

the world that might be read literally without expressing the intention, unless the context were taken into consideration.

Mr. DOHERTY. Surely the minister does not mean to intimate that the judge did not take the context into consideration. The court that pronounced upon this is entitled to the assumption that it applied these rules of interpretation which enable us to ascertain precisely what parliament did express. Of course, one of the most elementary of these rules is that the court should look at the context, interpret the Act as a whole, and interpret each disposition of it by the other disposition. If the court did its duty, as we must assume it did, we have an authoritative determination that the mind of parliament expressed in the Act was in the sense that the court found. What the minister does now is to ask us to change our mind.

Mr. OLIVER. That is a matter of opinion. The court may have the opinion that the mind of parliament was expressed in the words contained in the statute, but if my hon. friend will permit me to give my opinion, it is that it did not express the idea as clearly as may be that the intention was that domicile should only be as defined by this Act. That is as I read the context, and as a member of parliament, perhaps my view of the matter is just as good as that of a judge on the bench.

Mr. DOHERTY. Then, if, as the minister says, the statute does express the idea, why not leave it as it is? If, on the other hand, there is need for this amendment, it is because, as the law stands to-day, a person can acquire domicile otherwise than as stated in this case. And the minister is before us asking to enact this section, which has no reason for existence at all, unless it is true that without it a person can acquire a domicile in some other way than that specified here. If the minister is entitled to have his judgment stand on a level with the judgment of the courts, perhaps the rest of us in parliament are entitled to claim that what we meant should be interpreted in accordance with what we said. The change does seem to me to involve such serious consequence with regard to the general law of domicile that those who propose it should lay before us very strong reasons, so that we may intelligently pronounce whether or not it is necessary to make such a change.

Mr. OLIVER. There is no other intention than to place all the reasons before the House. I agree with my hon. friend that the opinion of the judge is quite as much entitled to consideration as my opinion, or the opinion of any other member. But we are here to exercise our judgment and take our responsibility as to what we are doing. I am placing before the House

the view that the proper carrying out of the intent of the Act, and taking into consideration the decision of the judge as to the meaning of the word, requires that this amendment shall be made. It is for the House to say whether it agrees with that view or not. As to the reasons; we have found it necessary in the administration of the Act, in carrying out what we believed to be the mind of parliament, and in order not to do any injustice to any person, that we should define 'Canadian citizenship,' which is something which is not defined anywhere else, and that we should define 'domicile,' which is something not defined anywhere else. The reason we have to make these definitions is that we may not do injustice in such cases as are dealt with in section 3 of the Immigration Act of last session, which is practically a re-enactment of the Act passed in 1906. My hon. friend will agree that that at any rate expresses the mind of parliament, and parliament says distinctly:—

No immigrant, passenger or other person, unless he is a Canadian citizen or has Canadian domicile, shall be permitted to land in Canada, or in case of having landed in or entered Canada shall be permitted to remain there, or, who belongs to any of the following classes hereinafter called prohibited classes.

That expressed the mind of parliament since 1906. In the Act of last year, in order to limit the hitherto unlimited application of this we introduced this exception in regard to Canadian citizenship, and in regard to Canadian domicile. In order to limit the formerly unlimited application of this provision, we thought it was right that there should be these exceptions; but in order that we should make exceptions and not contravene the principle which has been in the mind of parliament since 1906, we had to define both Canadian citizenship and Canadian domicile, and I submit that it was carrying out the intention of parliament that these should be defined in a restricted and limited sense, and it would not have been carrying out the mind of parliament had we defined domicile as the hon. gentleman has suggested.

Mr. DOHERTY. I do not want to debate the question whether the mind of parliament last year should necessarily control absolutely the mind of parliament this year, particularly when we are asked to be controlled not by something expressed but by something that was in the mind of parliament and not expressed. The hon. minister says that his purpose is to avoid the injustice which would be done if we gave a less restrictive interpretation to section 3 of the old Act. The section applies only to persons who have neither Canadian citizenship nor Canadian domicile, and the minister admits that once that we pass this Bill, there are persons who have