

*Prairie Grain Advance Payments Act*

referring particularly to the province of Quebec and to the action being taken by the province of Manitoba—is ultra vires and beyond the power of a province. It is beyond the power of a province to enact such legislation, and even if the federal government were to attempt to enact it, it would still be ultra vires. You cannot prevent the free flow of products among provinces.

I say, to illustrate my point, that this legislation would be unnecessary or cash advances would not have been needed to the same extent if the government had assumed its responsibilities. Today I asked the Minister of Justice whether counsel had been appointed to plead the case I have referred to before the Supreme Court of Canada and to represent the national interest. I asked what instructions had been given to counsel.

**Mr. Pepin:** What is the relevancy of those remarks?

**Mr. Lang:** Mr. Speaker, I rise on a point of order. I want to make it perfectly clear that I am always delighted to listen to my hon. friend, and I would be glad if later he would give us his thoughts outside in the corridor or in the hallway. However, tonight we are considering Bill C-239 and I would appreciate it if the hon. member would stay somewhere close to that subject.

**Mr. Woolliams:** I do not want to argue with the distinguished and illustrious minister from Saskatchewan who was dean of my law school. I am prepared to accept your ruling, Mr. Speaker. This is the first time I have spoken on this matter. I submit that my remarks were relevant in that the kind of cash advances being considered in this bill would not be necessary if the government had assumed its responsibilities. In that sense I submit that my remarks were relevant to this debate. If the minister would bear with me and listen, perhaps the debate on this bill and on others could be shortened. It is up to him.

**Mr. Speaker:** Order, please. I might say that it is a question for the Chair, rather than the minister, to decide whether matters are relevant. I realize that to some extent the hon. member in his argument took a round-about way. When the hon. member for Meadow Lake (Mr. Cadieu) this afternoon referred to the other bill which is to be the subject matter of debate, I suggested to him that perhaps he should try as much as possible to limit his remarks to the bill being considered.

The hon. member for Calgary North (Mr. Woolliams) said that he intended to speak for just a few moments on this point and I was willing to take that into consideration. If it were the essence of his presentation I think it could be said that the speech ought to be made when the other bill is before the House, rather than on this bill. I am prepared to take into account the hon. member's suggestion that this is not the whole essence and substance of the speech he wishes to make tonight.

**Mr. Woolliams:** Mr. Speaker, I appreciate that. May I also point out that the purpose of the amendment moved by the hon. member for Palliser (Mr. Schumacher), that the bill be not now read the second time but that it be

[Mr. Woolliams.]

hoisted for six months, is to enable us to obtain answers to our questions.

**Mr. Gibson:** Which bill is the hon. member speaking to now?

**Mr. Woolliams:** May I finish what I was saying? I asked the Minister of Justice the name of counsel and what instructions he had been given. I asked whether the instructions of counsel, who was not named, were such as to take into account the national interest. Today the Minister of Justice said, "I do not know who he may be. I left that appointment to the deputy minister and do not know what the instructions were." In addition to fooling around with such a knotty constitutional question, this government wants to play politics with the livelihood of farmers.

**Mr. McIntosh:** Hear, hear!

**Mr. Woolliams:** The government has tried to cover up this problem by saying that it is changing the terms and conditions of the old act.

**Mr. Lang:** Which old act?

**Mr. Woolliams:** The cash advances legislation. The dean, as I always call him, is always very polite in this House. He has been noted for his arrogance if not for his intelligence.

**Some hon. Members:** Oh, oh!

**Mr. Gibson:** That was a great contribution to the debate.

**Mr. Woolliams:** May I now refer to the case of *Murphy v. Canadian Pacific Railway Company*. It illustrates the case in point. The facts were these: produce was produced in Manitoba by one Murphy who wished to ship it to British Columbia to his poultry farm. He went to the CPR. The grain was already bagged but the CPR refused to take the shipment of grain, and litigation began. The court dealt with the point we have sought to raise on an entirely different premise. Chief Justice Cartwright said, after argument on the point that I am raising now, that if a provincial legislature had enacted such restrictive legislation, it would have been declared ultra vires. In other words, legislation that controls interprovincial trade would have been ultra vires. I am confident that when the Supreme Court of Canada decides the Manitoba case, it will say that such restrictive legislation is ultra vires.

I therefore say that this legislation ought to be held up until that decision has been handed down. In addition, counsel for Crown ought to take the national approach; he ought to argue the national case as set out in the British North America Act and obtain a decision which would enable the free flow of trade between provinces.

**Mr. Pepin:** Hear, hear!

**Mr. Woolliams:** That is my submission. I cannot put it more clearly than it was put by the Manitoba Court of Appeal when dealing with this subject. They referred to