

Industrial Relations

3. No one who is charged with a violation of the law can effectively plead, either in a civil or in a criminal court, that his act was done in obedience to the command of a superior, even the command of the king himself. The maxim "The king can do no wrong" imports not only that the king cannot be proceeded against for any alleged wrong, but also that he cannot authorize any wrongful act so as to justify the wrongdoer.

The right of personal liberty is the right not to be arrested or detained or otherwise subjected to physical restraint except in accordance with the law. And to speak generally, that is to say, except in the case of persons who are not *sui juris*, or persons subject to military law, the law recognizes an arrest or any sort of physical restraint as justifiable only where the person restrained is suspected of having committed a crime and is arrested in order that he may be brought before the court for trial, or where he has been convicted of a crime and sentenced to imprisonment.

The law affords three remedies by means of which this right of personal liberty may be vindicated: (1) by the writ of habeas corpus; (2) by an action of damages for false imprisonment, and (3) by a prosecution of the person inflicting the illegal restraint—that is, a prosecution for assault.

I believe that should be an article of faith of every man in public life in this nation. I do not question the sincerity of my hon. friend. I do not question the sincerity of those who think the state should be all-powerful, though I might question their good common sense.

Mr. Noseworthy: No one does.

Mr. Mitchell: You have changed your tune just in the last few minutes. You get my point. I do not question your sincerity; I might question your wisdom, if any. But I want to say this, if I may—

Mr. Knowles: Stick to habeas corpus.

Mr. Mitchell: My hon. friend is smiling about habeas corpus. He is the nearest approach to a habeas corpus I have ever seen. The legislation we have is working reasonably well, I think. As I said before, it has been in existence for only a couple of years. I know some people sit up and burn the midnight oil figuring out how much better things would be if we just changed this and just changed that. This legislation was supported by all parties in this house; I am not taking credit for it on behalf of any political party, but I think it should be given a fair trial. During the war we established these war labour boards in an effort to get a broad crystallization of the experience of men who should know the implications of negotiation between employer and employees. We did experiment with a three-man board, but I think my hon. friends will agree that it was not as successful as the board we have at the moment or the board we had during the war. On these boards we have a judge as chairman; we

[Mr. Mitchell.]

have representatives of the construction industry, the railways, commerce and manufacturing generally on one side. On the other we have the trades and labour congress of Canada, the oldest labour organization in this country; the running trades, among the most responsible labour organizations in Canada; the newer organizations such as the Canadian congress of labour, that sprung into prominence and power largely through the establishment of the committee for industrial organization in the United States, and the national syndicates in Quebec, all of which in my judgment played a great part in the stabilization of labour conditions in Canada, which has been unexcelled by any other democratic country in the world.

That has been our experience. There may be some members of this house who have had more experience than these gentlemen to whom I have referred, but let us remember this. Once you set up this board as a judicial body by the very nature of things you must change its complexion. We have seen the difficulties they have experienced in the United States. I do not mean what I am going to say as a criticism of lawyers, because goodness knows when we get into trouble the first man we fly to is a member of the legal profession; but in the United States their first move is often to the courts. That is not my understanding of what you might call a practical approach to the differences which by the very nature of things exist between employers and employees in any free country.

Let us remember that if we did not have freedom we would not have a House of Commons. If we did not have freedom we would not have a Liberal party, a Conservative party, a C.C.F. party or a Social Credit party. If we did not have freedom we would not need trade unions, as we understand them; we would be, as they are behind the iron curtain, made to do as we were told, or else. No one knows this better than those who have been closely associated with this great movement down through the years. As I have said before, if you are an active trade unionist when you wake up in the morning and hear a knock on the door it is rather nice to know it is the milkman and not a policeman. That is something I have to say to my dictator friends. My hon. friend has been behind the iron curtain, though he does not say much about it; and I do not say that in any spirit of criticism. I say we should let the sunshine in. I meant to bring with me this evening the figures on the cost of living in Soviet Russia today. I do not know whether I should say this during the discussion of this bill, but it is not the money you have