

Canadian Citizenship Act

child and subsequently marries the mother of that child, then that child becomes a Canadian baby.

Mr. Fulton: That is an unfortunate phrase.

Mr. Pickersgill: Since it is the case that if a Canadian citizen who is a woman goes abroad and has an illegitimate child that child is a Canadian born citizen, it was felt that perhaps this was a case for equal or almost equal rights for men. It did seem to me on further consideration that this amendment might have the effect—it would have some good effects I am sure—of creating a lot—no, I should not disparage the Canadian people—a small number of Canadian born citizens who had never been in Canada in their lives and who never would be in Canada in their lives and ultimately perhaps in the year 2050 might create a Don Pacifico incident such as the hon. member for Kamloops no doubt remembers caused Lord Palmerston some pain in the year 1850.

After considering the pros and cons of this matter very carefully—I must say I was never terribly enthusiastic about the amendment—I came to the conclusion that the cons were stronger than the pros, particularly as it was pointed out to me by one of the lawyers that the courts might not interpret subparagraph (c) in the way in which it was intended to be interpreted. An amendment was made in the Senate committee which seemed to make it clearer, and one of the legal advisers of the government said he still had some doubts as to whether it was really clear. I came to the conclusion that it was a dubious thing to do at best, that it seemed to be exceedingly difficult to do and that we had better give it up.

Mr. Fulton: I appreciate the minister's explanation. Since the reference to Canadian babies at home has caused the minister some embarrassment, if this is going to save him some embarrassment by avoiding the possibility of having Canadian babies overseas, then we are glad indeed to accept the amendment.

Mr. Pickersgill: The embarrassment would have been the embarrassment of the Secretary of State for External Affairs. I have nothing to do with Canadian babies abroad.

Amendment agreed to.

Clause as amended agreed to.

The Chairman: It may be more convenient to hon. members if I read the numbers of the succeeding paragraphs as they appear in the bill itself to avoid confusion, although they will be renumbered in accordance with the amendment.

Clause 3 agreed to.

On clause 4—*Certificate for minor children.*

Mr. Fulton: We are glad to note that there has been an amendment now which must have been effected in the other place subsequent to the introduction of the bill, because there was originally a proposal in this clause that after 1961 a person who could not speak adequately either English or French but had been in Canada for 20 years might be granted his citizenship certificate notwithstanding his inability to speak the language. That provision has been removed, I presume on the motion of the hon. senators in their committee. I think it is a sensible thing because there are bound always to be a few elderly people who while their hearts and souls are in Canada and their lives are here are not able to acquire an adequate knowledge of the language. I think they should always be able to acquire citizenship notwithstanding that. My main purpose in rising in connection with this clause, however, is to ask the minister a question with regard to subsection 3 thereof. The effect of this subsection—

Mr. Pickersgill: If we are going to take up the subsections separately, would the hon. gentleman permit me to ask the Minister of Finance first to move an amendment to subsection 1 and clear it out of the way. This amendment to subsection 1 is simply for the purpose of making clear what paragraph (d) beyond peradventure really means. It now reads:

A British subject under the Naturalization Act . . .

What I am asking to have substituted for the word "under" is—

by virtue of a certificate of naturalization as defined in . . .

I will send the hon. gentleman a copy of the amendment.

Mr. Harris: I so move.

The Chairman: Mr. Harris moves:

That the word "under" in paragraph (d) of subsection (1) of section 4 be struck out and the following substituted therefor:

"by virtue of a certificate of naturalization as defined in . . ."

Does the committee agree to this amendment?

Amendment agreed to.

Mr. Fulton: I should now like to ask the minister a question about subsection 3. As I understand it, the effect of this subsection is to take care of people who have been admitted to Canada, with the acceptance of the country generally and under the authority of the government, but in fact have no regular