

Agricultural Products Act

of Britain. It is not only Britain that is benefiting. As far as this country is concerned, our farmers are benefiting under the sale of these commodities to Britain at this time. It is something that affects both those who are selling and those who are buying. But no matter how desirable we may think any particular object is, that is no excuse for this house or for the parliament of Canada at any time taking shortcuts which evade the proper division of authority within the constitution itself.

Mr. Gardiner: May I suggest that the leader of the opposition is really missing the point of my argument, I presume inadvertently. The point of my argument was that the emergency had its beginnings in the conditions that existed during the war, that there is a continuing emergency in which at least the greater part of the population of Canada is concerned. On the one side, they are concerned because we assumed obligations toward them and, on the other side, they are concerned because certain sections of the population, through the government, assumed obligations on behalf of other sections. We think that in order to carry out those obligations we must have these powers.

Mr. Drew: I recognize that the Minister of Agriculture is greatly concerned about the need of fulfilling these contracts, and their importance to the farmers of this country. But the importance of these contracts to the farmers of this country and the importance of the fulfilment of these contracts to the people of Britain is not an emergency of the kind that is interpreted by the courts as justifying the declaration of a general emergency such as is indicated in the preamble of the act itself.

After all, the point that has been put forward in the discussions that have taken place is that, no matter how desirable the object may be, the members of this house cannot disregard the preamble of the act and the basis which the act puts forward as the reason for the adoption of these extremely wide powers, which go far beyond the contracts with Britain that are now in operation. As has already been pointed out by another hon. member, if the desirability of finding a means of carrying out the contracts is in itself a justification for the abandonment of the ordinary constitutional division of authority, there would hardly be a year in the life

of this country when it would not have been possible to say for the same reason that the constitution could be disregarded and that this house could pass an appropriate measure to deal with the subject.

The reason that this is a strange argument coming from the government is that the strongest arguments that have been made against the theory being advocated today by the government in support of this measure were put forward by the right hon. member for Glengarry (Mr. Mackenzie King) as early as 1932 when the house was dealing with another measure which sought to base its validity upon a reference to peace, order and good government.

On that occasion there was certainly something that appeared in itself to be much more of an emergency than the matter now before the house. It is not necessary to recall that the measures then being put forward were related to the disastrous situation that existed in the country. As a result of the economic crisis that had come at that time, scores of thousands of men across the country were in desperate plight. On the basis of that emergency the government of that day attempted to introduce measures which would deal with the situation. The right hon. member for Glengarry pointed out that, serious though the situation might be in itself, the House of Commons and parliament must not claim that an emergency of that kind was one which permitted the abandonment of the divisions of authority as laid down in our constitution.

On motion of Mr. Drew the debate was adjourned.

BUSINESS OF THE HOUSE

Mr. MacInnis: May we have the business for tomorrow?

Mr. Fournier (Hull): We hope to conclude this debate tomorrow afternoon. The house will have to sit tomorrow night for the sanction of these bills after they go to the Senate. We would then take up items Nos. 6, 7, 8 and 9 on the order paper, which are four non-contentious bills.

At ten-thirty the house adjourned, without question put, pursuant to the order of the house passed on March 14, 1949.