.

In a 16 October 1914 memorandum from the Commissioner of the RNWMP to his Comptroller, Commissioner Perry provided an update about the effect of the 15 August 1914 Proclamation³⁴.

His force was “... carry(ing) out the provisions (of this order) with energy but without acting tyrannically.” That a number of German and Austro-Hungarians had been arrested at Coutts, Alberta and North Portal, Saskatchewan after their arrival via trains on their way to the United States. He emphasized that “in each case, careful enquiry has been held and as far as possible an investigation of the assertions made by the prisoners, so that a reasonable conclusion could be reached as to whether there was an intention to return to Germany.”³⁵

³⁰ *Re: George Edwin Gray*, 57 S.C.R. 150

³¹ *Ibid.* 170

³² David Edward Smith, *Emergency Government in Canada and Australia 1914-1919* (PhD. Dissertation, 1964) 126

³³ Bohdan S. Kordan, *No Free Man: Canada, the Great War, and the Enemy Alien Experience* (Montreal: McGill-Queen's Press, 2016) 279

³⁴ LAC, Borden Papers, RLB 673-674, M.G. 26, H1(c), Vol. 191, 106231

³⁵ *Ibid*

The memo goes on to say that a number have been interned and a number paroled as provided for in the proclamation, however, the most important issue was the fact that "... only a small proportion (of those paroled) have complied with these conditions."³⁶ He goes on and concludes:

The reason to me seems to be quite obvious. They have nothing at stake in this country. Their own land is calling for them, and they do not hesitate to break their promises. The Order-in-Council of 15th August *provides no penalty*. ... This point is worthy of the attention of the Government. I think that when men have been paroled and do not live up to the terms of the undertaking which they sign, there ought to be fairly severe penalties. (*emphasis added*)

These were forwarded to Canada's Prime Minister updating him with respect to the disposition of alien enemies arrested by the RNWMP in Saskatchewan and Alberta during the first few weeks of the war.³⁷ Of the 124 arrested, 55 were interned (21 at the Fort Osborne Barracks in Winnipeg and 34 at the Exhibition Grounds in Lethbridge), 42 were paroled, 19 cases had not been determined, and eight were released.

The Comptroller made one telling comment which may have prompted the government to introduce P.C. 2721. He advised the Prime Minister that the proclamation of 15 August 1914 had no penalty for breaking parole – not complying with the terms of the conduct Undertaking - and suggested that a sentence of imprisonment with hard labour "... would be a more severe punishment than being simply interned."³⁸ When the Comptroller offered this comment, he may have been considering the wording of paragraph five of this Proclamation – "... be interned by such authorities and officers or militia according to the usages and laws of war..." If interned as prisoners of war, the provisions of the Hague Conventions would apply and presumably the conditions of internment would not be as harsh as criminal imprisonment at hard labour.

Borden's reaction was a letter to the Minister of Justice dated 23 October 1914 where he suggested that this shortcoming be fixed. The next day, Doherty replied that "... he shall take the matter up at once." Five days later, Cabinet had before it Doherty's report and recommendation to pass what became P.C. 2721.

The relief of hardship element was set out several months later in response to a German protest about the treatment of detained civilians.

On 5 July 1915, a telegram was sent from Bonar Law, the British Secretary of State for the Colonies to the Governor General. The German government had protested against the use of "detained German civilians in Canada being subjected to compulsory labour" and threatened reprisals against British civilians in Germany unless this was changed.³⁹

On 28 July 1915, a memo was prepared for the Minister of Justice which was initialled by the Deputy. The memo begins with a review of the status of international law and ties the 15 August 1914 Proclamation to that law. The memo then continues:

³⁶ *Ibid.* 106232

³⁷ *Ibid.*

³⁸ *Ibid.* 106228

³⁹ LAC, Justice Department fonds, RG13, Vol. 195, file 1194

There was, however, a large number of alien enemies in the country of the labouring class who were, by reason of the war, or for other reasons, unemployed, and these at the approach of Winter began to congregate in large numbers at certain centres where it was found to be necessary to afford them relief against cold and starvation. *A system of registration for these localities was therefore devised and sanctioned by Order-in-Council of the 28th October, 1914 ...* (sic)(emphasis added)⁴⁰

The memo then quotes the opening preamble paragraph of the Minister's Report for P.C. 2721 and goes on to say that the OC does provide for internment as prisoners of war because:

the intention being that as no provision had been made for the maintenance of these people by the country of their allegiance, and as they would therefore have to be supported by the authorities in Canada, the status of prisoners of war, and the regulations governing their custody and maintenance might be accorded or applied to those unfortunate aliens of enemy nationality who necessarily become a public charge.⁴¹

The memo concludes that "the provision, so far as it goes, that they shall be accorded the treatment of prisoners of war, obviously works to the advantage of those distressed people, rather than as a hardship".⁴²

Minister's Report

In the Minister's Report submitted to Cabinet, Charles Joseph Doherty, cites the *War Measures Act* as Cabinet's authority to enact the following provisions and explained how a new registration system would work:

1. the OC authorizes the Minister of Justice to establish the number, the place, and the timings of registration centres and allows Cabinet to appoint the "Registrars of Alien Enemies";
2. these registrars would be supervised by the Chief Commissioner of the Dominion Police (Colonel Sir Arthur Percy Sherwood). The Minister of Justice was also delegated the power to appoint the registrar's staff;
3. the registrar would exercise a quasi-judicial role in that he was to question every alien enemy who appeared before him and record the person's name, age, nationality, Canadian place of residence, residence in the foreign country, occupation, his desire or intention to leave Canada, wife and children in Canada and any other information which he feels is necessary to identify such alien enemy;
4. once a city or town has been designated as a registration centre via publication in the Canada Gazette, any alien enemy who lives in or within 20 miles of a designated city or town shall attend at the registry office and "truly answer" questions with regard to his nationality, age, residence, occupation, family, intention/desire to leave Canada, destination, liability and intention as to military service and any other question which can lawfully be put to him by the registrar;

⁴⁰ *Ibid.* 2

⁴¹ *Ibid.* 3-4

⁴² *Ibid.* 5

5. after registration, the alien enemy may leave Canada with the registrar's Exeat, that is if the Chief Commissioner of the Dominion Police does not cancel it. The Chief Commissioner was also given the power to grant an Exeat;
6. a registrar may issue an Exeat if he is satisfied that the alien enemy will not materially assist, by active service, information or otherwise, the enemy forces. There were no grounds given as reasons for the Chief Commissioner's cancellation of an Exeat;
7. once a registrar decides that an alien enemy cannot leave Canada, but can remain at large, the alien enemy shall be required to declare whether or not he wants to remain in Canada and comply with its laws and customs. If he answers in the affirmative, the registrar may allow him to remain at large subject to a monthly reporting requirement and his agreement to comply with Canada's laws and customs. He would report to the Chief of Police of the city in which he is registered. If the alien enemy refuses to agree to comply with Canada's laws and customs and to report monthly he will be interned. The registrar was required to then submit to the local Chief of Police a list names and addresses of those who elected to remain free. The registrar could revisit his decision to allow someone to remain at large if that registrar determines, in his judgment, that public safety would be issue. The penalty - internment;
8. you had to register within one month of the proclamation of a place's designation as a registration centre or within seven days of him moving his residence to a designated city or town (whichever is later) or if he refuses or fails "to answer truly" any of the registrar's questions, or after registration fails to report or comply with any condition place on him, he shall be subject to internment or any other penalty under the law;
9. if the man is interned and has a dependant wife and/or children, they shall be permitted to "accompany" with him;
10. the military authorities were given the responsibility to look after the internees and "may require such prisoners to do and perform such work as may be by them prescribed"; and
11. in order for an alien enemy to be naturalized he requires a certified registrar's certificate confirming that he is registered and so evidence that the registrar approves his application for naturalization.

There were a number of changes made to the terms of the proposed Order in Council included as part of the Minister of Justice's Report. Some were of a clerical nature while others were substantive. The clerical changes included adding a "t" or "r" which had not been typed in. The more substantive changes included:

1. "alien enemy" was changed to "alien of enemy nationality";
2. in the second introductory paragraph "alien enemy of both classes" was changed to "aliens of both classes" – presumably to indicate that there were both alien friends and alien enemies;
3. adding to paragraph four after the words "Canada Gazette" – "of a proclamation designating such city, town or place as one wherein a registry office is to be established under this ordinance.";
4. adding to the end of the draft paragraph seven – "Any alien of enemy nationality 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
5. the most significant change – changing the word "shall" to "may" in paragraph seven. Allowing someone's freedom after they sign an Undertaking to be permissive instead of imperative.

Significant Changes to Current Status

This regulation set in place several new requirements.

The most significant change from the conditions which had been in place in Canada for approximately 10 weeks was the forced registration of every alien of enemy nationality living within or

20 miles thereof of any designated location (reporting already required if an alien of enemy nationality was forced to sign a Proclamation Undertaking).

This OC also provided the government with the power to establish a country-wide system of registration offices, the appointment of Registrars with quasi-judicial powers, the issuance of exeat certificates providing aliens of enemy nationality the ability to leave Canada, and permitted wives and children of internees to accompany them into internment and the need for a registrar's certificate as part of the naturalization process. The legal status of the internees was also clearly stated – they were to be considered prisoners of war.

Text and Offences – P.C.2721

P.C. 2721 sets out a number of offences which an “alien of enemy nationality” could commit and which could result in sanction. Prior to concluding that an offence has been committed pursuant to this ordinance, the prosecutor or constable must “pick out the elements in the definition” of the offence and determine whether legally he can prove the offence.⁴³ As we shall see from a few examples included in this paper, the unfortunate situation developed that this requirement seemed to be little understood and rarely adhered to.

Section one authorizes the Minister of Justice to designate any number of places where registration offices shall be established. The authority to appoint a Registrar of Alien Enemies remained with Cabinet.

Section two was a command and administrative section placing the Registrars under the direction of the Chief Commissioner of Dominion Police to whom they shall report. Although each Registrar could hire staff, their appointment must be approved by the Minister.

Section three explained the quasi-judicial role of the Registrars as they were to examine each alien of enemy nationality, collect certain data from them and record that information in a book.

Sections four and eight work together to create offences – failing to register, refusing to answer truly any questions, and, failing to report as required.

To successfully prosecute the offence of failing to register the prosecutor had to prove that the accused:

1. was an alien;
2. of enemy nationality;
3. residing;
4. or being within any of the cities, towns or places (have to prove the city limits)
5. so designated by the Minister pursuant to section one of this ordinance;
6. or living within 20 miles of that place;
7. did not attend within one month of the proclamation that the place had been designated a registration centre;
8. or if he had just moved to a designated registration place to reside he has to register within seven days; and
9. or he finds himself within a designated registration place – if he comes for a visit or looking for work he must register the day he arrives or within seven days even if not planning to live there.

⁴³ Arthur E. Popple, *Justices' and Police Manual 2nd ed.* (Toronto: The Carswell Co., Limited, 1920) 195

The offences begin in section four and included failure to provide:

1. First offence – their nationality;
2. Second offence – their age;
3. Third offence – their residence;
4. Fourth offence – their occupation;
5. Fifth offence – information about their family;
6. Sixth offence – their intention or desire to leave Canada;
7. Seventh offence – if leaving, their destination;
8. Eighth offence – liability and intention as to military service (if they were reservists);
9. Ninth offence – any other information which may be lawfully put to him.

Section five allows an alien of enemy nationality to leave Canada only with an exeat issued by a Registrar. The Chief Commissioner may also grant or cancel the exeat. This section creates the tenth offence as no alien of enemy nationality shall be permitted to leave Canada without this exeat.

Section six outlines the process by which the Registrar determines when an exeat can be issued including consideration as to whether the recipient will “materially assist” the enemy.

Section seven explains that when the Registrar does not permit the person to leave Canada, he may allow them to remain at large but only after they confirm that they will comply with “the laws and customs of the country”. This would be subject to their monthly reporting to the Chief of Police of the city or neighbourhood where he is registered. If the alien of enemy nationality does not agree to comply with the laws and customs of Canada he will be interned as a prisoner of war. The Registrar also had the obligation to report to the local Chief of Police, the names and addresses of those who he had allowed to remain free. The test to determine if someone was to be interned which the Registrar had to apply in every case was whether in the Registrar’s judgment public safety was at risk.

Section eight set out when one had to register. This section also set out that if an alien of enemy nationality refused or failed to answer truly any of the Registrar’s questions or he failed to report (section seven) or failed to observe any conditions placed on his liberty, he could be prosecuted or interned.

Section nine allowed for his wife and children to accompany an internee.

Section ten tasked the Military with the responsibility for looking after the internees as prisoners of war and authorized the Military to require the internees “to do and perform such work as may be by them prescribed.”

Section 11 required a Registrar’s certified certificate confirming registration for any alien of enemy nationality who applied for naturalization (amended by P.C. 1493 removing this requirement for the seven cities where registration centres had closed).

After the amendments set out in P.C. 2920 this OC included:

Section seven allowing the Registrar to have those who remained at liberty to report to him instead of the Chief of Police. He could now require them to report more frequently than once a month, and included a form of an Undertaking to be executed by aliens of enemy nationality who remained at large.

Section eight set out that the one month period in which to register only began when a registration office was established.

Section 12 was a new section and provided for those who had sworn an Oath of Allegiance or Armenian Christians did not have to register.

Enforcement and Enforcement Issues – P.C. 2721

Two days after Cabinet approved P.C. 2721 and pursuant to the powers granted to him by section one, the Justice Minister submitted a report to Cabinet requesting Cabinet approve the proclamation of his designation of cities where registration offices would be established. Doherty listed Sydney, Nova Scotia; Montreal, Quebec; Ottawa, Fort William and Welland in Ontario; Winnipeg, Manitoba; Regina, Saskatchewan; and Calgary and Edmonton, Alberta as the first designated sites of registration offices.

This Minister’s Report prompted Cabinet to pass P.C. 2758 on 31 October 1914 and the first location was Montreal, Quebec.

Over the next several weeks, the Cabinet fulfilled its obligation by appointing registrars for all of the cities designated by Doherty except for the Town of Welland, in Ontario’s Niagara Peninsula. The other cities on Doherty’s list were proclaimed as cities where registration offices for alien enemies would open.

