Justice Mignault in a certain case—I cannot recall the name at the moment—decided that the definition of "public work" as it is given in the Expropriation Act—

Mr. CAHAN: And Public Works Act.

Mr. LAPOINTE (Quebec East): —should be applied.

Mr. CAHAN: The Supreme Court of Canada with another personnel decided just the contrary.

Mr. LAPOINTE (Quebec East): That is what we call the glorious uncertainty of the law. The interpretation of "public works" in the Interpretation Act will be very broad and will include harbours, ports and all public properties which would be under this bill.

In England, as well as here in Canada, eminent authorities have shared the views of my hon. friend and of the right hon. leader of the opposition (Mr. Bennett) in thinking that there should be a change, more particularly because of the wide scope which government activities have taken during the last few years. Governments are undertaking all sorts of works which formerly were confined to private activity, and the old maxim makes the claims of injured parties more difficult of presentation. While the authorities agreed that some action should be taken, they found also that it is very hard to obtain agreement as to how this should be done. In 1921, Lord Birkenhead, then Lord Chancellor, appointed a committee to study this question. This committee was quite representative, its membership including Lord Hewart, Lord Chief Justice of England, as chairman; Lord Hanworth, Master of the Rolls; Mr. Justice Rowlatt; Mr. Justice Hill; the then Attorney General, Sir Douglas Hogg, now Lord Hailsham; the Solicitor General, Sir Thomas Inskip, who has since been given a very high position in the government of Great Britain; Sir Patrick Hastings; the Right Honourable Sir Leslie Scott, and many other very eminent legal gentlemen. In order to show just how important this matter was considered to be, I should like to read from a letter sent by Sir Claud Schuster, Permanent Secretary to the Lord Chancellor, to the Attorney General, dated November 16, 1921. He first stated that the Lord Chancellor was glad to learn that the Solicitor General and the Attorney General concurred in the view that a change should be effected in the position of the crown as litigant and then he went on to say:

> So great a change, however, would require very careful consideration and many points of detail would arise, upon which reservations and limitations would be required. Further the change would affect different departments in different ways, and would render it necessary in some cases to substitute an alternative machinery for that which was abandoned.
>
> The Lord Chancellor thinks that any such bill as is contemplated could only be prepared under the supervision of a body of persons experienced in the subject matter, who would have the opportunity of hearing and considering any representation which those principally affected by the change might desire to put forward.

In 1924, Lord Haldane, who succeeded Lord Buckmaster as Lord Chancellor, wrote the committee stating that everybody was in favour of the change and that all that was required from them was merely the drafting of a bill which would be acceptable and which would surround the change to be made with all necessary safeguards and precautions. This bill was drafted and I have a copy in my hand. It is quite long, consisting of thirty-one sections which cover thirty-two pages. The mere reading of it shows how tremendously important this change was considered to be by the legal authorities in Great Britain. I should like to call the attention of my hon. friend to the change he suggests in his amendment. The subject is liable for discovery and must disclose or produce all documents in his possession relating to the matters of the suit. The same rules would be made to apply to the crown itself, except that the crown would have the right to refuse to divulge documents on the ground that it would be contrary to public interest. This matter was fully considered by the committee in England and they drafted section 20, which is divided into four subsections. Perhaps I had better read this section in order to show that the same precautions would have to be taken in anything we do, even with regard to litigation concerning harbour properties or concerning anything relating to the boards. This section reads:

> Nothing in the provisions of this act shall operate to impose on any officer of the crown any obligation in the case of any crown proceedings to make discovery of documents on oath, but provision may be made by rules of court for authorizing the court to make orders requiring the crown, subject to the provisions of this section, to make and deliver to the other party to the proceedings, by such officer of the crown as the court may by the order direct, a list in the prescribed form of such documents, not being documents the existence of which it would be contrary to the public interest to disclose, relating to the matters in question as are or have been in the possession, custody or power of the crown.

That is only one of the subsections. The other subsections prevent the filing or even communicating of documents which it would