

moved by the hon. gentleman from Montarville to strike out the words 'or foreigner', and before the question is put, I propose to call attention to this. We propose to insert certain words in section 1 of the Act of 1901. When we come to look at section 1 of that Act we find the words 'encouraging or soliciting the immigration or importation of any alien or foreigner into Canada.' The words 'alien or foreigner' are used there. Later on, it is proposed to insert these words 'such alien or foreigner' so that you admit the words 'or foreigner' in the middle place, and you leave them out in the other two places, and you have to amend the original Act in the two places, if you propose to amend this Bill.

Hon. Mr. BAKER—I do not like to be uncharitable, but the observation of the hon. gentleman from Halifax makes it quite apparent that this Bill was carelessly constructed, if such a word may be applied to any instrument that finds its way to light, without any care or diligence whatever. The hon. Secretary of State has very frankly confessed that the object was to get the Bill through, and it was quite apparent the object of whoever drafted it, was not to draft a Bill that would meet the approval of any body of legislators who gave an intelligent and intelligible consideration to what might be brought before them. The Bill as it is, is really a thing, if I may use a slang phrase, 'that no fellow can understand.'

Hon. Mr. DANDURAND—The hon. gentleman is throwing a slur on the Commons whose child we have received and are now examining. It is the joint effort of the brains of the House of Commons which has produced this Bill.

Hon. Mr. LANDRY—That is not an answer. I should like the hon. gentleman to explain to us the meaning of the clause.

Hon. Mr. FORGET—I understand the government accepted the amendment suggested by the hon. gentleman from Montarville, and also consented to insert the word 'knowingly.'

Hon. Mr. SCOTT—The word 'foreigner' is repeated in other parts of the Bill.

Hon. Mr. LANDRY—It might be struck out in the same way.

Hon. Mr. SCOTT—I withdraw the proposition. I have no objection to stand by the other proposition that the word 'knowingly' remain there.

The committee divided on the amendment to strike out the word 'foreigner' which was lost on the following division.

Yeas, 4. Nays, 11.

Hon. Mr. LANDRY—The hon leader of the Senate accepts the suggestion to strike out the word 'knowingly.'

Hon. Mr. SCOTT—If the clause is to remain I have no objection. I do it to expedite the business before the House.

Hon. Mr. LANDRY—I would not like to take the hon. member by surprise and say that we accept his decision.

Hon. Mr. SCOTT—I was simply making a concession.

Hon. Mr. LANDRY—I think that the clause, taking out the word 'knowingly', means nothing at all by the addition of those last words, 'Knowing or having a reasonable ground for believing.' Does that apply to the guilty party who is an alien? Must a man have reasonable ground to believe that he is a so and so, or does it apply to somebody else, to the prosecutor for example, one who may lay a complaint, if he has reason to believe that the guilty party was then an alien or foreigner? To what does that apply?

Hon. Mr. BEIQUE—A person is charged with having imported or contributed to importing an alien, and with the word 'knowingly' in the section, it has been held by a judge that, as it was not proved that he actually saw the certificate of naturalization of the party, although he knew or was supposed to know that he was an alien, because he was living in the state, to the knowledge of the accused, the word knowingly as contained in the Act had not been complied with. The proof was not sufficient to meet all the provisions of the Act, and the amendment is merely for the purpose of substituting for the word 'knowingly' or in other words, instead of compelling the prosecution to prove actual knowledge, to make it sufficient that the prosecution prove that he had reason to know that he was an alien.