RAILWAY ACT AMENDMENT

Hon. T. A. CRERAR (Minister of Railways and Canals) moved for leave to introduce Bill No. 124, to amend the Railway Act.

Some hon. MEMBERS: Explain.

Mr. CRERAR: The amendments proposed, four in number, are all of a minor character. The first has to do with the signature of share certificates and proposes a change from the procedure contained in the act. The next relates to the matter of compensation paid for lands adjoining points where the railway proceeds along or crosses a highway. The third amendment relates to the installation of signalling apparatus on locomotives other than steam locomotives, and the fourth amendment relates to the time at which the railways may dispose of goods that have not been called for by the persons to whom they were consigned.

Motion agreed to and bill read the first time.

PRIVATE BILLS

FIRST READINGS—SENATE BILLS

Bill No. 114, for the relief of Mildred Alma McCallum.—Mr. Lawson.

Bill No. 116, for the relief of Mabel Monk. —Mr. Lawson.

Bill No. 117, for the relief of Harry Edward Elvidge.—Mr. Tummon.

Bill No. 119, for the relief of Emily Anderson. —Mr. Bell (St. Antoine).

Bill No. 120, for the relief of Helen Marie Ferguson.—Mr. Hubbs.

ST. LAWRENCE WATERWAY

DEEPENING OF CHANNEL BETWEEN KINGSTON AND OGDENSBURG

On the orders of the day:

Mr. T. L. CHURCH (Toronto Northwest): Mr. Speaker, is the Prime Minister yet in a position to state on what terms and conditions the United States and Canada will each bear half the cost of deepening and improving the channel between Kingston and Ogdensburg on the St. Lawrence river? Has any agreement yet been made and is this improvement to be part of the St. Lawrence seaway project?

Right Hon. W. L. MACKENZIE KING (Prime Minister): Correspondence has been going on between the two governments, as my hon. friend knows, but I am not in a position to make a final statement as to the outcome. I hope to be able to do so within a fortnight.

NATURAL RESOURCES

AGREEMENT WITH ALBERTA

The house resumed from Monday, April 28, consideration of the motion of Mr. Stewart (Edmonton) for the second reading of bill No. 17, respecting the transfer of the natural resources of Alberta.

Mr. C. H. CAHAN (St. Lawrence-St. George): Mr. Speaker, I do not intend to retrace the arguments which I made last evening with regard to the terms of the Manitoba agreement, because these agreements in that respect are indentical in terms and those arguments will, I think, apply with equal force to the agreement with Saskatchewan and to the agreement with Alberta as now proposed to be amended by the amendment of which the hon. Minister of the Interior (Mr. Stewart) gave notice last evening. In order that the debate, so far as I am concerned, may be shortened, I trust no objection will be taken to my commenting now upon the Saskatchewan agreement as well as the Alberta agreement, because, in view of the amendment proposed, they are practically identical in terms.

These agreements with Alberta and Saskatchewan introduce certain new elements with regard to the maintenance of Roman Catholic schools in these two provinces and to the provisions for an equitable apportionment between the public and separate schools of the revenues derived from the school lands endowment fund and from the school lands in those provinces.

Since Canada became a British possession by the treaty of 1763, if one examines all the state documents year after year, it will be found that it has been the ardent desire of the Canadian people of the French race to retain the right to use the French language not only in their domestic circles but also in their schools and in the official life of the country. That right was exercised prior to confederation and was subsequently, at the time of confederation, embodied in section 133 of the British North America Act of 1867. Even to-day I may say the legislature of the province of Quebec has legislative jurisdiction —undoubtedly, I think—to enact that only the French language shall be used exclusively as a teaching medium in the schools of that province which are in receipt of financial grants from the provincial treasury. That right has never been exercised, I may say, to restrict the use of English in the schools of the Protestant minority. In the Northwest Territories in the earlier years there were a considerable number of French-speaking settlers who adhered to the Roman Catholic faith

The Northwest Territories Act of 1875, which was drafted by Edward Blake and passed by the government of Alexander Mackenzie, provided in section 11 that:

A majority of the ratepayers of any district or portion of the Northwest Territories, or any lesser portion or subdivision thereof, by whatever name the same may be known, may establish such schools as they may think fit and make the necessary assessment and collection of rates therefor.

It was thus provided that in districts or sections in which the Roman Catholic settlers were in a majority they could establish Roman Catholic public schools in which the French language could be taught if the majority in that district so decided. The eleventh section of that act provided further that:

The minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that in such latter case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessment for taxes as they may impose upon themselves in respect thereof.

This eleventh section of the organic act of 1875, by which the Northwest Territories was established, provided therefore for the establishment of Roman Catholic public schools in districts in which the Catholics were in a majority, and for Roman Catholic separate schools in districts in which the Catholics were in a minority.

From discussions recently appearing in the public press of the province, of which I am one of the representatives, it would appear that there are many in that province having access to the public press who entertain the erroneous opinion that this organic law of 1875 still subsists; but such undoubtedly is not the case. The British North America Act of 1871 provided that:

The parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order, and good government of such province, and for its representation in the said parliament.

The third section of that Imperial Act makes provision for the alteration of the limits of any province and confirms the act of the parliament of Canada passed in 1870 establishing the province of Manitoba. The sixth section of that act provides that:

Except as provided by the third section of this act, it shall not be competent for the parliament of Canada to alter the provisions . . . . . of any other act hereafter establishing new provinces in the said Dominion.

[Mr. Cahan.]

Thus by an act of the Imperial parliament of 1871 it was provided that when once the parliament of Canada had enacted a statute to establish the province of Saskatchewan, or the province of Alberta, carving these provinces out of the Northwest Territories, it had thereafter no power to alter the provisions of its own statute by which either of these provinces was first established. That I think is common ground. The Alberta Act to establish and provide for the government of Alberta was passed by this parliament in the year 1905, and the Saskatchewan constitutional act to establish and provide for the government of the province of Saskatchewan was passed in the same year. They are generally known as the constitutional acts of 1905. Both of these acts were passed when the late Sir Wilfrid Laurier—then more commonly known as Mr. Laurier—was Prime Minister of this Dominion. The bills introduced to this parliament for that purpose were framed admittedly by Sir Charles Fitzpatrick, the then Minister of Justice, and the acts in the form in which they now exist were passed by the votes of the Liberal members then representing the province of Quebec in this house, by the votes of such eminent Liberal statesmen of the day as the present Minister of Justice (Mr. Lapointe), the present member for Bonaventure (Mr. Marcil) and, I think, the present Speaker of this house (Mr. Lemieux). In fact, I think if you read carefully the debates of 1905 you will perceive that with the exception of Messrs. Bergeron, Bourassa, Lavergne, Leonard, Monk, Morin and Paquet, every French-speaking member of the House of Commons of that day voted for these two acts in their present form which constitute and establish the provinces of Alberta and Saskatchewan. The Canadian parliament was then fully informed that what it was then doing by those enactments could only be undone by virtue of another act of the Imperial parliament, and all parties to the passing of those acts were fully cognizant of the import and finality of the legislation then being passed.

Those two government bills were introduced by Mr. Laurier—later Sir Wilfrid Laurier—the then Prime Minister and leader of the house. They incorporated into the proposed constitutional acts of 1905 the educational provisions of the Northwest Territories Act of 1875. The act of 1875, which had been introduced by Hon. Alexander Mackenzie as Prime Minister, was in 1905 the organic law of the Northwest Territories. It was expressly provided in that law in section 11 thereof:

That the majority of ratepayers in any district or subdivision thereof may establish

such schools as they think fit and that the minority of ratepayers therein whether Protestant or Roman Catholic may establish separate schools therein.

These bills in the form in which they were first introduced by Mr. Laurier as Prime Minister made provisions for the maintenance of Roman Catholic public schools in the school districts in which the ratepayers of the Roman Catholic faith were in the majority, and for the continuance and maintenance of Roman Catholic separate schools in districts in which the Roman Catholic ratepayers were in the minority. If the bill as it was first introduced by Sir Wilfrid Laurier in 1905 had been enacted by parliament it would have provided for the maintenance of Roman Catholic public schools in districts in which the Roman Catholics were in the majority and for the maintenance of Roman Catholic separate schools in school districts in which the Roman Catholics were in the minority. That bill if enacted would have rendered such legislation as was recently enacted by the legislature of Saskatchewan ultra vires of the legislature of that province. In 1905, however, after the second reading of the bill to establish these new provinces, as introduced by the Prime Minister of that day, Mr. Laurier deliberately abandoned the provisions of his bill which incorporated the organic law of 1875 and in lieu thereof he introduced in committee of the whole house a new section in substitution for the section in the bill as introduced, and this new section now appears as section 17 of both the Saskatchewan and Alberta acts. He and his government thereby, with the approval of parliament, restricted the rights and privileges of the Roman Catholic majority or minority as the case may be in any school section to those very restricted rights and privileges which might be exercised under the terms of chapters 29 and 30 of the Northwest Territories ordinances of 1901. Sir John Thompson, when Minister of Justice, declared these ordinances to be ultra vires of the legislature of the Northwest Territories in view of their educational clauses conflicting with the organic law of 1875. It is significant to recall to the attention of members of this house that before the second reading of the bill of 1905, the Hon. Clifford Sifton had resigned office in the government, and the Hon. W. S. Fielding had publicly protested against its terms. The bill as amended in committee passed on motion of Mr. Laurier after a prolonged discussion. The seventeenth section of the Alberta act of 1905, as well as the same section of the Saskatchewan act of 1905, now provides that each province may enact laws with respect to education with this restriction:

> Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this act under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories passed in the year 1901, or with respect to religious instruction in any public or separate schools as provided for in the said ordinances.

