

export of a similar list of arms and implements of war to Spain or Spanish territory. The United States also is not a party to the non-intervention agreement.

The expediency of the present bill also arises from the general situation as explained above. More immediately its preparation was suggested by various incidents affecting shipping which have occurred from time to time since the beginning of the Spanish conflict.

When the bill is carefully examined, however, in relation to our existing legislation and to the actual state of Canadian shipping, it will be found that its practical effect has only a narrow scope. The bill gives power to exercise a certain control over the activities of Canadian ships—that is to say, ships on Canadian registry—which might become involved in some incident of an international conflict. In this connection two situations have to be considered. The first is where a ship carries arms or munitions of war shipped from a Canadian port and destined for countries or regions which are in a state of war or conflict. Practically speaking, that situation can already be completely controlled under section 290 of the Customs Act as amended last session; because, whenever a proper case arises, shipments of such goods from Canadian ports, whether by ships on Canadian registry or on any other registry, can be prevented under the power to prohibit exports from Canada. The second situation is where a Canadian ship trading abroad might, at some foreign port, accept for carriage a cargo of such warlike articles for carriage to some foreign country or region other than those engaged in war or conflict. That is a situation which it is possible for Canada to control, since Canada possesses jurisdiction over the activities of her own merchant ships wherever they may be. It is that situation which the bill, therefore, is primarily intended to cover, although incidentally, to be consistent, it includes a like power over Canadian ships trading from Canadian ports. It may further be noted that in actual fact Canada has no great merchant marine engaged in trade between foreign ports and other foreign ports.

But while, as noted, the bill may have a narrow practical effect, it is considered useful to have this precautionary power on the statute books in case necessity arises and in order to be able, if desirable, to ensure that Canada may not run counter to some international policy adopted by other countries with which Canada may agree.

The broad object might be regarded as twofold: To be able in appropriate cases to avoid what might be taken as a Canadian

public policy of intervention in some conflict, and to be able to prevent Canadian registered ships, for their own sake, from getting into difficult situations.

It may be noted that this proposal is in line with measures taken by other countries. In December, 1936, the United Kingdom parliament adopted similar legislation known as the Merchant Shipping (Carriage of munitions to Spain) Act, 1936. The scheme of the present bill gives a general power of control in such situations rather than a power confined to one particular situation. Under the United States neutrality legislation a similar kind of control over United States shipping is provided.

The bill provides for a new section—No. 703A—to be inserted in our basic shipping legislation, that is, the Canada Shipping Act, 1934. Under subsections 1, 2 and 3 the governor in council may by regulation designate the territory in a state of war or armed conflict to which the section is to apply, and the arms, ammunition or other materials which are to be affected, and thereupon it will be unlawful for a Canadian ship to carry such articles from a foreign port, or from a Canadian port either to the area of conflict. Subsections 4, 5, 6 and 7, together with other penalty sections of the basic Canada Shipping Act, provide for such matters as the definition of the indictable offence, the jurisdiction of the exchequer court and certain other courts, the powers of certain officers, and generally speaking the means for enforcing the purposes of the proposed new section.

The newspapers have perhaps given some erroneous impressions as to the scope and purpose of the bill. Some reports seem to give the impression that the bill means that the government intend to embark upon some new policy in connection with the international situation. As noted above, however, the bill was prepared last session and did not get introduced for lack of time. It is, in a sense, supplementary to the purpose of the amendment to section 290 of the Customs Act passed last session, and its preparation was suggested by certain shipping incidents arising from the Spanish conflict. As also noted above, the practical effect and scope of the bill are probably very narrow but it nevertheless seems a useful precaution, and it puts Canada in line with other countries.

One report indicated that, in defining the articles to be affected, the bill considerably extended the definition of such articles which was included in the amendment to section 290 of the Customs Act last year. This is not so, as can easily be seen by comparing subsection 3 of section 1 of the present bill with