

*Emergency Powers Act*

8 last, as reported at page 181 of *Hansard*, the Minister of Trade and Commerce said:

Anticipating that defence preparations would in due course require control over certain critical materials, parliament at the last session passed the Essential Materials (Defence) Act.

Farther down the page he went on to say:

I think it well to add a warning, however, that further orders may soon have to be issued to assure supplies of structural steel for essential construction projects.

I give this warning so that those who contemplate construction projects which do not relate closely to our defence effort should not commit themselves to building operations unless they have the steel and other building materials, or know where they can be obtained. It would be unfortunate for those concerned, and a waste of valuable labour and materials, for projects to be started and then held up indefinitely for lack of some vital material.

In that statement I come back to this word "warning". I support the statement by the Prime Minister (Mr. St. Laurent) that parliament should have placed before it the details of any powers that are to be conferred upon the government; but I also think that to the utmost degree possible parliament, which is being asked to confer those powers, should know what powers are going to be exercised and what powers are not. I think the time has come to direct the affairs of this country by law, not by warnings. I think the uncertainties created by that method have been in themselves a substantial factor contributing to the inflation that has taken place in this country. That is what I was referring to in my remarks a few days ago. There is the reason I think I should at this time, when this motion is before us, emphasize my own conviction that we should seek in every way possible to retain the rule of law while we are in the fairly early stages of what may be a prolonged struggle, a struggle we all hope will continue to be peaceful, though engaging such a considerable part of our efforts.

For that reason I would refer to the tendency of this government to rely upon warnings. On February 16 the Minister of Justice (Mr. Garson) placed before this house an extraordinary proposition which is directly related to the approach to laws of this kind. At that time he indicated there was to be an appeal to the privy council from the decision of the Supreme Court of Canada in the case concerning the handling of certain grain in Manitoba, and I quote from pages 420 and 421 of *Hansard* for that date:

Should this appeal not be successful, the government of Canada, being desirous of applying to the decontrol measures in oats and barley the same principles of preventing fortuitous profits as were applied to other commodities, gives notice that it will, in order to carry out the principle of preventing such fortuitous profits, introduce legislation in

[Mr. Drew.]

parliament confirming the settlements with all of the commercial traders in oats and barley, other than Mr. Nolan, and will, therefore, not recognize claims made on behalf of such commercial traders upon the wheat board or upon the government in derogation of the settlements already made.

May I anticipate any suggestion that I am raising any of the issues involved in this case. I am not. I am raising the legal principle and the parliamentary principle which has been put forward in this statement by the minister. What the Minister of Justice says in the statement I have just quoted is simply this: we are going to carry an appeal to the privy council from the decision of the Supreme Court of Canada in the Nolan case. If the privy council upsets the judgment of the Supreme Court of Canada, then all will be well. If it does not, then we will let Mr. Nolan collect his judgment, but we are not going to let anybody else collect, no matter what their legal rights may be.

I suggest, Mr. Speaker, that the sooner we deal with these parliamentary and legal principles without suggesting that we are talking about grain traders or farmers or anybody else, strictly on the basis of the parliamentary principle and the law involved, the more certain we are to retain those basic principles of democracy itself which never assume greater importance than at a time like this. I repeat that I am not concerned with the merits of the case. I am concerned with the extension of this principle of warning. In a statement with nearly all of which most of us would agree substantially, the Prime Minister nevertheless indicated that many of these powers would be used simply as a warning. The Minister of Trade and Commerce (Mr. Howe) wanted powers last September as a warning, and now the Minister of Justice is issuing another warning.

I want to point out that this would not be just a matter of denying the legal rights of those who might avail themselves of a judgment of this kind. It is a matter of public record that many others delivered their oats and barley under formal protest, for the purpose of retaining their legal position which might be determined by any other proceedings that would be instituted. So the effect of this would be of far-reaching consequence once it was established as a principle of this parliament or as a principle of law which we might follow.

To me there is one very ironic aspect to the matter. Many hon. members will remember that there was great haste in introducing in September, 1949, a bill which would terminate appeals to the privy council.

**Mr. Deputy Speaker:** Order. It seems to me the leader of the opposition is pretty far from the subject of the resolution.