

*Postal Service*

invest in him, could be made the subject of a case in the courts. In that way, it could be reviewed by the courts. It is not correct to say his action could not be reviewed by the court, or that it is beyond review by the court.

I do admit, Mr. Speaker, that the remedy presently available to challenge an action, if it happens to be arbitrary, is a little difficult from the legal standpoint. What is more important from the standpoint of the broker—this was clearly established in the excellent presentation the leader of the opposition made this afternoon—is that while this case was proceeding, some of the broker's business might be lost. I believe we would be presuming a great deal in this house if we were to suggest that these provisions in the Post Office Act which have been invoked with great benefit to society many times over a long period of years should be eliminated. We have been quite frank with this house in saying that the present remedy is not very satisfactory. It may cause a legal delay, and it may in that way create secondary effects upon the offending person which are out of all proportion to his deserts. The move which we have under consideration, therefore, is that of providing an appeal from the order, and not an obscure appeal or an appeal which will take a long period of time, but a summary appeal. Once an order had been made, the citizen offended could make a quick application to the courts and get the whole matter before a judge, with the power to bring in any relevant evidence which he could adduce in addition to that which the Postmaster General considered. Then the whole matter could come before the courts in such a way as to completely minimize the harm that would be done to an innocent person.

**Mr. Diefenbaker:** Will the minister tell me whether the case to which he referred is *Caldwell v. Reilly*?

**Mr. Garson:** No, it is *Literary Recreations v. Sauve*. We believe that if that is done, the wise course is to retain the provision in the law, the value of which has been demonstrated in a large number of cases. As my hon. friend the leader of the opposition said, there are eleven hundred current cases in which this law has been invoked. If there had been that number of instances of arbitrary decisions, does one suppose for a moment, Mr. Speaker, that this house would not have heard about the matter long since? In the present case, involving operations on a large scale financially, does one suppose that if those brokerage firms were very badly treated some application along the lines of this B.C. case would not have been made to

[Mr. Garson.]

the courts before now? Instead of that we have an excellent statement from Mr. McTague on behalf of the broker dealers association. We have sent back to him what we think is a constructive reply. Since then I have received a letter from Mr. McTague to the effect that, while he does not concur in much of the material in my reply because it was in rebuttal to what he had said, he is going to submit to the government in due course the brief which we suggested he might submit. When that brief is received, we certainly intend to consider it, and unless we change the conclusions which we have tentatively reached, we will in due course bring down an amendment to provide a summary appeal from these orders.

I should like to close with one further statement. We talk about encouraging the investment of risk capital for the development of our resources, particularly our mining or oil resources. As a result of nearly thirty years' experience in the practice of law—that is, including my public life—some part of which was in connection with mining law, I do not know of a single more constructive action that this house could take than to make sure that an investor would know, no matter in what country he lives or in what part of Canada he lives, that when he put in any sum of money that he wanted to risk in the development of our resources, he was going to be treated honestly and that he was going to get a good honest run for his money. I suggest, Mr. Speaker, that there is nothing that will deter the investment of risk capital in the development of our resources more quickly, more effectively and more permanently than the fear of investors that they are being treated fraudulently or are being cheated when they invest money in Canadian securities.

## REPRINTING OF MEMBERS' SPEECHES

**Mr. Angus MacInnis (Vancouver East):** Mr. Speaker, I wish to take advantage of this opportunity to air a grievance which affects not only me but a great many other members of the house as well. I refer to the regulations affecting the reprinting of members' speeches during the sessions of parliament. On July 14, 1947, the joint committee of the Senate and the House of Commons on printing presented its second report. Concurrence in that report was moved, and the report was adopted by the house on July 15. The report contained regulations affecting the reprinting of members' speeches. As the regulations are short and to the point, I shall read them. They are as follows:

(1) That the official printing of parliament take precedence over the reprinting of such speeches as are ordered by the members individually.