City	Registration Proclamation	Registrar Appointed
Sydney, Nova Scotia	Nov. 5, 1914	Nov. 3, 1914
Montreal, Quebec	Oct. 31, 1914	Oct. 31, 1914
Ottawa, Ontario	Nov. 14, 1914	Nov. 14, 1914
Fort William, Ontario	Nov. 6, 1914	Nov. 7, 1914
Winnipeg, Manitoba	Nov. 6, 1914	Nov. 6, 1914
Regina, Saskatchewan	Nov. 5, 1914	Nov. 4, 1914
Calgary, Alberta	Nov. 5, 1914	Nov. 4, 1914
Edmonton, Alberta	Nov. 5, 1914	Nov. 4, 1914

After the initial designations and appointments the following cities were also designated:

City	Registration Proclamation	Registrar Appointed
Toronto, Ontario	Nov. 12, 1914	Nov. 12, 1914
Victoria, British Columbia	Nov. 14, 1914	Nov. 14, 1914
Brandon, Manitoba	Nov. 20, 1914	Nov. 20, 1914

The combination of the Undertaking system pursuant to the 15 August 1914 proclamation and the P.C. 2721 Undertaking proved to be effective.

In early February, 1915, American Consuls across Canada wrote the Minister of Justice advising that as the Government of the United States was in charge of German, Austro-Hungarian and Turkish interests in Canada, they would like to have a comprehensive survey completed of the subjects of these countries in order that they could advise those governments as to the amount of money needed for the relief of their nationals.⁴⁴

In partial response to this and inquiries of other American Consuls, General Otter prepared a listing of Prisoners of War who had signed an Undertaking at 24 different cities and towns across Canada.

Of the 11 cities designated as registration centres, Otter did not provide the information for Fort William, Edmonton, Regina and Brandon. For the other seven centres – there were a total of 23,376 Undertakings signed. For the other 17 locations on the list including Campbelltown, N.B., Cornwall, Ontario, Fernie B.C., Halifax, Owen Sound, Ontario, Quebec City and Sault Ste. Marie – a total of 771 had signed Undertakings, for a total of 24,147. Of this amount, 21,701 were identified as Austro-Hungarian, 2,290 as German, and 256 Turks.

P.C. 2194 (Appendix C)

Legislative History

In accordance with the powers given to Cabinet pursuant to the War Measures Act, an OC approved 20 September 1916 and introduced Canada to an even more comprehensive and draconian reporting regime.

There were two amendments – P.C. 2521 passed 14 October 1916 (Appendix C [2]) and P.C. 2815 passed 15 November 1916 (Appendix C [3]). The first amendment added an additional definition to who was a “Chief Officer of Police” (it now included the principal officer of the force exercising authority in Manitoba along the international border) while the second amendment changed offences from being punishable under Part XIV of the Criminal Code to being punishable under Part XV of the Code a clerical error as suggested in the Minister’s Report.

This OC was repealed by P.C. 1908 on 5 August 1918. A significant event and date for many.

Minister’s Report

A review of Doherty’s Report supporting this new OC indicates that there were only three changes made to that report’s version of the OC.

The only significant change to the final version of the OC was the addition of the phrase “who has no permanent place of residence or abode in Canada”. This phrase was handwritten into the first line of the final version. Despite this limitation as to who must register and report, a review of criminal records shows that this aspect was largely disregarded and thousands of aliens of enemy nationality, mostly Ukrainians were illegally charged.

⁴⁴ LAC, Justice Minister fonds, Vol. 191, File 328, Calgary Consul Samuel C. Reat letter to Minister of Justice, 10 February 1915

The two other amendments changed paragraph 9 to read “any peace or military officer” instead of “any military or police officer” which expanded the number of government appointed officials who could ask the alien of enemy nationality to produce a certificate of parole. The last amendment was in the Undertaking form correcting a clerical error of by adding the words “he is” to the Undertaking - “that **he** is subject to compliance with the requirements of the law...”

What is interesting to note and provides us with insight into the government’s reason for this new law was the Minister’s inclusion in the package of documents going to Cabinet of a 29 August 1916 memo prepared by Sgt. J. Fraser of the Dominion Police for his Commissioner.⁴⁵

The subject of this memo was “Paroled Prisoners of War failing to report” and recommended the introduction of a reporting system to compel those who have been paroled to report. Fraser advised that “experience has shown that failure to report amongst the Austrian element is usually due to ignorance, and that a warning from a Police Magistrate or Official is usually effective in preventing recurrence of the offence.” He suggested that it be an offence for a paroled prisoner not to report, or “fail to notify such officer of his departure from or arrival at any town or city in Canada.” All three of these suggestions were included in the OC. When Cabinet considered his third suggestion they made it even more restrictive as the alien of enemy nationality would have to not only notify but seek permission to depart from one place to another.

Fraser also reflected on the penalty for these offences. Considering his reason for the failure to report, he advised that a warning should be the punishment for a first offence with imprisonment for subsequent offences. The government did not agree with his suggestion of a warning for a first offence, but left it up to the discretion of the judge or JP with a maximum of \$500 fine and/or 6 months in jail for all offences.

He concluded this memo by stressing the importance of publicity to ensure that aliens of enemy nationality to “understand the consequences of failing to report.”

Significant Changes to Previous Regulation

This new law required all aliens of enemy nationality who were living or being in any part of Canada with no permanent place of residence or abode to report and register with the local police. The previous registering requirement was only for those living in designated cities or within 20 miles of them.

Although reporting monthly was a condition carried over from P.C. 2721, aliens of enemy nationality were now required to request permission if they wanted to move from place to place. It was a requirement of the alien of enemy nationality to also ensure that the police granting permission of movement signed the endorsement page of the document which he had to have on him.

Upon arrival in the new location, the person was to report to the police in that new location and have them endorse the document.

It was also the individual’s responsibility to ensure that he carried the documents with him at all times and to be prepared to present them to any peace or military officer who asks that they be produced. They had to carefully preserve the Certificate of Parole.

⁴⁵ LAC, Privy Council Orders in Council Report fonds, R.G. 2, Vol 3696

Text and Offences – P.C.2194

This OC established 17 different offences and the penalty included a fine of up to \$500 or jail of up to six months or both.

You were guilty of a summary conviction offence under Part XIV of the Criminal Code (later changed to Part XV) if you committed any one of the following offences:

1. Section 1;
 - a. First offence – you were required to report to and register with the chief officer of police where you were living by 15 October 1916 being within the 20 days after 25 September 1916, the date the law came into place;
 - b. Second offence – if you did not provide the chief officer of police with your name,
 - c. Third offence - age,
 - d. Fourth offence - place of residence,
 - e. Fifth offence – nationality, and;
 - f. Sixth offence - occupation, and
 - g. Seventh offence - answer any other questions asked by the police you found yourself violating this new law. One of the questions which you would have to answer was why you were in Canada. After reporting and if you answered the questions put to you by the police, you would be issued a Certificate of Parole;
2. Section 3:
 - a. Eighth offence – you were required to “carefully preserve” the Certificate of Parole;
 - b. Ninth offence – carry it with you at all times; and
 - c. Tenth offence – produce the certificate for inspection at any time as required by a peace or military officer;
3. Section 4:
 - a. Eleventh offence – you could not leave the city, town, village, county or district where your parole certificate was issued without first appearing before the police chief who issued it; and
 - b. Twelfth offence – telling him the reason for your wanting to leave that place; and
 - c. Thirteenth offence – telling him the name of the place where you intended to go; and
 - d. Fourteenth offence – answer any question put to you by the police about anything related to any of these aspects of this section;
4. Section 6: Fifteenth offence – immediately upon arrival at your destination you were required to physically go and report to the chief officer of police at the destination;
5. Section 7:
 - a. Sixteenth offence – you had to report monthly and in person to the police who issued the certificate of parole; or
 - b. Seventeenth offence – report to the police of the place to which you had received permission to travel at the same interval.
6. Section 8: Eighteenth offence - if you wanted to leave the place to which you had been granted permission to travel you needed to report to the police for that place and in the same manner ask for permission to leave and obtain the endorsement upon your certificate;
 - a. Section 9 penalty section sets out how you can commit these offences by (1) refusing to do any of these things; (2) failing to do any of these things; (3) neglecting to do any of these things; and (4) if you refused, failed or neglected to produce and submit the certificate of parole to a reasonable inspection of it when required by any peace or military officer.

A “chief officer of police” is defined as including the chief officer of police, chief constable or principal peace officer of any municipality. Where there is no municipal organization or officer in

Alberta, Saskatchewan, the North West Territories and Yukon Territory the principal office of the RNWMP is considered the “chief officer of police”. In Registrars of Alien Enemies of Montreal and Winnipeg were designated the chief officer of police. The definition does not include the chief of police in both those centres.

Enforcement and Enforcement Issues – P.C. 2194

A review of thousands of Alberta criminal cases from the First World War confirms that questionable decision-making by the police and the JPs was the earmark of early Alberta justice leading to violations of individual civil liberties.

One expects that a future thorough review of cases in Canada’s other provinces the same issues will arise in those jurisdictions.

My review of these Alberta cases identifies three main issues related to registration and reporting offences:

1. failing to properly complete a charge form;
2. a lack of understanding of the law; and
3. a lack of awareness of when a law was repealed and a new one was in place.

The Canadian Criminal Code and court decisions “contain directions insisting very strongly upon the necessity of giving the accused reasonable information as to the particulars of the offence with which he is charged.”⁴⁶ There was and is a legal requirement when someone is charged with an offence that the person knows what they are charged with and many of the reviewed cases may not have survived a court challenge.

There were forms which were completed in a way to allow the accused to know what the charge was. One such example was a charge which read “Being an Alien Enemy. fail to report to the police of the district in which he reside. contrary to the provisions of Order in Council No. 2194 of September 20th 1916. (sic)”⁴⁷ This was prepared by a Cpl. William Allen of the Grande Prairie, Alberta detachment of the Alberta Provincial Police.

Unfortunately, other charges often read “Failing to Report Contrary to the War Measures Act.”⁴⁸

A more systemic issue was the fact that the police and JPs did not understand that a charge under P.C. 2194 required that the accused have “no permanent place of residence or abode in Canada”.

Only one Information and Complaint form was found where the arresting constable, Thomas Hidson of the APP typed in that “John Brosda” was of “No fixed abode” (sic). Many other forms indicate that the JP was aware that the accused had a residence.

John Brosda was charged with a section 6 offence – “... being an Alien enemy fail to report at his destination. Contra of Sec 6 of Order in Council No 2194. Sep 20th 1916. Ottawa (sic).” On 27 July 1918, Constable Hidson, swore the Information and Complaint before JP Frank Beaudry, that Brosda committed the offence the day before in Morinville. The accused was found and served with the Information and Complaint in Cardiff (a hamlet located less than 2 kilometres east of Morinville, some 15 kilometres north of Edmonton).

On the day of Brosda’s hearing the constable swore the following: “From information received I found the accused in Cardiff on 27 July 1918, being an Alien Enemy I asked him to produce his

⁴⁶ *R. v. Trainor*, (1916) Can. C.C. 232, 237. A sedition case heard before the appellate division of the Supreme Court of Alberta where the question arose as to sufficiency of the information of the offence notice

⁴⁷ PAA, Alberta Attorney General fonds, Acc. # 83.1, file 6741

⁴⁸ PAA, Alberta Attorney General JPs and Magistrates fonds, Acc. # 72.369, box 2, file 44 a charge from Taber, Alberta which resulted in a \$15 fine and \$3.00 costs

Certificate of Parole which he did and asked him why he had not reported to the Police in Morinville. He replied “I thought it was alright, So this man is continually defying this law in this respect I arrested him & brought him to Morinville.”

Based upon this information and no indication that Brosda was represented by a lawyer, the accused was found guilty, fined \$25 and had costs in the amount of \$8.35 (JP received \$1.60, the Court received \$2, the arrest documents cost him \$1.50 and mileage in the amount of \$3.25 [25 miles @ 13 cents]) were awarded against him.

Hundreds of other forms indicate in the JP’s handwriting a city, town or village where the accused lived. Some JPs wrote in other details such as “he only lives 6 miles from Andrew” in the case of Mike Cholak of Nawala, Alberta.⁴⁹

Occasionally, the same JP who would disregard the residence aspect of this law for dozens if not hundreds of others would find an accused not guilty. On August 10, 1918 in the court at Andrew, Alberta, JP George Woolley found Harry Slotsky not guilty and noted “Having been informed that as long as he remained on his homestead he did not have to report he having been on his homestead 5 years and being frozen and he had to look for work to keep his 5 children this winter.”⁵⁰

One of the more glaring examples of the total disregard of the law by police and a Police Magistrate was Nick Koltyka’s case.⁵¹

An inspector of the newly established APP received a telephone call on 27 May 1917 that a man was behaving in a strange manner in a hotel in Leduc, Alberta and was believed to be insane. The inspector dispatched a detective and a constable by car to investigate and found Nick Koltyka was the man who had caused a disturbance. It was discovered that he was an unnaturalised Austrian and he had not registered. Apparently as there was no evidence of insanity, the inspector instructed the detective to charge Nick with neglecting to register as he was an alien enemy. Koltyka was taken before Police Magistrate Barclay the next morning “and pleaded guilty to contravention of Order in Council of Sept., 1915.” He was sentenced to three months jail where he was incarcerated from 29 May, 1917 until released 27 August, 1917.⁵² This was Nick’s first offence. He was married, 29 years of age, working as a miner, was born in Austria and was a Roman Catholic. During his incarceration he was sent to the Ponoka Asylum on 5 July, 1917 but there was no indication in the jail register how long he stayed there.

Crime Report No. 431, which sets out the circumstances of this crime, confirms that Nick Koltyka should not have been charged with this offence as it indicates a permanent residence. “This man has a homestead on N.E. ¼ Sec. 34-48-2-W.5th. He came to Canada five years ago from Austria, and has never attempted to register.”⁵³

The Police Magistrate, indicated that perhaps it would be enough to allow Koltyka to register without any further punishment.

The inspector objected to this suggestion perhaps revealing his true motivation in the next statement in his report. He objected to the magistrate’s suggestion because he was of the opinion that the RNWMP who had had the responsibility for ensuring the registration and reporting of alien enemies west of Leduc had not done a good job, “and that the only way to impress the Alien Enemies in this country with the seriousness of their position is to punish the offenders in such a manner as to discourage the breaking of the Order in Council.”⁵⁴ The APP had just taken over policing responsibilities from the

⁴⁹ PAA, Alberta Attorney General JPs and Magistrates fonds, Acc. # 72.369, box 3, file 111

⁵⁰ PAA, Alberta Attorney General JPs and Magistrates fonds, Acc. # 72.369, box 3, file 89

⁵¹ PAA, Alberta Provincial Police (APP) fonds, Acc. # 66.158, file 1272D

⁵² PAA, Fort Saskatchewan Jail fonds, Register, Acc. # 68.0029

⁵³ PAA, APP fonds, Acc. # 66.158, file 1272D. Crime Report No. 431, 29 May, 1917

⁵⁴ *Ibid.*

RNMWP a few months before and criticism about the government's decision to replace the RNWMP with the APP was mounting.

