

Canadian Forces Act

not sent him out, he was operating a Department of National Defence vehicle under licence of the Department of National Defence; and I believe the civilian should have some recompense. I should like to know just where the civilian stands in a matter of that kind.

Mr. Campney: As I say, Mr. Chairman, I think it would be in each case a question of fact. As it would appear to me, if the driver of a motor vehicle owned by the Department of National Defence or by any other department of the crown took that vehicle without authorization to follow out something he himself wanted to do, and an accident should occur, the general law as I understand it is that the owner of the vehicle—in this case the crown—would not be liable. On the other hand, if he were authorized to do what he was doing by the army or by the crown in any capacity, the crown would be liable for any negligence resulting in injury or death to a third party.

Mr. Cruickshank: I should like to follow that matter up. I am not a distinguished member of the bar of British Columbia as is the parliamentary assistant, but I happen to pay several hundred dollars a year in insurance; I will not say several hundred, but quite a large amount. I have two cars, and they are good cars, too. They both belong to me. I operate one car and my sister operates the other. My understanding is this, and my distinguished friend who is well versed in the law of the province of British Columbia will correct me if I am wrong, because I am going to ask for a rebate of my insurance premiums on those two cars. If an accident occurs I understand that I, through the insurance company, am responsible for that accident.

Mr. Fulton: Two-car Cruickshank.

Mr. Cruickshank: That is unfair of the hon. member for Kamloops. I want to be clear on this matter. If I am wrong, I want to be corrected by some of the legal lights from my own province of British Columbia.

Mr. Knowles: Be careful; they will send you a bill.

Mr. Cruickshank: If they sent me a bill I would know that I was at least being legally taxed, as I would not be if I received one from those who are not of the legal profession. I want to have this matter clear, and I want to be corrected if I am wrong. I should like to have a little bit of free legal advice. I do not have the privilege in this chamber of going where I go for my advice in a certain other place, where I happen to have a friend who, next to the hon. member

[Mr. Cruickshank.]

for Peel, possibly has as good a legal reputation as anyone in the Dominion of Canada. I am not allowed to mention the name, but anyway he is a senator from Vancouver. I cannot see why I am obliged to pay insurance premiums to protect a private car against accident. The insurance company will say whether I am to blame through negligent driving or anything else; and I can be corrected by my legal friends on this. If I am to blame, as I understand it, under private insurance anybody who is injured is protected. I understand that is the law in my own province. If somebody steals my car or if a certain relative takes it without my consent and an accident happens, the insurance company is liable or I, as owner of that car, am responsible. That is my understanding, and I can be corrected if I am wrong. If the Department of National Defence has a jeep, a motorcycle, or any other vehicle, and it is taken either with or without the consent of the commanding officer—exactly in the same way as with a private car—and somebody is injured or killed, I cannot see why the federal government should not be responsible. I should like to ask the parliamentary assistant, who not only has the advantage of great army experience but who is also possibly one of the most distinguished members of the bar of British Columbia, to give me an answer.

Mr. Murray (Cariboo): Mr. Chairman, just to clarify the matter—

Mr. Knowles: Let us first get an answer to the question that has just been asked.

Mr. Murray (Cariboo): If I may be permitted to do so, I should just like to quote a case on the Alaska highway. Some young soldiers in a military vehicle were in collision with a farm wagon. A child was killed. The soldier responsible was duly tried, and all that sort of thing, but still the little girl's life was gone and no compensation was paid to the parents. The farmer suffered the loss of his vehicle and perhaps his horse was killed. There was great loss. Probably this would take care of a case of that kind and compensation could be provided for anybody who was injured through a military vehicle getting out of hand and running amuck on the public highway.

Mr. Campney: It is very dangerous for a lawyer to be drawn into giving free legal advice, but after the flattering remarks of the hon. member for Fraser Valley I might make a couple of observations. I think, whether a car is insured or not, the liability for the negligence of the driver remains the same. In other words, if under the motor vehicle act of a province and the insurance act a man