

this country or he might be a foreigner, an alien of another race. So to carry out the minister's argument of a moment ago deportation ought to be included in the second clause as well.

Mr. STEWART (Argenteuil): You could not deport a Canadian citizen.

Mr. STEVENS: No, an alien, a Swede, a German or a Frenchman.

Mr. STEWART (Argenteuil): You would have a double-barrelled clause, one for the Canadian citizen who aids and abets and one for the foreigner?

Mr. STEVENS: It is double-barrelled now. You do not deport a Canadian citizen anyway. You only deport an alien.

Mr. BLACK: You might cover it by saying that if of foreign origin he shall be liable to deportation.

Mr. STEWART (Argenteuil): Perhaps it would be better to alter that section making deportation obligatory.

Section stands.

On section 35—Organizing, etc. unlawful courts as to offences by Chinese:

Mr. STEVENS: Would the minister give us a brief explanation of this clause?

Mr. STEWART (Argenteuil): This is in our present act, and is to prevent unlawful organizations of Chinese in Canada.

Mr. STEVENS: This deals with the tong war question, war between the different tongs of Chinese; it is very necessary. I would again draw the minister's attention to the fine. It may be only one dollar. There is no minimum fine provided. I think that in both these sections there should be a minimum and a maximum fine if possible.

Mr. STEWART (Argenteuil): This section is hardly in the same category with section 32. I have no compunction about section 32. I am prepared to put the maximum there.

Mr. STEVENS: For instance, you might fine a man one dollar only and he is penalized under this section. There is no minimum as regards either imprisonment or fine. I grant you this section is not as important as the other one, but in redrafting perhaps the minister will keep this point in mind.

Section agreed to.

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On section 37—Violation of act, order or regulation:

Mr. STEVENS: We have the same wording again here: "Every person who violates any provision of this act or any order or regulation made thereunder for which no special punishment is herein provided, is guilty of an offence, and liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding twelve months." There is no minimum in either case. Is there any particular reason for that?

Mr. STEWART (Argenteuil): Again I think my hon. friend will admit that this is not in the same category with section 32. There is a vast difference between infractions of these two kinds, and some latitude will have to be allowed the court in this case. That is the way it appeals to me. There might be a case in which ten dollars would be a sufficient punishment, but in a serious case a fine of a thousand dollars or imprisonment might be necessary.

Section agreed to.

On section 38—Jurisdiction of courts in cases of rejection and deportation restricted:

Mr. HANSON: There might be a case where the minister or the controller acted wholly without jurisdiction notwithstanding the provisions of this section. I would submit that the court of record would have the right to have the King's writ run. For instance, habeas corpus might lie. Is it the intention to deprive the accused of the right of habeas corpus. If so, it ought to say so in express language.

Mr. STEWART (Argenteuil): A great deal of difficulty has been experienced in connection with this matter. The minister's decision I think should be final. It perhaps looks like a hardship to say that a man must be bundled out of the country on the order of the minister, but the very same thing applies here as in the case of the head tax. The head tax has been abused and been made the means of a sort of slavery among the Chinese who are in Canada, and the same applies here. It is being repeatedly abused. If my hon. friend was in my office for twenty-four hours he would see just how much it is being abused daily. I am not anxious to have the power conferred here, but I think it would be very much to the advantage of the nationals of China themselves.

Mr. HUMPHREY: In connection with this clause I should like to place on record a resolution I received a few days ago. It may not