The provision of the Northwest Territories Act of 1875, which provides that in any district the ratepayers could organize schools as they thought fit were thereby superseded and wiped out by the constitutional acts of 1905. Under the provisions of the constitutional acts of 1905 Roman Catholic public schools, theretofore existing in school districts in which the Roman Catholics were in the majority, could no longer function as such. Catholic public schools have not existed since 1905 in either the province of Alberta or the province of Saskatchewan. I should like to direct the attention of the members of the house to that fact, and, if my voice would reach so far, I should like to direct the attention of many newspaper editors in the province of Quebec to that fact as well. Section 137 of the Northwest Territories school ordinance of 1901 provides:

> 1. No religious instruction, except as hereinafter provided, shall be permitted in the school of any district from the opening of such school until one-half hour previous to its closing in the afternoon, after which time any such instruction permitted or desired by the board may be given.
>
> 2. It shall, however, be permissible for the board of any district to direct that the school be opened by the recitation of the Lord's Prayer.

Those were the sole rights with regard to religious instruction which were retained and confirmed under the Alberta and Saskatchewan acts of 1905. The sole rights reserved to the majority or to the minority under these constitutional acts were thus stated in parliament by Sir Wilfrid Laurier on June 29, 1905, found at page 8495 of Hansard:

> The minority in the district, whether Protestant or Roman Catholic, if they are not satisfied with the treatment they receive from the majority, may establish a separate school. From the opening of the school up to half past three the education is given absolutely secular and absolutely under the control of the board of education of the province, in every particular —not only in the public schools but in separate schools as well.

By the sections of the act of 1905 which I have just read Sir Wilfrid Laurier stated that the majority should have the right also, under all circumstances, to this half hour of religious instruction. Last evening the Minister of

Justice (Mr. Lapointe) made rather a sarcastic and, it appeared to me, almost a sneering suggestion with respect to my alleged friends in the government of Saskatchewan. As a matter of fact, if he referred to personal friends, I think there is only one member of that government whom I ever met in a friendly, personal way. That is the attorney general of the province, who is a graduate of Dalhousie university in the city of Halifax, where I taught law. However, he has grown up since then, and I have met him only once since, as I remember. In discussing measures of this kind which come before parliament I accept full responsibility as a member of this house for the position I take in this house. If I were a member of the legislature of the province of Saskatchewan I would have different duties and responsibilities imposed upon me, and I may say frankly—and any member of the house who knows my personal history will believe me—that if I had been a member of the legislature of the province of Saskatchewan I could not have given my support to the educational clauses of the legislation which recently passed that legislature. My own personal history has been consistent in that respect, and I direct the attention of the Minister of Justice to the fact that whether my views were right or wrong, in 1896 I forfeited what were then splendid political prospects for a young man by standing, as I thought I ought to stand, by the Roman Catholic minority in the province of Manitoba in a constituency in which there were less than thirty Catholic voters, and where I was defeated by something less than 200 votes. Since that time in the province of Quebec, without any ostentation I have endeavoured as best I could to associate with members on either side of the house, political opponents as well as political friends, in protecting what I believe to be the rights and interests of the Roman Catholic residents of that province.

This I will say, however: If the Premier of Saskatchewan desires authority in favour of the absolute constitutional and legal right of the legislature of Saskatchewan to enact such restrictive legislation as was recently enacted by the legislature of that province, he has only to peruse the address of the late Sir Wilfrid Laurier delivered in this parliament in 1905, and he will ascertain that he may now proceed to exercise, without any legal or constitutional restraint, the legislative powers which were granted to Saskatchewan by the administration of Sir Wilfrid Laurier in 1905. He will also find complete and unequivocal assurance that he is now exercising legislative powers which the late Sir Wilfrid Laurier and Sir Charles Fitzpatrick, the then Minister of Justice, drafted for the express purpose, as declared by themselves, of vesting such ample legislative powers in the legislatures of these two new provinces, which legislative powers the present government of Saskatchewan recently exercised in respect to public schools. In the public schools of my own province, under an amicable arrangement made over sixty years ago by Sir Charles Tupper, who introduced the public school system of that province, Roman Catholics, say in the city of Halifax, had and in fact have their separate schools, by a tacit and conciliatory arrangement which never has been impinged upon. My own faith and belief is that in view of the fact that we have differing religious faiths throughout the length and breadth of this country, the better way would be to follow as an example the amicable arrangements which were made in my own native province under the supervision of Sir Charles Tupper, then Premier of that province. But in that debate Mr. Laurier—and I call him Mr. Laurier because he was not Sir Wilfrid Laurier at that time—

An hon. MEMBER: Yes, he was.

Mr. DUNNING: He was Sir Wilfrid then.

Mr. CAHAN: Then I stand corrected. Sir Wilfrid Laurier frankly admitted that he had departed from the provisions of the organic law of 1875. At page 8495 of Hansard he said:

> It has been contended by my hon. friend from Labelle (Mr. Bourassa) and also my hon. friend from Beauharnois (Mr. Bergeron) and others that in this respect the provisions of the organic law of 1875 have been departed from. That may be—I do not dispute that or consider that point at this moment.

At page 8852 Sir Wilfrid continued:

> The hon. member for Labelle knows that there is a principle which all Liberals, and particularly French-speaking Liberals, have always held sacred, and that is the absolute right of the provinces to make their own laws. It is an historical fact, well known to all, that if we have to-day a federal, instead of a legislative union, that is due to the persistent efforts of the French Canadians, who, in order to be in a position to legislate for themselves, and to settle all questions of internal economy, have insisted on having that division of powers implied in a federal union.

Regarding the use of the French language in the new provinces of Alberta and Saskatchewan, Sir Wilfrid Laurier, in referring to section 133 of the British North America Act, said on page 8572:

> The very fact that here the French and English languages are made the official languages in the Dominion parliament and the Quebec legislature, necessarily excludes the

other provinces from that provision, and leaves that subject to be dealt with by them as they may see fit in the best interests of the public.

The present Minister of Finance (Mr. Dunning) who was then a member of the Saskatchewan legislature, and his former Liberal associates in that legislature, found ample authority in that passage for the enactment which they made during the session of 1918-19, restricting the use of the French language in the schools of that province.

Referring to the contention of Mr. Monk that the use of the French language in those provinces should receive legislative sanction, Sir Wilfrid Laurier said:

> True he (Mr. Monk), has attempted to do, but he has failed in his attempt to show that the French people in the Northwest Territories can claim the right of the use of the French language upon any authority in the British North America Act, or upon any reasons which are founded in the history to which allusion has been made. . . . . If the French people in the territories were in the same position to-day as they were in 1877; if there were as many who speak the French language, then I could understand my hon. friend arguing from the point of view of utility and sentiment, but if it is true that according to the last census there were altogether 200,000 people in the Northwest Territories and only 8,000 of them who spoke the French language, then I say it cannot be argued in the name of justice that they have the right to the official use of that language.
>
> For my part, proud as I am of my French origin, I could not claim in the name of justice and fair play that right in view of the fact that there is such a small proportion of French-speaking people in those territories. Indeed if we look at the statistics there would be more justice for the French Canadians in the state of Massachusetts to claim the right to use their language in the legislature at Boston, because the number of French Canadians in Massachusetts is greater in proportion to the total population, than is the number of French-speaking people in the Northwest Territories to the total population there.

And continuing at page 8580 he said:

> The fathers of confederation did not pretend to authorize the French language in any part of the Dominion except in this parliament and in the province of Quebec. Everywhere else the people were left free to deal with the matter as they thought fit.

At page 8581, Sir Wilfrid continued:

> My hon. friend from Montmagny (Mr. Armand Lavergne), this afternoon asked a question as to whether parliament had not the right to implant the French language in the new province. Sir, I answer to my hon. friend that I do not recognize that parliament has the right to implant the French language in these new territories. Parliament may have the power to do so, but I deny that it has the right. Parliament has the power to do everything, but I deprecate the day when the French people of this country shall ask parliament to do anything that they have the power to do if they have not at the same time the right to do it.

Such were the pronouncements of Sir Wilfrid Laurier during the discussion of the constitutional acts of 1905 and Sir Wilfrid clearly and unequivocally announced to the House of Commons that the French Canadians in the new provinces of Alberta and Saskatchewan would, after the enactment of the two constitutional acts of 1905 constituting those provinces, have no right whatever to insist that their children should thereafter receive instruction in the French language. Sir Wilfrid insisted that the Roman Catholic public schools theretofore existing in those provinces would be superseded and that thereafter no Roman Catholic majority in any school district in which there was such a majority, nor any Roman Catholic minority in any school district in which there was a minority, would have the right of religious instruction for their children, except religious instruction for one-half hour after the secular schools closed at half past three. He said that from the time of opening of the schools until half past three in the afternoon the education to be given was to be absolutely secular and under the control of the board of education in any particular district.

After the passing of that legislation there was only a very meagre right and privilege reserved to the Roman Catholics of those provinces. Section 17 of the constitutional acts reads as follows:

> Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this act, ... or with respect to religious instruction in any public or separate school as provided for in the said ordinances.

After a lapse of nearly a quarter of a century I regret to see that in the express terms of the Saskatchewan agreement, and by the terms of the amendment to the Alberta agreement of which we have notice, the right to have even a half hour's religious instruction after the close of the secular school is again placed in the melting pot. It is proposed by the enactments which are now before this parliament that the government of Alberta or the government of Saskatchewan, as the case may be, may, when these agreements are authorized by statutes of this parliament, appeal to the judicial committee of the privy council to have it decided that the meagre rights conferred in 1905 for one-half hour's religious instruction after the close of the secular schools are unconstitutional and invalid.

In view of the fact that even the meagre rights reserved in 1905 are now placed in jeopardy, I wonder if there is a single member on the other side of the house who is

prepared to stand up and declare that it is inexpedient and impolitic at this time to place these matters in jeopardy by an authorized appeal to the judicial committee of the Privy Council for a judgment declaring them unconstitutional and invalid.

