

*Immigration Act*

Sir HENRY DRAYTON: My hon. friend does not so limit it at all. If we are to treat this matter logically, with a view to seeing what ought to be done, we will go back and see what the present law is, and find out what is wrong with it. The present law really makes these companies liable, as I see it, in every case of negligence.

Mr. ROBB: This has been the United States law for some years. Under changed conditions vessels that were formerly plying to New York are now running to Canadian ports. We are not putting them under any greater handicap than they had been under when running to United States ports.

Sir HENRY DRAYTON: I was wondering what would be the fair thing, and I am not concerned with American laws, because I think some of them are unjust. I do not think they help the American taxpayers, and, on the contrary, they add to the burdens of the taxpayers. You can have foolish restrictions that do not help anybody.

Mr. ROBB: I admit that.

Sir HENRY DRAYTON: Is not the present law that the company is liable to look after everybody in cases where there has been negligence? Is there any doubt about that? I do not think there can be any doubt about that, from what I have heard this evening, and it has not been contradicted by the minister up to date. If there is no doubt about that, I take it the proposition is that the company is to become insurer of people's health. It must be either one thing or the other. Are they to become absolutely the insurers of health?

Mr. ROBB: I am not sure that that is a fair way to put it.

What is really intended was that they should be more careful in their selections.

Sir HENRY DRAYTON: I am content to go absolutely to the full extent. Put it in any way you like, as to diseases originating or troubles originating that they ought to have known about. But we have to take the act as we find it. Under the act as we find it, so far we have reached this point that the companies are liable if there is any negligence of any kind. Under the proposed legislation they are to be liable without negligence of any kind; they are to become insurers. Are they absolute insurers? Are they insurers against the action of my hon. friend's department? One has only to ask the question to see how ridiculous the answer would be if it was answered truthfully according to this section.

[Mr. Robb.]

Mr. ROBB: Would there not be negligence at least to a degree on the part of a booking agent who sold a ticket to a person who could not pass the medical examination when he reached this country?

Sir HENRY DRAYTON: I would agree with that immediately.

Mr. ROBB: These people are not properly in charge of the department until they are passed by our medical examiners at the port of entry in Canada.

Sir HENRY DRAYTON: I agree with that, but that is not what the section says at all. I will go back to my old query. Are the transportation companies to be absolute insurers? Are they to be insurers absolutely when these people are in the hands of the department?

Mr. ROBB: They are not in the hands of our department until they pass our medical examiner at the port of entry in Canada.

Sir HENRY DRAYTON: The section reads:

A passenger or other person seeking to enter Canada or who has been rejected—

He is to some extent in the hands of the department.

Mr. ROBB: Not at all. He has been rejected.

Sir HENRY DRAYTON: Let me read a few more words:

—or is detained for any purpose under this act.

That detention is a detention worked by the department. That detention is something which has absolutely nothing to do with the steamship company. That detention may continue, under the permits and other things we have in this legislation, for six months.

Mr. ROBB: That detention might be for the benefit of the steamship company. The department might decide at once that they would deport the man, but they might allow a reasonable detention in order to find out if they would admit him or not.

Mr. ROSS (Kingston): Supposing the case is a proper one, the man being sick, but later on he passes. He has been detained. The transportation company have fulfilled their duty and the detention may be an improper one, but it has been carried out under the act.

Mr. ROBB: May I remind my hon. friend of this, that if the passenger comes to Canada perfectly fit, he is admitted at once; we are glad to get him through the immigration