The APP inspector not only had the incorrect date of the OC but he did not understand, even in his own words, that the law did not apply to this man. Perhaps his motivation of one-upmanship trumped his duty "to protect – not to oppress the public" as Popple reminds constables of their duty.⁵⁵

Thousands of Alberta residents found themselves charged with not having registered or not having asked for permission to leave one location for another. The penalty was usually a fine ranging mostly from \$5 to \$25 plus costs. Infrequently, the penalty was just parole (told to report regularly) and sometimes the fine was as high as \$100 (section 9 allowed a fine of up to \$500.). Costs also tended to vary from none to \$8.00 to be paid to the JP, to the police officer, to the court, and to interpreters, if any.

Of most concern is how many charges were laid after this OC was repealed. That could be case of Harry Slotsky, who was found not guilty on 10 August, 1918 of violating P.C. 2194 which had been repealed five days earlier on other grounds than it was no longer the law.⁵⁶

The same day, 10 August, 1918, Nikolaj Odynak also appeared before JP Woolley charged with "being and alien and failing to report". (sic) He was charged pursuant to the "Order in Council dated Sept. 29, 1918." Unfortunately for Nikolaj, he pleaded guilty and was fined \$5 with \$6 costs. If he did not pay the fine he would be put in jail for 21 days at Hard Labour. Not only did the JP have the OC's date and year wrong, he accepted a guilty plea for an offence that did not exist.

Some constables and JPs were aware of the change in the law as there were charges pursuant to the provisions of P.C.1908, however, a significant number of P.C. 2194 charges continued to be laid as late as December, 1919. One such example is that three individuals, S. Zaharuk, J. Nazuk and J. Partuk were charged by Det. F. Lobb and found guilty of an offence under OC 2194 on 9 September, 1918 by Inspector Chaney (in his capacity as a JP).⁵⁷

One of the great shortcomings of the administration of justice was that those sitting in judgment did not know the law. A review of the Alberta Deputy Attorney General's records for the war years finds many requests for copies of various laws.

On 6 December 1916, JP A.E. Keith of Chauvin, Alberta asked for a copy of a book explaining the Criminal Code to "help such ignorant JP as I and many others. The latest edition is a fine one that is more in line and would help me in handling some of these cases which are very confusing."⁵⁸

P.C.H. Primrose, one of the more JPs wrote the Alberta Deputy Attorney General on 19 December 1917 asking for copies of Dominion Statutes.⁵⁹

Many of Canada's newspapers kept their readers abreast of how the laws were being enforced in their communities through a Police Court column. A review of these columns provides a glimpse into how the people appearing in court were introduced to the paper's readership.

A good example of this comes for the Edmonton Journal of 9 October, 1918:

⁵⁵ Arthur E. Popple, *Justices and Police Manual* (2nd edn, Carswell Co. 1920) 81

⁵⁶ PAA, Alberta Attorney General, JPs and Magistrates fonds, Acc. # 72.369, box 3, file 89. Provisions of the *Interpretation Act* dealing with repeals of act or enactments would not save these charges as a review of the records show that the charges were usually laid the day before or the day of the hearing.

⁵⁷ PAA, Alberta Attorney General, JPs and Magistrates fonds, Acc. # 69.210 file 1123/JP Vol 2 Pennefather.

⁵⁸ PAA, Alberta Attorney General, JPs and Magistrates fonds, Acc. # 69.210, box 91, file 1420/JP Keith

⁵⁹ PAA, Alberta Attorney General, JPs and Magistrates fonds, Acc. # 69.210, box 17, file 12.

An Austrian named Joe Zaporosan, appeared before his worship charged with being an alien enemy failing to report. Joe lives at Hay Lake, and when he decided to come to Edmonton overlooked the formality of acquiring the necessary permission to travel. In his own defence he stated that he was not quite sure what he was required to do before moving from one place to another and anyway he had just had time to catch his train and did not bother making very extensive inquiries. As a consequence of his indifference he will be free from the worry of the high cost of living for the next month, which he will spend at the government's hostelry (jail) at Fort Saskatchewan (*sic*).⁶⁰

A review of the court documents in *Rex v. Zaporosan* provides an interesting insight into the administration of justice of P.C. 2194 in one of Canada's newest provinces.

This particular file has been chosen as it:

1. is an example of a man who was wrongfully charged and convicted of an offence he did not commit as he had a permanent residence or abode, namely Edmonton as seen by his repeated reporting to the Edmonton Police Department with occasional visits outside of Edmonton;
2. is a good example of either a P.C. 2194 section 4 offence (leaving a place where you have been issued the Certificate without permission) or a section 8 offence (leaving the place to which he has permission to go to without first obtaining the endorsement on his certificate);
3. the two documents referred to in the OC as schedules are not only included in the court record but, show various endorsements and authorizations on both the Certificate of Parole (Appendix C [3]) and the Endorsement page (Appendix C [4]) indicating the impact which this regulation had on the freedom of movement of tens of thousands of people;
4. he had a history of reporting regularly and yet was found guilty and sentenced to jail for one month although without hard labour, an element which was regularly applied to jail sentences in Alberta;
5. he hired a lawyer and his conviction and sentence were quashed by a higher court; and
6. the Edmonton Journal reporter was in court the day of this man's conviction and sentencing and provided a most entertaining recount of the court proceedings.

As Zaporozan registered with the police on 27 September 1917, it would appear from his Certificate of Parole that he did not comply with the section 1 registering provision as he did not register within the 20 day reporting requirement of this section. As this new law was published in the Canada Gazette on 25 September 1916 he is deemed to have had notice of this new law – whether or not he read the Canada Gazette or even knew of its existence.⁶¹ From the information on his certificate, he complied with four of the five elements of the second aspect of section as the Certificate indicates:

1. his name - Joe Zaporozan (although he is charged as "Zaporozen"),
2. age (36);
3. place of residence (Edmonton); and
4. nationality (Austrian).

⁶⁰ *Edmonton Journal* (Edmonton, 9 October 1918) 2

⁶¹ The Canada Gazette is still published today. Each province has their own Gazette. A new law is deemed to be known by everyone once it has been published in the Gazette.

He seems not to have completely complied with all of the information requirements as his occupation is not noted on the Certificate, although if he had not answered the questions put to him by the Edmonton Police he would probably not have been issued a Certificate.

It is interesting to note that there is a registration number on this Certificate - A707. This would have been assigned to this man by the Edmonton Police Department's Department of Alien Enemies which kept a ledger of those who had registered with them.

Based upon the information from the Certificate of Parole and the Endorsement schedule, Zaporozan reported regularly.

The first stamp applied to the Certificate indicates that he reported the same date he was issued the certificate – 26 September 1917. What is unclear is whether he reported personally as required by the law or he reported by letter. Just below the date stamp there is a handwritten notation – “O.K. by letter” with an authorized representative initials applied thereafter.

The following is a summary of the various endorsements on these two documents:

Date	Action	Comments
Sep. 26, 1917	Registered.	s. 1 compliance
Oct., 1917		s. 7 violation – did not complete monthly reporting.
Nov., 1917		S, 7 violation – did not complete monthly reporting.
Dec., 4, 1917	Reported at Edmonton	s. 7 compliance (monthly reporting)
Jan. 11, 1918	Reported at Edmonton	s. 7
Feb. 11, 1918	Reported in Edmonton	s.7
Mar. 7, 1918	Reported in Edmonton	s.7
Apr. 6, 1918	Reported in Edmonton	s.7
Apr. ?, 1918	Permission to travel Edmonton to Kahrom through Lamont	s. 4 (when leaving go to police) and s. 8 (written endorsement) compliance.
	Arrival in Kahrom	s. 6 violation - did not report in Kahrom. If he did report it was his obligation to ensure the endorsement was placed on his Certificate (s. 9 neglecting to do anything in the OC)
	Depart Kahrom	s. 8 violation. Did not secure permission to leave Kahrom.
	Arrival in Edmonton	s. 6 violation – did not report upon arrival in Edmonton.
May 11, 1918	Reported in Edmonton	s.7 – regular monthly reporting.
Jun. 11, 1918	Reported in Edmonton	s. 7 compliance
Jun. 12, 1918	Permission to travel Edmonton to Chipman	s. 4 and s. 8 compliance.
Jun 13, 1918	Reported to Chipman P.O. (Post Office)	s. 6 (upon arrival report) compliance. Signed by T. H. MacLennard, Asst. Postmaster.
Jun. ?, 1918	Permission to travel Chipman to Edmonton	s. 4 and s.8 compliance. Signed by T.H. MacLennard, Asst. Postmaster.

Jul. 11, 1918	Reported in Edmonton	s. 7 compliance
Aug. 7, 1918	Permission to travel Edmonton to Pocahontas.	s. 4 compliance
Aug. 8, 1918	Permission to go to Hot Springs.	Signed by W.F. James (warden).
Aug., 1918		s. 7 violation (monthly reporting at the new place)
Sep. 13, 1918	Reported at Hot Springs.	s. 7 compliance (monthly reporting at new place). Signed by JP, Ralph James.
		s. 8 violation (permission to travel from Hot Springs) Do not see authorization to travel from Edmonton to Hot Springs.
Sep 21, 1918	Permission to travel Pocahontas to Edmonton	s. 4 and s. 8 compliance.
Sep. 23, 1918	Reported at Edmonton.	s. 6 compliance.
Sep. 28, 1918	Reported at Edmonton.	s. 7 compliance
Sep. 28, 1918	Permission to travel Edmonton to Hay Lake	s. 4 and s. 8 compliance.

Based on this review of his record of reporting his movements, Joe Zaporozan could have been charged several additional times, more specifically after arriving and then departing from Kahrom and then arriving in Edmonton. There is also the question as to where he spent August, 1918. There is a five week interval between being granted permission to travel to Hot Springs and reporting to Hot Springs. Not completing his monthly reporting requirement and not having permission to leave Hot Springs remains unendorsed. Even if he had secured verbal confirmation for any of these departures, he could still be charged pursuant to sections eight and nine – he neglected to secure the endorsement on his certificate.

Additional anomalies appear which may have lulled him into a false sense of security about how flexible the police would be. This conclusion is drawn from the fact that one, the Edmonton Police department indicated that it is “OK” for him to report by letter, two, someone other than a chief officer of police could authorize his movement that being a warden, an Assistant Post Master or a JP.

Section 10 defines who a Chief of Police Officers may be and JPs, Assistant Postmasters and Wardens were not included in that definition although the certificate indicates that in Chipman and at Hot Springs these are the people who granted permission to travel without him being charged.

Despite a history of regular reporting and several previous transgressions of P.C. 2194, Zaporozan was found guilty and imprisoned for one month – a rather harsh penalty as there was no indication from the court record that this was anything but a first offence. A short transcript of his trial indicates that the JP advised him that it was no excuse to say he didn’t know what he needed to do.

Zaporozan immediately applied for and was granted bail in order for a lawyer to file an appeal. Pursuant to the order of Judge Crawford the charge was quashed and he awarded Zaporozan \$35.00 costs against the Crown, specifically against the Edmonton Police Department detective - Det. Lane.⁶² Court records indicate that this case was, in the opinion of Alberta’s Attorney General “hardly important enough to instruct anyone” and no one appeared for the Crown on the day of the appeal.⁶³

⁶² PAA, Attorney General fonds, Acc. # 72.26, Box 24, file 1768

⁶³ *Ibid.*, handwritten note from ERG to Browning (Alberta Deputy Attorney General) on a letter from Deputy Clerk of the Supreme Court to Deputy Attorney General, 19 October 1918

As this new law was only to apply to aliens of enemy nationality who did not have a permanent place of residence or abode, the Crown, as represented by the police or, in the rare exception, the Crown Attorney had to prove that the person being charged with a P.C. 2194 offence was without a permanent residence or abode. A review of hundreds of detailed criminal records shows the police seemed either unaware of this requirement or disregarded this element of the offence as charge after charge provide an address of the person being charged, in some situations the actual street address.

A good example of both the fine and costs being at the higher end of the range is found in the case of *Rex v. G. Samsol*.

Based upon the notes added to the front of his charge sheet, George Samsol from Marlboro, Alberta, was born in Germany on 17 October 1878 at Kleinger and had been in Canada since 24 May 1912. He was a married man but was not living with his wife and three children. He was charged by a member of the APP, David H. Felker, with failing to register as an alien enemy on or before 25 September 1918. Despite a guilty plea (which in today's criminal courts is accepted as a sign of remorse by the court with oftentimes a lesser sentence than after a trial) he was fined \$50 and had to pay costs.

P.C. 1908 (Appendix D)

Legislative History

This OC was introduced by the Minister of Justice on 31 July 1918. His request was considered the same day and approved by Cabinet on 8 August 1918.

It was amended on 27 January 1919 via P.C. 159 (transfer of authority of registration of aliens of enemy nationality from Chief Commissioner of Dominion Police to Comptroller, RNWMP).

This OC was further amended by P.C. 2072 approved 10 October 1919 which rescinded the prohibition on aliens leaving Canada or the imposition of restrictions or conditions of their leaving Canada.

P.C. 1908 continued in force until 31 December 1919 when it was repealed by P.C. 2465 approved 20 December 1919.

Minister's Report

A Minister's Report dated 13 July 1918 was submitted to Cabinet.⁶⁴

A comparison of the wording of this Report to the OC's text published in the Canada Gazette on 5 August 1918 indicates that except for some minor wording changes, the OC's preamble and text mirror the Report's information.

The Minister of Justice's Report recommended the repeal and replacement of the previous 1916 OC - P.C. 2194 for a number of factors which had arisen as a result of the enforcement of the previous regulations. Doherty commented that:

1. "it is deemed expedient" for all aliens of enemy nationality over 16 years of age to register and conform to this new regulation and not just those who did not have a permanent residence;

⁶⁴ LAC, Privy Council fonds, R.G. 2, Orders in Council Report, Vol. 3771, File 4

2. registrants should not need to register either if they are only transiting through a location or are staying someplace less than 24 hours;
3. there are no chief officers of police in the unregistered territories where an alien could register;
4. all aliens are required to register including some who are now considered to be friendly aliens;
5. prosecution for leaving one province for another province without permission is becoming an issue as only the first province has the right to prosecute;
6. there seemed to be widespread non-compliance with the law requiring everyone male to be “regularly engaged in some useful occupation” and there was a need to control their travel;
7. many aliens of enemy nationality have failed to register or do not ask permission prior to travelling, their movement needs to be further controlled;
8. provincial police departments have been established and they need to be included as part of this process and submit their reports monthly to the Dominion Police;
9. there are many parts of the country which are only serviced by postmasters and do not have a police presence.

Significant changes to previous regulations

The most significant change is the requirement that all aliens of enemy nationality over 16 years of age register and comply with this new regulation. No longer was there an exemption for an alien of enemy nationality who had a permanent residence.