In like manner, section 17 of the acts of 1905 reserved the right of the Roman Catholic minority to receive for the support of their separate schools an equitable share of the annual revenues from the school land endowment fund. I repeat that by this legislation those two provinces are again expressly authorized, despite the final judgment of the Supreme Court of Canada, to initiate litigation to call in question before the Privy Council, as the highest court of appeal, the validity and constitutionality of those provisions. I suggest it would have been far better in making a settlement with those provinces that a final settlement should have been reached and that a final settlement should have been presented to the house.

The Minister of Justice (Mr. Lapointe) yesterday afternoon paid high compliments to himself and his colleagues for having settled a question which had remained so long unsettled and he quoted from a speech of the former leader of the Conservative party in the house pointing out the difficulties of coming to a final settlement. But I say to the Prime Minister (Mr. Mackenzie King) that he has not reached a final settlement. Those problems with respect to compensation and those questions with regard to educational rights of the Roman Catholic people in those provinces are not settled, and he himself has admitted that under present conditions he is utterly incompetent to secure an agreement settling them finally. The result is that every difficult and irritating problem is still left for the decision of the courts or for some further agreement between the federal government and the governments of the various provinces.

One last word with respect to those agreements. I have a considerable number of constituents, probably one-half, who are of the Roman Catholic faith and a considerable number of those are of the French-Canadian race. I find circulated amongst those people newspaper editorials, small excerpts reprinted from the Regina Star and other papers, containing attacks upon the Roman Catholic faith that I, from my training, breeding and education, could certainly never endorse. I find those being circulated in my constituency, among my electors, as providing a reason why I should not be returned to parliament from that constituency, simply because I am alleged to be in some sort of a conspiracy with the Saskatchewan government, of whose very composition I am ignorant, to wipe out the Catholic church and to make the Ku Klux Klan supreme in that province. I say to the right hon. gentleman and to those of his supporters who manipulate such propaganda, that if that is continued I am prepared to go throughout the length and breadth of the province of Quebec and tell the people, as I am telling him to-day, that the restricted rights and privileges of the Roman Catholic minority in those prairie provinces are in a large measure due to the terms of the constitutional acts of 1905 which were amended in committee by the government of which Sir Wilfrid Laurier was leader, in order to gain for his government an increased support in the English-speaking provinces in which the Protestants had a majority. I now say to my hon. friend that if we are to avoid these discussions in my constituency and in the surrounding constituencies, they must at least avoid attributing to me any persistent hostility to the Roman Catholic faith for which I in my inmost heart have a supreme respect and almost reverence, because, as everybody knows, I have a wife of that faith and my greatest desire would be to attain to the purity of soul of one who belongs and adheres to a different faith from my own. Therefore I say to these gentlemen that sort of propaganda must stop in the province of Quebec.

Mr. DUNNING: What about the kind of propaganda my hon. friend's party is circulating in Saskatchewan? Let his condemnation be widespread and I will agree with him.

Mr. CAHAN: I know nothing about and I am not responsible for propaganda being circulated there. I deny that the hon. gentleman is able to show that the Conservative party in federal affairs is circulating that propaganda.

Mr. DUNNING: Positively.

Mr. CAHAN: Even if it is being done, I have separated myself from that to this extent, that, please God, I am prepared, if necessary, to vindicate on every platform in my city the position which I have taken in the house and which I have taken consistently throughout the long years of my life.

Hon. ERNEST LAPOINTE (Minister of Justice): Mr. Speaker, let me say immediately that my hon. friend (Mr. Cahan) is certainly mistaken when he says that anybody is attributing to him sentiments of hostility toward any creed or faith. On the contrary, I am more than willing to pay to my hon. friend

the tribute that he is a broad-minded Canadian; that far from being imbued with any sentiment of prejudice and bigotry, he is quite the reverse. I say this with the utmost sincerity and I have great pleasure in doing so.

May I say, however, that I fail to appreciate the purpose of the address that my hon. friend has delivered this afternoon or what good may be derived from it. I will refrain from following him on the historical side of the question with which he has dealt. I do not think any good purpose would be served by following my hon. friend and especially doing so in a way that he will permit me to say is more political than otherwise. My hon. friend referred to the autonomy bills of 1905 and tried to make a case against a good Canadian who has now disappeared from the scene, for whom I had always the greatest admiration and towards whom I entertained feelings of loyalty and respect which have followed him even to the grave. Let me tell my hon. friend that I was a member of the house in 1905 and I have a pretty vivid recollection of the events that took place at that time.

My hon. friend referred to the first clause relating to the schools of the western provinces which, as he stated, was passed in the act of 1905. He complains that this clause has not been made law but has been replaced by another one. My hon. friend might have given some reasons for that. Certainly, as a student of political history, and as a man who was already in political life at that time, he knows that it would have been impossible to carry that clause through parliament at that time, and it was replaced by another clause which represented a compromise. As far as I am concerned, I have no hesitation in saying that I would have preferred the first clause 16 of the autonomy act. The second clause, as I said, was a compromise in order to have the legislation accepted by parliament. But, sir, as to that second clause which my hon. friend says preserved only a remnant of their rights to the minority, preserved only what he called meagre rights, why does he not say that that clause was adopted by parliament notwithstanding the hostility and violent opposition of his friends on the other side of the house? Why does he not say that that clause embodying what he calls only a remnant of rights, only meagre rights to the minority, gave rise to a violent agitation in Canada at that time? As soon as that clause came before parliament, there was a by-election in the province of Ontario, in the city of London, which I remember well, when the Minister of Public Works of that day, Mr. Hyman, was the candidate of the Laurier government, and upon what issue was that election fought? The cry there was, "Vote against Laurier, Hyman, Sbarretti and the Pope." That fight was against that clause which my hon. friend says preserved only meagre rights, only a remnant of rights to the minority. Those who were alive at that time certainly remember that, and we who accepted that compromise and voted for the second clause as it was presented to parliament, have had to fight elections, since. During the following election, in my old riding of Kamouraska, I was accused on all the public platforms of having betrayed my friends of the western provinces, my co-religionists and those who speak my language, but at the same time the Laurier government was being accused in the rest of Canada of having imposed fetters on the western provinces, of having enslaved and dominated the western provinces. I hate to have to refer to that.

My hon. friend from St. Lawrence-St George might perhaps ask the present leader of the opposition (Mr. Bennett) what position he took at that time about these meagre rights, this remnant of rights. My hon. friend the leader of the opposition was as eloquent at that time as he is to-day, and I remember fine words of his delivered in that very city of London during the by-election to which I referred a few moments ago, when my hon. friend was not preaching constitutional means altogether for the purpose of getting rid of that legislation. There is the history, Mr. Speaker, and my hon. friend might have completed his own version of the facts by mentioning these little incidents.

My hon. friend said that these were the sole rights preserved to the minority. Absolutely so. They were kept and preserved to the minority by the goodwill and cooperation of those who agreed to accept that compromise for the purpose of preserving at least what my hon. friend himself has at heart to preserve to-day. My hon. friend says that those rights are again placed in the melting pot because of the authorized references to the courts and to the privy council. Let me, in answer to that, say first that this reference applies more particularly to the question of lands; and the province of Saskatchewan, or at least a group in that province, has for years carried on an agitation to the effect that the Dominion of Canada never had the right at any time to own and possess those lands, that those lands were the property of the population of that territory, that the crown in right of the Dominion was never the legitimate owner of those lands. I see that my hon. friend from Rosetown (Mr. Evans) is applauding that sentiment. I know that he was one of those who developed that

theory. But only in Saskatchewan, and by a certain group there, was that claim ever set forth. The government of Alberta did not set forth such a claim. This government, of course, has taken the position that the two provinces must be placed exactly on the same footing. Also, the province of Saskatchewan, as well as the province of Alberta, have ever had the right to apply to the courts if they wished to test the validity of any act. So we are not granting anything new in that respect. My hon. friend from St. Lawrence-St. George, speaking in this house last year on a resolution moved by the late member for Frontenac, spoke as follows at page 223:

> Naturally some difference of opinion arose at the convention—

He was speaking of the great Conservative convention. My hon. friend repudiates many of his friends but he meets with them when he has the opportunity.

Mr. CAHAN: I never repudiate them. The hon. gentleman in making that statement is making a sneer which is utterly unworthy of him.

Mr. LAPOINTE: I am sorry that I have said something which is unpleasant to my hon. friend. I withdraw it, and I will say that he did not repudiate any of his friends. Speaking in this house last year he said:

> Naturally, some difference of opinion arose at the convention with regard to the interpretation of the constitution as it exists to-day, but it was felt that this interpretation might well be left to the courts of this country.

Later, he said at page 224:

> But I do assert that it is not only inopportune, but it would be inadvisable for the members of this house to deny to these three western provinces the right to present their claim before a competent tribunal.

That was only last year. Now what is the objection to that? I do not want to present the case as to the Dominion ownership of these lands, because that matter will be submitted to the courts and I do not think that it would be proper to argue it here. But my hon. friend remembers the words I quoted yesterday from the lips of his late leader, Mr. Meighen, speaking in this house in 1921, when he said he would be only too pleased if there was a question of law that could be submitted to the courts. At the time neither he nor anybody else apparently thought there was any question of law involved and that there could be any reference to the courts. They would have been very pleased indeed to settle the question in that way. Now, if any group in these western provinces, especially when it is in control of the government of one of the provinces, wants to submit that case to the courts, why should we object? We do not object. Of course, as I have stated, I cannot submit such a case, but we have not much reason to fear what the decision will be.

As far as the constitutionality of the Alberta or the Saskatchewan acts relating to schools is concerned, the clause has already been submitted to the Supreme Court of Canada and a unanimous judgment was delivered by that court stating that the clause is absolutely constitutional. We have tried to get an opinion from His Majesty's Privy Council, but no appellant presented himself. Anybody to-day still has the right to take the position of an appellant there, and he will be granted leave to appeal. We have nothing to fear as to the constitutionality of the Alberta or the Saskatchewan act relating to the land clauses as well as the school clauses, and surely there is no harm in permitting the courts to decide if any party claims it has rights which should be submitted to those courts.

