

only regret that it does not meet fully the promises, or, shall I say, the suggestions made by the right hon. minister two years ago.

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

On section 1—Right of action against board.

Mr. LAPOINTE (Quebec East): Mr. Chairman, I must tell my hon. friend that my intention had been to have a similar bill apply to the Canadian Radio Broadcasting Corporation because it is another agency of the government that is carrying on what is really a public service; but there is a case actually before the courts which has reached the privy council, and a decision will be given, I suppose, in a short time.

Mr. BENNETT: Has it been argued yet?

Mr. LAPOINTE (Quebec East): Not yet, but leave to appeal has been granted.

Mr. BENNETT: It probably will not be heard until December.

Mr. LAPOINTE (Quebec East): Maybe, but meanwhile the court of final resort in the province of Quebec has decided that the corporation can be sued.

Mr. BENNETT: They must have read Hansard.

Mr. LAPOINTE (Quebec East): Possibly they have read the remarks of my right hon. friend last year and have been enlightened, as I have been myself.

Mr. BENNETT: That is not what I had in mind.

Mr. CAHAN: They refused to follow the advice of the Department of Justice on which the minister acted two years ago.

Mr. LAPOINTE (Quebec East): I would not go as far as that. The Department of Justice, of course, had to represent the corporation there and argue on its behalf. However, when the final decision is given, if there is necessity to have a bill like this—and this is more than a suggestion—I shall see to it that one is introduced.

So far as doing away altogether with petitions of right is concerned, I do not promise that. I did express what my personal view was at the time, but it was in an unexpected debate. My hon. friend had moved his amendment, and I spoke without having communicated with the various departments of the government. I promised that I would do this, and that is what I have done. I think the

[Mr. Cahan.]

same difficulty presents itself as presented itself in Great Britain, and which has prevented the enactment of the recommendations of the special committee which sat from 1921 to 1927 and recommended that very thing which my hon. friend would like to have in this country.

Mr. CAHAN: I do not know that I personally go that far.

Mr. LAPOINTE (Quebec East): I am glad to hear it. Practically they found it very difficult. It would be too long to put on Hansard the very strong objections coming from every department of the government to permitting actions to be taken indiscriminately against officers of the various departments, and it is pointed out that it would hamper their work to a considerable extent. But we are going the distance this bill goes in regard to the national harbours board, and if eventually the same thing is necessary with regard to the broadcasting corporation or with regard to any agency of the government that is really doing the same work that private corporations are doing—

Mr. CAHAN: We shall regard it as a precedent upon which we may build in the future.

Mr. LAPOINTE (Quebec East): I am willing that this should be considered as a precedent.

Mr. BENNETT: Mr. Chairman, I think we have already established a precedent in a small way in connection with small claims against the old Intercolonial railway.

Mr. LAPOINTE (Quebec East): Up to \$500.

Mr. BENNETT: Yes. It will be recalled in connection with the larger question of petitions of right that the commission which dealt with it did not propose to permit actions to be brought in all cases, and the reason the commission was appointed was to determine where the line of demarcation should be set—between cases where no petition of right should be allowed, and cases where the right of action should accrue as against a subject. It was to determine where the line should be drawn that caused the long drawn out taking of evidence and the consideration of it by the distinguished law lord who died about two years ago.

I was going to suggest that possibly the minister might consider the advisability of amending the tenth line and using exactly the same words as are used in the Exchequer Court Act. My own observation has been that it is desirable, when you are dealing with the same matter, to use exactly the same