

Summary of Rulings from each Justice of the Supreme Court of Canada and the JCPC

Orders in Council Provisions	SCC							JCPC
	Rinfret CJ	Kerwin J	Hudson J	Taschereau J	Estey J	Kellock J	Rand J	
All	Valid	Valid		Valid				Valid
All except deportation of wives and children			Valid		Valid			
7355 s.2(3): Deportation of natural born British subjects resident in Canada	Valid	Valid	Valid	Valid	Valid Comment: Section 2(3) cannot be seen as enacting compulsory deportation since persons expressed a desire to be repatriated to Japan.	Invalid: in so far as authorizing the deportation of natural born British subjects not wishing to leave Canada.	Invalid: Affront to sovereignty of another state.	
7355 s.2(4): Deportation of wives and children	Valid	Valid	Invalid	Valid	Invalid	Invalid	Invalid	
7355 s.3: Request for repatriation is irrevocable.	Valid	Valid	Valid	Valid	Valid	Invalid: In so far as to prevent withdrawal of consent to be repatriated at any time and in any manner for natural born Canadians.	Invalid: To the extent that it authorizes compulsory deportation of natural born Canadians, and wives and children	

							of Japanese-Canadians.	
7355 s.6: Sale of real and personal property of deportees.	Valid	Valid	Valid	Valid	Valid	Valid	Valid	
7356: Naturalized Canadians cease to be Canadians once deported.	Valid	Valid	Valid	Valid	Valid	Invalid: to the extent that it provides for loss of status of naturalized British subjects.	Invalid: to the extent that it provides for loss of status of naturalized British subjects.	
7357: Appointment of a Commission which is empowered to recommend deportation for any naturalized Japanese-Canadian.	Valid	Valid	Valid	Valid	Valid	Valid: except where it departs from provisions of the British Nationality and Status of Aliens Act.	Valid: subject to the requirements of the Naturalization Act regarding the grounds for revocation of naturalization.	
Meaning of the words "deportation" and "exile"					Need not define the word "deportation" or whether it applies to natural born Canadians. It means "forcible removal" and applies here.	In the context of the Orders in Council, "deportation" is equivalent to "exile" or "banishment" which involve penal consequence that should not apply to	Words "deportation" and "repatriation" do not apply to compulsory transfer of natural born Canadians to Japan.	

					<p>citizens who committed no offences.</p> <p>Japan's consent to accept repatriation of Japanese-Canadians is not consent to receive natural born Canadians who have no country other than Canada.</p>		
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