



5 GEORGE V.

CHAP. 2.

An Act to confer certain powers upon the Governor in Council and to amend the Immigration Act.

[Assented to 22nd August, 1914.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The War Measures Act*, Short title. 1914.

2. All acts and things done or omitted to be done prior to the passing of this Act and on or after the first day of August, A.D. 1914, by or under the authority of or ratified by,—

- (a) His Majesty the King in Council;
- (b) any Minister or officer of His Majesty's Imperial Government;
- (c) the Governor in Council;
- (d) any Minister or officer of the Government of Canada;
- (e) any other authority or person;

which, had they been done or omitted after the passing of this Act, would have been authorized by this Act or by orders or regulations hereunder, shall be deemed to have been done or omitted under the authority of this Act, and are hereby declared to have been lawfully done or omitted.

3. The provisions of sections 6, 10, 11 and 13 of this Act shall only be in force during war, invasion, or insurrection, real or apprehended.

Limiting sections 6, 10, 11 and 13.

4. The issue of a proclamation by His Majesty, or under the authority of the Governor in Council shall be conclusive

Evidence of war, etc.

conclusive evidence that war, invasion, or insurrection, real or apprehended, exists and has existed for any period of time therein stated, and of its continuance, until by the issue of a further proclamation it is declared that the war, invasion or insurrection no longer exists.

War existing
since Aug. 4.

5. It is hereby declared that war has continuously existed since the fourth day of August, 1914, and shall be deemed to exist until the Governor in Council by proclamation published in *The Canada Gazette* declares that it no longer exists; but any and all proceedings instituted or commenced by or under the authority of the Governor in Council before the issue of such last mentioned proclamation, the continuance of which he may authorize, may be carried on and concluded as if the said proclamation had not issued.

Special
powers of
Governor in
Council.

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

- (a) censorship and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;
- (b) arrest, detention, exclusion and deportation;
- (c) control of the harbours, ports and territorial waters of Canada and the movements of vessels;
- (d) transportation by land, air, or water and the control of the transport of persons and things;
- (e) trading, exportation, importation, production and manufacture;
- (f) appropriation, control, forfeiture and disposition of property and of the use thereof.

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

cruing or incurred thereunder be affected by such variation, extension or revocation.

7. Whenever any property or the use thereof has been appropriated by His Majesty under the provisions of this Act, or any order in council, order or regulation made thereunder, and compensation is to be made therefor and has not been agreed upon, the claim shall be referred by the Minister of Justice to the Exchequer Court, or to a Superior or County Court of the province within which the claim arises, or to a judge of any such court. Fixing compensation.

8. Any ship or vessel used or moved, or any goods, wares or merchandise dealt with, contrary to any order or regulation made under this Act, may be seized and detained and shall be liable to forfeiture, at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada or in any Superior Court. Forfeitures.

9. Every court mentioned in the two preceding sections shall have power to make rules governing the procedure upon any reference made to, or proceedings taken before, such court or a judge thereof under the said sections. Procedure.

10. The Governor in Council may prescribe the penalties that may be imposed for violations of orders and regulations made under this Act, but no such penalty shall exceed a fine of five thousand dollars or imprisonment for any term not exceeding five years, or both fine and imprisonment, and may also prescribe whether such penalty be imposed upon summary conviction or upon indictment. Imposing penalties.

11. No person who is held for deportation under this Act or under any regulation made thereunder, or is under arrest or detention as an alien enemy, or upon suspicion that he is an alien enemy, or to prevent his departure from Canada, shall be released upon bail or otherwise discharged or tried, without the consent of the Minister of Justice. Release of arrested alien forbidden.

12. Section 3 of the *Immigration Act*, chapter 27 of the statutes of 1910, is amended by adding thereto the following subsection:— Deportation etc., of residents leaving Canada to assist enemy.

“2. No resident of Canada, whether he is a Canadian citizen or not, and whether he has a Canadian domicile or not, who leaves Canada to perform any military or other service for any country then at war with His Majesty, or for the purpose of aiding or abetting in any way His Majesty's enemies, shall be permitted to land in Canada,

or remain therein, except with the permission of the Minister. If any such person is also prosecuted for any offence of which he may have been guilty, he shall be liable to undergo any punishment imposed upon him under such prosecution before he is deported."

Increasing
Royal
Northwest
Mounted
Police.

13. Notwithstanding the provisions of section 8 of the *Royal Northwest Mounted Police Act*, Revised Statutes, 1906, chapter 91, the Governor in Council may from time to time authorize the appointment of such number of constables, supernumerary constables, scouts and boys, in addition to the numbers limited by the said section, as he thinks necessary.

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to the King's most Excellent Majesty.