for British Columbia v the Attorney General for Canada, 1937 Appeal Cases at page 377 in the Natural Products Marketing Act submission. The present Prime Minister of Canada was of counsel for the government of Canada, and argued that the legislation would be advantageous. The answer to that argument is given at page 389 of the judgment.

> Their lordships appreciate the importance of the desired aim. Unless and until a change is made in the respective legislative functions of dominion and province it may well be that satisfactory results for both can only be obtained by co-operation. But the legislation will have to be carefully framed, and will not be achieved by either party leaving its own sphere and encroaching upon that of the other.

As I listened to the minister enunciate a proposition which, if carried to its logical conclusion, would destroy the legislative power of the provinces, I could only wonder upon what authority he was basing his argument or whether, in fact, in his desire to explain away what the government has done so frequently of late under like legislation, he was forced into the position of having to give a new interpretation to the law and a new legal view of the constitution. Carried to its conclusion his speech represented the gateway to constitutional confusion in this country, and opened the door to invasion by parliament of the rights of the provinces to legislate on matters of property and civil rights.

During the noon hour I looked up some of the decisions on the subject. There are only one or two to which I am going to refer. In the Fort Frances pulp and power case, to which reference has been made on several occasions, the privy council decided that the dominion parliament has an implied power for the safety of the dominion as a whole to deal with a sufficiently great emergency, such as that arising from war, although in so doing it trenches upon property and civil rights in the provinces, from which subjects it is excluded in normal circumstances.

Various other cases of a similar nature reached the privy council. Briefly, there was the Board of Commerce case in 1922; the Natural Products Marketing Act case in 1936, to which I have made reference; and the case of the Attorney General for Canada versus the Attorney General for Ontario 1937 A.C. 355. In these cases to which I have referred the court decided that it was only in highly exceptional circumstances that the rights of the provinces could be restricted by the parliament of Canada, and did not exist in these cases. In the Fort Frances case it was decided that such circumstances did, in fact, exist.

This is no idle argument, sir, theoretical in its effect. The statement made by the Minister of Justice will be long remembered after the bill now introduced has been forgotten and has passed out of existence. This declaration by the minister, if carried into effect, goes farther along the line of centralized government than any statement ever made by any Minister of Justice since confederation. It is one that we, on this side of the house, cannot permit to pass unchallenged for it means that our federal state could, in effect, be altered into a unitary state, in so far as property and civil rights are concerned, by the simple expedient of a majority in parliament declaring the existence of an emergency.

Never before, either during the days of war or at any time since, did the late Right Hon. Ernest Lapointe or the present Prime Minister, when Minister of Justice, ever make a declaration such as was made today. It strikes at the very roots of our federal constitution. If unchallenged and carried into effect, it would have the result of placing the parliament of Canada in a position of invading provincial jurisdiction by the simple means of declaring an emergency. The minister said that anyone affected would have the right to go to the courts to determine the legality but the courts have already declared that they will not lightly interfere with declarations made by parliament that an emergency exists. There is grave danger to our constitutional system and the challenge to our federal system, when almost four years after war, the government of this country finds itself in a position where, in order to continue legislation passed during the war or immediate post-war period, it relies on the emergency doctrine with a view to allowing the dominion to entrench upon provincial jurisdiction.

I shall not read what the *Fortnightly Law Journal* said in this regard, but in substance it indicates that the course taken by this government since the war ended has been one of endeavouring, by means of the emergency doctrine, to filch from the provinces their exclusive jurisdiction over property and civil rights. As to marketing legislation, we took our stand on that in 1947 and 1948. In 1934 we took our stand when a law was passed providing for the Natural Products Marketing Act. Such legislation is needed now.

On frequent occasions the minister has indicated his acceptance of the need. A course that might well be followed by this government would be to secure from the provinces, either by co-operative legislation in the provinces or by the consent of the provinces, such as was obtained in order to implement the Unemployment Insurance Act, to assure the enactment of legislation to provide for a natural products marketing act or analogous legislation. A national act would benefit not only the Canadian farmer but all Canadians.