As indicated earlier in our review of the P.C. 2194, practically speaking for the tens of thousands of Ukrainians, Germans, Turks and other ethnic groups across Canada, this seeming significant change had little impact as they were already being forced to register. This was often after many a homesteader or others who had a permanent address were charged and convicted with either, not registering, not regularly reporting or not asking permission to travel.

A second significant change was the fact that when someone came in to the police office requesting permission to leave the place they were at, in addition to having the officer satisfy themselves that it was not against the public interest to allow that travel, the alien of enemy nationality had to prove that he had been employed in a useful occupation for 20 of the 30 days prior to his application to leave.

Outside of formalizing the position of Postmaster in the registering and reporting process and making it a criminal offence for ticket agents, conductors and other agents of railway or steamship companies to either sell a ticket or to provide transport to does not provide evidence of a permission to travel, the remainder of the changes all dealt with changing conditions in Canada which affected the registration process.

Text and Offences - P.C. 1908

This regulation contains 14 new sections and added five new forms to the registration and reporting process. Its preamble includes the Minister’s Report and repeals the previous OC – P.C. 2194 from 20 September 1916.

The 14 sections lay out new processes of registration and establish several criminal offences:

1. section one mirrors the previous OC’s criminal offences:
 - a. first offence – if you are seventeen years of age and older you have to report within 20 days unless you have previously registered and reported;
 - b. second offence – if you do not provide the chief officer of police of the city, town, village, county or district where you either reside or are found in with your name;

- c. third offence – with you age;
 - d. fourth offence – with your place of residence;
 - e. fifth offence – with your nationality;
 - f. sixth offence – your occupation;
 - g. seventh offence – with any other information related either to the above or why you are in Canada.
2. section two gives the chief officer of police two roles – the first as a judicial officer and the second, a more administrative role. As a judicial officer, the chief officer of police first has - to satisfy himself that if it is not against public interest to release the person who has come in to register. He can also decide to intern the person. If he decides to release the registrant then as an administrative officer he “shall” give that person a Certificate of Parole in accordance with the format included in the regulation (Schedule A). In his continuing role as an administrative officer, the chief officer is then required to send a monthly report to the Chief Commissioner of the Dominion Police in accordance with Schedule C of the regulation.
3. Section three provisions carry over from P.C. 2194 in that it is the registrant’s responsibility to:
- a. eighth offence - carefully preserve the Certificate of Parole;
 - b. ninth offence – carry it at all times; and
 - c. tenth offence – produce it for inspection at any time when required by a peace officer or military officer
4. Section four requires:
- a. eleventh offence – not leave the place where the Certificate of parole was issued without;
 - b. twelfth offence – going to the police who issued the certificate;
 - c. thirteenth offence – telling him the reason for leaving;
 - d. fourteenth offence – the place where he is going.
5. Section five places the chief officer of police again into a quasi-judicial role as he first needs to satisfy himself that it is not against the public interest to grant the permission to leave and if he comes to that conclusion he “shall” write his permission on the Schedule B document – the Endorsement and specify the place that the alien enemy is permitted to travel to. The chief officer of police then assumes an administrative function to submit a monthly return of these permissions.
6. Section six allows the chief officer of police to refuse to permit an alien enemy to leave unless he shows that he is regularly engaged in some useful occupation and has been so employed for 20 of the 30 days prior to his application to depart.
7. Section seven introduces a new penalty not against the alien of enemy nationality, but against “ticket agents and conductors of railway or steamboat companies or other officers” for:
- a. fifteenth offence – selling a ticket or providing transportation to “any alien of enemy nationality who does not produce first the Certificate of Parole with the Endorsement completed indicating the grant of permission to travel.
8. Section eight grants some flexibility to an alien traveller in that while enroute, he no longer needed to report at any place where he stayed at for less than 24 hours, however, when he arrived at this destination it was an offence to:
- a. sixteenth offence – not report immediately to the police at his destination; and

b. seventeenth offence – not report at a place if he was staying there 24 hours or longer even if it was not his final destination.

9. Section nine also grants some flexibility to an alien of enemy nationality worker if, once he is granted permission to travel, arrives at a place where there is no chief officer of police he does not need to report to anyone as long as he continues to work at the place to which he was granted permission. There is an offence if:

- a. eighteenth offence – when he returns to the place where he was granted the permission to travel but does not report; or
- b. nineteenth offence – if he leaves the place of employment and then travels to a place which does have a chief of police and he does not report if he stays 24 hours or more in that place;

10. Section 10 –

- a. twentieth offence – if he fails to report monthly to the chief officer of police who issued his Certificate of Parole;
- b. twenty-first offence – if he fails to report monthly to the chief officer of police at the place where he has been granted permission to travel to;

11. Section 11 lists the various classes of aliens who may be exempted by the chief officer of police from reporting monthly:

- a. aliens of enemy nationality 50 years of age and older;
- b. aliens of enemy nationality who are “maimed or crippled so as to render them unfit for any military service;
- c. Czechs or members of the Bohemian National Alliance;
- d. Turkish subjects who are by race Greeks, Armenians, Syrians or of other community well known as opposed to Turkish regime and of Christian faith.

12. Section 12 – requires the alien of enemy nationality to follow the reporting rules of the previous sections with respect to asking permission to leave one place for another and to ensure that he receives an endorsement on the Certificate of Parole indicating that permission;

13. Section 13 – if the alien of enemy nationality refuses, fails or neglects or if those involved in the Canadian transportation system fail to do what is required of them the punishment is jail up to six months and/or a fine of up to \$500 under Part XV of the Criminal Code by summary conviction. This section also clarifies that a like penalty may be imposed for the offence of not producing the certificate of parole for inspection by a peace or military officer. It also indicates that if someone leaves a place without permission then that charge can be heard at any place where he may be and that it is within the jurisdiction of the court where he is apprehended to hear that offence.

14. Section 14 adds to the list of those who are considered chief officer of police members of the provincial police forces within their area of jurisdiction. It also provides the authority for the local postmaster to record the reports of aliens of enemy nationality if no police officer is located within a five mile radius of the postmaster.

Enforcement and Enforcement Issues – P.C. 1908

A review of criminal records in Alberta shows that offences under the previous OCs (for not securing written permission to leave one jurisdiction for another) were being tried not where the offence was committed but where the alien of enemy nationality now found themselves. Section 13 corrected this

error and allowed the court in the jurisdiction where an alien of enemy nationality is found who had left another jurisdiction without permission to be charged and tried for the offence committed someplace else. This provision may have been included as a result of feedback from the various provincial Attorneys-General.

Some examples of these out of jurisdiction charges include a charge against John Andros who appeared before JP George Woolley in Andrew, Alberta on the charge of “being an alien enemy did leave Regina without the permission Reg. No 4. of order in council 2194” (sic).⁶⁵ Heard 26 January 1917, he was fined \$9 and assessed costs in the amount of \$9 (2 JP - \$5, Interpreter – \$2, Constable attending court - \$1, Warrant - \$1).

In August, 1917, JP Pinkley heard three cases in Blairmore, Alberta on similarly worded charges. John Stemchuk was charged for not having permission to leave Vancouver, George Kajan and Joseph Janik were charged with having left Fort William, Ontario without having their P.C. 2194 Endorsement, Schedule B indicating permission to leave Fort William. All three were found guilty, fined \$4.50 and had \$4.50 cost awarded against them.

The Alberta Provincial Police charged George Kolach of Cripsdale, Alberta with unlawfully travelling from Gowan, Saskatchewan to Alberta in the fall of 1917 without “first getting a permit from the police as provided in Sec 6 Order In Council of September 20, 1916.” (sic) JP John McLachlan sitting in court in Clyde, Alberta accepted Kolach’s guilty plea fining him \$5 and awarding \$2 costs against him. In default of payment of the fine he could sit 14 days in gaol.

A few days after P.C. 1908 came into effect one of the most profound indictments of the registration and reporting system was stated by C.J. Mickle⁶⁶, a lawyer from Chesley, Ontario.⁶⁷

On 12 September 1918 Mickle began his letter to the Minister of Justice asking “as to what it is necessary to do in the case of aliens of enemy nationality who are quietly pursuing their occupation and giving strict obedience to our laws.”

He was writing about a situation involving a number of men who were born in Germany and who had lived in Canada for 20 to 40 years. Mickle advised that these men had registered under P.C. 2194 of 20 September 1916 and that he had advised the Chief of Police of Chesley as to the required procedure in issuing them Certificates of Parole.

He brought to the Minister’s attention a situation which had occurred just after P.C. 1908 having been put into place. While he was at the Hanover, Ontario court he:

learned of some of the most extra-ordinary proceedings which I have ever heard of in a British country. It seems that a Military Policeman of the name of Russel and an assistant suddenly swooped down on the Town of Hanover, peremptorily arrested peaceful citizens there, hustled them into motor cars, rushed them off to

⁶⁵ PAA, Attorney General Justice of the Peace fonds, GR 69.210, Box 97, file 550/JP Woolley, Vol. 2, 1916 Statement, Form A

⁶⁶ Charles Julius Mickle was born January 21, 1860, was called to the Bar on September 8, 1885 and practiced law until he passed away in November, 1929. He served as the Junior Judge of the Essex County Court from 1908 until he resigned on January 14, 1909. Law Society of Upper Canada Archives, Ontario Bar Biographical Research Project, Database Search Report.

⁶⁷ LAC, Justice Department fonds, RG 13, Vol. 227, File 2011

Mr. Tolton, a Justice of the Peace in the neighbouring county of Bruce, and, without giving them a chance to make a defence or secure Counsel, fined them \$250 and costs, and then sent them back to Hanover to extol the principle of British justice.

He continued and advised the Minister:

The methods employed are calculated to destroy confidence in our administration of justice. How the magistrate at Walkerton acquired jurisdiction to deal with an offence, if such it could be called, which took place in another county I do not know but if the object of the proceedings was to bring British justice into disrepute it has certainly been fully attained.

Mr. Mickle further indicated that no one from the County Judge on down knew anything of the contents of the OC as there was no publicity and no notice appeared in the press. He finished his letter asking that the Minister investigate this matter and ensure that justice is done for all the parties concerned.

Not waiting for a response, Mickle investigated the matter further and wrote the Minister on 14 September 1918, advising him that as the solicitor for the Town of Chesley, he found the OC and confirmed that P.C. 1908 gives the Chief of Police the power to issue Certificates of Parole. Mickle's next few lines seem to indicate some confusion as he states "I understand that there is a proclamation, which I saw in Hanover, which deals with a case of alien enemies as distinguished from aliens of enemy nationality, and these have to give an undertaking."

The Minister responded to Mr. Mickle by sending him a copy of the OC and advising him that he could not understand why the Military Police were involved with the enforcement of the alien enemy regulations. Doherty further advised him that "it has not been the practice to advertise these (regulations) in the newspapers, the Canada Gazette being the official organ of publication."⁶⁸ Doherty did not go into the difference between alien enemies and aliens of enemy nationality.

The final letter on this file was from the Assistant Deputy Minister of Justice advising Mickle that the department could not find his initial letter, sent him a copies of P.C. 2194 and P.C. 1908 and advised that "I do not know of any Proclamation dealing with the case of alien enemies as distinguished from aliens of enemy nationality."⁶⁹

On 26 September 1918, a Lutheran pastor from Debig, Ontario, C.F. Christian, posed four questions to the Minister of Justice about his new law. Apparently one of his parishioners had written the Chief Commissioner of the Dominion Police and was advised that every alien who could not produce a naturalization certificate would have to register.⁷⁰

The pastor's questions were about (1) the status of the oath of allegiance some had previously sworn to be allowed to vote in an election, (2) that having voted and considered themselves citizens do they still need to register, (3) would their registration as aliens have an impact upon their property holdings, and (4) can they now obtain their citizenship papers. This letter may have been driven in part

⁶⁸ *Ibid.* letter Doherty to Mickle, 28 September 1918

⁶⁹ *Ibid.* letter DM to Mickle, 2 October 1918

⁷⁰ LAC, Justice Department fonds, R.G. 13 A2, Vol. 227, file 214.

by reference to the Oath of Allegiance in P.C. 2721 from 1914 where those who had sworn allegiance within certain circumstances were not required to register.

Instead of providing the usual response and suggesting that they speak to their own lawyer, these questions must have posed a number of interesting legal issues for the Deputy Minister of Justice who provided a detailed response. He advised the pastor that “persons of alien birth do not acquire the status of British citizens by taking an oath of allegiance” and as they remained aliens, those over 16 and less than 50 and not infirm would need to register and report; that “the registration of aliens does not affect their property rights”; and that no they could not become naturalized during the continuance of the war.

Postmasters

The issue of the role of postmasters has come up several times in a review of various files in various collections.

An early indication of the postmaster’s authority to act as part of the aliens of enemy nationality registration and reporting scheme can be found in a the Chief Commissioner of Dominion Police Memorandum dated 12 November 1915.⁷¹ Sherwood wrote to Chief Constables:

It has been arranged with the Deputy Postmaster General, that Aliens of Enemy Nationality who are living some considerable distance from a police officer or other official to whom they have been reporting, or are required to report to, may in future do so in person to the nearest Postmaster who will in turn advise the office (in writing) to whom the Alien should otherwise report, and the latter official will in turn notify this office. This is calculated to reduce the hardships attending this requirement to a minimum without impairing efficiency.

This memo was preceded by a notice provided to postmasters in the October, 1915 Monthly Supplement to the Canadian Official Postal Guide published by the authority of the Postmaster General.⁷²

(3) Reports of Aliens to be made to and by Postmasters. – It is desired by the Chief Commissioner of Dominion Police at Ottawa that aliens shall report to the local Postmasters, and that the Postmasters shall in turn report to the nearest Chief of Police, at intervals of say once a month.

In view of the condition of affairs at the present time, all Postmasters are instructed to co-operate with the Police in every way possible, in order to meet the wishes of the Chief Commissioner of the Dominion Police; and to comply with any requests which they may receive from the Police along the lines indicated. Any expense to Postmasters which this may involve, such as postage and envelopes for their reports will be borne by the Dominion Police, and a statement of such expenses should be sent once a Quarter direct to the Chief Commissioner of Dominion Police in Ottawa.

After the formalization of the postmaster’s role in section 14 of P.C. 1908, one practical aspect of this role was raised in correspondence between the Post Office Department and the Justice Department’s Military Service Branch in late 1918.

