

there is an apprehended national emergency, may fall far short of constituting the conditions under which alone this portion of the state can interfere. Once again I say I am not opposing these provisions, but I desire respectfully to point out that there is danger that in trying to remove the cause of uncertainty we are only by this enumeration adding to the possible causes of it with regard to this very difficult question.

Mr. CHURCH: This bill should be referred to a select committee of the House, who in my opinion could give better consideration than could this House to the important legislation involved. The minister has published in blue book form, extending over some 300 pages, the judicial proceedings affecting the constitutional validity of the Industrial Disputes Investigation Act of 1907 and amendments of 1910, 1918 and 1920. The subject matter of these proceedings was taken all the way from the courts below to the Privy Council and a very sound decision was rendered by the Privy Council. The minister's department had taken up the case of the employees of the Hydro Electric Commission, who had been given several raises in salary in a few years, and who were getting high rates of pay.

This bill now before the chair in my opinion has not been as carefully drafted as it might have been, and the litigation that has taken place recently has cleared the air and disclosed the proper relationship between capital and labour in these matters in Canada; and what this parliament should do is to stay in its own field of activity under section 91 and not go beyond that. Under that section a large number of classes of subjects are assigned by the act to the Parliament of Canada, all of a general nature. But not satisfied with this ample scope within the limits of the pond, this parliament through the Labour Department, in the original Industrial Disputes Investigation Act of 1907, undertook to widen the boundaries of its authority and to venture forth upon the lake and the ocean and to bring within its jurisdiction local matters not properly within its competence to decide upon. Parliament has encroached upon the provincial field and interfered in matters defined under section 92 which relate to the provinces and the municipalities, including the control of such local departments, as street, fire and police departments and public utilities. If the employees in any of these local works are not satisfied with the wages paid them the minister can grant them a board; and not content with that the government has actually

granted a board in the case of a purely private dispute between the Hydro Electric Commission and their employees notwithstanding the fact that the commission are known to pay good wages.

There is no reason why parliament should not act within its own sphere as prescribed by the act; it can deal with Dominion employees, and dear knows there is great occasion for proper action in this direction. It seems to me that the act might very well apply for example, to the post office and customs house staffs and the whole Civil Service, and it might be invoked in connection with the grievances that exist in the Maritime provinces in the coal industry, it should also extend to the Customs department and to the work carried on by the Civil Service Commission. This parliament therefore has enough to do looking after its own end of the act without worrying about the provinces and the municipalities with their public utilities.

Section 2 of the act lays down the jurisdiction within which the Dominion may act under the British North America Act; and this comprises disputes relating to employment on works within the authority of this parliament; works, undertakings or business operated or carried on for or in connection with navigation and shipping, whether inland or maritime; railways ferries between provinces or between any province and any British or foreign country and various other undertakings of a similar nature. So far so good. And the explanatory note on the page of the bill opposite to this outline of subjects declares that the purpose of the amendment now proposed is to limit the application of the act to all matters not within the legislative jurisdiction of any province. That is all very well so far as it goes. But on page 2 of the bill all this is nullified by paragraph (f) which declares that certain works, although wholly within the province, may be declared by the Parliament of Canada to be for the general advantage of Canada. I contend that if this provision passes it will enable the Dominion to encroach upon the provincial field and that would be ultra vires of this parliament.

I think there should be a distinct line drawn between one field of activity and another as between the Dominion and the provinces and municipalities. Indeed, confederation would not have been possible had it not been for the fact that home rule was granted the provinces and the municipalities under section 92 of the British North America Act. I do not blame the minister personally for what he has done; at the start he did his best to bring