

shelters in their own homes—and I am referring to the fallout shelters—which we feel is the most economical and sensible way to do it. It is much cheaper to provide shelters in a basement. We feel that it is not wise for the government to go in and build shelters in people's basements.

Mr. DESCHATELETS: I mean to provide the facilities, as we do for the construction of a house. I am referring to those who would like to build a shelter but have not the money to do so. It was my thought that if the government would provide loans in this connection it would prove very helpful to a large number of people.

Mr. BRYCE: They do this through the mortgage facilities of C.M.H.C. These authorize an additional \$500—I think that is the amount—for anyone building a new house and wanting to build a shelter into it at the same time. Also, the provisions of the home improvement loans part of the act are available to anyone who wants to borrow money in order to build a shelter in his existing house.

Mr. FORTIN: Mr. Chairman, our learned friend, Miss LaMarsh, has raised a very interesting question. I also am of the opinion that there is a conflict of jurisdiction between the federal and provincial governments in so far as this act applies. I do not think it is possible to apply this act entirely, unless there is a definite agreement between the provincial and federal governments; even more so, unless there is an amendment to the B.N.A. Act. For instance, you have here section 3(f)—

The CHAIRMAN: Are you referring to the War Measures Act?

Mr. FORTIN: Yes. The act here authorizes the governor in council to make orders and regulations for the appropriation, control, forfeiture and disposition of property and of the use thereof. Now, by virtue of the B.N.A. Act, the disposition of property comes under the exclusive jurisdiction of the provincial government. If, for instance, my property is forfeited in accordance with this act here, if I apply to a civil court, it will have to apply the B.N.A. Act and come to the conclusion that the federal government cannot forfeit my property, that it is under provincial jurisdiction.

The question I would like to ask is this: Is there a clear agreement between the ten provinces and the federal government concerning these particular points, where there may be a conflict of jurisdiction?

Mr. BRYCE: First may I say, sir, that I think the experience in the last war has shown that, in fact, the federal government and parliament does exercise jurisdiction over property for example, in wartime; and the legal basis of that has been recognized in the war of 1914 and the war of 1939-45. So, the legal basis of federal action under war conditions has been something different from the ordinary constitutional provisions.

Miss LAMARSH: It has been a sort of policy decision of the higher courts, then?

Mr. BRYCE: Well, if you want to get into the legal basis of it, it would be better to have Mr. Driedger speak to that.

Mr. DESCHATELETS: I said this morning, Mr. Chairman, that we already have jurisprudence. In 1948 the federal government asked the Supreme Court of Canada to decide if the federal government, in 1948—three years after the termination of war—had the right to legislate on rentals. Now, there is nothing more local nor provincial than rentals. The Supreme Court has recognized that even in 1948 the federal government had the right. If I remember correctly, we abandoned this in 1951. However, the jurisprudence is pretty clear in that in time of war they have this right.

The CHAIRMAN: Would the committee mind if Mr. Driedger elucidated on this jurisdiction and the legal aspects of it in regard to the experience in both wars?