Now, I want to refer to my hon. friend's complaints about what he called "the propaganda" in the province of Quebec. He himself stated what this propaganda was—the publishing of editorials that appear in the press in other parts of Canada. Well, is there anything very wrong about that? I only wish that nothing else may ever be circulated against myself and against those who think as I do on public questions. I have no objection that any of my statements or any of my writings should be published and circulated anywhere in Canada, because I hope and believe that they will always be Canadian in their outlook and inspired by the Canadian spirit. I believe the remedy for misunderstandings in this country is publicity. Canada is a vast country, and the danger in the past has been the danger of divisions and friction. Let me add that those divisions and friction have delayed the progress of Canada. We are too young a country and we have too great a future in store to waste our time in fighting among ourselves. But at that time there was no way to make known throughout the Dominion, either in the press or on the platform, statements which were made in any particular province. Now we have publicity, we have the press everywhere, we have radio broadcasting, and what is said somewhere is known elsewhere. And it is a good thing that it should be so. I invite my hon. friend and his friends anywhere to circulate anything that is said by me or by my friends in Quebec or elsewhere in Canada.

Surely you cannot prevent a statement being repeated; and, as I have said, it is a good thing that it should be so, for it acts as a sort of corrective. I remember a few months ago coming back from the conference which I attended in London, and the first Canadian newspaper I happened to read when I landed in New York contained an interview with a western public man just back from Ottawa, in the course of which he said he could not settle the question which was the purpose of his trip to Ottawa because the Minister of Justice was absent in Rome.

Mr. HANSON: You were there, were you not?

Mr. LAPOINTE: No, I was not; but I had a perfect right to go to Italy. I am told it is a very fine country. As a matter of fact I hope to go there some day. I have the right to go there, even if somebody may not be pleased about it. But, I repeat, I did not go to Rome. However, this statement was published and I saw it republished in some newspapers elsewhere. But you cannot complain about such things. Let me say to my hon. friend that I do not think he has served a very good purpose by delving into ancient history this afternoon. If he wants to have a field day on political history relating to this question, I shall be pleased to meet him, even in his riding if he likes, or anywhere else he may choose.

Mr. CAHAN: All I can say to my hon. friend is that he and all his entourage are welcome in my riding on any occasion.

Mr. LAPOINTE: I assure my hon. friend that I will not need any entourage.

Mr. CAHAN: I think the hon. gentleman will be very much in need of an entourage.

Mr. LAPOINTE: I think we could both form a team which would give a pretty accurate epitome of the political history of Canada during the last twenty-five years.

Mr. T. L. CHURCH (Toronto Northwest): Mr. Speaker, this agreement is due to the policy of the Liberal government. Every province came into confederation with a school law of its own manufacture. What did the Liberal party do in this house in 1905? Against the constitution of this country they illegally passed legislation known as the Alberta Act of 1905 and the Saskatchewan Act which forced a school system on those two prairie provinces. Now, no question is settled properly until it is settled right. I agree with the hon. member for St. Lawrence-St. George in what he has said so ably and learnedly, that every clause of this particular agreement has objections, some of which may, I say, go to the Privy Council.

In the speech from the throne at the opening of his administration in 1922 the Prime Minister (Mr. Mackenzie King) said the government was prepared to bring down legislation to give these two prairie provinces their resources. Did he and his government implement that promise? No. Why? Because of the interference of some gentlemen across the floor, notably from the province of Quebec. Then in the session of 1926 the matter came up in the speech from the throne in the following words:

> Your attention will be invited, among other measures, to a bill to provide for the transfer to the province of Alberta of its natural resources, and to a bill amending the Dominion Elections Act.

A resolution was placed on the order paper by the Minister of the Interior. He said, "I am always prepared to transfer their resources to the western provinces." Of course he is, and of necessity. When the Minister of the Interior placed the resolution on the order paper to implement the clause from the speech from the throne in the early part of the session of 1926 he absolutely failed to go ahead with it. Why did he fail to do that? He failed because of a speech made in this house by the hon. member for Labelle (Mr. Bourassa). The minister is very fond of running away from this principle. He ran away from it in 1926; he disregarded his resolution on the order paper and after it was well known that the government would not deal with the resolution the minister kept it on the order paper until the close of the session so as to fortify his position. A motion of a private member, the then hon. member for Frontenac-Addington, Mr. Edwards, and my own, to give Alberta its resources free from all restrictions, were ruled out of order on the ground that such a motion interfered with the resolution of the government on the rule regarding anticipation. The result was that that session of the house was concluded and Alberta and Saskatchewan did not receive their natural resources. Those two provinces would have had their resources returned in the year 1905 if the government of the day had had any respect for provincial rights. In 1896 Sir Wilfrid Laurier reached the treasury benches through his stand on provincial rights and the Manitoba school question. He said it was not a matter of law, but a matter of policy. The question went to the privy council and came back here; it was found that under the British North America Act this parliament had power to pass remedial legislation. An election was held in which

provincial rights won. At that time Sir Wilfrid made a settlement with the government of Manitoba, and the settlement was fifteen or twenty times worse than if they had accepted the original proposal. The Minister of the Interior is fond of running away from his principles. He made a speech in the city of Hamilton a while ago on the participation in war, and to that speech we find about fifty explanations. We find the minister avoiding the principle in the year 1926 because of the opposition offered by the hon. member for Labelle. Speaking in this house on January 29, 1926, during the debate on the address in reply to the speech from the throne, the member for Labelle is reported as follows:

As regards the last paragraph in the speech from the throne, "natural resources of Alberta," I put to the government this question, to which they need not reply to-day. Why Alberta alone? Why not Manitoba and Saskatchewan? The same principle, the same policy, apply there. The right hon. gentleman stated the other day that it had been a great mistake not to hand those natural resources to the provinces of the west when they were formed. This opens up a very complex aspect of the question. I am not going to dwell upon it to-night; but I am in duty bound to tell the members of the government that when, in 1905, the provinces of Alberta and Saskatchewan received their provincial charters at the hands of this parliament, exercising the constitutional jurisdiction with which it had been vested by the imperial parliament, when these territories were acquired from the Hudson's Bay Company, the matter was discussed at length in private as well as in public. I stand here, with one exception, I think, the only living witness of one of those conferences in which it was agreed that these natural resources should remain in the hands of the federal government for various reasons, one of which was that they should serve as a guarantee of the maintenance of what remained of the school rights of the Catholic and French minorities of those provinces. I do not want to take the house by surprise, nor do I relish the idea of having to resuscitate these old questions in the house. But, sir, I should be remiss in my duty, I should be disregarding the honour of my solemn word pledged at the time, but if any change was ever made in the material terms of the contract, I would stand as a witness to that contract—I say, I should fail in my duty if I did not on this occasion demand that the moral obligations then undertaken be strictly fulfilled. Indeed, I will not see a shred of those promises broken without stating what I know to be the truth of the matter and indicating what part I myself played in the undertaking, and with what object. Before this question is settled, there must be a frank, a clear and an honest understanding as to what shall be done in respect of the solemn moral obligations entered into when that reservation was made. I shall let it go at that for the present.

The hon. member for Labelle on that occasion steered the government in another direction with the result that they did not go ahead with the legislation. An election was held and following that Mr. Brownlee came to Ottawa. The present government tried to settle these matters with the Liberal governments of Alberta, Saskatchewan and Manitoba. In the case of Alberta and Manitoba, Mr. Brownlee and the Minister of the Interior—"two souls with but a single thought, two hearts that beat as one"—came down to Ottawa and sat around a common table with the result that provincial rights were crucified. The whole doctrine of provincial rights as propounded by Sir Wilfrid Laurier has been crucified not only in the matter of the school clauses, school lands and school funds, but regarding many other matters. The Alberta legislature has adjourned for a year and this particular bill cannot come into effect until the 1931 session. When the parliament of Canada or the province of Alberta sign an agreement, where does it go? It has to go across the sea for the approval of His Majesty and the parliament of the United Kingdom of Great Britain and Northern Ireland. It is quite evident that it would take two or three years before effect could be given to any legislation. In regard to clause 6 referred to by the member for St. Lawrence-St. George (Mr. Cahan) we can see that more legislation would be necessary, as in 1905, when the provincial rights were crucified. Those two provinces were prevented from having a school law of their own manufacture; they had a law imposed upon them illegally by this parliament, against the constitution of this parliament and in a manner different from the other provinces which came into confederation. There are few provinces in the Dominion so rich in water-power as the province of Alberta. They are going to repeal section 4 of the Dominion Water Power Act, chapter 210 of the revised statutes of Canada, 1927. Paragraph 8 of the agreement says:

—that every undertaking under the said act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to undertakings within the province, nothing in this paragraph shall be deemed to affect the legislative competence of the parliament of Canada to make hereafter any declaration under the tenth head of section ninety-two of the British North America Act, 1867.

If this is the kind of agreement Alberta is going to get I can only say that the Liberal party have put it over not only the provincial Liberal party but the Liberal party in this house. As in the year 1905, they have put it over the province of Alberta. That province thinks it is getting its natural resources free of restrictions, whereas as a matter of fact it is not. It is getting the natural resources

with all kinds of agreements and provisos and exceptions, and the whole thing will wind up in the privy council. I agree with the hon. member for St. Lawrence-St. George. He has pointed out the jokers in section 6. The time may yet come when there will be a change in the province of Alberta as there has been in the province of Saskatchewan, and that government will stand up for provincial rights which have been denied the provinces of Alberta and Saskatchewan since 1905.