On 24 November 1918, a note from the Post Office Inspector in Moose Jaw, Saskatchewan to the Post Master General was forwarded to the Chief Commissioner of the Dominion Police for a response.⁷³

⁷¹ Archives Of Ontario, Ontario Provincial Police War Undertakings fonds, R.G. 23-26-63-B222939

⁷² PAA, Deputy Attorney General fonds, Acc.# 66.166, box 158, file 1272

Apparently the Postmaster in Kendal Station, in south eastern Saskatchewan, was charging aliens of enemy nationality 25 cents for signing their cards. Sherwood advised the inspector that this charge “is entirely a contravention of the Act, there being no fee whatever allowed for this purpose and it seems to me that any Postmaster or other official doing this is not very patriotic.”

Sherwood went on to explain that the reason this power was extended to Postmasters “was that it is felt a considerable hardship on aliens, who might live miles from a Police Officer, to compel them to go that distance every month to report...” (sic) He also advised the inspector that the Deputy Postmaster General had agreed to this authority and that the Kendal postmaster may have opened himself up to prosecution.

After a hastener letter from the Post Office Department dated 10 December 1918 to the Justice’s Military Service Branch, a memo was prepared by J.A. Ritchie of the department, which emphasized that the regulation casts no duty upon the postmaster to render this service as the regulation uses the word “may” and not “shall”. The Justice memo concludes that no offence has been committed as it would be a strain of interpretation to apply s. 158 of the Criminal Code (the acceptance of gifts by officers) or under section 99 of the Post Office Act (accepting money above his government salary and allowances). As the postmaster was asked to take on a duty entirely unrelated to the work of a postmaster, section 164 of the Code would not apply either.

The recommended course of action was to inform him that what he did was highly improper, that he should return the collected fees and not collect any more fees. If he refuses to do this then he should be dismissed. The Deputy Minister of Justice closed the file by advising the Post Office Department that no prosecution would be advisable, leaving it up to the Post Office Department to determine the appropriate disciplinary action to take.

This situation was similar to what had happened under the previous OC just prior to P.C. 1908 being passed.

An APP police officer and two local JP were investigated as a result of a complaint that the aliens of enemy nationality were required to make payments when they did their monthly reporting.

Detective Matz of the APP was asked to report on this situation.⁷⁴ Matz identified 23 men who had been fined before JP Morton and Haverliuk in Mortonmoor, near Andrew, Alberta. Between 29 June 1918 and 15 July 1918 these men had been fined \$13.00 each. He reported that he had interviewed all 23 men or their wives or parents and was advised that when they received their parole certificates they had paid the money. The majority of them had to report monthly. “The majority of them state that William Haverliuk read off some papers (a paragraph they called it) and that it would cost them about \$25.00 each, that he, Haverliuk, had decided with Morton and the police to fine them \$13.00 each.” Morton collected the money and the policeman gave them their certificates of parole and told them where and how they were to report. All the parole cards were signed by the police officer, F. Varzari.

The investigation continued and in a letter from the Superintendent to the Commanding Officer of the A.P.P. dated 17 October 1918, it is noted that Det. Matz’s investigation also revealed that “unless the people reporting at Andrew donate a dollar or two to the Red Cross, their monthly register will not be

⁷³ LAC, Justice Department fonds, R.G. 13, Vol. 1938, file 2651

⁷⁴ PAA, A.P.P. Personnel records, Acc. # 72.215/368, Box. 8, Varzari. Report of 3 October 1918

accepted. Will you kindly call upon Const. McWilliams of Andrew for an explanation as all donations must be voluntary.”

The same day the Superintendent sent a copy of Matz’s report to the Alberta Deputy Attorney General and commented that “re: the alleged defrauding of alien enemies at Mortonmoor, which appears to be a regular proceeding on the part of Messrs. Morton and Hawreliuk, JPs, at Mortonmoor, and in which Const. Varzari of this force is apparently implicated.”⁷⁵ No immediate action was taken except to speak to the JPs and constable involved.

Amendment of P.C. 1908

With the end of the war, the issue of organizational resources and costs became more critical. Particularly relevant for our current review is P.C. 3075 which became law on 12 December 1918 allowing the RWNMP to recruit to the allowable strength and assigned certain duties to them.

This OC authorized the RNWMP to recruit up to 1,200 members and make it the only federal police force west of a boundary line which included Northern Ontario. These duties included:

1. enforcing federal laws;
2. patrolling and protection of the International Boundary Line;
3. enforcement of all War Measures Act OCs for the protection of public safety; and
4. aid and assist the civil powers in the preservation of law and order.

P.C. 3075 was passed on the basis of a Minister’s Report submitted by the President of the Privy Council, Newton Wesley Rowell. He later was the lawyer who successfully argued the Person’s Case before the Privy Council in London.

One of the reasons for passing this OC was to allay any fears in the minds of the public or of the Force’s Members as to the permanency of the force. This point particularly affected the potential recruitment of members due to developments such as the increased presence and responsibilities of the Dominion Police and the establishment of two new provincial police forces in Alberta and Saskatchewan.

After this OC was put into place, on 31 December 1918 Rowell wrote E.L. Newcombe, the Deputy Minister of Justice, a personal note expressing his concern of hearing of a news report in the Regina Post indicating that the Dominion Police would be expanding their strength in the west and that 30 new Dominion Police members were already appointed. In the absence of both the Minister and the Acting Minister of Justice, Rowell sent Newcombe a copy this OC. The Dominion Police reported to Newcombe.

On 2 January 1919, Newcombe wrote Rowell advising him that he had instructed the Acting Chief Commissioner to withdraw his forces from the areas covered by the OC. He also added “I may say that if there has been any conflict in this it is due to the fact that the Order-in-Council of 12th December was not communicated to me, and I had no knowledge of it until recently.”

One could understand that in the pre-Christmas time period with the war having just ended there might be issues which are missed, but for the Deputy to whom the Dominion Police reported not to have had been included in the decision seems a great oversight. This begs the question what other government decisions were to be made or had been made with one or another Deputy not being part of the discussions.

⁷⁵ *Ibid*, letter Superintendent to Deputy Attorney General, 17 October 1918

Shortly afterwards, in a 5 January 1919 memo to the Justice Department, the Acting Chief Commissioner of Dominion Police wrote asking whether the salaries and expenses which they had been bearing with respect to alien enemies should now properly be with the RNWMP. The Acting Chief Commissioner wrote, “we are still paying expenses of alien register offices in Winnipeg, Edmonton, Calgary and Brandon. Should these now be transferred to the Mounted Police? We have also expenses at Montreal and Toronto which of course are not covered by the O.C.” Montreal and Toronto were not included as new areas of responsibility in P.C. 3075 as the RNWMP responsibilities included expansion in the western provinces and that part of Ontario covered by Military District 10 (west of Port Arthur).

Within the week, the Deputy Minister of Justice asked his staff to review P.C. 1908, identifying the sections which specifically referred to police duties. These sections included sections 1, 2, 4, 5, 8, 11, and 14. At the same time as directing his staff to pay the accounts related to alien enemy expenses the Deputy also directed them to prepare a draft report for Cabinet transferring the Chief Commissioner’s duties and the alien enemy registries to the RNWMP.

By 27 January 1919, the decision was made to amend P.C. 1908 transferring control of the alien enemy registries and the Chief Commissioner’s responsibilities set out in P.C. 1908 from the Chief Commissioner to the RNWMP in British Columbia, Alberta, Saskatchewan, Manitoba and the area of Military District 10 in Ontario (Northern Ontario).

Concluding comments

In 1919, the editor of The Canadian Law Times wrote that one redeeming feature of the Great War was “that its terrific strain puts a vital test on every bolt and rivet in our political, financial, commercial and social machinery.” He made no mention of how the administration of justice in Canada were put to as equal a test and failed.

Although the Canadian government indicated that it was taking a benevolent position with respect to alien enemy issues by easing their financial hardship or allowing them to report to a postmaster instead of to a police officer, there is a fundamental flaw in these positions. This stems from the fact that the Canadian legal system was ill prepared to deal with interpreting these laws in hundreds of cities, town, villages and hamlets across Canada.

A review of thousands of criminal law files reveals that the two people with whom citizens would have most contact when facing a violation of the law, the police and the Justices of the Peace, were ill-prepared to understand what they were enforcing. Most JPs were not legally trained. Both they and the police seemed not to be able to read what the law clearly stated.

As a result, thousands of Canadian residents, a significant majority of them of Ukrainian ethnic background, found themselves either pleading guilty to or being found guilty of charges of which they were innocent. They were then unnecessarily burdened by a criminal record. Some commentators noted that it was not until the late 1920s that the Ukrainians’ fear of the police and judicial officials had greatly diminished. What may be more surprising is that it only took that long considering the pressure these invited aliens of enemy nationality were placed under during the war years.

War Measures Act Registration and Reporting Orders in Council

	15 AUG 14 PROCL.	P.C. 2721	P.C.2194	P.C. 1908
--	-----------------------------	------------------	-----------------	------------------

Registration Req'd	Yes	Yes	Yes	Yes, unless already registered.
Reporting Req'd	Yes	Yes	Yes	Yes
Targeted population	All alien enemies.	Aliens in designated cities or within 20 miles.	All aliens without a permanent residence or abode in Canada.	Every alien enemies older than 16.
Register with whom	Militia, police and others designated.	Registrar.	Chief Officer of Police where they live.	Chief officer of police
Reporting to whom	Designated Officials.	Yes, monthly to Chief of Police of designated city.	Monthly, more frequently if required or when leave location. Chief Officer of Police where they live or where they travel to. Registrar of Alien Enemies in Montreal and Winnipeg.	Yes, monthly
Exceptions to reporting requirement	Depends on Undertaking requirement.	Depends on Undertaking requirement.	Permanent residence or abode in Canada.	If previously registered, if 50 years old or over, those unfit for military service, Czechs, Bohemian National Alliance members, Turkish subjects who are Greeks, Armenians, Syrians, or others opposed to the Turks and being of Christian faith.
Decision-maker	Militia, police and other designated.	Registrar.	Chief Officer of Police, peace or military Officer. Registrar of Alien Enemies in Montreal and Winnipeg.	Chief officer of police, Post Master, Registrar of Alien Enemies in Montreal and Winnipeg.
Locations	Across Canada.	Designated Cities or within 20 miles.	Across Canada.	Across Canada.
Other People affected	None	Wife and children.	None	None
Penalty Internment	Yes.	Yes	Yes	Yes
Fines	No.	Yes	Yes	Yes
Jail	Yes – detained.	Yes	Yes	Yes
Additional powers given to Minister	None.	Yes, designate locations, confirm Registrar's staff.	No	No
Additional powers	None.	Yes, designate Registrars	No	No

given to Cabinet				
Additional powers given to others	Comm. Of Dom. Police can designate officials.	Yes, registrars, police.	No	Post Masters.
Documentation issued	Prisoner report by authorized official.	Register book, Exeat, Undertaking (after amendment).	Undertaking, Endorsement, register.	Certificate of Parole, Endorsement, Return of Aliens of Enemy Nationality not previously registered, Monthly Report.
Impact on other rights	No	Yes naturalization.	No	Ticket agents and conductors of transportation companies.
Amendments	P.C. 2072 (1919)	P.C. 2920 (1914) P.C. 1493 (1915) P.C. 2072 (1919) P.C. 2465 (1919)	P.C. 2721 (1916) P.C. 2815 (1916) P.C. 1908 (1918)	P.C. 159 (1919) P.C. 2072 (1919) P.C. 2465 (1919)
Appeal available	No	No	No	No

AUGUST 22, 1914.

617

ARTHUR.
[L.S.]

CANADA.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in any wise concern,—GREETING :

A PROCLAMATION.

W. STUART EDWARDS, } WHEREAS a state of Acting Deputy Minister of } war exists between Justice, Canada. } the United Kingdom of

Great Britain and Ireland and the German Empire, and between the United Kingdom of Great Britain and Ireland and the Austro-Hungarian Monarchy ;

AND WHEREAS certain instructions have been received from His Majesty's Government in connection with the arrest and detention of subjects in Canada of the German Empire and of the Austro-Hungarian Monarchy and particularly of those who attempt to leave Canada ;

AND WHEREAS there are many persons of German and Austro-Hungarian nationality quietly pursuing their usual avocations in various parts of Canada, and it is desirable that such persons should be allowed to continue in such avocations without interruption,—

Now Know YE that by and with the advice of Our Privy Council for Canada, We do by these presents proclaim and direct as follows :

1. That all persons in Canada of German or Austro-Hungarian nationality, so long as they quietly pursue their ordinary avocations be allowed to continue to enjoy the protection of the law and be accorded the respect and consideration due to peaceful and law-abiding citizens ; and that they be not arrested, detained or interfered with, unless there is reasonable ground to believe that they are engaged in espionage, or engaging or attempting to engage in acts of a hostile nature, or are giving or attempting to give information to the enemy, or unless they otherwise contravene any law, order in council or proclamation.

2. THAT

(a) All German or Austrian or Austro-Hungarian officers, soldiers or reservists who attempt to leave Canada ;

(b) All subjects of the German Empire or of the Austro-Hungarian Monarchy in Canada, who 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 ; and

(c) All subjects of the German Empire or of the Austro-Hungarian Monarchy in Canada engaged or attempting to engage in espionage or acts of a hostile nature, or giving or attempting to give information to the enemy, or assisting or attempting to assist the enemy, or who are on reasonable grounds suspected of doing or attempting to do any of the said acts ;

be arrested and detained.

3. That in addition to and without affecting the power already vested in the militia in that behalf power to effect the arrest and detention of all or any person or persons coming within any of the classes mentioned in paragraph (2) hereof be vested in the Chief Commissioner and the Commissioners and constables of the Dominion Police Force ; the Commissioner, officers and constables of the Royal North West Mounted Police ; and such other persons as may be authorized so to do by the Chief Commissioner of Dominion Police.

4 That such authorities and officers mentioned in paragraph (3) hereof, or the militia, be authorized to release any such person so arrested or detained as aforesaid of whose reliability 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 German an Austro-Hungarian

Subject ; I now in consideration of my exemption from detention as a subject of Germany, Austria-Hungary, do hereby undertake and promise that I will report to such official and upon such terms as the Canadian authorities may from time to time prescribe ; that I will carefully observe the laws of the United Kingdom of Great Britain and Ireland and of Canada and such rules as may be specially laid down for my conduct ; that I will strictly abstain from taking up arms and from doing any act of hostility towards the Government of this Country, and that, except with the permission of the officer under whose surveillance I may be placed, I will strictly abstain from communicating to anyone whomsoever any information respecting the existing war or the movements of troops, or the military preparations which the Authorities of Canada or Great Britain may make, or as respects the resources of Canada, and that I will do no act that might be of injury to the Dominion of Canada or the United Kingdom of Great Britain and Ireland and the Dominions and possessions thereof.

Dated this day of 1914.

