

learned Judge benevolently makes the evidence required, although the sworn testimony of Mr. Barnstead, the 'officer in charge,' was that Walsh, one of the immigrants, had stated to him that the express order for \$25 was not purchased with his own money, and was not his own money, but had been supplied to him by his Canadian employer to enable him to comply with the requirements of the said Order in Council, and was to be *returned by him to his said employer* when he arrived at Toronto, his Canadian destination. The same evidence was before the learned Judge as to the other two immigrants.

But what is one to do when a Judge will not respect the sworn testimony, but deliberately manufactures evidence to suit his own prejudices.

If there was ever a pure case of fraud on the Government this was it; but the learned Judge is astute to defeat the plainly expressed intent of the Act and revels in giving effect to technicalities of the flimsiest kind.

We have an amendment to propose to Section 3, sub-section H of Chapter 27, 9-10 Edward VII, by striking out the words 'by any charitable organization,' so that the section would read as follows:—

(h) Immigrants to whom money has been given for the purpose of enabling them to qualify for landing in Canada under this Act, or whose passage to Canada has been paid wholly or in part by any charitable organization, or out of public moneys, unless it is shown that the authority in writing of the Superintendent of Immigration, or in case of persons coming from Europe, the authority in writing of the assistant Superintendent of Immigration for Canada, in London, has been obtained for the landing in Canada of such persons, and that such authority has been acted upon within a period of sixty days thereafter.

Then the next amendment is in section 23. The section reads:—

'No court and no judge or officer thereof shall have jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister or of any Board of Inquiry or officer in charge, had, made or given under the authority and in accordance with the provisions of this Act relating to the detention or deportation of any rejected immigrant, passenger or other person, upon any grounds whatsoever, unless such person is a Canadian citizen or has Canadian domicile.'

Yet in spite of that Mr. Justice Graham did make the order. To make it more binding, we propose to add after the word 'given' the following:—

'Or purporting to be had, made or given.' which will give effect to the spirit of this section. Then there is another addition we propose to add to this and it is this:—

Section 23 (A) 'No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularities.'

Justice Graham rendered his decision on a technicality. To give effect to the spirit of the Act this provision is put in that where there is a little technicality which the officer in charge may be guilty of, that that is no reason why the Act itself should be put to one side. If the Senate in their wisdom see the necessity of amending the Immigration Act in that respect, we hope they will do it. The following is a memorandum explaining the effect of the proposed amendments:—

EXPLANATORY MEMORANDUM OF THE PROPOSED AMENDMENTS OF THE IMMIGRATION ACT.

1. These amendments will meet such cases as those of Walsh *et al*, who were in no better position than if they were being helped by a charitable organization. In a proper case the Superintendent of Immigration, or assistant superintendent of Immigration, has power under the Section to give the authority required to enable the immigrants to land.