

Private Bills

Mr. Speakman: Forty-one miles.

Mr. Howard:—under the bill which seeks to establish a company to build half a mile of pipe line.

Mr. Speakman: Forty one miles.

Mr. Howard: Half a mile of pipe line is all it is going to build. I do not care how many interjections are made by the hon. member for Wetaskiwin or how much he wants to dress up this project as a major summer works program of the government in office. We have been told many times that the company is going to build half a mile of pipe line. There is no question of 41 miles being built under this bill at all. I have just been handed *Hansard* for March 6, 1961, and I should like to refer to some comments of the hon. member for Bow River, the absent sponsor of the bill. As found on page 2705 the hon. member used these words:

...to build the half mile of line joining the Canadian line across the boundary with the United States line.

It is half a mile of line, and that is what we were told would be built. Half a dozen men with picks and shovels would almost be able to build half a mile of pipe line overnight, so any attempt to promote this project as a major contributing factor in providing employment merely for the purpose of bailing out the government because it has not been able to provide employment is just a lot of nonsense.

Mr. Horner (Acadia): Would the hon. member permit a question?

Mr. Howard: Not right at the moment. I have extensive notes here. Perhaps the hon. member might ask it at the conclusion of my remarks.

Mr. Smith (Simcoe North): Are you going to read *Hansard*?

Mr. Howard: No, I have some other books to read which have been suggested by one of your legal friends, the hon. member for Bow River. I am glad you asked that question because perhaps I might make some other references to *Hansard* before I proceed.

Mr. Smith (Simcoe North): It will fill up space.

Mr. Howard: At least I will not be sitting in my seat all the time and I will not be drawing on the lord lion of Scotland to help me. I am quoting now from the remarks of the hon. member for Vancouver South in which he was quoting the hon. member for Bow River. The hon. member for Bow River was dealing with subsection (d) of section 44 of the National Energy Board Act and this is what he had to say:

[Mr. Howard.]

—the board must have regard to the question of financial responsibility. That will be considered.

It would almost seem as if the hon. member for Bow River was in fact the national energy board.

It must have regard to the financial structure of the applicant. That will be considered.

Again it would seem that the member for Bow River was in fact the national energy board. I continue:

It must have regard to the methods of financing the line. That will be considered.

Those are rather definite statements.

It must have regard to the extent to which Canadians will have an opportunity of participating in the financing, engineering and construction of the line. That will be considered.

Then on March 13, 1961, the hon. member for Vancouver South went on to talk about the use of the words "may" and "shall". The hon. member for Bow River interrupted at that point and said, as reported on page 2924 of *Hansard*:

Will the hon. member permit a question?

Mr. Broome: Yes.

Mr. Woolliams: I wonder whether the hon. member has read Maxwell on the interpretation of statutes wherein it is stated that "may" may be interpreted as "shall", and vice versa. If he has done so, I should like to hear from him.

The hon. member for Vancouver South gave what I thought was a delightful answer in layman's language. I undertook to consult a member of the legal profession concerning the use of the words "may" and "shall", to ascertain if they could be used alternatively under certain circumstances. I undertook to inquire into just what Maxwell himself may have thought about the use of these particular words because they do seem to have some bearing on what action the national energy board will take with respect to this company.

I have a book entitled "Maxwell on Interpretation of Statutes", the ninth edition by Sir Gilbert Jackson. I do not know whether or not this is the latest edition, but there is a preface in the book by Mr. Jackson which is dated January, 1946. In any event, this is the edition I received from the parliamentary library which I assume is up to date on these matters. At page 246 of this book, with respect to the words "may" and "must", I find this:

Statutes which authorize persons to do acts for the benefit of others, or, as it is sometimes said, for the public good or the advancement of justice, have often given rise to controversy when conferring the authority in terms simply enabling and not mandatory. In enacting that they "may" or "shall, if they think fit" or, "shall have power" or that "it shall be lawful" for them to do such acts, a statute appears to use the language of mere permission, but it has been so often decided as to have become an axiom that in such cases such expressions may have—to say the least—a compulsory force—