

autumn? Would it not have done more good than to-day, when last year's production has been largely disposed of, although no doubt a considerable portion of the crop is still held in the West. But if it was a good thing to do at the beginning of the seeding season of 1917, would it not have been a better thing to do at the beginning of the harvest season of 1916? Will the Minister of Finance or his colleagues explain upon what grounds the Government refused to place wheat and flour on the free list in August or September last, when it was urged just as strongly then as now? How long does the Government expect that this Order in Council shall remain effective? Do I understand the minister and the Government to say that as soon as the war ends this Order in Council becomes void?

Sir THOMAS WHITE: The Order in Council has precisely the same effect as an Act of this Parliament.

Mr. MACLEAN: We understand one another, I think. When the war ends the Order in Council ends.

Sir THOMAS WHITE: No, the effect of that Order in Council is to place wheat, wheat flour, and semolina on the free list, and they remain on the free list until a change is made by or under the authority of Parliament.

Mr. MACLEAN: I am glad to have that as the opinion of the Minister of Finance. I suppose it is the view of the Government. But from the proposition stated by the minister I entirely dissent.

Sir THOMAS WHITE: If the hon. gentleman wishes, I can give him the opinion of the Deputy Minister of Justice, whose opinion is entitled to some weight.

Mr. MACLEAN: It is.

Sir WILFRID LAURIER: Does the minister say that these articles can be removed from the free list only by the authority of Parliament?

Sir THOMAS WHITE: Wheat, wheat flour, and semolina have been placed on the free list by Order in Council, which Order in Council has precisely the same authority as an Act of Parliament.

Sir WILFRID LAURIER: So far, so good.

Sir THOMAS WHITE: The effect of that Order in Council remains until some other disposition of the matter is made by or under the authority of this Parliament.

[Mr. A. K. Maclean.]

Sir WILFRID LAURIER: The minister does not say, by Act of Parliament?

Sir THOMAS WHITE: If the hon. gentleman wants a legal opinion, and if he will permit me, I will read the opinion of the Deputy Minister of Justice on this matter. It is as follows:

I have considered upon your suggestion the effect of the Order in Council of 16th instant, whereby His Excellency the Governor General in Council directed under the authority of the War Measures Act, 1914, that wheat, wheat flour and semolina should be transferred to the list of goods which may be imported into Canada free of duty of customs.

Section 6 of the War Measures Act 1914 confers upon the Governor in Council very comprehensive powers to make such orders and regulations as he may by reason of the war deem advisable for the peace, order and welfare of Canada, and for greater certainty, but not so as to restrict, it is declared, that these powers extend to all matters coming within certain classes of subjects specially mentioned, among others, "trade, exportation, importation, production, and manufacture." It is provided, moreover, that all such orders and regulations shall have the force of law.

This section has always been interpreted and acted upon as intended to confer legislative powers, and I am of opinion that that intention is expressed with sufficient aptitude, and that therefore the legislative powers of Parliament, within the purview of the section, have been delegated to the Governor in Council. Moreover, having regard to the narrative of the Order in Council, the power executed in the sanctioning of the Order in Council, appears to fall very clearly, not only within the general description of powers, but also within the special enumeration to which I have referred. Therefore I am of opinion that the Order in Council became effective as from its date permanently to remove the duty imposed by the customs tariff from wheat, wheat flour, and semolina, and that these products accordingly become free of customs duty, and will remain free unless fresh duties be imposed by or under the authority of Parliament.

Mr. MURPHY: What is the date of that memorandum?

Sir THOMAS WHITE: It is dated 17th April.

Mr. MACLEAN: I have great confidence in the legal acumen of the Deputy Minister of Justice, and ordinarily I should defer to his opinion; but in this matter, I submit with confidence, the opinion which he has given the minister is an erroneous one, if it is contended that the opinion is to the effect that the Order in Council extends beyond the end of the war. I believe that the Order in Council passed under the War Measures Act ends with the war. And if that be true the houses of Hohenzollern