

ation where you will forcibly separate husband and wife, parents and children. Of course, that is a new position that the minister is asking parliament to take. For myself, I cannot pretend to be as familiar with the difficulties that may arise with regard to excluding undesirable immigrants as the minister, or those who are engaged in the operation of this Act, but I must say that for my part I would require to be satisfied of some very urgent necessity indeed and to have demonstrated to me the practical impossibility of otherwise protecting us from undesirable immigration before I would deem it desirable to lay down a rule of this kind which is not only liable to produce, but which the minister tells us and which his words clearly show it is intended to produce, the position which I have pointed out.

Mr. DEVLIN. Do I understand that the hon. gentleman would suggest that there should be a subsection similar to that in the civil court of lower Canada that the domicile of the husband be the domicile of the wife?

Mr. DOHERTY. That would be suggesting the contrary of the provision. I am objecting to the provision because the effect of it is to make it absolutely clear that a wife who comes here as an immigrant will have no right whatever to claim, that because her husband is domiciled here she has a right to do what the law in most countries imposes upon her as an obligation, that is to follow her husband to the domicile that he has chosen. The idea of this Act is to step in and say: No, madam, you shall not do it. Of course, there will be very little purpose in the minister's provision if he were willing to state that it should be subject to the exception made by the general law. I understand that the minister's reason is that he wants to make this provision as a derogation from the general law.

Mr. BUREAU. My hon. friend says that this clause would prevent a wife from coming in after her husband had acquired domicile to enjoy the privileges which he only enjoyed.

In section 2 there is a definition of Canadian citizenship and it says: 'Canadian citizen' means (1) A person born in Canada who has not become an alien; (2) a British subject who has Canadian domicile; or (3) a person naturalized under the laws of Canada who has not subsequently become an alien or lost Canadian domicile.

Mr. DOHERTY. What is the section?

Mr. BUREAU. That is the old Act, section 2. There is a proviso:

Provided that for the purpose of this Act a woman who has not been landed in Canada shall not be held to have acquired Canadian

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citizenship by virtue of her husband being a Canadian citizen; neither shall a child who has not been landed in Canada be held to have acquired Canadian citizenship through its father or mother being a Canadian citizen.

Mr. DOHERTY. There a wife is excluded from claiming any right to Canadian citizenship. Here we are asked to go farther and declare that she is not entitled to claim to be a person having a Canadian domicile, though, as far as I know, not only by the general law of Canada, but, I do not think I am mistaken in saying, by the rules of private international law, or the conflict of laws, she will be, by the civilized countries of the world, denied the right to claim that she is domiciled anywhere else.

Mr. BUREAU. For the purpose of this Act.

Mr. DOHERTY. I quite concede that, but you are going to place that woman in a position where for no purpose, in the country of her original domicile, will she be recognized as domiciled there and for the purpose of coming into Canada in the fulfilment of her obligation to follow her husband wherever he is domiciled she will not be considered as domiciled here. I have said that I do not pretend to be familiar with the difficulties that present themselves in the operation of preventing undesirable immigration, but I do think that when this House is asked to go so far as that in contravention of a principle which is so generally accepted and one which is recognized throughout the civilized world as resting upon the highest considerations of public policy the minister should put before us what are the difficulties in the administration of this Act which make it impossible or exceedingly difficult to keep out undesirable immigration without the aid of a provision of this kind.

Mr. OLIVER. I think the mind of parliament can fairly be considered to have been expressed by the context rather than by the individual words.

Mr. DOHERTY. Does the minister contend that the court which interpreted this did not pay to the context the attention that ought to be paid to it? The authoritative determination of what was in the mind of parliament is shown by what the Act said, and the court is the only source from which you can get an authoritative determination of what the mind of parliament was. It is the first time I have ever heard the suggestion that there was any other method open to us for discovering the mind of parliament than by looking to what parliament expressed.

Mr. OLIVER. I think my hon. friend is very wide in his reasoning. I think there are sections of the most revered book in