

there would be no public warning until everyone who had to be buried was buried, so as not to shock the population and cause a panic.

Supposing the immediate form of danger was an alarm given to the government that a missile might be expected to land in Niagara Falls in 20 minutes, how soon might notice be communicated to Niagara Falls?

The CHAIRMAN: Before that is answered, could Mr. Driedger deal with the very important point raised by yourself, Mr. Deschatelets and Mr. Fortin? Then Mr. Bryce might come back to this question which may open up a whole new line of questioning.

Mr. E. A. DRIEDGER (*Deputy Minister of Justice*): I was going to say, as Mr. Deschatelets has said, the jurisprudence on this is quite clear. Immediately circumstances put the War Measures Act into operation it is quite clear parliament has jurisdiction, and can delegate to the governor in council jurisdiction, under the peace, order and good government clause of section 91 of the B.N.A., power to legislate on any of the matters that would normally fall within the jurisdiction of the provinces. That has been tested on a good many occasions. There was the Fort Frances case, which called for a decision of the judicial committee of the privy council in 1923, to which I referred in my remarks the other day. There was also the case Mr. Deschatelets quoted—the rent control reference by Mr. Deschatelets—which was a privy council decision based not on the War Measures Act but on a consequent act, the Emergency Transitional Powers Act. The Nowlan case was another instance where you had a decision of the judicial committee of the privy council.

The Nowlan case and the Fort Francis case dealt with price control and requisition of property. Then there was also reference to the act in 1943, largely on the question of delegation. But, as I say, I think the jurisprudence is quite clear, and under the peace, order and good government clause parliament may legislate with respect to matters that would normally fall within the jurisdiction of the provinces. There is no constitutional problem in that field.

Miss LAMARSH: Except for the fact you might get a cabinet that will not play. There is not much you can do about that?

Mr. DRIEDGER: I do not know anything in that field, Miss LaMarsh.

Miss LAMARSH: It is quite clear, no matter what jurisprudence says, in considering the fineness of time involved.

Mr. DRIEDGER: I am not prepared to deal with that aspect of it. I was just dealing with the judicial question.

The CHAIRMAN: Are there any more questions on this particular question of jurisdiction before we leave it? If not, Mr. Bryce, would you deal with the question raised by Miss LaMarsh?

Mr. BRYCE: I should be glad to, Mr. Chairman. So far as our preparations and plans are concerned, they involve warning the public just as soon as we are confident that we are not going to create a false alarm. For example, I would anticipate that as soon as we know bombers have crossed the DEW line, when we can detect them with any confidence, we would get a warning out immediately.

Miss LAMARSH: But if they were missiles you might wait for Niagara Falls to go up in steam before you were sure?

Mr. BRYCE: If it were a missile; but we would want to be sure it was not the moon.

Miss LAMARSH: Nor the cow jumping over it.

Mr. BRYCE: As I say, our plans involve giving the public whatever warning can be given to them. Frankly, I have no confidence that if we started warning some select group the news would not leak around in moments. My own view is that we ought to warn the public just as soon as we are at all confident.