

the war, on the emergency doctrine, to which no one takes any exception either in this house or outside it.

I agree with the minister that the existence of an emergency doctrine is admitted, but whether or not a national emergency exists on to which the doctrine may be fitted, is another question. The statement of the minister is relevant to the discussion because it establishes that, in his opinion, a national emergency is not necessary for the invasion by the dominion of the legislative field which, in normal times, is reserved to the provinces.

Mr. ILSLEY: That statement would have to be taken with all the qualifications appearing from the deputy minister's opinion, because that was part of my statement.

Mr. HACKETT: I do not wish to put anything into the mouth of the minister. I do not wish to draw from anything that he said any inference which might even savour of unfairness; but I understood the minister to say that it was his interpretation of the Canada Temperance Act case and his belief that the dominion might invade the provincial field of legislation for reasons other than an emergency.

Mr. ILSLEY: No, not any reason.

Mr. HACKETT: I will agree that he did not say "any reason".

Mr. ILSLEY: All I am saying is that to take one sentence out of its context is unfair, and that the whole statement, including the deputy minister's opinion, must be read in order to give a fair report of what I said.

The ACTING SPEAKER (Mr. Golding): Order. I think if the hon. member is going to deal with the statement made on March 15, he will be out of order. But if he deals with the statement which was made on March 24, that will be in order.

Mr. HACKETT: I will deal with whichever statement pleases you, Mr. Speaker. I wish to say to the minister now that, however much I might in the heat of political controversy wish to score on somebody, I do not wish to do that—probably I could not anyway—in this instance. I do not wish to take out of the minister's speech a phrase, a paragraph or a page that may reflect an opinion which is not his. I have read his remarks not once but many times. Having scrutinized them with the utmost care, I interpret his speech as a whole,—and I will not worry him with half a dozen quotations, which I have here in my hand and could give him,—and it left me and the house under the impression that in his considered opinion a national emer-

gency is not a condition *sine qua non* to the invasion by the federal government of the provincial jurisdiction.

Mr. ILSLEY: I was merely presenting to the house what, in my opinion, that case decided; that is all.

Mr. HACKETT: I agree with what my right hon. friend says, and I am not attempting to go beyond that. I am merely attempting to lay before the house the point of view of the right hon. gentleman who is the conscience keeper of the government. The Minister of Justice is the legal adviser of the government, and different members of the cabinet go to him in their perplexities for enlightenment and direction. I submit the fact that the right hon. gentleman holds the views he has expressed in the house, and believes as he does that something other than a national emergency warrants the invasion of the provincial field by the dominion, must necessarily have its bearing upon the attitude of the federal government toward the invasion of that provincial field.

I want to say, Mr. Speaker, that there has been a progressive advance by the federal government into the provincial field. It is reflected in many areas. Primarily and above all it is reflected in the disunion and conflict which exist at the present time between the dominion and the provinces. But it is reflected elsewhere. May we consider the War Measures Act, chapter 206 of the revised statutes. This act provides that, during a period of war, invasion or insurrection, real or anticipated, the federal government may invade the provincial field and the governor general in council may take over legislative powers otherwise denied to him. But that there should be no misunderstanding as to the limits of time within which these extraordinary powers could be exercised, after they had been first limited by section 2 of the act, section 6 goes on to say:

The provisions of the three sections last preceding—

Those are the sections which enable the governor in council to exercise the unusual powers.

—shall only be in force during war, invasion, or insurrection, real or apprehended.

We have the additional section to make it certain that this invasion of the provincial field shall cease when hostilities cease. Parliament was summoned in September, 1945, and on December 8 the National Emergency Transitional Powers Act, 1945, was given royal assent. Here I take issue with the right hon. gentleman. He says in his speech that these extraordinary powers conferred by the War