

*Trade Commission—Mr. Bennett*

(c) The department now has plans under way to appoint representatives to Great Britain, and to other countries to which Canadian agricultural products are exported, in order that products going forward from Canada may be checked as to grade, condition and suitability for the trade for which they are intended. Such representatives, who will possess agricultural experience and training, in addition to technical qualifications for market work, will also be in a position to advise the department with regard to market requirements and possibilities as well as trade practices, and in general will endeavour to promote satisfactory trade relationships.

That report was made by the Department of Agriculture to the Minister of Justice, and upon it the minister prepared the legislation which has been introduced into this house to amend the live stock act. The amendments suggested plus the provisions which now exist under the marketing act and the live stock act and the relevant acts to which reference is made by the deputy minister provide complete provisions to deal with every recommendation made by the price spreads commission. There is not a single one which has been left out. Why should we duplicate them and put them again upon the statute book? Why talk about abortive legislation? Why attempt to belittle the efforts which have been made to give effect to the commission's report within the ambit of our power under the constitution? Why do this when every recommendation of substance is covered by existing legislation or the proposed amendments thereto? That is the question to ask and that is the question we must consider. I say frankly that the Minister of Justice was careful to take advice from eminent counsel upon that matter and also with respect to the powers that might be exercised by this parliament. In the bills that have been before the house dealing with that matter plus the bill that is now before the house for third reading, dealing with standards and the maintenance of them, every recommendation made in the pages of that report has been dealt with, the legislation being based on that assumption.

As regards industry, it will be remembered what the report of 1919 was. I have already pointed out what the decisions of the court were upon that legislation. I have not time this afternoon to read to the house the details of the legislation of 1919 that fell as being unconstitutional, but I suggest to hon. members if they will take the trouble to look at the statutes of that year, read the Board of Commerce Act and the Combines Act of that day and then read the decision of the court as to their invalidity and unconstitutionality, hon. members will realize that an honest

[Mr. Bennett.]

effort was made at that time by the government of that day to place upon the statute books laws that would meet these very recommendations and that have been declared invalid. This government does not ask the house again to pass invalid statutes and create the idea that we have formed a board with powers to do so and so when the privy council said that such a board would be absolutely without power.

I go further; I wonder how many members have taken the trouble to read the decision of the supreme court of the United States in the NRA code case. I wonder if they have considered the relevancy of the reasoning in that case to ours. It must not be forgotten that the United States was a federal union an experiment long before we came into being, and frankly it was admitted that except as to the residue of powers vested in the federal union established in Canada distribution of legislative power was in the case of the Canadian union similar to that of the federal union of the United States. That was admitted on all hands in 1867. What did the opinion of Chief Justice Hughes and the shorter opinion of Mr. Justice Cardozo point out? That you could not delegate to a body set up by congress the power to make laws; that that rests with congress and with parliament and not with a body thus created; that you could not determine the question of legal ethics and give them a real sanction. But what we have done in this house is this. Once we create a body with certain powers, then ancillary to the administration of those powers, that body may pass certain regulations, always within the ambit of the powers conferred, as will enable the act to be made workable and effective. That is the law alike in the United States and in Canada. Why should we be invited to create something we know will be without power, invalid, and without the right to exercise the powers suggested? No one for a moment will say that that should be done. I know this much, that that is the position this government has taken with respect to these matters. It is easy to endeavour to arouse public opinion and to say that the government of the day has failed to discharge its duties; but if it has done all it may legally do, it lies in the judgment of no good citizen to call upon a good government to do that which is known to be illegal. That is the position. Is that not the very view which the former Minister of Trade and Commerce himself took in 1923, when he said:

This is one of the greatest problems facing economists to-day. It is cropping up everywhere. It has cropped up in the agricultural