

*Trans-Canada Highway Act*

matter of principle; it merely ensures that the project undertaken under a 1949 act, will not come to a halt and that the federal government that took it over will carry out the agreements made with nine of Canada's ten provinces.

How could we shirk the responsibilities undertaken by parliament, and attempt to terminate, by unilateral action, the agreements that were signed with the provinces? That alone would be reason enough to justify our support of the resolution.

I might perhaps let it go at that. However, having long since learned to face my responsibilities, I shall go even further and say that, in view of the wording of the 1949 act, I doubt that its provisions are contrary to section 92 of the 1867 constitutional act. Though the act does not expressly refer to the exceptions provided in paragraph 10 of section 92, it is fully in accord with the spirit of that paragraph.

Indeed, the primary purpose of the trans-Canada highway is to link the various provinces together by means of a motor highway, so that any Canadian may drive over it from coast to coast right in Canada, without occasional detours over United States highways. Now this primary object, and I think this is the main point—is in my view fully within the spirit of the exceptions provided in paragraph 10 of the said section 92.

It is quite normal that this legislation should have caused misgivings to the government of the province of Quebec, especially when we consider the centralization context existing at the time this act was adopted. It must be admitted that in the meantime the atmosphere has definitely cleared up.

Indeed, last year, when some hon. members of this house who had met with success in the province of Quebec by arousing dissections and bickering—that is how they understood national unity—were doing all they could to blast the position of the government of the province of Quebec, the hon. member for Vancouver Quadra (Mr. Green), then minister of public works, gave them this answer, and I quote:

I merely say that in the province of Quebec, there is a first-class highway. The Canadian public is not inconvenienced in any way because Quebec has not seen fit to participate in any way in this program. That province has its rights under the British North America Act, and if the men who happen to form the government of the province see fit to follow a policy, then I doubt very much the wisdom of attempts being made in the house to blow up a storm in the province of Quebec either on this measure or on any other.

In other words, the hon. minister recognized that each government had to take its own responsibilities, and that he would surely not intervene in charting the course of the policy taken by Quebec or any other province.

Besides, when this legislation was adopted, it seemed that the concern felt by the government of the province of Quebec was being shared, to some extent, by the hon. member for Levis (Mr. Bourget). According to the speech he made in this house on November 28, 1949, he would not have agreed to the federal government paying the full cost of the highway, as this might have given the federal government property rights and control over the highway. Here is, in fact, what he said on November 22, 1949:

Well, under the circumstances, it would be easy to infer that in letting the federal government pay 100 per cent of construction costs, and later pay for maintenance, it would be a recognition of the federal government's jurisdiction over this highway. Although I am neither a lawyer nor an expert on constitutional issues, I think we all agree that the question of provincial roads, legally speaking, belongs exclusively to the provinces, even if parts of those provincial roads have to be used for the trans-Canada highway.

When the member for Levis was expressing such fears, why should not our rulers in the province of Quebec, who were more directly concerned with the administration of the province, entertain similar fears?

In a country with a British constitution, it is so dangerous to set a precedent and therefore a rule which, despite the terms of the constitution, eventually takes on a permanent character.

Then too, it does seem that, because of his long tenure in parliament, the hon. member for Levis is indulging a tendency to appeal to precedents in urging the federal government to venture farther and farther afield into ways and by-ways fraught with perils for the rights and freedoms of the provinces.

In fact, here is a suggestion he made yesterday, which make us believe that the hon. member has already cast aside the caution he expressed in 1949. I quote from yesterday's *Hansard*:

The minister has no doubt been informed of the statement made by the president of the Canadian Construction Association who, speaking before members of that association at Calgary, in early January, suggested that a federal-provincial conference should be held this year to consider the national highways problem. He also added that, in his opinion, members present at this important meeting must work in close co-operation with Ottawa and the provinces.