

*Naturalization Acts*

Mr. BOYS: Just hear what I am going to say first. He admits that he has no independent or separate jurisdiction to deal with applications made direct to him.

Mr. COPP: Yes.

Mr. BOYS: If we are together in that, I cannot see how there is any room for doubt, because section 19 provides the procedure and says how it is to be done. There is absolutely nowhere else in Ontario that you can make application except to the Court of General Sessions. Now I want to make one observation regarding the procedure there. I am not going to suggest that the minister was saying anything derogatory of our judges. He may not know how they proceed in Ontario. I know something of the procedure in Ontario and especially in my own county. I have sat many times in the Court of General Sessions when these applications are made, and I want to tell the committee how it is done. The applicants are there in person. They are sworn, examined by the county judge, the evidence is taken in shorthand, and the county judge requires one or two reputable citizens from the neighbourhood in which the applicant resides to be there and certify. If that procedure is taken I cannot see how the minister can find fault with the decision of a judge. Does he suggest that in the province of Ontario the county judges frequently make reports which upon investigation the department disregard and reach a totally different conclusion? I can understand that might be the case in respect to outlying districts perhaps in the Northwest but I very much doubt if it is so in Ontario, and so far as that province is concerned I want to say to the minister I am satisfied from the care that is exercised in working out the provisions of this act that it would be unwise to make a change so far as the older provinces of the Dominion are concerned. I certainly do not think the minister has power under section 2, which as a matter of fact so far as I have been able to see from a quick reading, is a verbatim copy of the provisions of the Imperial act and is of course our law, but it must be read in conjunction with the procedure provided for in section 19.

Mr. COPP: My hon. friend has argued that we have no jurisdiction when the report comes from the judge. That is true; I have never hinted anything else; that is our jurisdiction. But what I say is that under our law when the report comes from the judge to whom the application was made we can use our own discretionary power whether to accept that report or not.

[M. Copp.]

Mr. MEIGHEN: But it must be a report from the judge in accordance with the act, and the only report he can make in accordance with the act is under section 23.

Mr. COPP: But under the other sections we can accept it or not.

Mr. MEIGHEN: Yes.

Mr. BOYS: You can accept it or not, certainly.

Mr. COPP: And act as soon as the report is in from the judge irrespective of whether that report is for or against granting naturalization.

Mr. MEIGHEN: No.

Mr. COPP: I beg my hon. friend's pardon. As soon as the report is received by the department whether it is approved or not, that gives the department jurisdiction to act. We can act one way or the other whichever way we decide.

Mr. BOYS: Under what section is the county court judge required to report if he is not in favour of naturalization? If you read section 23—and there is no other section dealing with it—you will see that you only are apprised of the matter if the judge finds he is a fit and proper person to be naturalized. If he is not a fit and proper person a report does not reach your department.

Mr. COPP: Scores of them reach the department.

Mr. BOYS: I would be glad if the minister would show me under what section a judge is required to make any report if his report is unfavourable. Section 23 is as follows—I need not take the trouble to read the previous sections which provide how the application is to be posted, the opportunity for opposition, proof for qualification, and so on; when that is all done and the investigation has taken place, section 23 provides the next step, and what is it:

If the court decides that the alien is a fit and proper person to be naturalized and possesses the required qualifications, a certified copy of such decision shall be transmitted by the clerk of the court to the Secretary of State of Canada together with the application—

That is where the application is received.—and such other papers, documents and reports as may be required by any regulation made hereunder.

The minister will see at once that the report only reaches his department when it is favourable. I do not say there is no other section, I do not profess to be an expert, but I ask the minister to show me any section which provides for transmitting a report when