

*Defence Production Act*

day, and from the government of the Prime Minister's predecessor, Mr. King, of the awfulness of the invasion of the rights of the provinces? I ask the Prime Minister: Have we arrived at that point, considering that only a few years ago the Prime Minister said: "We cannot fix prices, except under emergency legislation."

Today, has the constitution been changed; have alterations been made; and has it been diluted down so that now the Minister of Defence Production (Mr. Howe) has the power to fix prices in any province in deals of private contracts? If that is so, then we have proceeded a long way.

Yes, and it also gives the right, as I said a moment ago, under the preceding section, by order, to direct that a person shall not be bound by any obligation, restriction or limitation imposed on that person by or under any statute. Have we arrived at the point in parliament when what was done during the days of war, at which time by order in council this government had the power to suspend, amend and abrogate statutes passed by parliament—and did—I say, in days of peace are we going to give to the governor in council authority, regardless of laws passed by parliament, in statutes, to interfere with and to change them? If we are, then parliament is indeed going on a vacation.

And I ask the Prime Minister this: Supposing there is a statute in Ontario that provides that I shall deliver, or that people in my classification shall deliver certain things, are you going to have the authority under this act, as now worded, to say, with respect to that statute in Ontario, "We, the governor in council, are above it." I wonder sometimes how much consideration was given to the several sections to which I intend to refer. There are sections that provide recourse to the courts, protecting the rights of the individual. But under certain sections of this act the federal parliament is given power to evade and circumvent the statutes of provincial legislatures at the will and the whim of the governor in council.

Now, what about the rights of individuals? The constitutional freedom of the individual is being preserved in one degree. Section 29 provides that the minister may conduct an inquiry. Over and over again I have heard leaders of the bar, such as the Prime Minister, in meetings of the Canadian Bar Association and outside it, demanding that we preserve the rights of the individual against the unfairness and the injustice of a denial of those fundamental freedoms and rights that every person of the British tradition has the right to expect—except during days of

war, when parliament deliberately took measures as a security for victory.

But look at this subsection 3. They hold an investigation; and we have had one of these examples, in the Eldorado case. That was in 1945, during the days of war. Provision was made for the appointment of an investigator who was authorized to do anything he wanted, legally or illegally, and he was not subject to any action whatsoever, nor could any action be taken.

What do we find in section 29? It says:

The minister may, whenever he deems it expedient, cause an inquiry to be made into and concerning any matter . . . arising out of . . . any group or series of defence contracts or any dealings in or with defence supplies.

And then:

An investigator may allow any person whose conduct is being investigated under this act . . . to be represented by counsel.

He may "allow" it. Well, that certainly was a relinquishment to absolute power. And you know how that would be interpreted: "Provision is made that after you are charged you shall have counsel."

Well, I took it upon myself to look back to find out how many centuries ago the right to representation by counsel, and when one was not forced to speak without counsel being there, was established. I find it was in 1637, and the man, whose name is not as famous in history as his achievements warrant, was John Lilburn, who was brought up before one of these investigatory boards, the council of the star chamber. He wanted counsel, and they said, "You cannot have it." He said, "Then, I do not want to talk." But they had ways in those days, and they endeavoured to force him to talk, and finally found him guilty. He was punished because of "the crime of his boldness in refusing to take an oath". And those words are in quotation marks.

Even in the days of Charles I parliament sometimes acted. John Lilburn served his term. He came out and he filed a petition with parliament because his rights had been interfered with; that he had been placed in an inquisition that was a denial of his personal rights. Parliament acted. If you are wrongly punished here you have no right of recourse. But in 1641 he filed a petition with parliament on the ground that his imprisonment had been illegal. The House of Commons agreed and the House of Lords also agreed and they gave John Lilburn an indemnity of £3,000, which was a very large sum in those days. That happened in 1641, and in 1955 we are going to allow investigators to set up their own private courts, and they may allow counsel to be present.