

be landed at Quebec' and 'the quarantine rules forbid the landing of third class passengers at Rimouski.'

The reply from the Director General of Public Health was to the effect that such is 'not a quarantine regulation' but one issued by the immigration branch of the Interior Department', and I was referred to your department for further information.

I then wrote the Commissioner of Immigration regarding the same matter. The reply from him states that 'there is no regulation that third class passengers arriving by ocean steamer via the St. Lawrence route must land only at Quebec.'

The discrepancy between your statement in yours of December 26 and these of these other two officials will be apparent. And the statement of these officials agrees with the opinion which I formed from a careful examination of the Immigration and Quarantine Acts made before entering any complaint, as I have already stated in my letter to you of November 22.

I beg leave also to call your attention to the fact that there is a very apparent inconsistency between your letter of November 20, in which you give as the reason why I was not allowed to land at Rimouski, that 'the steamer did not make entry at the customs house, Rimouski,' and your letter of December 11, in which the reason given is that my 'name was not included in the partial clearance granted by the quarantine officer at Rimouski for the landing of passengers at that point,' and again in your letter of December 26, in which you defend the last statement and add that 'the quarantine rules require that third class passengers shall be landed at Quebec.'

I have still to inquire then why I was not allowed to land at Rimouski from the steamer *Empress of Britain* on September 28, 1911, the immigration officer having given his permission, the objection to my landing having been made by an officer of Canada Customs. I trust that you will be able to give me this information, or else admit the error of the customs officer referred to above by return.

The letter of the 20th of November from Mr. John McDougald, Commissioner of Customs, written to Mr. Colpitts in reply to his letter of the 14th of November, 1911, reads as follows:

I have the honour to acknowledge the receipt of our letter of the 14th instant, respecting the refusal of the customs officer to permit your landing at Rimouski from the steamer *Empress of Britain* on the 28th September, 1911, you being a third-class passenger on the said steamer.

In reply I am to say that the landing of passengers at Rimouski from the steamer *Empress of Britain* was objected to because the steamer did not make entry at the Customs House, Rimouski.

I enclose copy of Quarantine Regulations. You will observe in section 6, page 5, that a steamer coming from a port outside of Canada is not allowed to make customs entry at Rimouski until it has received a clean bill of health from the quarantine officer at such place. These steamers, for quarantine purposes, are inspected at Grosse Isle above Rimouski. You will observe that under section 12, page 6, there is a prohibition against the landing of passengers before the inspection of the ship for quarantine purposes.

Hon. J. D. REID: What is the date of that letter?

Mr. EMMERSON: November 20, 1911.

Mr. REID: That explains the whole matter.

Mr. EMMERSON: It certainly does not do so, because other passengers were permitted to land. If such a rule applied to the third-class passengers, it should have had equal application to the second and the first-class passengers. To contend that the customs official was justified in preventing Mr. Colpitts from landing would be to condemn that same official for permitting the second and the first class-passengers to land, as he did on the occasion referred to.

The circumstances of this case are quite apparent from the correspondence which I have read. Mr. Colpitts had satisfied the immigration officer that he was a Canadian citizen, that he was returning to his home, that it was desirable in his own interest—and not only in his own but in the public interest—that he should land at Rimouski. But the customs officials interposed and said: No, notwithstanding the permission of the immigration officers, notwithstanding their willingness, the Customs Department absolutely prohibit your entry. And the Commissioner of Customs puts in as a defence that the steamer had not entered at the port of Rimouski. Childish, such a statement is; for the reason that if it required an entry at the port of Rimouski to permit the landing of passengers, then none of the first-class or second-class passengers should have been permitted to land. If these rules which have been cited are applicable to third-class passengers only, it is not so stated; there is no distinction or discrimination made either in the regulations or in the law in that regard. Therefore, there cannot be, fairly, rightly or legally, any distinction made between Mr. Colpitts, a Canadian citizen travelling as a steerage passenger and Mr. Somebody-else, a Canadian citizen travelling as second-class or first-class passenger. That is the crux of the case. Mr. Colpitts is a Canadian citizen; he goes to Europe on his own affairs, and he seeks to return to his university duties. And yet he is treated as an immigrant and prevented from again landing, prevented from getting to his home; and he wants to know—and rightly wants to know—under what regulation a ban was placed upon his landing at Rimouski. Mr. McDougald wrote a letter, dated the 26th of December, as follows:—