

be a clear and precise enactment. Such amendment cannot be interpreted as resulting from mere implication or inference.'

The judge proceeded to apply the law in the Thaw case, and I think we have in his judgment a clear interpretation of the best traditions of English and Canadian jurisprudence.

Mr. BORDEN: I have not read the judgment of the learned Chief Justice, which has been quoted, and I am not sure that I entirely gather the purport of his pronouncement. Does he mean that the British Parliament is the only parliament that can interfere with or repeal Magna Charta in this country?

Mr. LEMIEUX: Oh, no. I will send the judgment to my right hon. friend and he will see that it goes into the whole history of the matter. The dictum of the learned Chief Justice had reference only to the particular case of Thaw, and the power the Parliament of Canada had to suspend the Habeas Corpus Act by the Immigration Act.

Mr. BORDEN: I would agree at once, of course that it should only be done in the most direct and positive manner, but if the learned Chief Justice decided more than that, and denied the competency of this Parliament to deal with such a subject, I would not, at first sight, be disposed to agree at all.

Mr. LEMIEUX: In that case, the legal advisers of the Department of the Interior contended that Thaw could not get the benefit of the Habeas Corpus Act. If the right hon. gentleman will read the judgment of Chief Justice Archambault he will find therein what I have stated.

My opinion has always been that the writ of habeas corpus is an inherent right of every British subject. It has always been called the palladium of British liberty, and I do not share the view of my hon. friend from Edmonton (Mr. Oliver) that British immigrants coming to Canada should be deprived of the right of habeas corpus. Let us put aside for the moment the question of those coming to Canada who might be designated foreigners, and let us take the case of that Sikh Hindu priest, who was a British subject. Surely he could claim the benefit of a writ of habeas corpus, even if the Canadian immigration officers had decided to deport him. I may be all wrong, of course, in this, but it seems to me to be in accordance with British justice and freedom.

[Mr. Lemieux.]

Mr. KNOWLES: Does the hon. member mean to express the opinion that this House of Commons, and the Senate, and His Excellency the Governor General, could not together pass legislation to take away the right of habeas corpus from a British subject?

Mr. LEMIEUX: That is why I said I would like to have the opinion of the Minister of Justice. Chief Justice Archambault, of the Appeal Court of Quebec, questioned that right, and it is certainly a debatable point. It seems to me that in the case under review, that Sikh priest Bhagwan Singh was most unfairly and most brutally treated, if the facts I have related are true. I cannot speak, of course, from personal knowledge; I speak only from what I read in Mr. Baer's paper.

The situation is one that calls for immediate action on the part of the Government. It is not a question of Chinese or Japanese immigration; the present difficulty lies with the Hindus, who are British subjects, like yourself, Mr. Speaker, and like myself. When this deportation took place in British Columbia, there was great indignation on the part of our fellow-subjects, the Hindus. I read the following despatch:

Vancouver, B.C., Dec. 7.—Indignant at the widespread agitation which developed following the decision handed down by Chief Justice Hunter in the Hindu immigration cases last week, many former natives of the Punjab are said to have declared their intention of returning to their own country 'with flames in their hearts,' as they describe their feelings in the picturesque style of the orient.

This decision was reached at meetings held yesterday in Victoria and Vancouver.

A telegram was drafted at the gathering and despatched to the hon. R. L. Borden, informing the premier of the determination of many of the Sikhs to leave this country in a hostile frame of mind. Exclusion which has been suggested as a solution of the Hindu immigration problem, would be looked upon as a mark of degradation in the eyes of their 'brothers in arms' in the Punjab, the men point out in their telegram to the premier, referring to the fact that the majority of the native soldiers in the Punjab were loyal to the British at the time of the Indian mutiny and helped to save that part of India to the empire. The opinion is also expressed in the telegram that the resident Hindus now believe it is useless for them to appeal to the Canadian Government for equitable treatment, evidently alluding to the forcible deportation of the priest Bhagwan Singh on the Empress last month.

Mr. STEVENS: What did the hon. member read that article from?

Mr. LEMIEUX: From the Ottawa Citizen of the 7th of December; it is a despatch from Vancouver. I quite agree with what