

War Measures Act, 1914

5 Key Points | April 2021

Key Sections	
<p><i>3. The provisions of section 6, 10, 11 and 13 of this Act shall only be in force during war, invasion or insurrection, real or apprehended.</i></p>	<p>Only to be Available During Wartime Sections 6, 10, 11, and 13 of the <i>War Measures Act</i> are only enforceable during times of war or danger to Canada, either real or expected. Section 6 outlines the power of the Governor in Council (who is the Prime Minister and his cabinet). Section 10 describes the penalties given to those who are arrested or fined under this Act. Section 11 states the release of arrested enemy aliens is forbidden. Section 13 allows for increases to the Royal Northwest Mounted Police (which would later become the Royal Canadian Mounted Police).</p>
<p><i>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.</i></p>	<p>To Protect the Security, Defense, Peace, Order and Welfare of Canada The <i>War Measures Act, 1914</i> gives many powers to the Governor in Council, who is the Prime Minister acting on advice of Cabinet. These powers are given to the Governor in Council so that it is not necessary to go through Parliament to pass wartime orders and regulations. The powers given to the Governor in Council are to protect the security, defense, peace, order and welfare of Canada from threatening forces.</p>
<p><i>6. 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: —</i> <i>(a) censorship and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;</i> <i>(b) arrest, detention, exclusion and deportation;</i> <i>(f) appropriation, control, forfeiture and disposition of property and the use thereof.</i></p>	<p>The Powers of the Governor in Council The <i>War Measures Act, 1914</i> gave the Governor in Council the following powers:</p> <ul style="list-style-type: none"> a) The ability to control what was printed, written, or communicated in Canada. For example, newspapers written by “enemy aliens” (people who were from countries at war with Canada) were censored. b) The ability to arrest, detain or deport anyone considered a threat to Canada’s safety. Those people from countries at war with Canada — Germany and the Austro-Hungarian Empire — were particularly targeted. This clause allowed “enemy aliens” to be detained in internment camps. f) The ability to take property and use it however they wanted. This included family homes and businesses.
<p><i>10. The Governor in Council may prescribe the penalties that may imposed for violations of orders and regulations made under this Act, but no</i></p>	<p>Penalties and Fines The penalties for anyone who was deemed a threat to the security of Canada, or stood up against the <i>War Measures Act, 1914</i> could be fined up to \$5,000 (around \$115,000 in</p>

<p><i>such penalty shall exceed a fine of five thousand dollars or imprisonment for any term not exceeding five years.</i></p>	<p>2021) and imprisoned for up to five years. Imprisonment included traditional prisons, but also being detained in internment camps.</p> <p>Punishments were given to people who not only acted in a way that was deemed threatening but who also said things that were considered anti-Canadian, or anti-government.</p>
<p><i>11. No person who is held for deportation under this Act ... or is under arrest or detention as an alien enemy ... shall be released upon bail or otherwise discharged or tried, without the consent of the Minister of Justice.</i></p>	<p>Release of “Enemy Aliens” Forbidden</p> <p>The Minister of Justice was the only person who could allow a person imprisoned under the <i>War Measures Act</i> to be released. This gave one person an incredible amount of power over those imprisoned.</p>