

and Hapsburg have as much to do with the termination of this Order in Council as have the Government and the people of Canada. The letter which has just been read is to the effect that under section 6 of the War Measures Act ample authority and power is vested in the Governor in Council to pass the Order in Council in question. That is a debatable question I submit, though I do not deny that there is room for the position taken by the Deputy Minister of Justice. But I wish to call the attention of the Minister of Finance to section 3 of the Act, which is as follows:

3. The provisions of sections 6, 10, 11 and 13 of this Act shall only be in force during war, invasion or insurrection, real or apprehended.

That is, when the war ends, Section 6 is no longer in force.

Mr. MEIGHEN: But what is done under it is still in force.

Mr. MACLEAN: Not at all. That is an absurd position, I submit, for my learned friend the Solicitor General (Mr. Meighen) to take. Perhaps I should not say "absurd"—

Mr. MEIGHEN: Let me ask the hon. gentleman a question. Under the War Measures Act we are expropriating the Ross rifle factory. Will he say that when the war is over that factory reverts to its former owners?

Mr. MACLEAN: No, because nothing is left to revert.

Mr. MEIGHEN: The factory would still be there.

Mr. MACLEAN: The powers of the Government were exhausted to the absolute extinction of the title of the Ross rifle property in its former owners.

Mr. MEIGHEN: But not of the factory.

Mr. MACLEAN: Under this Act it is explicitly stated that the provisions of section 6 on the cessation of the war shall no longer be in force. An Order in Council cannot remain alive unless it is based upon some living statutory authority. That is the rational, the reasonable construction of the Act. It was never intended that the War Measures Act should permit an amendment of the Customs Act that should continue in operation after the cessation of the war. At the most it was intended that this power should be extended to the Government temporarily and during the continuance of the war, and during that time the

Act and possibly the Order in Council is in force. Therefore, I say, this Order in Council with respect to flour and wheat is in operation only during the war and terminates with the ending of the war. If the Minister of Finance intended that these products should be placed upon the free list, there was a positive and direct way to accomplish that end. He should have proceeded under the Customs Act. He could have announced an amendment to the Tariff Act to-day in this House, and in that very instant of time the amendment would have become operative throughout the whole country. I always anticipated that it was the intention of the Government that this Order in Council should be operative only during the war. The Parliamentary Secretary for External Affairs (Mr. Hugh Clark), speaking recently at Montreal, stated that it was proper to do this for the United States, because now she was our ally. Now, it seems the logical inference that when the war is over and the United States is no longer our ally in war, the reason for the Order in Council having ceased to exist, the Order in Council itself will automatically pass away. The Parliamentary Secretary for External Affairs evidently entertains the same view I do about the scope of the Order in Council.

It was for these reasons that a few moments ago I ventured the statement that the passage of this Order in Council was not a declaration of settled policy, but was a matter of party and political manoeuvring forced upon the Government by their friends from the western provinces. The hon. the Minister of Railways and Canals (Mr. Cochrane) is not as astute as the Minister of Finance. The Minister of Railways is a plain, blunt man who goes directly to his objective point, but the Minister of Finance has more experience and skill in finesse, and he will endeavour to achieve his point, not always by direct, but if needs be by indirect and circuitous routes, if to him it seems politically more advantageous. Had the Minister of Railways been as astute as the Minister of Finance, he would have introduced his Highways Bill under the War Measures Act. The Highways Bill will be designated by the people of Canada of both parties as a piece of political manoeuvring, and the Minister of Railways will likely go down in history as a pure politician. The Minister of Finance attempted to amend the Tariff Act by means of the War Measures Act, and his friends will claim that he is a patriot. That is the dis-