

Hon. W. B. ROSS: We are at peace with Turkey.

The Hon. the CHAIRMAN: They are firing on her now.

Hon. W. B. ROSS: Great Britain is, but we are at peace with Turkey. Great Britain is working under the statute passed last year.

Then, paragraph q of this section says:

To require that any wheat sold or purchased in Canada shall be delivered to the Board or to its order in accordance with such regulations as the Board may from time to time make.

That is to say, they could order wheat to be delivered to them or to someone else. I would like to know where the Parliament of Canada gets the authority to give them the power to do that. Then you will find that under section T they have the following power:

To order any person holding wheat stored in any elevator or warehouse, or on railway cars or Canadian boats to sell and dispose of the same to any purchaser named by the Board, on such terms as the Board may direct, and any such order of the Board shall pass to the purchaser the title in the wheat mentioned in any such order.

This is a most sweeping clause, and I should like to know where we get the power to pass such legislation.

Hon. Mr. BOSTOCK: Can the leader of the Government give us any information about that? I think the point raised is a very important one, and one upon which we should have some information.

Hon. Sir JAMES LOUGHEED: We are exercising the same authority that we have always exercised. There may be something in what my honourable friend has said, but the Government is quite willing to accept the responsibility and to exercise this power of legislation. If anyone considers it ultra vires of the Canadian Parliament he has his remedy in the courts. But there is a good deal of force in the good old rule, the simple plan, that they shall take who have the power and they shall hold who can.

Hon. Mr. BOSTOCK: That was the German idea.

Hon. Sir JAMES LOUGHEED: That may be, but the public have their remedy in the courts if they think that this is ultra vires of this Parliament.

Hon. Mr. McMEANS: The same question was raised about the Indian Acts the other day, but we passed those Acts.

Hon. Mr. BOSTOCK: The whole question was raised about the Commerce Act.

The Hon. the CHAIRMAN.

Hon. Sir JAMES LOUGHEED: All legislation is susceptible of being investigated as to its validity.

Hon. Mr. BOSTOCK: But I do not think it is a good thing for this House to be passing legislation of this kind.

Hon. Sir JAMES LOUGHEED: It has worked very satisfactorily in the past. The power that has been exercised in putting legislation on the statute book in former sessions is good enough to place it on at present.

Hon. Mr. BOSTOCK: But the conditions of the country when this Act was in force before are different from what they are now.

Hon. Sir JAMES LOUGHEED: No; I would say that the conditions to-day are even more startling than they were when this legislation was placed on the statute book. They are all conditions arising out of the war.

Hon. Mr. WILLOUGHBY: One of the first questions would be whether the Board could operate successfully without the powers granted in section 6. The powers are very extensive, and any one familiar with the handling of grain, if he studies that section, will conclude that those powers are absolutely necessary if the Government is to take control and handle the grain of Canada under certain circumstances, which is the object of the Bill. Many of the powers mentioned here were exercised before the War Measures Act was passed; that is, the Grain Commission had power of control in handling the cars. They allocated the cars, and ordered the different railways to send cars to certain points, and to observe the order of shipment. I do not know why we can do it with grain cars under the Railway Act and not with other cars; one is as much ultra vires as the other. There is something in the point raised by the honourable member for Middleton (Hon. W. B. Ross) that would give any lawyer ground for argument anyway. If we are going to give the Government this power and put this Act into operation I do not think section 6 contains power that is not absolutely necessary to work the Act properly.

Hon. Mr. BOSTOCK: That may be perfectly true, but the position is this. We may say that it is necessary to give the Government those powers, but we are not in a position to give them. If any man came to my honourable friend as a law-