

There are some provisions in the bill which do not commend themselves to me. When we reach certain sections we shall take occasion to point them out to the minister; I do not know that we can do more than that. The section to which he has referred as being the only new section will repay careful reading on the part of hon. members. I ask everyone to read this bill. We are not in a belligerent mood; we are in a rather judicial atmosphere here to-night. I ask hon. members to read section 23, the last section of the bill. It conveys to the minister and the authorities very grave powers. If I interpret it correctly, it violates certain principles of property and civil rights, and under normal peace conditions would be wholly unconstitutional. I have grave doubt whether this should be done even in war time.

Then, there is another section that caught my eye as I hurriedly read the bill this morning, with respect to the legal rights of parties in regard to damages that might accrue to them as a result of certain actions by the department. This parliament should not, even in war time, lightly legislate to take away the legal rights of citizens of this country. If we are to err at all we should err in favour of the citizen as against the crown. Every taxing statute; every statute that I am aware of dealing with the rights of the subject as against the crown, is always interpreted, under the standard canons of construction, where there is any doubt at all, in favour of the subject. I place myself in the judgment of the Minister of Justice (Mr. St. Laurent) if that statement is not generally correct. There are one or two sections here which definitely take away from the subject his common law rights, his rights in the civil courts of the country, and I would ask this house to scan those sections most carefully when we reach the committee stage. It may be that we shall all have some views on the subject. I appeal to those in the house who are lawyers to bring to this discussion their best knowledge and ability, because I do not think any hon. member, no matter where he sits or who he is, would willingly be a party to injustice by passing a statute, or who would willingly by statute, deprive a subject of his rights at law. None of us wants to do anything like that.

At a later stage on one of these sections I shall raise a question with respect to the right of the department to do certain things for other governments. We are all, in the united nations, fighting a common enemy. We are proceeding on the principle that if one of the allied partners has something which is required by another member of the partnership,

there is an obligation which will compel us to utilize our facilities for the benefit of each other. But I know of a case—I will not mention the names of the parties since the matter is more or less in litigation now—in which this government requisitioned a company's ships not for its own purposes but in order to hand them over to the United States, which at the time was not even in the war. The minister knows to what I am referring, and I do not intend to be more specific than that. I suggest to the minister that this was an abuse of the powers of the crown. If the nation to which I have referred had been a belligerent at the time, the action taken might have and possibly would have been justified; but to take the ships of a Canadian citizen, even in time of war, hand them over to a neutral country, and then pass a statute, as the Minister of Public Works had one passed in this house in 1940—I remember catching that statute as it went through—which derogated from the common law rights of the owner to protect his position, was an abuse of the powers of the crown that ought not to have been allowed. I am sure if the implications of the whole thing had been understood by the house; if it had been understood by the ministry to what uses these statutes would be put, at all events it would have caused them to pause before taking such drastic action. You see how easy it is to have this happen when you give such power to a minister, no matter how good he may be, no matter how conscientious he may be, no matter how sincere in the performance of his duties. Someone will advise him wrongly; some one will recommend that he do thus and so, perhaps without giving him full knowledge of all the implications, and injustice creeps in. The granting of extraordinary powers carries with it as a corollary the demand and the obligation that such powers shall be used with the utmost justice, and that injustice never shall creep in.

Having made these general observations, I am quite content to have this bill given second reading, with the understanding that we shall be able to discuss particular features of it in the committee stage. Before sitting down, however, may I renew the appeal which I have made to the minister, and may I repeat the fear I have expressed that some of these powers at some time will be used, by the operation of other sections of the statute, to inflict great injustice, and that the right of the subject to redress as against the crown will, to say the least, be greatly diminished. I regret to have to make that statement, but I think the minister is going too far in respect of certain provisions which have the effect of cutting down the operation of the common law as