

place under the judgment of Chief Justice Hunter; that is to say, a party of immigrants were detained by the officials of the Immigration Department as being in Canada contrary to the Act and regulations thereunder, and they were in process of being rejected at the port of entry. Up to this particular instance the administration of the department had assumed that the Act meant what it states, and governed in the case, and it refused, as I understand it, to be governed by an order of a judge in regard to rejection proceedings. A notable instance of this was the case of Thaw, who having been detained as an undesirable immigrant, and whose detention was made the subject of application to the courts, was, as I understand it, under the authority of that section, deported by the officers of the department, and I think with the full approval of a very large majority of the people of Canada. As a matter of fact, in that case, the processes of law in Canada, and the administration of justice in Canada were being made a laughing-stock to the world, and it was only by the prompt action of the Interior Department, acting under this section, that consequences were avoided, which certainly would have been disgraceful and discreditable to Canada. That case again showed the necessity and propriety of this provision which was the mandate of the Parliament of Canada. But, what I am anxious to find out is: why, what was good law and governing the administration of the Department of the Interior in the province of Quebec, in dealing with a white man, was not good law in the province of British Columbia, in dealing with these people who are residents of India.

It seems to me that an explanation is in order, and certainly the decision of Chief Justice Hunter does not give the explanation. Not only so, but a few days before these sixteen men were released under the order of Judge Hunter, one individual had been absolutely excluded and shipped back to India under the authority of the department, contrary, as I understand it, to the order of a judge. It is very desirable that we should have a thorough understanding about this matter before it goes any further. The prohibitory order expires on the 31st March—within less than a month—and we are then thrown back upon the amended orders of January 7. And, when we become dependent upon these orders, and some other judge in Vancouver, or Victoria, or Prince Rupert, or Halifax,

[Mr. Oliver.]

or Sydney, or some other place, sees fit to find such flaws in these orders as His Honour the Chief Justice of British Columbia found in the previous orders, again we have the condition that undesirable immigrants are released, and the Government of Canada is made ridiculous.

If it is a fact that the courts of Canada are above the Parliament of Canada, all we have to do is to sit down and accept the situation, but I believe that the mind of the people of Canada is that the Parliament of Canada shall dictate the law of Canada, and particularly that it shall dictate what shall be done within the boundaries of Canada with regard to this supremely important subject of immigration. I am speaking here neither as being on one side of the House nor the other; I maintain that it is an absolute necessity to the welfare of Canada, in the face of the menace of Asiatic immigration, that the administration of the Government of Canada should be fully empowered, and should be absolutely responsible for protection against that menace, and that if the courts or any processes of law are allowed to interfere with the proper exercise of that authority in expressing the mind and the will of the people of Canada, then we are facing a condition that will require readjustment, and serious readjustment.

For my own part I maintain that the Parliament of Canada has a right to say who shall come into Canada and who shall stay out of Canada, and that the Government of Canada is charged with the responsibility of giving effect to the will of Parliament, and that while to say they have submitted to the order of a judge in admitting undesirable immigrants may be a good enough answer for that particular instance—although for my own part I do not think it is—it is not a good enough answer upon which to base the policy of this country for the future. If that is the condition as it exists, then I say the condition should be changed, and should be changed without delay. I quite appreciate the fact that individual rights must be protected, and must be protected by process of law; but at the same time, Mr. Speaker, I maintain just as strongly that public and national rights must be protected, and must be protected just as sacredly as the right of the individual by process of law.

It is not only in Canada that it has been found necessary to clothe the Administration with authority to reject at our national ports undesirable immigrants, not subject to