

Mr. LAPOINTE (Quebec East): It may have been to a very limited extent, but not to the extent it is to-day—for good or for bad, I do not know. However I think we might very well wait for the special legislation.

Mr. FINN: It seems to me that in connection with legislation placed before the house there should be some clear understanding as to the rights of individuals in actions of tort, or in other actions. I never could see clearly, and I cannot see clearly to-day, why the crown should stand in any different position from that of an individual in reference to an action for tort. An individual is less able than the crown to stand any damages, and I think the crown should stand the gaff just the same as the individual.

So far as the Intercolonial railway is concerned, there is not that broad and generous construction given it that should be given under section 145 of the British North America Act. That railway was gobbled up by legislation which was brought down, not by hon. gentlemen at present opposite nor by the present right hon. the leader of the opposition, but by their party under Sir Robert Laird Borden, for whom I have a great respect. He brought down the railway act of Canada of 1919, which came into effect in so far as the Intercolonial railway was concerned. Under that legislation it was provided that the moment the Grand Trunk became part of the Canadian National railway system the Intercolonial railway should become part of that system and subject to the railway commission.

So to-day there is a multiplicity of reasons why in any legislation that passes through this house with reference to the national harbours of Canada, or the Canadian National Railways, or any other property of the crown, there should be clarity so that there would not be the necessity of appealing to the courts from time to time, giving members of my own profession exorbitant fees at the expense of the public and in many instances at the expense of the government itself which after all falls heavily upon the people of this country. Speaking as perhaps a junior senior member of the profession, though not perhaps as a junior member of this house, I think that in enacting this legislation to-day, in view of what has been stated, and I think correctly, by the right hon. the leader of the opposition (Mr. Bennett), and by the former Secretary of State, the hon. member for St. Lawrence-St. George (Mr. Cahan), we should know what we are doing and have it expressed in unmistakable legal phraseology,—

I am sorry he does not represent a Nova Scotia seat for then he would be nearer to the hearts of the people of that province, just as my right hon. friend the leader of the opposition would be nearer the hearts of the people of the province in which he was born if he represented a New Brunswick constituency—

Mr. BENNETT: Hope yet.

Mr. FINN: Well, hope deferred is never lost. I hope my right hon. friend has not any misgivings that he may not be able to represent again the constituency he now represents, but if it is a case of the wanderer's return we shall be only too pleased to see him come down to the maritime provinces.

Mr. LAPOINTE (Quebec East): Including Halifax.

Mr. FINN: Including Halifax.

The CHAIRMAN: Order.

Mr. FINN: Mr. Chairman, I do not know whether your remark is addressed to myself or to the Minister of Justice.

The CHAIRMAN: It is addressed to the hon. member for Halifax.

Mr. FINN: I feel highly honoured. As I said, Mr. Chairman, there does not seem to be any clarity with regard to this legislation or with regard to your ruling. This bill respecting the national harbours has been brought down by the Minister of Marine, who is soon, under other legislation, to become Minister of Transport. He is not a member of the legal profession, but we have had the opinion of the Deputy Minister of Justice and of the right hon. leader of the opposition, who has referred to the Armstrong case. I do not know whether he meant the Armstrong defeat in Nova Scotia in 1925, or the Armstrong case in which a judgment was handed down either by the Supreme Court of Canada or by the Exchequer Court, and by the way it seems to me that all cases which other courts do not desire to handle are passed on to the exchequer court as a sort of left-handed compliment. I do not expect that the Minister of Marine should be able to answer legal questions because he is not a lawyer, although if he was one I am sure he would be a good one because he is a good engineer; but before we pass this bill and send it up to the other chamber, where there is astuteness, I think we should at least know what we are doing and where we are going, so that when they come and knock at the door we may know what they are going to say to us when they come in.