

RSC-1906-

s. 36 - If father obtain Nat. Certif every child who ^{has} become resident with such father within Canada - deemed nat. B. s.

SC-1914

following persons are B. s.

~~(1)~~ ~~(2)~~ ~~(3)~~ Nothing in section to apply to persons

s. 3 born before Jan. 1, 1915.

s. 5 - on applic. of Alien, Secretary of State may include name

name of child in applic.

of children in naturalization

s. 33 (3) Where name of child included in a certif. of nat. then child be deemed a person to whom a Certif. of nat. has been granted.

SC ~~July 2~~, 1919-

s. 33 (2) Where name of child included in Certif. of Nat. of parent, or in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized B. s. by reason of residence with his parent, such child shall be deemed to be a person to whom a certif. of nat. has been granted.

name of child in applic.

S.C. 1920 - repeals 1919 Act, revises 1914 Act.

for s. 2 see ~~SC~~ s. 3 of RSC 1927 - Ch 138

new s. (3) of s. 33 - Where in pursuance of this Act name of child included in a certificate granted to parents, or in pursuance of any Act repealed by this Act child has been deemed to be naturalized B. s. by reason of residence with parents, such child be deemed person to whom a certificate of naturalization has been granted.

where name of child included in cert.

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~~Yasaku Kubodera~~
~~R.~~

~~1888 - Feb. Yasaku Kubodera born~~
~~1909 - Ayako born~~
~~1912 - June Yasaku naturalized~~

~~Oct 1, 1906 - Yasaku - age 25 yrs. 7 mos. entered Hawaii~~
~~Feb 1909 - " entered Canada~~

~~1909 - Ayako - born in Japan~~
~~June 5, 1912 - Yasaku naturalized at Moose Jaw~~
~~May 11, 1922 - Chikage entered Canada arrived in~~
~~Apr 15, 1926 - Ayako & Chikage entered Canada~~

~~Nov. 19, 1915 - Yasaku enlisted CEF~~
~~Sept 19, 1919 - " discharged CEF~~

~~1936 - Ayako returned to Japan~~
~~1948 - Yasaku died~~

RSC 1927

Interpretation

S. 2 (3) Where in pursuance of This Act, name of child is included in Certif — or where in pursuance of any Act heretofore in force any child has been deemed to be a naturalized B. S. by reason of residence with his parents, such child be deemed to be a person to whom a Certificate of Naturalization has been granted.

p. 313-4.

Prohibited Classes - Remble - Where the govt under the Immigration Act has power to say in its discretion whether certain classes of persons shall not be admitted, it follows that, until the government specifically says so, those classes shall be admitted. *R. v. Narain*, (1908) 8 W.L.R. 790, 13 B.C.R. 477 (sub nom. *Re Narain Singh*), affirming 7 W.L.R. 781 (C.A.).

p. 314 -

The Immigration Act, R.S.C., c. 93, ss. 10, 30 - Powers of Governor in Council to Establish Prohibited Classes - Delegation of Powers to Minister.
S. 10 of the Immigration Act, merely authorized the framing of regulation for the better carrying out of the purposes of the Act, and it could not be invoked to support a regulation prohibiting the entry into Canada of certain classes of immigrants, unless the prohibition was contained elsewhere in the Act or in an order in Council passed pursuant thereto. While S. 30 did empower the Min. Gen. to enact such prohibitions, nevertheless his power could not be delegated to any other person or body, as the exercise of the power was by the Act conditioned upon his consideration of necessity or expediency. An order in Council made by the Min. Gen. under the Im. Act, which declared that the Min. of the Interior held, where in his opinion certain conditions existed, prohibit the landing in Canada of specified classes of immig., was held invalid on the ground that the Min. Gen. could not so delegate his power.

Re Behari Lal, (1908) 8 W.L.R. 129, 13 B.C.R. 415

p. 315 - *Re Murphy*, (1910) 15 W.L.R. 381, 15 B.C.R. 401, 17 C.C.C. 103 (C.A.).

S. 2(d). The Immigration Act, 1910, which declared that an immigrant acquired Canadian domicile within the meaning of the Act by residing in Canada for three years after having landed in accordance with the provisions of the Act, did not contain an exclusive definition of the manner in which domicile could be acquired, and a person who came within the prohibited classes set out in s. 3, but who had acquired Canadian domicile at common law was not liable to exclusion or to deportation from Canada because he had not acquired domicile under S. 2(d) by three years residence.

315- R v. Milkha Singh, (1931) 44 B.C.R. 278, 56 C.C.C. 211 (B.C. C.A.)

where a person who had acquired Canadian domicile within the meaning of the Immigration Act later returned to his native land, and so conducted himself there that the Court was entitled to draw the conclusion that he resumed his domicile of origin, held, he could not thereafter claim the right to enter Canada as a person domiciled in Canada.

Rattan Singh's Case (Nov. 20, 1938) (Unreported), distinguished.