

Agricultural Products Act

has assassinated the constitution. The Minister of Justice (Mr. Garson) has apparently succeeded to the role of leader of the burial party that the government has appointed for the interment of the constitution of this country. His advent into this chamber has marked again the determined drive of this government for the centralization of power.

It is not always that the government has been as frank as the Minister of Justice has been. I think perhaps we ought to say a word of commendation of the Minister of Justice in this respect at any rate. While the government hitherto has been doing its utmost to wreck the constitution, to ride roughshod over the rights of the provinces, the government at the same time has been denying that it has been doing so. But of course that attempt has been exposed completely by the Minister of Justice, with the commendable degree of candor which has marked his deliverances in this house on the subject of the constitution—because he has left no doubt about it at all. He has left no doubt at all that it is centralization of power here at Ottawa that is the goal and aim of this government; and it is a goal and aim toward which this government is driving just as determinedly today as it has at any time in the past.

While deploring the doctrine, while saying that we in the Progressive Conservative party will fight as long as there is breath in our bodies against this assassination of the constitution, at the same time we have a word of commendation for the Minister of Justice for his frankness and his candor in contributing to this exposure of the naked centralizing aims of the government.

Hon. Stuart S. Garson (Minister of Justice): To the innocent bystanders of this dispute, Mr. Speaker, in many respects I offer my apologies for being obliged to traverse ground that has already been more than adequately covered. But since I entered this house I have been rapidly discovering that my hon. friends in the Progressive Conservative party opposite have a perfect genius for distorting and misrepresenting statements made by members of the house. At the moment I claim to be the immediate victim.

Mr. Knowles: They were your friends in Manitoba.

Mr. Fulton: Misquoted again!

Mr. Garson: When anyone twits another for using a prepared speech, I think he is on rather bad ground; because there is an interval in this house, before the official *Hansard* comes down in printed form, in which it is possible to get up and make the sort of speech

that the hon. member for Eglinton (Mr. Fleming) has just finished making. The only cure for that situation is to have typewritten out a prepared speech from which contradictions can be read. I leave it to you, Mr. Speaker, and to the members of this house whether the sense of the remarks I made this morning was not as follows: I said that under our constitution the question whether or not any particular law of parliament or of a provincial legislature is *intra vires* and valid or *ultra vires* and void is a question which, in the last analysis, can be decided only by the courts of this country. I also made the point that, such being the case, there was not any purpose in any government formulating any particular theory of emergent powers or any other kind of theory upon which to base a law which could not later be supported in the courts.

Then, far from indicating that this parliament should have no concern as to the constitutionality of measures which come before it, I not only stated that fact but I spelled it out; and I spelled it out in these terms. I said that when a bill was presented to the house by the government or by any private member, the sponsor—whether a government or a private member—owes a measure of responsibility to see to it that the attention of hon. members is not being drawn to something which is unconstitutional or to something that should not come before parliament. I do not know whether my hon. friend was in the chamber at the time that I made the statement; if he was, then his quotation tonight of my remarks is quite inexcusable in leaving this out. I said that the sponsor should in each case—

Mr. Fleming: I can assure the hon. gentleman that I was in the house, that I heard his speech throughout, and that I have given accurate quotations from his own remarks.

Mr. Garson: All right. I should like my hon. friend, when I have finished reviewing the context of these remarks that he has taken bleeding from their context—

Mr. Fleming: Bloody, you mean; bloody remarks.

Mr. Deputy Speaker: Order.

Mr. Garson: They were bloody after my hon. friend got through with them.

Mr. Fleming: Your remarks were.

Mr. Deputy Speaker: Order.

Mr. Knowles: Be gentlemen, now.

Mr. Garson: The context of my remarks was this. I said that the sponsor of a bill coming before this house, whether a government or a private member, had a respon-