

*Emergency Powers*

Measures Act were curtailed by the act of 1945. In my view they were extended. They were extended as to time; they were extended as to the area within which they might be exercised, and they were greatly increased and broadened. That act contained a limit on the duration of these extraordinary powers. It said these extraordinary powers should not be exercised by the governor in council after December 31, 1946, if parliament sat in the months of November or December, 1946. If parliament did not sit in either of those months, however, the exercise of these powers should terminate fifteen days after parliament met in 1947. On one of the last days parliament sat in 1946 an amendment was introduced extending the period within which these extraordinary powers might be exercised until sixty days after parliament met in 1947. Parliament met on January 30 of this year, so that the period would have expired on March 29 or 30. The act contained a provision that the period might again be extended by an address. This address was adopted, and, as matters now stand, these powers are susceptible of enjoyment until May 15, which, if my memory serves me well, will be more than two years after the termination of the war with Germany.

In the meantime parliament dominated by the government had imbedded in a number of statutes extraordinary powers which are susceptible of exercise by the governor in council for periods varying from one to a number of years; in some instances no time limit was placed upon them. As examples, I refer to the crown companies act; to the legislation by which the government took a monopoly over aviation and out of which it sidled a little later on; the act by which it took over the manufacture of aeroplanes, from which at a cost of untold millions it withdrew the other day, in a way which, despite the statement of the Minister of Reconstruction and Supply (Mr. Howe) has not yet been satisfactorily explained to the house. There was also the seemingly innocuous measure by which supplements to the contracts of postal carriers were to be paid, which gave the governor in council the right to rewrite contracts for the carriage of rural mail, and this under national emergency legislation. Then the Canadian Wheat Board Act was amended. I shall not dwell upon it beyond referring to the extraordinary powers with which it vested the governor in council. That great commodity grain, the greatest single commodity produced by the greatest single class in the country, has been placed under the monopoly of the government, under the dictation of the

[Mr. Hackett.]

governor in council, without, be it said, any appeal as of right to the courts of the land. Then we have had the act for the sale and export of agricultural products. I have not any doubt that there are a number of other instances. I recall the Patent Act, for instance, under which, in certain circumstances, the governor in council is given the right to expropriate patents. People come to this country and confide in us. They give us their secrets, under the Patent Act; and, forsooth, upon the recommendation of the governor in council we may expropriate that property for the benefit of the crown.

I mention these facts merely to show that there is a growing tendency on the part of the government to arrogate to itself the right to legislate for the people of Canada, and that the tendency to trespass upon the provincial field, the tendency to invade the realm which is sacred unto the provinces is progressing, and is rapidly gaining ground.

I listened with some interest to the hon. member for Bonaventure (Mr. Arsenault), who made some references to prices of maple syrup, milk and automobiles. But that gentleman entirely overlooked the fact that some eighty years ago the provinces of what is now Canada came together and entered into a solemn pact, by the terms of which certain rights, certain prerogatives, were reserved to the provinces. And had it not been that a complete understanding and agreement was arrived at between these contracting parties, there could not have been a dominion; there could have been no Canada.

We have agreed that, in the event of a national emergency, certain extraordinary rights might be vested in the dominion, in the federal authority. It is wrong to kill; and if a man wantonly kills a fellow man he is hanged for it. But if he kills in self defence he is justified. To apply a principle somewhat akin to that, when the life of a country is threatened, when its very existence is in the scales, then there emerges the overriding principle of self-preservation which obliterates contracts and constitutional safeguards; then the great elemental doctrine of survival overshadows for the moment those lesser contingencies which are the basis of our national life. Just because it has been the ill-fortune of the generation which is so abundantly represented in this chamber, to have witnessed two such great cataclysms; to have seen the life of our country twice imperilled, and to have seen the invading hordes almost at our gates, and because to resist those perils we have found it necessary to take administrative shortcuts