

words; for then you have the decisions of the court always applicable to cases that may arise under either act. In the Exchequer Court Act we use the words, "while acting within the scope of his duties or employment," and it might be well if we used exactly the same words here, so that if there is a decision under the exchequer court section it would be equally applicable and binding under this statute. As I say, my own experience has taught me that it is desirable to use exactly the same language, if you can, when dealing with the same subject matter, so that the decisions are equally binding. It would only be necessary to insert in the twelfth line, after the word "his," the words "duties or"; for by turning to Bill No. 109 the minister will observe that those are the exact words used there.

Mr. LAPOINTE (Quebec East): I have no objection to the addition of the words "duties or" before the word "employment" in the twelfth line.

Mr. DUNNING: I move accordingly.

Amendment agreed to.

Mr. CAHAN: If that amendment is accepted, then may I suggest a further change in the same section. In the ninth line I find the words "arising out of any death." I would suggest with all due deference that the words "any claim" should be inserted before the word "arising," so that the section would read:

Subject as hereinafter provided any claim against the board arising out of any contract entered into in respect of its undertaking or any claim arising out of any death.

Mr. LAPOINTE (Quebec East): I have no objection to the change.

Mr. DUNNING: I move accordingly.

Amendment agreed to.

Mr. CAHAN: In line twenty-five provision is made for the service of process. As it now stands it reads:

In any such action, suit or other proceeding process may be served upon a member of the board or upon any port manager or officer or—

And so on. I suggest that this last word "or" be stricken out and that the words "of the board or upon any" be inserted, so that it would read:

—process may be served upon a member of the board or upon any port manager or officer of the board or upon any other person duly authorized by the board to accept such service—

And so on.

Mr. LAPOINTE (Quebec East): I have no objection.

Mr. DUNNING: I move accordingly.

Amendment agreed to.

Mr. BENNETT: In view of the fact the minister has made the declaration he has, indicating the intention to introduce legislation to enable the broadcasting corporation to be sued by private individuals, I wish to ask the minister why an appeal was taken at all from a judgment of the court of last resort in Quebec which decided they could be sued, and then further legislation would not be necessary.

Mr. LAPOINTE (Quebec East): There is the matter of costs, and other things, to be considered.

Section as amended agreed to.

Bill reported, read the third time and passed.

EXCISE ACT AMENDMENT

MISCELLANEOUS ADMINISTRATIVE CHANGES INVOLVING NO ALTERATION IN RATES

Hon. J. L. ILSLEY (Minister of National Revenue) moved the second reading of Bill No. 123, to amend the Excise Act.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Sanderson in the chair.

Section 1 agreed to.

On section 2—Packages warehoused to be marked; tobacco and cigars excepted.

Mr. BENNETT: I suppose manufactured tobacco includes cigars; is that the idea?

Mr. ILSLEY: Manufactured tobacco includes all manufactured tobacco, except cigars. Apparently cigars do not come within that category, and manufactured tobacco takes in everything else, and chiefly cigarettes.

Section agreed to.

Sections 3 and 4 agreed to.

On section 5—Licence to rectifiers.

Mr. STEWART: The minister might explain this.

Mr. ILSLEY: The rectifying of spirits is done solely by licensed distillers, and as there is no probability of the trade or the business of rectifying being carried on by, or licences being issued to, rectifiers alone, this section might just as well be repealed. There are no rectifiers.

Mr. BENNETT: Was there not one rectifier in Nova Scotia?