

North Atlantic Treaty

allowed to stand. It should be open to someone here to bring such proof that there was a defect in the proceedings of the foreign court, according to the laws of that foreign country. That is all we are seeking to do by the amendment.

Mr. Campney: I think I understand the purport of the amendment, but it seems to me, first of all, that this does not affect property rights. It only affects criminal and service charges, as I understand it. The second thing is that it seems to me that if we were permitted by this amendment to exercise a latent jurisdiction which may become active in the administration of justice of a visiting nation in respect of its own people, we would be opening up the way for writs of habeas corpus, *quo warranto* proceedings, and all such proceedings. Each of these nations has its own procedure by way of appealing or of dealing with cases which have gone wrong, either in respect of procedure or in the result. No doubt in each case the man concerned would have access to such procedure. In my humble opinion, if we seek to exercise a review of such judgment in order to say whether the sentence was proper or the trial properly conducted, it would amount to nothing more nor less than an interference, perhaps with good intent but with bad effect, with the administration of justice of the visiting nation. In all cases under this section the visiting nation is only dealing with its own people. I do not see how the rights of other people can very well enter into the type of service trial that is envisaged by this section.

Mr. Herridge: I was rather surprised to hear the parliamentary assistant state "well, after all this does not apply to property rights, but to criminal acts". He seemed to imply that if it were a property right it would have some application, but since it only applies to human beings—

Mr. Campney: May I object to that remark. I inferred from what the hon. member for Kamloops said that there might be third parties, Canadians, who might be involved in property rights or other interests arising out of a case. I was trying to emphasize that, in my opinion, it would only be the national of the visiting country who would be concerned. Certainly I am not deprecating human life as against property rights.

Mr. Fulton: Let me clear up that point, because it seems to me that a national of a foreign country might also have an interest in property in Canada. His status is affected by the decision of the foreign court, and it may then be that his right to the property in Canada is going to be affected as a result of

the decision, say as to whether or not he is a deserter. It would certainly have some bearing on property and civil rights in Canada, as well as upon the status of the foreign person.

Amendment negatived: Yeas, 12; nays, 24.

Section agreed to.

Sections 11 to 27 inclusive agreed to.

On section 28—*Coming into force*.

Mr. Fulton: Is it the intention that this act will not be proclaimed until a certain number of other countries have passed similar statutes bringing it into effect?

Mr. Campney: I cannot categorically answer the hon. member as to when it is likely to be proclaimed; but it is provided under the treaty, I think, that it cannot come into effect until at least four signatory states have ratified it.

Section agreed to.

On the schedule.

Mr. Fulton: I do not want to go over the schedule numeralled paragraph by numeralled paragraph, but may we take it article by article?

Mr. Fournier (Hull): It is repetition.

The Chairman: Is that agreed?

Mr. Campney: I am in the hands of the committee; but my understanding is that except in so far as this treaty applies to the armed forces in the limited field that has been covered by this bill, it is the subject of a more general bill that deals with the treaty itself—

Mr. Knowles: Oh, no. That is the other bill.

Mr. Campney: That is right. I was thinking of the clauses contained in the other measure. I am sorry.

Mr. Fulton: I perhaps need not make that request if I may be allowed to put a general question. The question is with respect to the recovery of judgments in the case of an accident taking place.

Mr. Fournier (Hull): Under what clause of the treaty?

Mr. Fulton: Under the schedule.

Mr. Fournier (Hull): Under what article of the schedule?

Mr. Fulton: I think it is article VIII.

Mr. Fournier (Hull): Could we carry the others and get down to article VIII?

Mr. Stick: Why not carry them all together?