

*Immigration Act*

in Canada technically and actually. They are in Canada, sailing on Canadian boats and in Canadian waters, and displacing Canadian men. I cannot see that there is any way that the matter can be explained, except by frankly admitting that a mistake has been made, and I think that some steps should be taken to remedy this error in the immediate future.

Motion agreed to, bill read the second time and the House went into committee, Mr. Gordon in the chair.

On section 1—Amending paragraph (d) of section 2.

Mr. WOODSWORTH: This amendment is along the lines of an amendment introduced last year, and to a certain extent is a move in the right direction. It is an attempt to get rid of some of the vicious legislation that was placed on the statute books in 1919, during the period in which there was still more or less of a war hysteria. But I submit this amendment does not go nearly far enough, and I would urge that there should be some further changes at this time. The latter part of section 1 reads:

And provided further that no person who belongs to the prohibited or undesirable classes within the meaning of section 41 of this act shall be capable of acquiring Canadian domicile.

Now we must turn to section 41 to find out just who they are to whom reference is made. That section reads:

Whenever any alien advocates in Canada the overthrow by force or violence of the government of Great Britain or Canada, or other British dominion, colony, possession or dependency, or the overthrow by force or violence of constituted law and authority, or assassination, or shall by word or act create or attempt to create riot or public disorder in Canada, or shall by common repute belong to or be suspected of belonging to any secret society or organization which extorts money from, or in any way attempts to control any resident of Canada by force or threat of bodily harm, or by blackmail; such person for the purposes of this act shall be considered and classed as an undesirable immigrant.

I think it is very clear that no one will urge that any of these crimes which are mentioned here are to be in any sense condoned, but I should like to point out the bearing of this section. The phrase is "Anyone who shall by common repute." I do not think we have any business to act on common repute. A man ought to be proved guilty of any crime: The minister ought not to act on common repute. Not only that, but the clause proceeds, "Or to be suspected of belonging to any secret society or organization." It seems to me that a man should not be declared guilty simply because some official

[Mr. Neill.]

suspects him of belonging to an illegal organization. I am not defending the man who belongs to an organization which resorts to these tactics, but I urge that we should have something more than suspicion on which to convict him. It would be most regrettable that section 41 should go through as it stands in the bill, although I frankly admit that it is a considerable advance on the old section 41. One point in which there is possibly an advance is that the old section 41 as contained in chapter 26 reads: "every person," whereas it now reads "every alien." I should like to protest against the aliens being thus singled out. The effort is being made in this legislation to protect people of British birth, and I think they should be protected. They should not be victims of suspicion; they should not be condemned because of common adverse repute, but aliens also ought to be protected. We have hundreds of thousands of alien-born people in the West. We have many who have not yet taken out their naturalization papers. I am not pleading for those of them who are guilty of the practices enumerated in this section, but if accused they ought to have a fair trial and that is not provided for in this legislation. Moreover, there still remain unrevised paragraphs (n) and (o) of chapter 25, section 3.

Mr. ROBB: Before my hon. friend leaves that point, will he refer to section 42, subsection 2? I think he will find that ample provision is made for an inquiry by the department.

Mr. WOODSWORTH: It is true there may be a departmental inquiry, but it is to that that I object. A mere departmental inquiry is not sufficient. Such a case ought to come before the courts of the land. If I may pass to paragraphs (n) and (o), these are among the prohibited classes:

(n) Persons who believe in or advocate the overthrow by force or violence of the government of Canada or of constituted law and authority, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property.

Again these are very serious evils that are aimed at, but the phrase—

Those who are opposed to organized government.  
—is very broad.

Mr. ROBB: These persons under the act are excluded from Canada. They are never admitted. Does my hon. friend want them admitted?