

Agricultural Products Act

have been following precisely the advice tendered at such great length by our hon. friends.

Mr. Rowe: Not so precisely.

Mr. Garson: Precisely, because it has been made the subject matter of a separate bill. So far as that part of our hon. friends' advice is concerned, we have followed it exactly.

The leader of the opposition said that he did not wish to have any of his remarks in this debate interpreted in any way as opposition to the substance, to the merits of the food agreements with Great Britain. I hope I do him no injustice in interpreting his remarks when I say that he said he was in favour of these food contracts, and I presume of their continuance. If he is in favour of them, and of their continuance, I suggest—and I hope he will agree with me—that the only way in which they can be continued is by the passage of the bill before the house.

Mr. Drew: That is just what I said is not so.

Mr. Garson: There is no other way in which they can be continued. If this bill is not passed, these contracts, the substance of which he says he favours, must expire and cease to exist.

Mr. Drew: Mr. Speaker, I simply want to interpolate that that is precisely the opposite to what I did say.

Mr. Garson: What my hon. friend did say, and what I am saying now, is all within the recent memory of members of the house. I am content to leave it to them as to what he said.

Mr. Diefenbaker: Will the minister allow a question?

Mr. Garson: Certainly.

Mr. Diefenbaker: I wish to refer to a remark made by the Minister of Agriculture (Mr. Gardiner) on March 14, 1947, when this bill was before the house. He had this to say at page 1388 of *Hansard*:

Why were these orders in council brought in, in the first instance? They were brought in so as to make it possible for the government, by compulsion, to take farm products.

And so on. I now ask the minister how many of the contracts, and in what proportion, were filled at any time by compulsion?

Mr. Garson: I think it would be proper to address that question to the Minister of Agriculture. He tells me, for example, that so far as cheese was concerned it was necessary last year to make requisitions in order to get a supply to fill the contracts.

Mr. Rowe: It still did not fill them.

Mr. Gardiner: No.

[Mr. Garson.]

Mr. Deputy Speaker: Order. It occurs to me that questions similar to that asked by the hon. member for Lake Centre might better be asked when the house goes into committee.

Mr. Garson: I agree with that, but I do not want to appear to refuse to answer any question.

If we want to continue these agreements we must pass the bill, and I think the disposition of the majority of the members of the house will be to continue the merits and the substance of these agreements, which have proven their worth, by passing the bill. The leader of the opposition says that if we do that, the government will become involved in an iniquitous doctrine formulated by the government; that we are attempting to destroy the Canadian constitution, and all provincial rights under the Canadian constitution, by invoking a general emergency which leaves it to our choice to invade any of the fields ordinarily within provincial jurisdiction under section 92 of the British North America Act.

This question has been raised before. The hon. member for Eglinton (Mr. Fleming) raised it the other day—somewhat to my surprise, because I thought he was a better lawyer than to raise it. The reply to the argument is a matter of the most elementary principles of law. Our constitution is the British North America Act, passed by the imperial parliament at Westminster. It divides between the dominion and the provinces the various functions of government. Under that act we have in this parliament the privilege of passing laws in relation to a number of matters which are set out in section 91, and which in a general way have to do with the functions of the central government. Under section 92 the provinces are given the power to deal with what might be described in a general way as mere local functions of government.

The question arises, and it has been the subject matter of a number of constitutional cases, whether a given subject of legislation falls within provincial jurisdiction or federal jurisdiction. I suggest as a most elementary principle that in this parliament of Canada we have and exercise the legislative powers of making or passing laws. Under and by those laws we can clothe the executive with the authority to do certain things, and it is the job of the executive to do those things.

We have a third branch of our government body—the judiciary; the courts. It is the function of the courts to interpret the laws which we make, and the laws which the provinces make—first of all to see whether those laws, in the case of the provinces or