WITNESS,

5. That any such person so arrested and detained as aforesaid, of whose reliability the officer or authority making the arrest is not satisfied, or who refuses to sign such undertaking, or having signed same fails to abide by its terms, be interned by such authorities and officers or militia according to the usages and laws of war in such place as may be provided by the militia, and that if it be deemed necessary that guards be placed on persons so interned, such guards be furnished by the active militia of Canada on the request of such authorities or officers to officers commanding divisional areas and districts

6. That all such authorities and officers or militia who may exercise any of the powers above mentioned be directed to report in each case to the Chief Commissioner of Dominion 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.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely beloved Uncle and Most Faithful Counsellor Field Marshal His Royal Highness PRINCE ARTHUR WILLIAM PATRICK ALBERT, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom); Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha ; Knight of Our Most Noble Order of the Garter ; Knight of Our Most Ancient and Most Noble Order of the Thistle ; Knight of Our Most Illustrious Order of Saint Patrick ; one of Our Most Honourable Privy Council ; Great Master of Our Most Honourable Order of the Bath ; Knight Grand Commander of Our Most Exalted Order of the Star of India ; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George ; Knight Grand Commander of Our Most Eminent Order of the Indian Empire ; Knight Grand Cross of Our Royal Victorian Order ; Our Personal Aide-de-Camp ; Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of OTTAWA, this FIFTEENTH day of AUGUST, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By Command, THOMAS MULVEY, Under-Secretary of State.

THE CANADA GAZETTE.

AUGUST 15, 1914.

ARTHUR.
[L.S.] CANADA.

GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern.—GREETING :—

A PROCLAMATION.

W. STUART EDWARDS, } WHEREAS a state of
Acting Deputy Minister of } war exists between
Justice, Canada. } the United Kingdom of
Great Britain and Ireland and the German Empire ;

AND WHEREAS there are many immigrants of German nationality quietly pursuing their usual avocations in various parts of Canada, and it is desirable that such persons should continue in such avocations without interruption,—

Now KNOW YE that by and with the advice of Our Privy Council for Canada, We do by these presents proclaim and direct as follows :

1. Such persons so long as they quietly pursue their ordinary avocations shall not be arrested, detained or interfered with, unless there is reasonable ground to believe that they are engaged in espionage, or attempting to engage in acts of a hostile nature, or to give information to the enemy, or unless they otherwise contravene any law, order in council or proclamation ;
2. All German officers or reservists attempting to leave Canada at any port on the Atlantic or on the Pacific shall be arrested and detained ;
3. Precautions shall be taken at all important points such as Halifax, St. John, Quebec, Montreal, Kingston, Toronto, Niagara, Hamilton, London, Windsor, Sarnia, Sault Ste. Marie, Port Arthur, Fort William, Winnipeg, Regina, Moose Jaw, Calgary, Lethbridge, Revelstoke, Sicamous, Mission Junction, New Westminster, Vancouver, Victoria and any other similar points in the discretion of the Minister of Militia, to prevent German officers or reservists from leaving Canada for the purpose of entering the United States and thence proceeding to Germany, and any such officers or reservists making any such attempt shall be arrested and detained.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely beloved Uncle and Most Faithful Counsellor Field Marshal His Royal Highness PRINCE ARTHUR WILLIAM PATRICK ALBERT, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom), Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha ; Knight of Our Most Noble Order of the Garter ; Knight of Our Most Ancient and Most Noble Order of the Thistle ; Knight of Our Most Illustrious Order of Saint Patrick ; one of Our Most Honourable Privy Council ; Great Master of Our Most Honourable Order of the Bath ; Knight Grand Commander of Our Most Exalted Order of the Star of India ; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George ; Knight Grand Commander of Our Most Eminent Order of the Indian Empire ; Knight Grand Cross of Our Royal Victorian Order ; Our Personal Aide-de-Camp ; Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of OTTAWA, this SEVENTH day of AUGUST, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By Command,
THOMAS MULVEY,
Under-Secretary of State.

ARTHUR.
[L.S.] CANADA.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in any wise concern,—GREETING :

A PROCLAMATION.

W. STUART EDWARDS, } WHEREAS a state of
Acting Deputy Minister of } war exists between
Justice, Canada. } the United Kingdom of
Great Britain and Ireland and the Austro-Hungarian
Monarchy ;

AND WHEREAS there are many immigrants of Austro-Hungarian nationality quietly pursuing their usual avocations in various parts of Canada, and it is desirable that such persons should continue in such avocations without interruption,—

Now KNOW YE that by and with the advice of Our Privy Council for Canada, We do by these presents proclaim and direct as follows :

1. Such persons so long as they quietly pursue their ordinary avocations shall not be arrested, detained or interfered with, unless there is reasonable ground to believe that they are engaged in espionage, or attempting to engage in acts of a hostile nature, or to give information to the enemy, or unless they otherwise contravene any law, order in council or proclamation ;
2. All Austro-Hungarian officers or reservists attempting to leave Canada at any port on the Atlantic or on the Pacific shall be arrested and detained ;
3. Precautions shall be taken at all important points such as Halifax, St. John, Quebec, Montreal, Kingston, Toronto, Niagara, Hamilton, London, Windsor, Sarnia, Sault Ste. Marie, Port Arthur, Fort William, Winnipeg, Regina, Moose Jaw, Calgary, Lethbridge, Revelstoke, Sicamous, Mission Junction, New Westminster, Vancouver, Victoria and any other similar points in the discretion of the Minister of Militia, to prevent Austro-Hungarian officers or reservists from leaving Canada for the purpose of entering the United States and thence proceeding to Austria-Hungary, and any such officers or reservists making any such attempt shall be arrested and detained.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely beloved Uncle and Most Faithful Counsellor Field Marshal His Royal Highness PRINCE ARTHUR WILLIAM PATRICK ALBERT, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom), Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha ; Knight of Our Most Noble Order of the Garter ; Knight of Our Most Ancient and Most Noble Order of the Thistle ; Knight of Our Most Illustrious Order of Saint Patrick ; one of Our Most Honourable Privy Council ; Great Master of Our Most Honourable Order of the Bath ; Knight Grand Commander of Our Most Exalted Order of the Star of India ; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George ; Knight Grand Commander of Our Most Eminent Order of the Indian Empire ; Knight Grand Cross of Our Royal Victorian Order ; Our Personal Aide-de-Camp ; Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of OTTAWA, this THIRTEENTH day of AUGUST, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By Command,
THOMAS MULVEY,
Under-Secretary of State.

NOVEMBER 7, 1914

1391

[2591]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Saturday, the 17th day of October, 1914.

PRESENT :

HIS ROYAL HIGHNESS THE GOVERNOR
GENERAL IN COUNCIL.

THE Committee of the Privy Council have had before them a report, dated 8th October, 1914, from the Acting Minister of the Interior, stating that by Order in Council of 15th June, 1914, the necessary authority was granted for the sale of the north half of the south west quarter of Section 18, Township 27, Range 21, west of the Fifth Meridian, to James Wallace Conner, of Golden, British Columbia; that a clerical error occurred in the name of the person to whom the above mentioned land is to be sold; that the purchaser's correct name is John Wallace Conner, and not James Wallace Conner,—

The Minister, therefore, recommends that Order in Council of the 15th June, 1914, be amended by substituting the name John Wallace Conner for James Wallace Conner.

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

17-4

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

[2721]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Wednesday, the 28th day of October, 1914.

PRESENT :

HIS ROYAL HIGHNESS THE GOVERNOR
GENERAL IN COUNCIL.

THE Committee of the Privy Council have had before them a report, dated 28th October, 1914, from the Minister of Justice, stating that it is expedient and necessary to take measures to prevent espionage and also to prevent alien enemies in Canada who are likely to render effective military assistance to the enemy from returning to the enemy's service, and to provide for the proper supervision and control of such aliens as may be so prevented from leaving Canada, and the detention under proper conditions and maintenance where required of such said aliens as it may be found necessary to intern as prisoners of war, and that it is likewise desirable considering the lack of opportunity for employment that aliens of enemy nationality who are not likely to add to the strength of the enemy's forces and who desire and have the means to leave the country be permitted to do so;

The Minister observes that it is considered probable that aliens of both classes will be found grouped in particular localities, principally within or in the immediate neighbourhood of the large cities and towns,—

The Minister, therefore, recommends that it be enacted by the Governor in Council under the authority of The War Measures Act as follows:—

(1) One or more offices of registration shall be established in such cities, towns and other places as may be from time to time designated by the Minister of Justice, and an officer shall be appointed by the Governor in Council for each of the offices so established who shall be called "Registrars of Alien Enemies."

(2) The Registrars shall be under the immediate direction of the Chief Commissioner of Dominion Police who shall exercise general supervision over them in the performance of their duties and to whom they shall report as may be required. The Minister shall appoint such assistants to such registrars, clerks and other officers as may be necessary for the proper carrying out of the provisions of the present order.

(3) It shall be the duty of a registrar to examine each alien of enemy nationality 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 and the names of the wife and children (if any) in Canada of every such alien and such other particulars necessary for identification of such alien of enemy nationality or otherwise as may seem advisable.

(4) Every alien of enemy nationality residing or being within any of the cities, towns or places so designated as aforesaid, or within twenty miles thereof, shall as soon as possible after the publication in the *Canada Gazette* of a proclamation designating such city, town or place as one wherein a registry office is to be established under this ordinance, attend before the registrar or one of the registrars, for the city, town or place within or near which he is or resides and truly answer such questions with regard to his nationality, age, residence, occupation, family, intention of desire to leave Canada, destination, liability and intention as to military service, and otherwise, as may be lawfully put to him by the registrar.

(5) No alien of enemy nationality shall be permitted to leave Canada without an exeat from a registrar; provided that the Chief Commissioner of Dominion Police may in any case, grant or cancel an exeat to an alien of enemy nationality who is registered.

(6) The registrar may issue an exeat to an alien of enemy nationality if satisfied upon the examination and registry that such alien of enemy nationality will not materially assist, by active service, information or otherwise, the forces of the enemy.

(7) If it appears to the registrar that any alien of enemy nationality who is not permitted to leave Canada may consistently with the public safety be suffered to remain at large, such alien of enemy nationality shall be required to declare whether or not he desires and has the means to remain in Canada conformably to the laws and customs of the country, subject to obligation to report monthly to the Chief of Police of the city where or in the neighbourhood of which he is registered. If yea, such alien of enemy nationality may be permitted his liberty, subject to the conditions aforesaid and the provisions of this ordinance. If nay, he shall be interned as a prisoner of war. The registrar shall report to the Chief of Police the names and addresses of those who elect to remain at liberty. Any alien of enemy nationality 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.

(8) If any alien of enemy nationality who is by the terms of this ordinance required to register, fails to do so within one month after publication of the proclamation referred to in section 4 of this ordinance or within seven days after the date when he shall by reason of his residence come within the description of those required to register, which ever 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 on which he is permitted to be at liberty, he shall in addition to any other penalty to which he may be therefor by law liable, be subject to internment as a prisoner of war.

(9) Where any alien of enemy nationality interned under the provisions of this order has wife or children living with and dependent on him, such wife and children shall be permitted to accompany him.

(10) Such provision as may be necessary for the maintenance of aliens of enemy nationality interned as prisoners of war shall be made by the military authorities who may require such prisoners to do and perform such work as may be by them prescribed.

(11) No alien of enemy nationality who is required to register shall be naturalized unless in addition to other requirements he produces and files with his application a duly certified certificate of a registrar that he is registered pursuant to the provisions of this ordinance, and that his application for naturalization is approved by the registrar.

The Committee submit the same for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

18-3

NOVEMBER 28, 1914.

1645

CANADA.
No. 822.

DOWNING STREET, 23rd October, 1914.

SIR,—I have the honour to transmit to Your Royal Highness, for the information of your Ministers, copies of a notice issued by the Board of Trade regarding insurance against capture of cargo in neutral vessels.

I have the honour to be,

Sir,

Your Royal Highness's most obedient,
humble servant,

(S'd) L. HARCOURT.

Governor General

His Royal Highness

The Duke of Connaught and of Strathearn, K.G.,
K.T., K.P., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E.,
G.C.V.O., &c., &c., &c.

BOARD OF TRADE ANNOUNCEMENT.

INSURANCE AGAINST CAPTURE OF CARGO IN NEUTRAL
VESSELS.

IT has been brought to the notice of the Board of Trade that British insurance companies have insured or reinsured goods shipped on neutral vessels against the risk of capture or detention by His Majesty's Government or allied governments.

The Board of Trade are advised that such contracts of insurance or reinsurance against the risk of capture or detention by Great Britain or her allies are prohibited by the law of England and they think it necessary to warn British insurance companies and underwriters against undertaking such business.

Board of Trade,
17th October, 1914.

20-3

ORDERS IN COUNCIL.

[2869]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Tuesday, the 18th day of November, 1914.

PRESENT :

HIS ROYAL HIGHNESS THE GOVERNOR
GENERAL IN COUNCIL.

WHEREAS by section 9 of The Manitoba Supplementary Provisions Act, being chapter 99 of the Revised Statutes of Canada, it is provided that on the Government of Canada receiving notice from the Government of the Province of the particular thoroughfares or public travelled roads or trails in the Province which existed as such on the fifteenth day of July, one thousand eight hundred and seventy, and which the Government of the Province desires to have transferred to the Province, the Governor in Council may pass an order directing the same to be forthwith surveyed by a Dominion Land Surveyor and thereafter may transfer such thoroughfare, public travelled road or trail, according to the plan and description thereof, to the Province, subject to any rights acquired under patents for any lands crossed thereby issued previously to the receipt of such notice ;

And whereas by order of His Honour the Lieutenant Governor of Manitoba in Council, dated 5th March, 1914, it was requested that, in accordance with the provisions of section 9 of The Manitoba Supplementary Provisions Act, that part of the old Dawson road extending from the east boundary of lot 94 in the Parish of Lorette to the east boundary of Township 8, Range 8, east of the Principal Meridian, be surveyed and transferred to the Province of Manitoba,—

Therefore His Royal Highness the Governor General in Council is pleased to consent to the survey of the said portion of this trail and, upon approval of the said survey by the Surveyor General, is pleased to order that the said portion of this trail be transferred to and vested in the Province of Manitoba, subject to any rights acquired under patents for any lands crossed thereby issued previous to the receipt of the said request.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

22-4

[2957]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Tuesday, the 24th day of November, 1914.

PRESENT :

HIS ROYAL HIGHNESS THE GOVERNOR
GENERAL IN COUNCIL.

HIS Royal Highness the Governor General in Council is pleased to order as follows :—

The exportation from Canada of graphite and rubber is hereby prohibited, under the provisions of sections 291 and 242 of The Customs Act, except to the United Kingdom and to British Possessions.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

22-4

[2920]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Friday, the 20th day of November, 1914.

PRESENT :

HIS ROYAL HIGHNESS THE GOVERNOR
GENERAL IN COUNCIL.

