

will find anything analogous to this. Frankly, I know of no such measure anywhere. It confers upon three men, the names of whom have been given from time to time—they may or may not be the men who will be appointed—power to do what this parliament would take days to do, and this parliament is composed of three branches, the commons, the senate and the crown. Surely the hon. gentleman is not serious in asking us to sit here and agree to this section being enacted as it stands. I am quite sure that if he had followed the discussion of the last five years in the House of Commons he would realize that nothing ever approaching this was suggested. The publication of our statutes at least enables people to know when they are violating them. Under this provision the by-laws immediately become effective, and there is no provision for their being published.

Take the question of the granting of pensions, for instance. Here are three men who may give pensions to employees of the board. I may say there is one case, relating to the harbour of Montreal, which promoted a great deal of discussion, and in connection with which there was a grave difference of opinion among lawyers advising the board. That case is well known to everybody.

I am sure the minister has no desire that the revenues of the board should thus be placed in the hands of three men, however eminent they may be, to dispose of by way of pensions, annuities or otherwise. This section confers greater powers than are exercised by legislatures, and especially those which have to deal with complicated questions of navigation. For instance, I suppose the minister realizes that in connection with the harbour of Victoria a question arose as to permitting aircraft or aeroplanes coming from Seattle to land in the harbour. This measure gives power to the board to make a bylaw which would deal with that situation, fraught as it is with most difficult and complex international considerations. The question is bristling with difficulties.

Without again going over the ground my colleague has covered, I suggest that if the board passes bylaws they should become effective only when they have been approved by the governor in council, and should have the force of law from a date fixed by publication in the Gazette.

The minister must realize that subsection 4 of section 6 as amended does not touch the principle at all, and is not ample for the purpose we have in mind. It is merely a palliative, not a remedy. I suggest that the best interests of all would be preserved if the section were allowed to stand and were

redrafted, because as my colleague has said we do not desire to suggest what bills should contain, but we do desire to suggest what they should not contain. The redrafting may be done by the law officers whose duty this is. I implore the government not to try to put through section 13 as it stands, because if they do they will regret it all the days of their lives. In addition it is so contrary to everything they have contended for during the last five years. I remember my friend the Postmaster General (Mr. Elliott) waxing eloquent one evening in connection with a modest exercise of the powers of the governor in council in connection with legislation then being introduced. I wonder what he thinks of this.

Mr. ELLIOTT (Middlesex): I do not think my protest had much effect as far as I remember.

Mr. BENNETT: Oh, yes, it did, because we provided for publication in the Canada Gazette, and the then Secretary of State made a provision by which no bylaw under the Patent Act could become effective until certain prerequisites had been observed and opportunity afforded to everyone to know what the law was. As this section stands now, it will be admitted that it is a terrible strain on the public to know what the law is. There is no means of knowing for it touches all these numerous and difficult questions. To attempt to modify the section here by amendment is impossible. It requires consideration of the whole problem from the standpoint of whether or not power shall be given to the governor in council and the bylaws shall become effective on a date to be named. This section gives power to three men to do as much as the bill itself does with respect to all the matters therein named. The bill itself requires the assent of the commons, the senate, and the crown, but by this section we are going to give three men, without seats in parliament, without responsibility to anyone, power to pass bylaws with respect to all these matters. The minister will be the first to complain if he finds a situation develop as I think it may. I suggest that the proper thing to do is to have the section redrafted to give effect to what I conceive to be the minister's desire and the true principle which governs in the control of responsible institutions. I concede at once that it may be necessary for the board to make rules and regulations, but such rules and regulations have to do only with administrative matters. Bylaws, on the other hand, deal with matters that are essentially matters of law, that go to the very root of the problems we have to consider. I am