Where was the Minister of Justice in 1926, when the validity of section 17 of the Alberta Act was under discussion in this house? He said it was a question of law, although no one had ever expressed any doubt as to the validity of that section, which had been in existence for twenty years. In order to shunt this matter off with a provincial election pending in Alberta, the Minister of Justice had the question referred to the courts on the ground that there were implied doubts, when that was not the case at all. Under these conditions Alberta is not getting back her natural resources free of all restrictions. I believe the time is coming when in that province there will be sufficient public spirit to have these clauses taken to the privy council in order fully to protect the rights of the people of that province.

Mr. FINLAY MacDONALD (Cape Breton South): Mr. Speaker, there are just a few observations I should like to make on this question before this bill is read the second time. I do not think there is any desire on the part of any person in the house to withhold the transfer of these resources to the three prairie provinces, but the discussion which has taken place so far, particularly with regard to the terms upon which these resources are being transferred, brings up again a question which was debated in this house last year and in regard to which the house came to unanimous agreement. I refer to the interest of the maritime provinces in these western lands.

I have no desire to discuss the merits of these agreements; if they are satisfactory to the people of the western provinces, well and good. However, there is one thing of which I am satisfied in my own mind, regardless of what has been said; it is that when these resources are transferred, the incident is closed as far as separate schools are concerned. I believe that when these resources are passed over to these three prairie provinces they will have power to do just what they please with regard to their own educational institutions. I listened carefully to the argument of the hon. member for St. Lawrence-St. George (Mr. Cahan) with respect to whether section 40 of the Dominion Lands Act was included in these agreements. I quite agree with his contention that it is not so included, but I go further and say that section 40 is totally inapplicable. That section reads:

> All moneys from time to time realized from the sale of school lands shall be invested in securities of Canada to form a school fund, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the government of the province within which such lands are situate, towards the support of schools organized and carried on in accordance with the law of such province; and the moneys so paid shall be distributed for that purpose by the said government in such manner as it deems expedient.

Will it be contended for a moment that when these school lands have passed to the control of the province and the province sells a portion of them, that money will be taken immediately and invested in Dominion bonds? I do not believe that contention possibly could be made, because the moment you try to put it into practice you see how improbable it is. Then again, what will be done if these provincial legislatures undertake to rip to pieces the existing educational institutions? What power will be invoked if that should be done? Is there any power in the courts to interfere with the administration of the government of a province? Is there any power in this parliament to pass remedial legislation of any kind? I think all students of political history in this country will quickly come to the conclusion that the day has gone by for this parliament to undertake to interfere with the administration of educational laws in any province.

Last year the following resolution was moved in this house by the late member for Frontenac-Addington (Mr. Edwards):

> That, in the opinion of this house, in the best interests of confederation, and the economic development of western Canada, the provinces of Manitoba, Saskatchewan, and Alberta should be granted their natural resources free from restrictions within the legislative competence of the parliament of Canada with provisions for the maintenance and administration of school lands and school land endowment funds for educational purposes according to the laws of the respective provinces, but in compliance with the letter and spirit of the constitution, and that the claims of these provinces to compensation for loss for lands and resources alienated, and the claims of any other provinces—

I want to direct particular attention to these words:

> —and the claims of any other provinces in connection with this subject should be investigated with a view to satisfactory and equitable adjustment.

In the discussion which followed, the claims of the maritime provinces were set forth.

Those claims were not admitted by our friends from the west, who contended that we in the maritime provinces had absolutely no claim on any of the western lands. We thought then, and still think, that we have a claim.

Mr. CAMPBELL: You have not substantiated it.

Mr. MacDONALD (Cape Breton South): No, because we have not had a chance to do so, and I am going to ask now that we be given a chance to substantiate those claims. That discussion was freely participated in and an amendment was moved by the hon. member for Red Deer (Mr. Speakman), proposing to strike out of the latter part of the resolution the words indicating that the maritime provinces might have some claim which should be investigated. With the usual generosity which characterizes our friends from the west he went on to say:

> We believe that the resolution thus amended will be acceptable to practically every member of the house, and we can assure other members of the house, particularly those from the maritime provinces, that if they give this resolution, as amended, the support which it merits, or indeed if that support is not given, we shall be prepared in the future, as in the past, to work with them for the adjustment of their grievances and for the satisfaction of their needs. . . . .

That brought before the house the question whether or not it was prepared at that time to commence an investigation as to the justice of the claims. That matter was gone into at that time, but I think we should have at this time a declaration from the government as to whether or not these claims are to be investigated. The hon. Minister of Finance (Mr. Dunning) at that time committed the government when he asked the hon. member for Red Deer (Mr. Speakman) to withdraw his amendment, stating that the government was quite prepared to commence an investigation. He said:

> So, while not disagreeing with my friends of the United Farmers of Alberta as to the merits of any claim, I would ask them seriously to consider the withdrawal of their amendment in order to attain practical unanimity, if possible, at this stage. In no sense does the resolution commit anyone to the recognition of any claim which may be made by any other province; it merely commits us to a willingness to investigate any claim put forward by anyone.

The hon. minister stated at that time that the government was willing to investigate any claims, and the time has come when that investigation should be instituted. Once these resources pass to the provinces the incident will be closed as far as the maritime provinces are concerned. In 1912 Sir Robert Borden, then Prime Minister of Canada, gave a solemn promise to the people of the maritime provinces when he said:

> I would like to point out to my hon. friend (Mr. Oliver) that one of his own colleagues on that side of the house has raised an important question this afternoon, and has expressed views with which perhaps my hon. friend (Mr. Oliver) may not be inclined to concur; namely, that when this question does come to be considered, some regard will have to be given to the claims of some other provinces in Canada and especially the three maritime provinces whose boundaries have not been increased, whose boundaries cannot very well be increased on account of their natural situation. That is a matter that will have to be taken up in connection with the handing over of their natural resources to the three prairie provinces. I would like my hon. friends from the maritime provinces to understand that that is a matter which has not escaped the attention of the government.

The time has come when Sir Robert Borden said the matter would receive consideration; we have a unanimous resolution, passed last year by this house, at which time the hon. Minister of Finance, speaking for the government, committed the government when he stated that an investigation should go on. We ask that the government give us some undertaking that this matter will be considered. If we have a claim let that claim be adjusted; if we have no claim let the people of the maritime provinces be satisfied by the finding of some tribunal that there is no foundation for the claim which they make.

Mr. ROBERT K. SMITH (Cumberland): Mr. Speaker, I desire to associate myself with the plea of the hon. member for Cape Breton South (Mr. MacDonald), that this is the opportune time for the government to make a statement as to its attitude with respect to what we claim to be an interest of the maritime provinces in certain western lands which are to be transferred by the enactment of bills now before the house. We from the maritime provinces have no objection to the passage of these bills as we believe that the western provinces of the Dominion should have their natural resources. We do not object to the increased subsidies under these bills, although the subsidies were granted in days gone by to those provinces in lieu of their natural resources, nor do we object to the financial settlements as contained in the present bills; our only complaint is that the resources were not returned to the western provinces long ago. I believe it to be repugnant to the very spirit and letter of confederation to have some provinces in the Dominion of Canada enjoying a full measure of autonomy not enjoyed by all.

The last speaker has referred to the statement made in 1912 by Sir Robert Borden.

He referred also to the resolution which was passed unanimously last year by this house, and I believe he referred to certain recommendations contained in the report of Sir Andrew Rae Duncan as to the interest of the maritime provinces in these western lands. There may be some difference of opinion as to just what that interest is. Some may claim it is a proprietary interest, others may say that it is a beneficiary interest under a trusteeship; it may be claimed that it is a legal interest, or that it is an equitable interest. In any event we from the maritime provinces claim and always have claimed that it is an interest which should be acknowledged by this parliament, and we believe that this is the opportune time to have that interest recognized.

Sir Robert Borden in 1912 served notice upon the parliament of the Dominion of Canada that when these natural resources were to be transferred to the western provinces consideration would be given to whatever interest the maritime provinces might have in those western lands which we have not shared in because of necessity our territorial boundaries could not be extended due to our geographical position. I agree with the hon. member who has just taken his seat in his statement that this matter should be satisfactorily settled before it is too late, and that the government ought to make some statement with regard to the investigation to be made as to the merits of our claim.

It is not necessary for me to go into the history of these lands as that subject has been discussed on many occasions, but I do not see any reason why the government should not adopt the recommendation of Sir Andrew Rae Duncan that consideration be given. Not long ago the hon. Minister of the Interior (Mr. Stewart) made the statement that with one exception, all of the recommendations contained in the Duncan report had been implemented. I call the attention of the government to the fact that the recommendation dealing with this subject is another one which has not been carried out. I claim also that there are many others but that matter can be discussed at a later date.

Mr. JOHN EVANS (Rosetown): Mr. Speaker, as one who has lived for forty years in one of the provinces whose natural resources are now under consideration, I may be permitted to say a few words. I went to that province when the population was very small, and when even the school question was not of importance.

The hon. member for St. Lawrence-St. George (Mr. Cahan) put forth rather queer ideas regarding the people of Saskatchewan and I would not like to let this occasion pass without a word in regard to what he said. We have been described to-day as a class of people without intelligence, fired by cross-purposes and absolutely unreasonable. The Ku Klux Klan does not yet own Saskatchewan and I defy my hon. friend to point to any act of the government or any other organization in Saskatchewan to-day indicating a desire to abolish entirely the Roman Catholic religion. My hon. friend is wrong also regarding the rights of the Roman Catholics as to their schools. Apart from the quality of fair play which is attributed to those of British origin, whether of Celtic or Anglo-Saxon race, prejudices and enmities may be created in religion or education more easily than in any other way. Whatever the hon. member for St. Lawrence-St. George may say —and I am also bearing in mind a speech made in the house some time ago by the hon. member for Labelle (Mr. Bourassa)— our French friends must trust to the people of Saskatchewan and to their fair play to carry on their educational system in their own way. There is nothing else to be done. We are allowing Quebec to do that; we are allowing Ontario to do that, and Saskatchewan must also have its way regarding even its education.

