

it is not favourable. If there is no such section he would not hear of the matter unless the report is favourable.

Mr. JACOBS: Suppose the judge goes wrong in his law. That sometimes happens, not often, of course, but it has occurred, and he makes a report to the effect that this man has resided less than six years, when the law only calls for five, is the Secretary of State obliged to accept that report and refuse to issue a certificate?

Mr. MEIGHEN: He is under this act.

Mr. JACOBS: That would be absurd. That would be contrary to the law.

Mr. BOYS: What I said was that a report would only reach the department when it was a favourable report. The judge may go wrong; they are all mortal; I am not saying they are infallible, but the point is the Secretary of State never hears of the application unless it is reported on favourably.

Mr. JACOBS: As I understand it, the report is sent forward.

Mr. BOYS: I have asked the minister to show me the section. I am not saying it is not there; it may be; but let us see it. I have shown the section which provides for naturalization on a favourable report.

Mr. COPP: In the past fifteen months hundreds of applications have come forward from the judges marked "not approved".

Mr. MEIGHEN: But what difference does that make? These are beyond the purview of the act altogether.

Mr. COPP: If my hon. friend will wait just a moment. When that report is received it gives the Secretary of State authority to act under section 23.

Mr. MEIGHEN: Where is this section?

Mr. COPP: The Secretary of State acts upon the report. When that report from the judge is received it gives him authority to act.

Mr. MEIGHEN: There is where the minister is wrong, and I am sure that if he will consult his deputy he will find he is wholly wrong; there can be no question about it at all. The minister mentions that the practice is to get all sorts of reports as provided for by the act. Why, he may get letters from judges—all sorts of things. But only when he gets something which under the act empowers him to exercise his functions does he exercise them. Now the act says—in regard to the application coming through this

channel—that the minister's duty arises under the condition, and that one condition only, that under section 23 the judge sends a report that the man is a fit and proper person to become naturalized. The minister has the full discretion to act but he only has the discretion when section 23, and the other sections, are complied with; until section 23 is complied with he has no discretion whatever. Now, once his discretion arises he can say yes or he can say no, but he gets no discretion whatever until the judge sends in his report that the applicant is a fit and proper person. There is no lawyer—not even my hon. friend from George Etienne Cartier (Mr. Jacobs)—but would say the same thing; there is no other interpretation possible under this section.

Mr. WOODSWORTH: Whatever may be the outcome of the legal discussion it would seem as if this amendment looks in the direction of more highly centralized authority, and very arbitrary authority at that. If I understood the Secretary of State aright the judge's report has no effect whatever in the final decision. If that is so the amendments placed before this House ought to look in the other direction altogether—that is towards very definitely giving the recommendation of the judges a place and weight in the final decision. I think it would be no less than an outrage if we allowed entrance to citizenship in Canada to be placed solely in the hands of one man. I am not reflecting in any way upon the present occupant of the office of Secretary of State—or on the occupant of that office any more than on the occupant of any other office—but it must surely be conceded that the question of whether or not a man should become a citizen of Canada ought not to be left to the absolute discretion of any one individual.

Further, the present legislation would seem not only to give this great power to one individual but it would also give to this same individual the right to disfranchise any citizen—a situation equally serious. According to the act of 1920:

The Governor in Council shall by order revoke a certificate of naturalization granted by the Secretary of State of Canada under this act, or granted under any Naturalization Act heretofore in force in Canada in any case in which he is, upon the report of the Secretary of State of Canada, satisfied that the person to whom the certificate was granted either—

(a) has, during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy—

and so on. And

(c) was not of good character at the date of the grant of the certificate.