HIS Royal Highness in Council is pleased to order and it is hereby ordered as follows :

The Order in Council of the 28th of October, 1914, providing for registration of aliens of enemy nationality is hereby amended as follows :

1. By adding to section 7 the following paragraph :—

The Registrar may however require any alien of enemy nationality who is suffered to remain at large to report to the Registrar instead of to the Chief of Police; and, if considered expedient or necessary in the public interest, he may require that any such alien of enemy nationality shall report more frequently than once a month; and the following form of undertaking is prescribed to be executed by aliens of enemy nationality who are permitted to remain at large subject to the provisions of this ordinance :—

I, at present of
..... in the Province of
..... in the Dominion of Canada, do hereby declare that I desire to remain at large in Canada, and that I have the means to support myself; that I will in all respects conform to and observe the laws and customs of the country; that I will report to the Chief of Police of the City of
or to the Registrar of Alien Enemies of the City of
..... on the
day of each hereafter, or as may be required by the competent Canadian authorities; that I will strictly abstain from taking up arms or from any act of hostility towards the Government of His Britannic Majesty, and that, except with the permission of the officer under whose surveillance I may be placed, I will abstain from communicating to any one whomsoever any information respecting the existing war, the movements of troops, the military preparations, or the resources of Canada, and that I will not do any act or give any information that might be injurious to the Dominion of Canada, the United Kingdom of Great Britain and Ireland, or any of the Dominions or Possessions of His Britannic Majesty.

Dated the day of 19

WITNESS :

2. By adding to section 8 the following proviso :—
Provided that the said period of one month shall not, as to any locality so proclaimed, be deemed to have expired until one month after the establishment of the office of registration for the locality.

3. By adding the following section :—
12. Nothing in this ordinance shall be deemed to require any person to register or report who has taken the oath of allegiance to His Majesty under the authority of The Oaths of Allegiance Act, and who in fact holds office in His Majesty's service subject to the obligations of the said oath, or to require any Armenian Christian to register or report.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

22-3

[2107]
AT THE GOVERNMENT HOUSE AT OTTAWA.

Friday, the 8th day of September, 1916.

PRESENT :

HIS ROYAL HIGHNESS THE GOVERNOR
GENERAL IN COUNCIL.

WHEREAS by Order in Council of the 4th May, 1916, authority was granted for the reservation of certain lands comprising the Scott and Noon Creek drainage basins from homestead entry or sale, in order to prevent the possibility of the contamination of the waters of these creeks from which the city of Port Moody proposes to obtain its domestic water supply; and whereas it has since been shown that the schedule of lands accompanying the said Order in Council included certain areas which do not lie within the Scott or Noon Creek drainage basin and which it is therefore not necessary to withhold from homestead entry, sale or other disposition by the crown;

And whereas the information now available shows that there are two small areas which lie within the drainage basin of the said creeks which areas might if not reserved cause the contamination of the waters of the said streams;

Therefore His Royal Highness the Governor General in Council is pleased to order that the schedule of lands accompanying the above mentioned Order in Council shall be and the same is hereby amended by omitting therefrom *Frl. Section 36, Township 39 west of the Coast Meridian, and the W. ½ of Section 35, Township 4, Range 7, west of the 7th Meridian, and incorporating therein Frl. Section 36 and the E. ½ of Section 35, both in Township 4, Range 7, west of the 7th Meridian.*

RODOLPHE ROUDEAU,
Clerk of the Privy Council.

12-4

[The following Order in Council was first published in an *Extra of the CANADA GAZETTE*, dated the 25th September, 1916.]

[2194]
AT THE GOVERNMENT HOUSE AT OTTAWA.

Wednesday, the 20th day of September, 1916.

PRESENT :

HIS ROYAL HIGHNESS THE GOVERNOR
GENERAL IN COUNCIL.

HIS Royal Highness the Governor General in Council, pursuant to the authority conferred by The War Measures Act, 1914, is pleased to sanction and doth hereby sanction the Regulations, hereto appended, respecting aliens of enemy nationality.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

1. Every alien of enemy nationality residing or being in Canada who has no permanent place of residence or abode in Canada shall, within twenty days after the publication of these regulations in the *Canada Gazette*, attend upon the chief officer of police of the city, town, village, county or district in which such alien of enemy nationality resides or is and report to the said chief officer of police his name, age, place of residence, nationality and occupation, and truly answer all such questions as may be put to him by or on behalf of the said chief officer of police with regard to any of the matters aforesaid, or the causes or purposes of such alien of enemy nationality being within Canada.

2. The said chief officer of police shall, if satisfied that such alien of enemy nationality may, consistently with the public interest be suffered to remain at large, make out and deliver to such alien of enemy nationality a certificate of parole in the form set forth in the schedule hereto annexed, marked 'A.'

3. It shall be the duty of any alien of enemy nationality to whom is issued a certificate of parole as aforesaid to preserve the same carefully and carry it upon his person and to produce the same for inspection at any time when required by any peace or military officer.

4. An alien of enemy nationality to whom any certificate of parole shall have been issued shall not quit or depart from the city, town, village, county or district within which his certificate of parole was issued without first attending upon the chief officer of police who issued the same and declaring to him the cause or purpose of his desire to quit or depart from the city, town, village, county or district aforesaid, and the name of the place to which such alien of enemy nationality intends or desires to go, and he shall thereupon truly answer all such questions as may be put to him by or on behalf of the said officer of police touching all or any of the matters aforesaid.

5. The said chief officer of police shall, if satisfied that it is not contrary to the public interest that such alien of enemy nationality should be permitted to quit or depart from the city, town, village, county or district in which the certificate of parole was issued as aforesaid, endorse upon the said certificate of parole, in the form set forth in Schedule B hereto, notice to the effect that the said alien of enemy nationality has been duly granted permission to go to the place therein specified.

6. An alien of enemy nationality having so reported and obtained permission shall immediately upon arrival at his place of destination attend upon and report to the chief officer of police at the latter place.

7. An alien of enemy nationality having obtained a certificate of parole shall at regular intervals of one month thereafter attend upon and report to the chief officer of police who issued his certificate of parole, unless in the meantime he shall have obtained permission in manner aforesaid to remove or go to a place outside of the city, town, village, county or district within which his certificate of parole was issued, in which case he shall report at the same intervals to the chief officer of police of the place to which he has removed or gone.

8. In like manner, before any such alien of enemy nationality shall remove or go from any place at which he is for the time being obliged to report, he shall attend upon the chief officer of police for that place and report in manner aforesaid, and obtain an endorsement upon his certificate or parole in form and effect as hereinbefore required.

9. Any refusal, failure or neglect on the part of any alien of enemy nationality to observe, fulfil and comply with any requirement of these regulations shall constitute an offence punishable by summary conviction, under Part XIV of the Criminal Code, by the imposition of a penalty of imprisonment for a term not exceeding six months or a fine not exceeding \$500, or of both such imprisonment and fine; and moreover any refusal, failure or neglect on the part of any alien of enemy nationality to whom a certificate of parole has been granted to produce and submit to reasonable inspection whenever required by any peace or military officer his certificate of parole shall constitute an offence punishable in like manner by the imposition of the like penalty.

10. The expression "chief officer of police" as used in these regulations, shall mean and include the chief officer of police, chief constable or principal peace officer of any municipality, and in the Provinces of Saskatchewan and Alberta, the North West Territories and the Yukon Territory, the principal officer of the Royal North West Mounted Police exercising authority in any district for which there is no municipal organization or municipal police officer, and shall include also the successor or representative in office of any such chief officer of police as herein defined. Provided that the said expression for the Cities of Montreal and Winnipeg respectively shall mean the Registrar of Alien Enemies.

SCHEDULE A.

CERTIFICATE OF PAROLE.

This is to certify that
at present residing at
a subject, of years
of age, weight about pounds; complexion
....., is by law entitled and required to carry

this certificate upon his person and to produce it for reasonable inspection as may be required by any peace or military officer, and moreover to report monthly to the chief officer of police at and that he is subject to compliance with the requirements of the law entitled to be at liberty; provided that he shall not remove or depart from without having this certificate duly endorsed.

Dated at this day of 1916.

SCHEDULE B.

ENDORSEMENT.

The within named is granted permission to remove to where he shall report immediately and at monthly intervals to the chief officer of police for that locality.

Dated at this day of 1916. 14-2

[The two following Orders in Council were first published in an *Extra of the CANADA GAZETTE*, dated the 27th September, 1916.]

[2221]
AT THE GOVERNMENT HOUSE AT OTTAWA.

Wednesday, the 20th day of September, 1916.

PRESENT :

HIS ROYAL HIGHNESS THE GOVERNOR
GENERAL IN COUNCIL.

WHEREAS it is deemed desirable to make provision for dealing with cases of injury by collision or otherwise to H. M. ships, through the design or negligence of masters of other ships, and for the detention and punishment of seamen engaged to serve on board any British ship belonging to or chartered or requisitioned by the Admiralty, who, by absenting themselves or otherwise, are delaying the sailing of their ships,—
Therefore His Royal Highness the Governor General in Council, under and in virtue of the provisions of section six of The War Measures Act, 1914, is pleased to make the regulations following and the same are hereby made and established accordingly:—

1. If any vessel causes any injury by collision or otherwise to any ship belonging to or engaged in the service of His Majesty or to any person on board such ship, or is so navigated or managed as to cause danger of collision with any ship belonging to or engaged in the service of His Majesty, the master or other person in charge of the vessel shall be guilty of an offence against these regulations, unless it is shown that such injury or danger of collision was not caused or contributed to by any failure on his part to keep or cause to be kept a proper lookout, or to observe or cause to be observed any of the regulations for preventing collisions at sea or any regulations relating to the navigation or mooring of ships in a harbour or the approaches thereto or any of these regulations, or to take or cause to be taken any precaution required by the ordinary practice of seamen or by the special circumstances of the case.

2. If a seaman lawfully engaged in accordance with The Merchant Shipping Acts, 1894 to 1914, or The Canada Shipping Act, to serve on board any British ship belonging to or chartered or requisitioned by the Lord High Admiral of the United Kingdom, or the commissioners for executing the office of Lord High Admiral of the United Kingdom.

(a) Neglects or refuses without reasonable cause to join his ship, or to proceed to sea in his ship, or deserts or is absent without leave from his ship or from his duty at any time; or
(b) Joins his ship in a state of drunkenness so that the performance of his duties or the navigation of his ship is thereby impeded; shall be guilty of an offence against these regulations.

NOVEMBER 4, 1916.

1479

[2606]

AT THE GOVERNMENT HOUSE AT OTTAWA,

Tuesday, the 24th day of October, 1916.

PRESENT :

HIS EXCELLENCY THE ADMINISTRATOR
IN COUNCIL.

WHEREAS the regulations at present in force governing the cutting of ice for sale within Dominion Parks provide for the payment to the Department of the Interior of a royalty of two cents a ton ;

And whereas it has been represented that in cases where contracts to supply a large quantity of ice are let by tender the imposition of a royalty operates to the disadvantage of persons tendering who wish to take the ice from waters within Dominion Parks,—

Therefore His Excellency the Administrator in Council is pleased to order that the regulation in this connection, established by Order in Council of the 29th day of June, 1916, shall be and the same is hereby amended by striking out the words :—

“and in addition dues at two cents per ton shall be charged on the quantity cut.”

RODOLPHE BOUDREAU,

19-4 Clerk of the Privy Council.

[2518]

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 14th day of October, 1916.

PRESENT :

HIS EXCELLENCY THE ADMINISTRATOR
IN COUNCIL.

WHEREAS a request has been received from the Department of Indian Affairs for the setting apart for the Indians of a tract of land known as the Hole or Hollow Water Indian Reserve, selected under the provisions of Treaty No. 3, in 1884, and shown on the official plans of Townships 25 and 26, Range 9, east of the Principal Meridian, approved and confirmed on the 22nd day of February, 1915, and the 6th day of March, 1915, respectively ; containing by admeasurement three thousand five hundred and seventy-four acres, more or less ;

And whereas the said lands are available according to the records of the Department of the Interior,—

Therefore the Administrator in Council is pleased to order and it is hereby ordered that the tract of land above described be withdrawn from the operation of The Dominion Lands Act and be set apart for the purposes of the said reserve.

RODOLPHE BOUDREAU,

18-4 Clerk of the Privy Council.

[The following Order in Council was first published in an *Extra of the CANADA GAZETTE*, dated the 24th October, 1916.]

[2521]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Saturday, the 14th day of October, 1916.

PRESENT :

HIS EXCELLENCY THE ADMINISTRATOR IN
COUNCIL.

HIS Excellency the Administrator in Council is pleased to order that the regulations respecting aliens of enemy nationality sanctioned by Order in Council of 20th September, 1916, shall be and the same are hereby amended by adding at the end of No. 10 the following :—

The said expression “Chief Officer of Police” shall moreover mean and include for that portion of the Province of Manitoba adjacent to the International Boundary which is patrolled by the Royal Northwest Mounted Police, the principal officer of that force exercising authority in the district so patrolled.

RODOLPHE BOUDREAU,

18-2 Clerk of the Privy Council.

NOVEMBER 25, 1916.

1721

DESPATCHES, ETC.

CANADA.
No. 1216.DOWNING STREET,
28th October, 1916.

SIR,—With reference to my despatch No. 1014 of the 26th of October, 1915, I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of a notice issued by the Nobel Committee of the Norwegian Parliament, regarding nominations for the Nobel Peace Prize for 1917.

2. I should be glad if your Ministers would cause the conditions of the Prize to be made known to those bodies and persons who are qualified to nominate candidates.

I have the honour to be,

Sir,

Your most obedient, humble servant,

A. BONAR LAW.

The Officer Administering
The Government of Canada.

NOBEL PEACE PRIZE.

All proposals of candidates for the Nobel Peace Prize, which is to be distributed December 10th, 1917, must, in order to be taken in consideration, be laid before the Nobel Committee of the Norwegian Parliament by a duly qualified person *before the first of February of the same year.*

Any one of the following persons is held to be duly qualified: (a) Members and late members of the Nobel Committee of the Norwegian Parliament, as well as the advisers appointed at the Norwegian Nobel Institute; (b) Members of Parliament and Members of Government of the different States, as well as Members of the Interparliamentary Union; (c) Members of the international Arbitration Court at the Hague; (d) Members of the Commission of the Permanent International Peace Bureau; (e) Members and Associates of the Institute of International Law; (f) University professors of Political Science and of Law, of History and of Philosophy; and (g) Persons who have received the Nobel Peace Prize.

The Nobel Peace Prize may also be accorded to institutions or associations.

According to the Code of Statutes, §8, the grounds upon which any proposal is made must be stated, and handed in along with such papers and other documents as may therein be referred to.