I believe a mistake was made in 1905. Whether it was done with the consent and with the advocacy of Sir Wilfrid Laurier or anyone else, I still say it was a mistake then to pass a law which divides one class from another, one race from another. In Saskatchewan to-day we are a mixed people and as proof of that let me point out that since the auxiliary of the British and Foreign Bible Society was established in Saskatoon nearly 120,000 copies of the Scriptures printed in forty languages have been distributed and sold amongst the different peoples of my province. While I have no prejudice against the French langauge in the schools of Saskatchewan, I think it is quite enough for those people, some of them perhaps not as literate as we are, to learn the English language and I do not think it is an unreasonable qualification in our educational system to insist that every child should know the English language.

As regards the Ku Klux Klan, those people are not in any way what one might call hot-headed, and they are absolutely against any violent or unconstitutional way of doing things. In fact, I might say they are not nearly as numerous to-day in Saskatchewan as even the Knights of Columbus. More than that, it is not the Klan that carried Saskatche-

wan last June for the Conservative party or as much of the province as went that way. Thousands of professing Liberals of former days also voted for the Conservative and Progressive parties. That the French people of this country should be jealous of their own language is understandable and I have no fault to find with that view; in fact I am in sympathy with it. I know my own people have carried on a fight for something like 1,500 years and sometimes we have lost what we considered our rights in Wales. About a generation ago we considered it a triumph when we obtained the right for our young people to write their examinations in Welsh. I have sympathy with these people, but neither in Canada nor in Great Britain nor in any other of the British dominions is there anythink that forbids anyone from using his own language in the home, the church, or the market place, and if it is desired that every child in Saskatchewan should learn the English language, I do not think that is unreasonable.

Before confederation the delay in extending Canada across this continent and into the territories now constituting the provinces under consideration, was due to French-Canadians. They were afraid of upsetting the delicate balance that existed at that time between the two races. This and not the barren waste which lies between the east end of lake Superior and the fertile part of western Canada postponed the annexation of the western part of the Dominion. Professor Morton, professor of history in Saskatchewan university, says that years before confederation successive governments had professed a willingness to construct a road and telegraph line through to the prairies, but French Canada then saw to it that no such thing was done. When Messrs. Howland and Sicotte went to England to put through plans for a railway to the maritime provinces and a road and telegraph to the Pacific, Howland was ready to work out a practical scheme along with the British government, but Sicotte assumed an attitude which the Duke of Newcastle afterwards characterized as "refuse nothing, discuss everything, but do nothing." So the language we find is the one thing which every French-Canadian has been jealous of throughout the history of confederation.

Cartier plainly told the home government that Quebec would never countenance the annexation of the west, but he said he would like to see the Red River settlement made a crown colony in which at that time the French and the English were fairly well balanced. With this possibility it seems that Cartier was ready to bring the west into the prospective union. The French-Canadians only then accepted the views of their distinguished leader. When the fathers of confederation made provision for bringing the Northwest Territories into the Dominion, it was not with the idea of annexation or ownership by the Dominion. In fact, the law officers at that time were very careful not to use the word "annex", but rather to say, admit Rupert's Land and the Northwest Territories into the union. The idea was to admit it into the union as a potential province with every right, including all the natural resources, assured to it that the other provinces enjoyed. Accordingly, the lawyers of the crown in drawing up the British North America Act as well as the act with respect to Rupert's Land were careful to avoid the use of the word "annex."

In the second paragraph of the agreement that we are now considering I think that all the words after the word "resources" to the end of the paragraph should be struck out; that is, the words "as from its entrance into confederation in 1905." Saskatchewan did not enter the union in 1905. Saskatchewan in that year obtained the nominal status of a province, but Saskatchewan as part of the Northwest Territories actually entered this union in 1870, and so Saskatchewan's right does not date from 1905, but from 1870. It was at that time given to the British government as a trust, as the keystone of the arch, as it were, of confederation in order to make of British North America one country called Canada.

I must say that the claim of our maritime friends that they have some proprietary right in the western lands seems absurd to me. What could they have? Why did they not put such a claim forward when Ontario got the tremendous extension which it received a good many years ago? Why did they not put forward that claim when Quebec got what was known as Ungava? If they have any proprietary right in any of the hinterland of Canada to-day, it surely would be in that part of the country, in the eastern end of the Dominion.

Mr. MacDONALD (Cape Breton South): The claim was put forward in 1912, when the extensions were made to Ontario and Quebec.

Mr. EVANS: And there was as little prospect of the claim being satisfied then as there is now regarding western Canada.

The agreement itself as it stands to-day, which has been ratified, I believe, by the two provincial governments, is not at all to my liking. It does seem to me that it does not provide a return of the natural resources to Saskatchewan and Alberta in a way that

places us in a position of equality of status with the other provinces of the Dominion. In the first place, we do not get the resources in their entirety. The fact is that we should be receiving the return of the resources as from the crown, and not from the Dominion.

In the second paragraph of the agreement the words are used "as from its entrance into confederation in 1905." Those words cannot but conflict with the ideas of the people in Saskatchewan to-day. That certain enactments were made by this parliament in 1872, and since never, we claim, gave the territories to this Dominion government. That surely should be plain to all concerned. The right hon. the Prime Minister (Mr. Mackenzie King) in his correspondence gives the impression that more was to be expected. In his letter dated December 31, 1929, he expresses his willingness to refer to the privy council all legal arguments regarding the claims of the province to compensation for alienation. That is between 1870 and 1905, I take it. That is surely conceding a point which is one at least of those in dispute. On page 4 of the correspondence, the Prime Minister in a letter expresses his willingness to grant to Saskatchewan terms similar to those granted to Manitoba under which they get compensation.

There is another point. I do not see why the western provinces should be placed under the suzerainty of this Dominion as regards their school lands and school land funds. I do not see why sections 37 to 40, whether inclusive or not, should apply to Saskatchewan and Alberta. Can anyone point to anything giving this same control in respect to any of the other provinces, in respect to Ontario or Quebec? Are we not now to be placed in a position of equality with the other provinces of the Dominion? Let me ask the Minister of Justice (Mr. Lapointe) why anything should be retained in this agreement that is bound to cause trouble in the years to come? In the first place, why should not Saskatchewan be given title to these lands so as to place us in a position of equality with all the other provinces?

Again, Saskatchewan surely should not bear the burden of the exemption from taxation which is given to the railways, and which was done for the general good of Canada. The provinces should not be called upon to bear such a burden when the involvement was for the whole of Canada. At an even price of say $10 per acre, for 15,086,456 acres alone of railway land, it means $150,864,560. Why should Saskatchewan bear this imposition? Why should not the Dominion government restore its self-respect and its honour by giving us this in bonds bearing interest say at 5 per cent? That in itself would amount to over $7,500,000 yearly. I would like a word from the Minister of Justice or from the Prime Minister on that point. They may see some justice in the fact that when I went there forty years ago I had to help construct roads past the Canadian Pacific Railway lands to get to their sidings with my own produce. It does not seem to me that we should forever bear that burden. We had nothing to say then regarding the revelry of the Dominion government in western lands. The railway lands alone, let me repeat, capitalized at five per cent make the present subsidies look something like an apology—a wretched substitute for the real thing. If we add to these too the land grants to the Hudson's Bay Company, seven quarter-sections in every township—also made "for the good of Canada"—this agreement instead of being determinative of rights is a complex arrangement from which is bound to spring litigation and trouble in the years to come.

There is also the agreement regarding the parks. Again I ask, why the different treatment in this respect from that accorded to the other provinces of the Dominion? Why in Saskatchewan and Alberta should the Dominion government hold what amounts to a little empire in itself? This arrangement is bound to cause trouble with two administrations within the same boundary, to say nothing of the disregard of the rights of the province, which should be, and must be yet, one of the sovereign entities of this Dominion.

I come now to what appears to me to be the worst part of the whole agreement—the retention of our rivers, lakes, and other waters with the water powers that might yet be derived therefrom. I think in the years to come this is bound to cause dispute, annoyance, and, perhaps, much litigation. Does this government believe in the right of the provinces to own their own public utilities and public domain? I am wondering too what commitments this government has entered into that in any way have made it necessary to withhold these resources from the provinces which should be given subject to the navigation requirements of the British North America Act. There are a number of such prospects disposed of perhaps, such as the Little Lake Manitou, to exploit which a charter has been granted to a foreign company. This company now claims to have the right to ship all the minerals either in a solid or semi-solid state to anywhere they choose. Little Lake Manitou is in Saskatchewan, and as far as I know there

is only one other like it in the whole world, that at Carlsbad in Germany. Its curative powers are known now all over the North American continent. Men and women come there from thousands of miles away because of the medicinal virtues of the water. Now this foreign company claims to have the right to all of the shore line and to rob the lake of all its crystals. This I believe is to be begun this year. A village has sprung up there, but the property acquired as building sites will now be useless as anyone may be debarred from going down to the beach.

Mr. TOTZKE: May I ask the hon. gentleman a question? Does he say everybody is debarred from going down to the beach at Little Manitou Lake?

Mr. EVANS: The company claim to have that right.

Mr. TOTZKE: They are not claiming that right now.

Mr. EVANS: Something has transpired, then, that I know nothing of. I have here the placard in which the company say in big black type in the centre:

Dominion government have granted Manitou Lake Sanitarium and Mineral Products Manufacturing Company, Limited, controlling rights on entire Little Manitou lake whether the minerals occur in a solid state or in solution.

Mr. TOTZKE: That is the first advertisement, is it not? They have issued a new advertisement since.

Mr. EVANS: These placards are displayed in different places to-day around my own home.

Mr. TOTZKE: Is that circular displayed?

Mr. CAMPBELL: They may have that right, but may not be exercising it in full.

Mr. EVANS: I am told by the Minister of the Interior (Mr. Stewart) that a permit has not yet been granted to exploit the waters. But at the present time the lake is being exploited and it may be robbed of all that gives it its curative powers before anything is done by way of prevention.

