

We see these disintegrating influences operating on every hand. The forces of communism and the forces of fascism are threatening our democratic system. In the great province of Quebec, which we have always regarded as one of the great bulwarks of Canadian nationality, there is a ferment going on which we who do not live in that province do not understand. There is a narrow, selfish provincialism rampant in some quarters in Ontario and elsewhere in Canada. There is discord and discontent in the western prairies, as a protest against the existing order. Our national life is in danger unless we take national action to save ourselves. Let it not be thought for a moment that I am advocating any sort of national government. But I do call upon the Canadian people to assert their rights and to perform their duties as a Canadian nation.

It is my considered opinion that the decisions of the Judicial Committee of the Privy Council have been an important factor contributing to this disintegration of our nation to which I have referred. Many of their decisions have deliberately weakened the bonds of confederation, with the result that this national parliament has been left powerless to deal with many problems that are national in their character. We are wearing a constitutional strait-jacket fashioned for us by the Judicial Committee of the Privy Council and shall never be able to discharge our national obligations until we are released from that strait-jacket.

A year ago I made the charge that the Judicial Committee of the Privy Council had mutilated the structure of our federal system and changed its basic character. They did this in two ways. The hon. member for St. Lawrence-St. George has elaborated in some detail the method the judicial committee followed in this regard. In the first place they cut down the jurisdiction of this parliament by whittling down the meaning of the words "peace, order and good government of Canada" and "trade and commerce," as these words are found in section 91 of the British North America Act, so that they are now almost meaningless.

Mr. BENNETT: And by expanding—

Mr. THORSON: Yes. On the other hand they increased the jurisdiction of the provincial legislatures by enlarging beyond all reason the meaning of the words "property and civil rights in the provinces" and "generally all matters of a merely local and private nature in the province." This course of action on their part has resulted in withholding from this parliament the jurisdiction necessary to

deal with national matters and has weakened our power to deal with national problems in the manner in which they should be dealt with. On the other hand there has been assigned to the provincial legislatures jurisdiction over many matters that were never contemplated as being of a provincial character when the British North America Act was framed. The result has been that the provincial legislatures either cannot discharge the obligations that now rest upon them, or do not dare by themselves to discharge them. We have reached an impasse that threatens confederation itself.

I have not time, Mr. Speaker, to deal in detail with the matters that have been held to be outside the jurisdiction of this parliament. I can enumerate them only very briefly. It has been held, for example, that we cannot legislate with regard to the matter of insurance; yet the whole institution of insurance, by its growth and its importance, has assumed the character of a national institution. Nor can we in this parliament inaugurate a national unemployment insurance scheme; yet everyone realizes that in Canada it is not possible to inaugurate any scheme of unemployment insurance unless such scheme is undertaken as a national venture. We have no adequate control over industry. We cannot prevent profiteering in industry; it has been so held by the Judicial Committee of the Privy Council. Nor have we adequate control over unfair practices in industry, even although such practices may be nationwide in their extent. Nor have we that control over the incorporation of companies that we ought to have and would have had if the decision of the supreme court in the famous Bonanza Creek case had prevailed. We cannot deal effectively with labour problems, such as hours of labour, days of rest, wages or conditions of labour, nor can we set up effective machinery for the conciliation of labour disputes. We had effective machinery for that purpose and we used it for eighteen years, until in 1924 the Judicial Committee of the Privy Council held that the Lemieux act was ultra vires. Even if this country as a nation enters into treaty obligations on the subject of labour conditions and labour generally, it is not possible for this national parliament to implement these national obligations by national legislation. Similarly we cannot in this parliament—nor it would seem, anywhere in Canada—validly enact comprehensive marketing legislation, even if we desired to do so. There is a curious no man's land that has been created in respect of this