According to § 3, every written work, to qualify for a prize, must have appeared in print.

For particulars, *qualified persons* are requested to apply to the office of the Nobel Committee of the Norwegian Parliament, Drammensvei 19, Kristiania.

21-3

ORDERS IN COUNCIL.

[2815]

AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 15th day of November, 1916.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL
IN COUNCIL.

WHEREAS in Paragraph 9 of the Regulations respecting aliens of enemy nationality, sanctioned by Order in Council of the 20th September, 1916, certain offences are declared punishable under Part XIV of the Criminal Code;

And whereas the said offences are punishable under Part XV of the Criminal Code;

Therefore His Excellency the Governor General in Council is pleased to amend the said Regulations by striking out XIV in the said Paragraph 9 and substituting XV therefore, and the same are hereby so amended accordingly.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

22-2

10902-1½

SCHEDULE

CERTIFICATE OF PAROLE

This is to certify that *Joe Gaporozan A. 707*
 at present residing at Edmonton, Alta. *Austrian* subject,
 of *thirty six* years of age; complexion *fair*
~~xxxx~~ Weight *160* pounds. Height *5* feet *7* inches.
 is by law entitled and required to carry this certificate upon
 his person and to produce it for reasonable inspection as may
 be required by any peace or military officer, and moreover to
 report monthly to the chief officer of police at Edmonton, Alta.
 and that he is subject to compliance with the requirements of the
 law entitled to be at liberty; provided that he shall not remove
 or depart from Edmonton, Alta. without having this certificate
 duly endorsed.

Dated at Edmonton, Alta. This *26th*
 day of *Sept* 1917.

Mark all reports here.
 Travelling permits on
 other side.

Geo. Hill, per. *GJM*
 Chief Constable.
 Edmonton City Police.

REPORTED AT EDMONTON SEP 26 1917 *GM*

REPORTED AT EDMONTON DEC 4 - 1917
 REPORTED AT EDMONTON JAN 1 1918

REPORTED AT EDMONTON FEB 1 1918 *GM*

REPORTED AT EDMONTON MAR 7 - 1918 *M*

REPORTED AT EDMONTON APR 6 - 1918 *M*

REPORTED AT EDMONTON MAY 1 1918 *M*

REPORTED AT EDMONTON JUN 1 1918

Reported at Chipman P.O. June 13 1918
Permission to go to Edmonton June 13 1918
with James (order)
J.H. MacKenzie
West. Postmaster

REPORTED AT EDMONTON JUL 1 1918

Reported at Chipman Sept 13 1918
Ralph James J.P.

Granted permission at Edmonton, Alta.
 to travel to
 and report to the nearest police officer
 on arrival and monthly
 Geo. Hill, Chief Constable, per. *J.P.*

REPORTED AT EDMONTON SEP 2 3 1918
 REPORTED AT EDMONTON SEP 2 8 1918

SCHEDULE D.

ENDORSEMENT.

The within named John J. Gannon # 707
is granted permission to remove to Edmonton
where he shall report immediately and at monthly intervals to
the chief officer of police for that locality.

Dated at Edmonton, this 16th day of May 1917.

FURTHER PERMISSIONS GRANTED TO TRAVEL, as follows:-

From Edmonton to Kathleen through Lacombe

Date April 1918 (Sgd) Geo. Hill police officer.

From Edmonton to Shipman

Date June 12th 1918 (Sgd) Geo. Hill police officer.

From Beaumont to Edmonton

Date Sept 21st 1918 (Sgd) John James J.P. police officer.

Granted permission at Edmonton, Alta.

From Edmonton to travel to Shipman to

and report to the nearest police officer
Date on arrival and monthly 1917 (Sgd) Geo. Hill Chief Constable, per Geo. Hill police officer.

From to
Date 1917. (Sgd) police officer.

From to
Date 1917. (Sgd) police officer.

NOTE- Under the provisions of the Order in Council issued at Ottawa, Ont. September 25th. 1916. a penalty of a fine up to \$500.00 or six months imprisonment or both may be imposed on the alien who fails to comply with the above instructions.

RECORDED AT EDMONTON FEB 11 1918
MAY 1 1918

RECORDED AT EDMONTON

RECORDED AT EDMONTON

Extract from the Canada Gazette dated August 5, 1918.

[1908]
AT THE GOVERNMENT HOUSE AT OTTAWA.
Monday, the 5th day of August, 1918.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL
IN COUNCIL.

WHEREAS the Minister of Justice reports that the regulations established by Order in Council of the 20th September, 1916, for the control and registration of aliens of enemy nationality require amendment in the following respects:—

(a) The existing regulations only require aliens of enemy nationality of military age and having no permanent place of residence or abode in Canada, to register. It is deemed expedient that all aliens of enemy nationality over the age of 16 years be required to conform to the regulations.

(b) Under the existing regulations registered aliens having permission to travel from one point to another have been obliged to report at points en route. It is deemed expedient that such aliens be relieved of this obligation except when they remain at one place for 24 hours or more.

(c) The existing regulations contain no provision exempting registered aliens from obligation to report while employed in unorganized districts where there is no chief officer of police to whom they can report. It is deemed expedient that such aliens be relieved of the obligation to report while employed in such districts.

(d) The existing regulations require all registered aliens, including certain aliens of enemy nationality who are nevertheless well known to be friendly aliens in fact, to report monthly to the chief officer of police. It is deemed expedient that certain of these friendly aliens, viz: the Czechs or Members of the Bohemian National Alliance, Turkish subjects who are by race Greeks, Armenians, Syrians, or of other community well known as opposed to Turkish regime and of Christian faith, be exempted from this obligation at the discretion of the chief commissioner of police.

(e) Under the existing regulations the offence of departing from any place without permission has been solely within the jurisdiction of courts of the province where the place of departure is situate. It is deemed expedient that the courts at any place where the alien is apprehended be given jurisdiction to deal with the offence.

(f) It has been brought to the attention of the Minister of Justice that a large number of registered aliens have failed to comply with the law requiring every male person to be regularly engaged in some useful occupation, and it is deemed expedient that the enforcement of this law be facilitated by requiring registered aliens to establish to the satisfaction of the chief officer of police that they have been complying with the law in this respect, before they be granted permission to travel from one place to another.

(g) It has been brought to the attention of the Minister of Justice that aliens of enemy nationality who have not registered or who have not obtained the proper permission have hitherto been able to travel from one point to another with little interference. It is deemed expedient, therefore, that such aliens be refused transportation as hereinafter provided.

(h) Hitherto the provincial constables have not been included in the term "chief officer of police" within the meaning of the regulations. It is deemed expedient that such provincial constables be given the powers of chief officers of police. It is also deemed expedient that postmasters be given authority to record the reports of registered aliens at points where there is no chief officers of police within a radius of five miles. It is further deemed expedient that the chief officers of police be required to render monthly reports to the chief commissioner of police at Ottawa, as hereinafter provided.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under the authority of the War Measures Act, 1914, is pleased to order and it is hereby ordered as follows:—

The above mentioned Order in Council of the 20th September, 1916, establishing Regulations for the control and registration of aliens of enemy nationality is hereby cancelled and the following regulations are hereby made and sanctioned in lieu thereof:—

1. Every alien of enemy nationality over the age of sixteen years, residing or being in Canada, shall, unless he has previously registered or reported in the manner herein required within twenty days after the publication of these regulations in the *Canada Gazette* attend upon the chief officer of police of the city, town, village, county or district in which such alien of enemy nationality resides or is and report to the said chief officer of police his name, age, place of residence, nationality and occupation, and truly answer all such questions as may be put to him by or on behalf of the said chief officer of police with regard to any of the matters aforesaid, or the causes or purposes of such alien of enemy nationality being within Canada.

2. The said chief officer of police shall, if satisfied that any registered alien of enemy nationality may, consistently with the public interest, be suffered to remain at large, make out and deliver to such alien of enemy nationality a certificate of parole in the form set forth in schedule hereto annexed marked "A," and shall furnish to the chief commissioner of police, Ottawa, a monthly return of such aliens of enemy nationality, in form set forth in schedule "C."

3. It shall be the duty of any alien of enemy nationality to whom is issued a certificate of parole as aforesaid to preserve the same carefully and carry it upon his person and to produce the same for inspection at any time when required by any peace officer or military officer.

4. An alien of enemy nationality to whom any certificate of parole shall have been issued shall not quit or depart from the city, town, village, county or district within which his certificate of parole was issued without first attending upon the chief officer or police who issued the same and declaring to him the cause or purpose of his desire to quit or depart from the city, town, village, county or district aforesaid, and the name of the place to which such alien of enemy nationality intends or desires to go, and he shall thereupon truly answer all such questions as may be put to him by or on behalf of the said chief officer of police touching all or any of the matters aforesaid;

5. The said chief officer of police shall, if satisfied that it is not contrary to the public interest that such alien of enemy nationality should be permitted to quit or depart from the city, town, village, county or district in which the certificate of parole was issued as aforesaid, endorse upon the said certificate of parole, in the form set forth in Schedule "B" hereto, notice to the effect that the said alien of enemy nationality has been duly granted permission to go to the place therein specified and shall notify the chief commissioner of police, Ottawa, each month on form Schedule "D" of the particulars of such permission.

6. The chief officer may refuse permission to any alien of enemy nationality to depart from any place unless such alien satisfies him that he has complied with the law requiring every male person to be regularly engaged in some useful occupation and that he has been regularly employed for at least 20 days out of the 30 days immediately proceeding his application to depart.

7. All ticket agents and conductors of railway or steamboat companies or other officers, shall under penalty of violating these regulations, refuse to sell tickets or give transportation to any alien of enemy nationality, who does not produce certificate of parole with notice of permission to travel from one point to another endorsed thereon (Form B).

8. An alien of enemy nationality having so reported and having obtained the permission referred to in section 5 herein shall not be required to report while en route unless he remain in one place for a period of twenty-four hours or more, but shall immediately upon arrival at his destination attend upon and report to the chief officer of police at such place. The chief officer of police shall furnish to the chief commissioner of police, at Ottawa, according to schedule "E," a monthly list of such person reporting.

9. Aliens of enemy nationality granted permission to proceed for the purposes of employment to places where there is no chief officer of police to whom they can report shall not be required to report during such period as they remain in the said employment, but shall report immediately upon their return to the place where such permission was granted, or upon arrival at any place where there is a chief officer of police and where they remain for 24 hours or more.

10. An alien of enemy nationality having obtained a certificate of parole shall at regular intervals of one month thereafter attend upon and report to the chief officer of police who issued his certificate of parole, unless in the meantime he shall have obtained permission in manner aforesaid to remove or go to a place outside of the city, town, village county or district within which his certificate of parole was issued, in which case he shall report at the same intervals to the chief officer of police of the place to which he has removed or gone.

11. The following may at the discretion of the chief commissioner of police be granted exemption from reporting monthly, but shall be governed by all other regulations herein mentioned:— Aliens of enemy nationality of fifty years and over, or those maimed or crippled so as to render them unfit for any military service: Czechs or members of the Bohemian National Alliance; Turkish subjects who are by race Greeks, Armenians, Syrians or of other community well known as opposed to Turkish regime, and of Christian faith.

12. Before any alien of enemy nationality shall remove or go from any place at which he is for the time being obliged to report, he shall attend upon the chief officer of police for that place and report in manner aforesaid, and obtain an endorsement upon his certificate of parole in form and effect as hereinbefore required.

13. Any refusal, failure or neglect on the part of any alien of enemy nationality, or of any other person to observe, fulfil and comply with any requirement of these regulations shall constitute an offence punishable by summary conviction under part XV of the Criminal Code, by the imposition of a penalty of imprisonment for a term not exceeding six months or a fine not exceeding \$500, or of both such imprisonment and fine, and moreover, any refusal, failure or neglect on the part of any alien of enemy nationality to whom a certificate of parole has been granted to produce and submit to reasonable inspection, whenever required by any peace or military officer, his certificate of parole, shall constitute an offence punishable in like manner by the imposition of a like penalty. The offence of departing from any place without permission may be charged and prosecuted at any place to which the offender may go or where he may be and shall be within the jurisdiction of the court or justices there or at any place where the offender is apprehended.

14. The expression "chief officer of police" as used in these regulations shall mean and include the chief officer of police, chief constable or principal peace officer of any municipality, and any officer or constable of the Royal North West Mounted Police or provincial police exercising authority in any district, and shall include also the successor or representative in office of any such chief officer of police as herein defined. Provided that the said expression for the cities of Montreal and Winnipeg respectively shall include the Registrar of Alien Enemies, and at points where no police officer is located within a radius of five miles, the postmaster may record the reports of aliens of enemy nationality.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

SCHEDULE A.

CERTIFICATE OF PAROLE.

This is to certify that.....at present residing at.....a.....subject, of.....years of age, weight about.....pounds; complexion....., is by law entitled and required to carry this certificate upon his person and to produce it for reasonable inspection as may be required by any peace or military officer, and moreover to report monthly to the chief officer of police at.....and that he is subject to compliance with the requirements of the law entitled to be at liberty; provided that he shall not remove or depart from.....without having this certificate duly endorsed.

Dated at.....this.....day of.....1917.

.....
Chief of Police.

Date of Report.	Initials of Officer to whom Reporting.	Date of Report.	Initials of Officer to whom Reporting.	Date of Report.	Initials of Officer to whom Reporting.

SCHEDULE "B".

Endorsement.

The within named.....is granted permission to remove to.....where he shall report immediately and at monthly intervals to the chief of police for that locality.

Dated at.....this.....day of.....19.....

.....
Chief of Police.

The within named.....is granted permission to remove to.....where he shall report immediately and at monthly intervals to the chief of police for that locality.

Dated at.....this.....day of.....19.....

.....
Chief of Police.

The within named.....is granted permission to remove to.....where he shall report immediately and at monthly intervals to the chief of police for that locality.

Dated at.....this.....day of.....19.....

.....
Chief of Police.

The within named.....is granted permission to remove to.....where he shall report immediately and at monthly intervals to the chief of police for that locality.

Dated at.....this.....day of.....19.....

.....
Chief of Police.

SCHEDULE "C."

Return of Aliens of Enemy Nationality, not previously registered within Canada, to whom Certificates of Parole were granted during month of.....19.....

.....
Chief of Police.

Date.	No.	Name.	Age.	Address.	Description.	Remarks.

SCHEDULE "D."

Monthly Report.

The undermentioned Aliens of Enemy nationality were granted permission to depart from for points mentioned during the month of 19 ..

.....
Chief of Police.

SCHEDULE "E."

Monthly Report.

The undermentioned Aliens of Enemy nationality reported at from points mentioned during the month of 19 ..

.....
Chief of Police.

Date.	No.	Name.	Permitted to proceed to	Date.	No.	Name.	Last point of registration.