Now, there is another feature of the agreement which I do not like. That is, with regard to the 1924 agreement with the Hudson's Bay company by which they relinquished some lands in Alberta in exchange for lands to be located in Manitoba or Saskatchewan from a list furnished to them by the Minister of the Interior. I think Saskatchewan is entitled to compensation for any lands selected there by the Hudson's Bay Company in this respect.

It has been said that if the agreement does not give us what we think is coming to the province we may have it righted by the privy council. Well, there is no right to appeal to the privy council as far as I know, except upon the question of compensation anterior to 1905. But again, if this agreement is ratified by both governments, it becomes a Dominion statute and also an imperial statute long before we can take our case to the privy council.

I wanted to state these objections, and while I live in Saskatchewan I thought I might do so during the discussion on this agreement.

Mr. THOMAS CANTLEY (Pictou): Mr. Speaker, I do not wish at this stage to take up very much time of the house in dealing with this matter. I have not now, nor have I ever had, the slightest objection to the western provinces getting control of their lands; in fact I am very glad that they henceforth are to administer them. Neither do I claim on behalf of the eastern provinces any share in these lands whatever. The two eastern provinces of Nova Scotia and New Brunswick, with the two older provinces of Quebec and Ontario, were the original partners in confederation and as such in the year 1870 jointly found the money to pay a certain amount, namely £300,000, to the Hudson's Bay Company in extinguishment of the title which they claimed in those western lands referred to as Rupert's Land. As one of the federal representatives of the province of Nova Scotia, one of the four original provinces forming confederation as it existed before 1870 and which acquired Rupert's Land in the manner I have already described for the sum of £300,000 paid to the Hudson's Bay Company in extinguishment of their title, I am desirous that the rights of my native province should not be lost or deemed to have lapsed by any default of expression or silence on the part of a representative of that province in this house to-day.

The hon. member for Rosetown (Mr. Evans) who has just spoken, suggested that when the province of Ontario acquired a large accession to its territory from these lands we of Nova Scotia should have then voiced our objection or stated our position and made some claim. As was pointed out to him by the member for South Cape Breton (Mr. MacDonald) we did so a matter of seventeen or eighteen years ago. I assume that hon. members are aware that in the language of a layman Rupert's Land was acquired in 1870 by the Dominion of Canada which at that time consisted of the four original confederated provinces only. How were those lands acquired so far as the money payment was concerned?

I find that two warrants were issued by Lord Monck the then Governor General of Canada. These warrants were drawn on the two London banking houses of Glyn, Mills & Company and Baring Brothers. Each warrant was for the amount of $730,000, making a total of $1,460,000, the then equivalent of £300,000, and was charged, so far as the records show, to the consolidated fund of Canada of that day. I am aware that a loan for $1,460,000 with a sinking fund attached was subsequently raised. Probably due to the fact that this loan was for the same amount as the sum paid to the Hudson's Bay Company in extinguishment of their title to the Prince Rupert lands, it has been generally supposed that this latter loan provided the amount paid the Hudson's Bay Company. I would point out however that the payment made through the warrants issued by Lord Lisgar was carried out in 1870 through the two firms of London bankers already named. The loan I have just now referred to of $1,460,000 was a thirty-year sinking fund loan issued in the year 1873, three years later than the acquisition of and payment for these lands. That loan did not provide the money paid to the Hudson's Bay Company. The sinking fund attached to that loan at the date of redemption amounted to £213,133/16/2, or $1,037,251.12, and did not entirely make up the full amount of the loan. The balance was taken from the consolidated fund of that day and the loan was retired at the end of the thirty years. This transaction of the 1873 loan is one to which I have already referred in this house. This loan, in the minds of some members of the house, was supposed to have provided the £300,000 paid to the Hudson's Bay Company. Such, however, was not the case. The particular loan I refer to was to cover the expenditures made in opening communication with, establishing government in and providing for settlement of the new territories, including the expedition to Red River and other related charges. It was made up of half a dozen different votes at different times, consolidated in 1873 in one loan of £300,000, or $1,460,000.

I wish now, Mr. Speaker, to point out that the two larger provinces of Quebec and Ontario each received very large extensions to their boundaries through territory carved out of these Prince Rupert lands acquired at this time. The province of Manitoba also at a later date had some accession to its territory; and mark this, sir; the rights of the two remaining members of the original confederated provinces were not allowed to be forgotten but were stressed at that time. I have no doubt that had the provinces of Nova Scotia and New Brunswick been so situated that they abutted on Rupert's Land they would also then have received some accession to their territory, as did the other two old provinces, their original partners when the Rupert lands were acquired. Due to their position geographically, such was impossible; but I submit that no member of this house will now advance the suggestion that because the two maritime provinces of Nova Scotia and New Brunswick were unfortunately situated so that they could not obtain accession to the territory embraced in Rupert's Land in the same way as the provinces of Ontario and Quebec, namely by direct physical contact, therefore any interest they had in these lands as original partners in the confederation when the lands were secured or any interest they had as citizens of the Dominion of Canada at 1870 before the creation of the new provinces or the adhesion of Prince Edward Island and British Columbia was entirely abrogated by the fact that they were disjoined physically from the Rupert's Land territory. As one of the four original provinces of confederation I submit that we, the then citizens of Nova Scotia, provided our shares of the original purchase price and as a matter of equity and simple elementary justice should receive some consideration. I make no claim to the lands themselves; further I neither object to the western provinces now receiving their natural resources nor suggest that these provinces should reimburse us for what we may have given or helped to provide. But as partners in confederation to-day and as partners in the confederation of 1870, when we as two of the then only four provinces made the contribution which secured these lands, we surely have some claim not to the lands but on the entire resources of the whole Dominion of Canada of which we form a part. I am not a lawyer and I do not profess to be able to say in what way this matter can best be dealt with, but I submit, sir, that we have some rights and I wish to protect those rights, whatever they may be. I do not attempt to define just what our rights are, but as a contributor at a time when the Dominion of Canada was but a feeble country compared with its present state; as a contributor at a time when our federal resources were few and meagre as compared with what they are to-day, and in consideration of the fact that the provinces of Ontario and Quebec, who were the major partners in the confederation of 1867, later each received very valuable accession to their territory, lands which have to-day proved of enormous—indeed, then quite undreamed of—mineral wealth, the province of Nova Scotia now ex-

pects that other hon. members of this house, representatives of other provinces, will view our position with at least sympathetic interest. We hope that at some time in the not now distant future these two old maritime provinces, Nova Scotia and New Brunswick, will be compensated for their vision and patriotic action and contribution necessary to the acquisition of these very important sections of this great Dominion.

Hon. R. B. BENNETT (Leader of the Opposition): Mr. Speaker, the motion which is now before this house for the second reading of a bill authorizing the transfer of certain resources to the province of Alberta is a matter of great public concern, not only to the province itself but to Canada as a whole. Nothing could better illustrate, after all, the soundness of opposition in our parliamentary system and the results of consistency in public matters than the action which is about to be taken.

Twenty-five years ago this fall, in the House of Commons, the Liberal party unequivocally placed itself on record as being opposed to the granting of these resources to the western provinces. On a division, which is recorded in Hansard, the Liberal party of that day decided that the new provinces of Alberta and Saskatchewan should not possess their resources. The Conservative party of that day believed that they would not be provinces, within the meaning of that word, under the constitution, if they were deprived of their resources; they believed that the administration of the public domain within the area of Alberta and Saskatchewan by the crown in right of the Dominion was at variance with every principle that should govern the creation of new provinces, and they placed themselves on record accordingly.

That fall, elections were conducted in the two provinces of Alberta and Saskatchewan, and the Conservative party of that time in those provinces placed itself upon record as believing that no province was worthy of the name unless it owned its natural resources and the public domain. I well recall those days; I well recall that election and the speeches which were made at that time by the leaders of the Liberal party throughout Alberta and the neighbouring province of Saskatchewan. The then Minister of the Interior, Hon. Frank Oliver, declared that it was in the interests of the west that the provinces should not own or control their resources. Apparently the electors of the provinces viewed the matter in that light, since at those elections a majority supporting the Liberal party was returned both in Alberta and Saskatchewan. However, the local policy of the Conservative party did not waver or change; they persisted in believing that the provinces should have their natural resources, and they endeavoured to educate public opinion to that point.

Now let us see the change which took place. First in the legislature of the province of Alberta and then in the legislature of the province of Saskatchewan resolutions were adopted, not asking for the return of the resources but suggesting that the Dominion government, settling the country by colonization efforts and by granting homesteads and preemptions, should continue that work but that waste lands and mines, minerals and royalties should be transferred to the new provinces. These resolutions, which were passed by the legislatures of the new provinces, were transmitted to Ottawa where a Liberal government was in power, but no result followed. Mark you, during all this time Liberal administrations were in power in the provinces of Saskatchewan and Alberta, and there was a Liberal administration also in power at Ottawa.

Despite the fact that the Liberal party had declared that local control of resources was not to be preferred to distant control, before 1911 there had been a perceptible weakening on the part of the Liberal government in its attitude towards the western provinces. Perhaps it will be recalled that the late Right Hon. Arthur L. Sifton was at one time premier of Alberta, and in a communication which he directed to Sir Wilfrid Laurier he recorded at some length the reasons why, in his opinion and in the opinion of his government—of which my hon. friend the Minister of the Interior was a member—the mines, minerals and royalties of Alberta should be transferred, not wholly but in part, to the government of that province. The late Sir Wilfrid Laurier answered that communication and placed upon record the reasons which, in his judgment, were conclusive against the contention made by Mr. Sifton. Mr. Scott, the premier of Saskatchewan, was equally insistent and the answer was equally emphatic, but it will be recalled by some hon. members present that another reason was advanced which was said to be very powerful. That further reason was that under the imperial statute it was provided that the parliament of Canada, in granting a constitution to the new provinces, had thereby deprived itself of further power to deal with the matters then dealt with and that, in the language of one of the communications, the matter was a closed book, that

it was ended. Sir Wilfrid Laurier said they had dealt generously with the western provinces, and the matter was ended.

