

in India. For these reasons I think this section should be clarified, and that after the words "His Majesty", we should add the words "as king of Canada". Otherwise there would be a great deal of confusion, and some injustice might be done. So that we might add after the words "His Majesty" the words "in the right of Canada".

Mr. STEWART (Winnipeg North): May I amend my own amendment?

Mr. MACKENZIE: By unanimous consent.

The ACTING CHAIRMAN (Mr. Golding): If the hon. member wishes to do so he may withdraw his amendment by unanimous consent.

Mr. STEWART (Winnipeg North): Then, if I may have consent to withdraw it I should like to substitute the following for the present paragraph:

has been convicted of treason or sedition by a court of competent jurisdiction under the law of Canada.

Mr. MARTIN: That would not cover the cases I have mentioned, of people who have not committed treason. We have suspicions, or perhaps more than suspicions, but they have not committed treason. They have done things that come close to treason, but under the law they are not characterized as such. That is so, for example, in connection with some of those people who went to Germany. The words, "by act or speech to be disaffected or disloyal to His Majesty" have been in the present act since 1914. They are in all the corresponding acts throughout the commonwealth. They were in the Naturalization Act prior to 1914. They have caused no difficulty, and regretfully I must say that I cannot accept the amendment.

Mr. CRUICKSHANK: If I may ask a question, did I understand the minister to say that the Secretary of State would have the power, to be used in his discretion?

Mr. MARTIN: The governor in council.

Mr. CRUICKSHANK: What I am afraid of is that if we should be so unfortunate as to have the C.C.F. party get into power, they might be able to cancel my citizenship.

Mr. STEWART (Winnipeg North): We shall preserve you.

Mr. DIEFENBAKER: At this hour I am not going to get into another controversy regarding orders in council. I think we shall have an interesting debate on that, from the warning given by the hon. member for Vancouver East. But there is a question which should be settled by an opinion from the law officers

[Mr. Pinard.]

of the crown. It deals generally with the question of orders in council. Earlier this evening it was stated than an order in council passed prior to this bill becoming law, of an import contrary to the statute itself, would be effectual as against this statute when it becomes law.

Mr. MARTIN: I will see that what my hon. friend suggests is done; but if my hon. friend does not mind my saying so, I do not think that comes under this section. However, I shall note the point. I am rather anxious to have this section passed, if I can; and since I did something which provoked the observation that I would be receiving excessive co-operation, perhaps I might ask for that consideration.

Mr. DIEFENBAKER: I do not want to go into the question at the moment, because I do not think this particular section will pass this evening, but this is just another of these sections which will result in the setting up of more of these inquiries and commissions, to which we have been raising strong objection in recent days. I thought I would join a discussion of this section with a request to the minister that he secure an opinion from the law officers of the crown supporting the view expressed this evening by himself and by the Minister of Veterans Affairs—

Mr. MARTIN: I shall.

Mr. DIEFENBAKER:—that when this statute is passed and becomes the law of the country it is going to take second place to an order in council passed before this statute came into effect. If that is so, then we have arrived at a state of affairs in this country that is not to be found anywhere else. To me it is a most amazing proposition, that in May, 1946, we pass a statute in this parliament, and that when in reference to an order in council previously passed we import into the statute conditions, terms and qualifications different from the order in council, the order in council takes precedence over this statute. To me that is an incomprehensible view, and I do not think it has even been supported in any court of law.

Mr. MARTIN: Of course this act, as an act of parliament, has priority over anything.

Mr. DIEFENBAKER: All right; this act of parliament has priority over anything. That being so, this act of parliament, granting as it does rights to Canadian citizens, will not be subject to any interpretation on the basis of an order in council passed last fall. I think it is a matter of great importance, be-