

portation shall take place under such conditions as are ordered by the officer in charge. It is believed that, instead of the matter being in the discretion of the transportation company which is carrying out the deportation the transportation company should be under the direction of the officer in charge of immigration. The Act reads that he shall be reconveyed 'by the transportation company which carried him to the place in Canada where he was rejected, or where he is being retained for deportation, to the place in the country whence he was brought, or to the country of his birth or citizenship.' That leaves it discretionary with the transportation company as to the accommodation to be given to the returning immigrant, and, in order that that should not be entirely in the discretion of the transportation company, the words are added 'as may be directed by the officer in charge.'

On section 5,—penalty on transportation company refusing to return person ordered to be deported.

Mr. OLIVER. The first amendment is merely verbal but the second and third amendments in the section are important. As the explanation underneath points out, it is to make clear that the transportation company must take the deported person not only to the boundary of the country from which he came, but to the place in the country from whence he came. In order that there may be no question about it, the second amendment is made to read: 'As may be directed by the immigration officer.'

Mr. DOHERTY. I understand the intention of the second amendment is to give the immigration official the right to decide whether the man shall be taken to the country he came from, or to the country of his birth or citizenship. Would it not be fair that the individual deported should have some choice in that matter?

Mr. OLIVER. The board directs that he shall be taken to the place in the country from whence he came, or to that of his birth or citizenship as may be directed by such order. It does leave discretion with the board. But I think it is right that it should be done, because we have difficulties with people who come through the United States from other countries, and some times it is possible to return them through the United States and sometimes it is not, according to the way the United States authorities administer their law.

Mr. DANIEL. Supposing a Ruthenian embarks at Liverpool for this country in one of the Allan or Canadian Pacific Railway steamers, and after having arrived here, he is ordered to be deported. Can

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this board order the steamship line, not only to take him back to Liverpool, but to make them see that he is conveyed as far as Ruthenia from whence he came in the first place?

Mr. OLIVER. If in Ruthenia or Galicia he bought a ticket to Canada from the agent of the steamship company, yes; but if he had only bought the ticket to Liverpool, and then bought another ticket from Liverpool, of course the company could be compelled to return him to Liverpool.

Mr. DOHERTY. I do not suppose the board would be so unreasonable as to do that, but under the wording of the section they would apparently have a right in the case suggested to order that man to be taken back to Ruthenia from Liverpool.

Mr. OLIVER. I do not think that the words bear that construction. But there is no doubt that in order to secure substantial justice, that authority has to be placed in the hands of the board. I do not think there is any other way but to give such discretion and authority to the board.

On section 6, subsection 1,—prosecutions,

Mr. OLIVER. The amendments here, as will be noted, provide for a rather greater responsibility on the judicial side than in the present Act; and also provide that proceedings may be taken not only against the transportation company, but against the individual. Under the former Act proceedings might only be taken against the company, and it was thought better, while that might cover all cases, specifically to state that proceedings could be taken against an individual as well as against a company.

On paragraph 4, lien on property of transportation companies.

Mr. OLIVER. These amendments are in the line of the amendment in the first section, that is to say to provide where it is either a person or a company.

Mr. JAMESON. Last year, when this section was under discussion, there was some little doubt in the minds at least of some hon. gentlemen as to whether there would be jurisdiction in certain cases against these transportation companies. I would like to ask the minister if, during the year which has just passed, any proceedings have been taken against any transportation companies under the Act?

Mr. OLIVER. No, we have not found it necessary. The transportation companies have conformed to the Act substantially.

Mr. DEPUTY SPEAKER. Shall I report the Bill?

Mr. OLIVER. The amendments are marked by brackets. I do not know whether