

Right Hon. Mr. MEIGHEN: Not just yet. What I had in mind and now suggest is that the expression "friendly foreign state" should be defined. This expression occurs in section 3:

If any person, being a Canadian national, within or without Canada, accepts or agrees to accept any commission or engagement in the armed forces of any foreign state at war with any friendly foreign state, or, whether a Canadian national or not, within Canada, induces any other person to accept or agree to accept any commission or engagement in any such armed forces, such person shall be guilty of an offence under this Act.

The words "foreign state" are defined as including:

any foreign prince, colony, province or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people.

I am informed that in the British Act a friendly state is defined as a state at peace with His Majesty. There appears on the surface to be a difference between that term and the term "friendly foreign state" as used in our section 3. Why should not "friendly foreign state" be defined by a new clause (g) of section 2 as "a foreign state at peace with His Majesty"?

Hon. Mr. DANDURAND: I doubt whether there is any need for clarifying the expression "friendly foreign state" as contained in section 3. It seems to me it is synonymous with a foreign state with which we are at peace.

Right Hon. Mr. MEIGHEN: The British Act uses the expression "a foreign state at peace with His Majesty."

Hon. Mr. DANDURAND: Does it define what is a friendly state?

Right Hon. Mr. MEIGHEN: It does not use the term "friendly foreign state," which we have adopted. I admit quite frankly that I submitted this matter to Parliamentary Counsel. He thinks there is no danger in using that term, but I incline to the view that it is better to use terms which have always been used.

Hon. Mr. COTE: May I suggest that the reason for not adopting a definition was to get away from a difficulty which might be involved in accepting the definition in the British Act. This definition says that a friendly state is a state which is at peace with His Majesty. Of course, "His Majesty" means His Britannic Majesty the King of England, the King of Canada, the King of Australia, and so on. If we inserted the Imperial definition, and Australia only were at war with a foreign state—

Right Hon. Mr. MEIGHEN: That might be a state friendly with us?

Hon. Mr. COTE: Yes. Obviously, whoever drafted this Bill did not want to settle that moot and difficult point.

Hon. Mr. DANDURAND: Perhaps we had better accept the Bill as drafted.

Right Hon. Mr. MEIGHEN: We should not assume there can be war and peace at the same time in the same country.

Hon. Mr. DANDURAND: I have no objection to any amendment.

Right Hon. Mr. MEIGHEN: Should not the word "voluntarily" be inserted in clause 3 before the word "accepts"? Certainly it is against the law of nations for another country to compel a national of this country to enlist in its armed forces, but conceivably it might be done.

Hon. Mr. DANDURAND: Does not the word "accepts" cover the point?

Right Hon. Mr. MEIGHEN: Oh, no. He might accept an engagement under compulsion.

Hon. Mr. BLACK: He might be conscripted while in a foreign country.

Hon. Mr. GRIESBACH: He might be visiting his native country, the government of which did not recognize Canadian naturalization, and therefore would conscript him. When he came back to Canada he might be found guilty of foreign enlistment.

Hon. Mr. MACDONELL: No foreign nation can conscript a British subject.

Hon. Mr. BLACK: A somewhat similar condition did exist in the late War. Germans, nationals of the United States, who happened to be in Germany at the time war broke out were forced into the German army. The insertion of the word "voluntarily" before the word "accepts" would at least free our nationals from prosecution after they returned to Canada. If of German or Japanese origin it is conceivable they might be conscripted.

Right Hon. Mr. MEIGHEN: Germany disregards naturalization laws of other countries and would still treat those men as its own nationals.

Hon. Mr. DANDURAND: Well, we may put in the word "voluntarily." If it destroys to any extent the economy of the Bill, the House of Commons may express an opinion.

Right Hon. Mr. MEIGHEN: It does not.