

as whether a man should be deprived of his citizenship. It may be that it is impossible to bring action in a court against a man who is absent. I am not a lawyer and I do not follow the law cases, but I seem to have hazy recollections of cases of persons who have been ordered to appear before courts of law and who have not appeared because they could not appear, and have been tried and sentenced in their absence. Even if the number of cases is infinitesimal, as the minister says, I am not disposed to allow this kind of thing to continue. We have had in recent days what I consider an abuse of this kind of thing. I want to see a citizen, even if it is only one citizen, adequately protected under the law. The hon. member for Swift Current suggested a way out and I would ask the minister to give consideration to it.

Mr. MARTIN: I cannot say I am not impressed. I think we had better let the section stand. There is a strong case for the suggestion.

Mr. GREEN: Would it not meet the objection if we provided that the inquiry should be by the court? The minister already has power in the section to refer the matter to a court or commissioner, who must be a judge. Why not make the reference solely to the court? That would meet the objection.

Mr. DIEFENBAKER: In some particulars I agree with what the leader of the C.C.F. has stated. I think we have come to the point where the setting up of these commissions should be an earnest study on the part of parliament with a view to doing away with them. The Secretary of State speaks about the fact that a judge will be placed in charge—

Mr. MARTIN: Has been.

Mr. DIEFENBAKER: —has been in charge of this commission. I know of one commission which has recently been sitting which has set aside all the principles and all the traditions of British law and justice, and it has made a horrible mistake in one case we know of. They were two of the most eminent judges in this country operating under the commission system, which in its very essence can be a denial of British justice.

Mr. MITCHELL: Would that be the first time a court has made a mistake, the first time human beings have made a mistake?

Mr. DIEFENBAKER: No. The Minister of Labour speaks with such experience on the question of making mistakes that I can understand the present question.

Mr. MITCHELL: One thing about it, I am frank to admit it.

[Mr. Coldwell.]

Mr. DIEFENBAKER: However, he is an affable fellow and we never have real disagreements. At any rate, this is a case that deserves the attention of parliament. A royal commission sat and tried people—one person, we will say; I will not deal with the others because they are before the courts. They tried him and found him guilty—two high court judges—and a magistrate said there was no evidence whatsoever against him sufficient to commit him. I refer to their report relating to the provisions for the setting up of the commission, at page 20, from which I quote:

Therefore, there would seem to be no answer on the evidence before us, to a charge of conspiring to communicate secret information to an agent of the U.S.S.R.

That is an example of what happens under commissions. I did not know we were back to section 21, but we are in the position here of approving the setting up of commissions. I am glad my hon. friend, a member of the government, has learned of the importance of having counsel representing the accused—

Mr. MARTIN: I am learning every day.

Mr. DIEFENBAKER: —because he pointed out that in this case counsel would be permitted to be present. But I suggest that while this section may have been here for a long time—

Mr. MARTIN: I am going to agree with the amendment if I can get a chance.

Mr. DIEFENBAKER: Oh, you are?

Mr. MARTIN: I said so a long time ago.

Mr. DIEFENBAKER: My hon. friend did not say that.

Mr. MARTIN: I did.

Mr. COLDWELL: Yes, he did.

Mr. DIEFENBAKER: He must have been conducting a conversation.

Mr. MARTIN: The hon. gentleman was engaged in other things when I said I was impressed by the argument to which I had listened, and I was impressed, because it has troubled me. I would therefore ask the Minister of Mines and Resources to move now that paragraph (e), which as amended is now (d), be amended by inserting after the word "has" the words "if out of Canada", and after "His Majesty" the words "or, if in Canada, has been convicted of treason or sedition by a court of competent jurisdiction".

Mr. GLEN: I so move.

Amendment agreed to.

Section as amended agreed to.

On section 29—Rights of aliens.