

Agricultural Products Act

only have a certain amount of goods to export. I am aware that in some cases they have to pay prices for raw materials in soft currency countries which preclude them from competing in our hard currency market.

In passing may I say that one very small thing, but something that is important to me, and to the people in my part of the country, is that so far as import into western Canada is concerned we could save ourselves a considerable amount of money by importing some goods on the Hudson Bay railway and via the Hudson bay route. I think if shippers look into that situation they will find that they will be able to make a considerable saving over bringing their goods the long way through the eastern ports.

The basis of all exchange is an actual exchange of physical goods. When the Minister of Trade and Commerce (Mr. Howe) was asked the other day, he told us that barter as such has not been considered by this government. Personally I do not believe we in this country have yet reached the stage where actual barter in that way, goods for goods, is necessary; but I think there are methods which amount to barter under which, by bookkeeping arrangements, virtually if not in fact we could have a barter system. I do not want to go into the matter, because I intend to speak for only a minute or two, but there are such things as blocked credits and so on.

As the situation is now, Britain is being driven willy-nilly into the arms of Poland and Denmark while we sit tight on this highly artificial system of dollar exchange and attempt to make it work. I think that is a bit of commentary on this government's lack of ability to solve what I think is the most pressing problem facing this country today. As I said to the hon. member for Stanstead (Mr. Hackett) a short time ago, we fiddle while Rome burns, or rather we rattle the dry bones of tradition while our agriculturists are in worry and the rest of the world is in want.

Mr. Donald M. Fleming (Eglinton): Mr. Speaker, long ago it was said that there is nothing new under the sun, but that can be said no longer, after the speech made in this house today by the Minister of Justice (Mr. Garson). Today we heard from the minister something absolutely novel and unprecedented by way of an exposition of the constitution of this country and the duty of parliament with respect to the sanctity of that constitution.

The minister prefaced his remarks by explaining that in entering this debate on an agricultural question he wished to assure the house that he was not an expert on agricultural questions; and then he proceeded to

[Mr. Knight.]

discuss the constitution. Apparently that was by way of contrast. After what fell from the lips of the hon. gentleman this morning I am quite sure that the next time the doughty Minister of Agriculture (Mr. Gardiner), in casting about on the treasury benches for help, will know better than to follow the course he pursued today, and will choose to interpret the constitution for himself.

Every lawyer has two assets in his armoury when he goes about a case: his facts and his law. Earlier this week we had the opportunity of judging how hopelessly wrong the Minister of Justice can be on his facts, and today we have seen how even more hopelessly wrong he can be in his interpretation of the law and the duties of members of parliament with respect to the constitution.

The doctrine expounded today by the Minister of Justice resolves itself into this, that he stands by the interpretation of the constitution he has given hitherto, in asserting that there exists today a general national emergency and that consequently extraordinary powers, emergency powers, flow to parliament at the expense of the provinces. And he has added the equally startling proposition that in essence members of parliament have no concern with questions relating to the constitution, as applied to legislation coming before parliament for consideration. He has said this: "The function of formulating a theory as to a general emergency, as to a specific emergency, or as to any other basis for constitutional authority, is not a legislative function, and is not an executive function. It is a judicial function." Then to drive home his point with even greater certainty he goes on to say: "I suggest hon. members here are not concerned with the constitution in the way the members of the Progressive Conservative party have been arguing from time to time, because that is a matter which can safely be left to the only branch of government capable of dealing with it—that is, the courts. What we are concerned with here is the substance, the merits, the prudence, the wisdom of the measure we have before us."

There is an element of truth—a half truth, of course—in what the minister said in the passage I have just quoted. Of course the substance, the merits, the prudence and the wisdom of measures coming before this house are matters of the liveliest concern to the house and all members in it; but that is no ground for an assertion by the Minister of Justice that constitutional questions and the constitutionality of legislation or other measures that parliament is called upon to adopt are no concern of members of this house. I take issue with the proposition laid down by the minister, as squarely as it is