

Interim Supply

feel that a great deal of good could be done by establishing the truth in this situation.

I do not know whether or not I am going to be out of order again, but I must say that when I was listening to the hon. gentlemen in the official opposition on a number of occasions asking questions of the Prime Minister on the matter I thought to myself, "Whatever has happened to the Liberal party? It is a different party from what it was when I belonged to it". I knew an old gentleman in my district who was president of the district Liberal association. In order to show the deterioration, I just want to tell of an incident.

The Chairman: Order. I know that the remarks of the hon. member are most entertaining but once again I must tell him that they have little reference to the item under discussion. I must therefore once again, and with regret, rule his remarks out of order.

Mr. Herridge: Thank you, Mr. Chairman. I shall be obliged to deal with that incident of the supplementary estimates on the recommendation of the Minister of Finance. I now get on to the second question. The C.C.F. believes that the government of Canada should disallow this unfortunate legislation that was recently passed in Newfoundland. There is no question about the authority of the government in that respect in support of that proposal.

Mr. Chairman, I notice you are repeatedly turning and looking at me, but I am eliminating some of my notes from time to time. Therefore it is most difficult for me to retain a normal continuity of argument. I see that the hon. member for Essex East is looking at me, and I am going to quote from a law book, the Canada Supreme Court Reports for 1938, with respect to the power of disallowance. On page 72 I find a reference is made with respect to this question of disallowance. There are four questions to be answered. The first question is:

Is the power of disallowance of provincial legislation, vested in the governor general in council by section 90 of the British North America Act, 1867, still a subsisting power?

The decision of the supreme court, which is found on page 80, is:

Question 1. Yes. The power of disallowance is and remains in full vigour.

The second question is:

If the answer to question 1 be in the affirmative, is the exercise of the said power of disallowance by the governor general in council subject to any limitations or restrictions and, if so, what are the nature and effect of such limitations or restrictions?

[Mr. Herridge.]

The answer to the second question is:

Question 2. The power of disallowance by the governor general in council is subject to no limitation or restriction whatsoever, save that it has to be exercised within the period of one year after receipt of the Act by the governor general;

Question 3 is:

Is the power of reservation for the signification of the pleasure of the governor general of bills passed by the legislative assembly or legislative authority of a province vested in the lieutenant governor by section 90 of the British North America Act, 1867, still a subsisting power?

Then the answer in the judgment is:

Question 3. Yes. The power of reservation is and remains in full vigour.

Then question 4, which is on page 73, of the report, is:

If the answer to question 3 be in the affirmative, is the exercise of the said power of reservation by the lieutenant governor subject to any limitations or restrictions, and if so, what are the nature and effect of such limitations or restrictions?

Then the answer is to be found on page 80:

Question 4. The exercise of the power of reservation by the lieutenant governor is subject to no limitation or restriction whatsoever, save that the lieutenant governor is, under the terms of section 90 of the British North America Act, required to exercise the power "according to his discretion but subject to the provisions of the said act and to the governor general's instructions."

Mr. Chairman, that is placed on the record for the information of people who are very interested in this question.

Now I want to deal for a moment or two with the Prime Minister's attitude toward the question of the right of association. We have all heard the Prime Minister speak on that subject in the house over a period of years, either when he introduced his resolution urging the bill of rights and fundamental freedoms or when he was supporting a similar resolution introduced by the former member for Rosetown-Biggar. I find in that connection on page 2857 of *Hansard* for April 12, 1948 that the Prime Minister had this to say when he was then a member of the opposition. On this important question he said:

If a municipal authority has the right by licensing, by imposing a licence fee, to deny the privilege of practising one's religion it then can do indirectly what it cannot do directly. I suggest to the Prime Minister as the culminating act of his career that he give to Canadians everywhere the assurance of full rights of equality in Canadian citizenship which was placed on the statute book by his government, by amending the Supreme Court Act to give the individual the right to the preservation and maintenance of his freedoms against provincial intrusion wherever it occurs.

Then again on page 3153 of *Hansard* for May 16, 1947, the Prime Minister had this to say in a similar debate:

We have political rights; what about the individual rights? After all, denying the individual