

acquired in any other way would not be a domicile under that Act. The wording of this Act now seems to say that a Canadian domicile can only be acquired by doing these particular things. It may be said in regard to a child born of parents domiciled here that it is not a question of acquiring a domicile, but a question of a domicile of origin. But I do insist upon the importance of the consideration that under the working of this Act you will do away with all the rules by which the domicile of classes of persons dependent upon or connected immediately with others, is determined; with the first result, that you will deny to the wife the domicile that shall be her husband's by right, because she personally has not done some things that he has done. In the same way, you interfere with the general rules for making domicile of minors with their guardians or tutors. Are all these rules going to be set aside, and when a tutor or a guardian has acquired domicile here in Canada, are you going to shut out the minor because he is not domiciled under this Act? Yet if you say that the only way by which domicile can be acquired is by an individual coming personally and residing here, you will produce that result.

Mr. OLIVER. In regard to the objection of my hon. friend that the child born in Canada would not have acquired Canadian domicile, I may say that this section only applies to the definition of domicile as acquired by those who are not Canadian citizens. The Act provides what shall constitute a Canadian citizen, and that naturally provides that a person born in Canada shall be a Canadian citizen. The purpose of making a definition of the word 'domicile' and of the words 'Canadian citizen,' is to enable us to carry out the intent which I understood was in the mind of parliament at the time this Act was passed, so as to define clearly and drastically, if necessary, the rights which should be derived by relationships between people. My hon. friend finds fault with this clear and close, or drastic, definition of domicile. There is no definition of domicile set out in the statute law. My hon. friend is aware of that.

Mr. DOHERTY. As far as I know there is not.

Mr. OLIVER. There is no definition of domicile in the statutory law, except here, but we found that in the administration of this Act this drastic provision, being the expression of the mind of parliament as I believe, it was necessary that there should be a statutory definition of domicile so that we would know, and so that the immigrant would know exactly what his rights were and what they were not, and so that there would be no question about where the line

was drawn. We have, of course, very extraordinary legislation. The whole Act is extraordinary, its purpose is extraordinary and this undertaking to define the meaning of domicile by statute is an extraordinary attempt, but we believe it is rendered necessary by the exigencies of the administration of the Act, that is the exigency of carrying out the will of parliament with regard to the restriction of undesirable immigration.

Mr. DOHERTY. As I understand, the purpose of this section is to create a situation where a man coming here and acquiring domicile under this Act and doing everything which he is called upon to do for that purpose, his wife and children, having been left behind him and coming on later, are liable to be excluded because they have not got a domicile.

Mr. OLIVER. Precisely.

Mr. DOHERTY. If that is the purpose of the minister and he has it carried, of course, I have nothing further to say, but it seems to me that there are some pretty weighty considerations against our adopting a definition of domicile that will be found in every case to produce that position.

Mr. OLIVER. I am not defending the position in any way. I am merely explaining the position that was taken by parliament when the Act was passed and the position taken by parliament when the Act was passed, was that it was necessary and desirable, in order to exclude undesirable immigrants, that each immigrant should stand on his own merits and be considered as an individual and not as a member of a family.

Mr. DOHERTY. The hon. minister is seeking by this amendment to change the position that was taken by parliament in the previous Act. Otherwise, why is he amending the previous Act? I understand the minister to say that the holding of the courts was that the position that parliament took in the previous Act did not operate farther than to create a situation where any person who came within the definition of the Act was entitled to claim that he had a domicile, but that it did not operate to prevent people who, without aid of the previous Act had, under the provisions of the common law, a domicile, from claiming their domicile. That is the interpretation which the court put upon the declaration of parliament in the previous Act, and that, it seems to me, represents what the position of parliament was when it passed the previous Act. The minister is asking parliament to change its position on that subject for the purpose of excluding the idea that any body is domiciled in Canada except persons who have met the requirements laid down in this particular Act, although the effect of doing so will be to create a situ-