Could anything better illustrate the value of the form of government we have in this country, by which we have governments and oppositions, than what took place thereafter? In season and out of season a few—not many—of us continued to urge that these resources be transferred to the western provinces, and we were happy to think that in the end, although we were few in number, some of us would live to sit in legislatures and see Liberals, who had denied the right of the provinces to these resources, stand in their places and make motions that they be transferred, agreeing with our contentions in their entirety.

Then there came a time, as the Minister of Justice said the other day, when the Conservative party came into power. Mark you, one of the planks in the platform of the Conservative party at that time was that they would return the resources to the western provinces. They succeeded to power in 1911; in 1912 no action was taken; in 1913, as I shall presently indicate, something was done and in 1914 the war intervened. In the session of 1914, the negotiations which had taken place between the western provinces and the government of Canada were indicated in a debate which occurred in this house. That debate was participated in by a number of gentlemen on the Liberal side, including Sir Wilfrid Laurier, and by the then Prime Minister of Canada, Sir Robert Borden, and two or three members supporting him. I observed that the other day at Regina the Minister of Finance seemed to be somewhat critical as to the position which I had taken in connection with this matter; at least he was so reported, and it was indicated that I had not taken that active interest in the matter which its importance demanded. If my hon. friend would take the trouble to read the debate which took place in the House of Commons on February 24, 1914, he would observe that the position which I then took was one of absolute silence, because I had made it abundantly clear in the preceding year that I for one proposed to hold the government which I supported strictly to the carrying out of its promise. I publicly said that Mr. Borden would keep his promise to restore these resources to the people of the provinces, and that if the Conservative Prime Minister failed to keep his pledge I would feel no longer bound to give support to the government.

Mr. DUNNING: At what page of Hansard is that?

Mr. BENNETT: That will be found at page 1069 of Hansard for the year 1914, being a part of the speech of Mr. Buchanan, now Senator Buchanan, who was then the member for Medicine Hat.

Mr. DUNNING: That is quoting.

Mr. BENNETT: He was quoting my speech.

Mr. DUNNING: He was quoting a speech made outside of the house.

Mr. BENNETT: He was quoting from a speech which I had made in Calgary during the preceding fall, I did not intend to participate any further in the debates of 1914 or further debates until such time as the Conservative party had implemented its promise. That is the position which I took and for which, rightly or wrongly, I received some commendation from the Liberal members of that day. I am bound to admit that that in itself is a suspicious circumstance.

Let me proceed a step further. It will be observed that up to that time the government of the day had given a promise to western Canada and to the Canadian people that it would proceed to turn over the resources to the western provinces. Correspondence which took place between Sir Robert Borden—in fact, it was before he was knighted—and the various officials of the provinces will be found in Hansard. I shall not attempt at this time to refer at any length to that correspondence because it would serve no useful purpose, but I desire to point out that the three premiers, namely Hon. Walter Scott, Hon. R. P. Roblin, and Hon. Arthur L. Sifton, had agreed in December, 1913, to the demands which they would make upon the federal government. Those demands are covered by an enclosure in a letter sent to Mr. Borden by Mr. Sifton, and which appears on page 1074 of Hansard of 1914. The enclosure reads:

> After having an interview with you in regard to the questions in respect of which the prairie provinces have received different treatment from the other provinces of Canada, and at your suggestion a meeting of the premiers of Manitoba, Saskatchewan and Alberta, it has been agreed between us to make to you, on behalf of said province, the proposal that the financial terms already arranged between the provinces and the dominion as compensation for land should stand as compensation for lands already alienated for the general benefit of Canada, and that all the lands remaining within the boundaries of the respective provinces with all natural resources included, be transferred to the said province, the provinces accepting respectively the responsibility of administering the same.

That was signed by the premiers of the provinces of Manitoba, Saskatchewan and Alberta.

Mr. DUNNING: That was in 1912.

Mr. BENNETT: The letter was dated December, 1913. I read that into the record because during the years 1912 and 1913 the then Conservative government had been endeavouring to deal with the problem, and it was in the fall of 1913 that the statement referred to by the hon. member for Medicine Hat, Mr. Buchanan, was made by myself in Calgary. I felt then, as I still feel, that it was the duty of the government of the day to implement its promise and that there was no reason why a little more progress should not have been made.

There is one thing which I think will appeal to this house, a factor which the Minister of Justice (Mr. Lapointe) did not mention, that Liberal administrations were in power in the three western provinces. There was also a Liberal administration in power in Nova Scotia, and it will be observed that in 1912-13, when these negotiations commenced, Mr. Borden pointed out that it was somewhat difficult for him to make any progress.

Mr. MACKENZIE KING: He would not give them a five cent piece.

Mr. BENNETT: I am bound to say that his conception of his position was somewhat higher than that. He did not look upon the office of prime minister as being one which permitted him to speak to the people in terms of five cent pieces.

Mr. MACKENZIE KING: I would point out to my hon. friend that under these acts we are giving these western provinces millions of dollars.

Mr. BENNETT: I would point out that this government is giving them nothing; there is the difference. When legislation is enacted which confers rights upon the people, the right hon. gentleman seems to think that he is the god bountiful. When he said the other day, "I would not give a five cent piece" one realized that after all power has its disadvantages, because it sometimes causes those who for a few brief moments in this great world of ours find themselves in a position of power and authority to believe that they have that which they do not possess, or that they have authority which in fact they cannot exercise. In the present instance the right hon. gentleman has said, "we are giving them millions," which is but another illustration that he believes he has authority and power which actually he does not possess.

Mr. BROWN: I believe the hon. gentleman desires to be accurate in his facts. There were not Liberal governments in the three provinces in 1913.

Mr. BENNETT: The hon. gentleman is correct. The government of Manitoba was not Liberal.

An hon. MEMBER: It was two to one.

Mr. BENNETT: Yes, two to one; it was replaced later by a Liberal government, as I intended to note during the progress of my observations. I thank the hon. member for Lisgar (Mr. Brown) for his correction.

An interprovincial conference had been held and it will be recalled, not as a result of but in accordance with the general principles that governed the statesmen of the other provinces, they preferred claims to the federal authorities for consideration of those provinces in the disposition of the Northwest Territories. The Northwest Territories or Rupert's Land had been granted originally to the Hudson's Bay Company, and it was surrendered by that company, not to the Dominion of Canada but to the crown. The crown transferred the property to the Dominion of Canada, and that being so, Sir Robert Borden had to deal with three problems. The first problem was the position of the federal government; the second problem was the claims of the provinces whose boundaries were contiguous to the Northwest Territories, and lastly, there was the claim of the provinces which were part of confederation but which had no territory contiguous to the lands in question.

With respect to the first problem, that of dealing with it from a federal standpoint, Sir Robert Borden's position is sufficiently indicated by the debate in parliament to which I have alluded. As Prime Minister of Canada he said he had certain obligations which he must discharge in a manner worthy of the obligations and trust imposed upon him by his office. Regarding the claim of Manitoba, its boundaries were extended to the Hudson bay. The claim of Ontario was settled by an extension of its boundaries with a corridor to Hudson Bay. In Quebec the boundaries were extended by the addition of millions of acres of territory. In that manner the claims of the three provinces of Ontario, Quebec and Manitoba were disposed of.

The Hon. Mr. Murray, the veteran premier of Nova Scotia, the Hon. Mr. Flemming, the Conservative premier of New Brunswick and the Hon. Mr. Mathieson, the Conservative premier of Prince Edward Island, were agreed that the rights of the western provinces to

their resources should be respected and they conceded their rights to those resources, but they were insistent in their demands that their provinces, like Ontario, Quebec and Manitoba, had claims which were worthy of consideration. If the letter of the statute is followed strictly, it will be observed that the lands of the Northwest Territories, lands alienated to the Hudson's Bay Company, subsequently deeded by that company to the crown and by the crown transferred to the Dominion were when the province of Manitoba was created treated as lands which were held for administration "for the purposes of the Dominion." The contention made was that if lands were held for the purposes of the Dominion, it followed that every province had some interest in them. British Columbia had not at that time joined confederation. It did so later. Prince Edward Island did not come into confederation until later. But inasmuch as they made a claim, it will be admitted that it had to be considered by the government of the day in the manner in which it was dealt with.

Mr. STEWART (Edmonton): Where does my hon. friend get that quotation "for the purposes of the Dominion"?

Mr. BENNETT: My hon. friend will find it in section 30 of the Manitoba Act, subsequently confirmed by the imperial parliament.

At six o'clock the house took recess.

After Recess

The house resumed at eight o'clock.

PRIVATE BILLS

HERBERT VINCENT CRISP

Mr. W. F. GARLAND (Carleton) moved the second reading of Bill No. 69, for the relief of Herbert Vincent Crisp.

Mr. J. S. WOODSWORTH (Winnipeg North Centre): I think at this stage we should have an outline of the main provisions of this bill. It seems to me that we ought not to allow these bills to pass in this perfunctory way. I would ask particularly if there are children involved in this case, and if so, whether provision has been made for them.

Mr. GARLAND (Carleton): There are two children involved in this case, and provision has been made for them.

Motion stands.

BUSINESS OF THE HOUSE

Mr. WILLIAM IRVINE (Wetaskiwin) moved:

That the house do now proceed to order No. 26—house again in committee on Bill No. 20, an act to provide in the province of Ontario for the dissolution and annulment of marriage.

Mr. SPEAKER: This motion is made under standing order 48. It is a privileged motion. Standing order 48 reads:

When a question is under debate no question is received unless to amend it; to postpone it to a day certain; for the previous question; for reading the orders of the day; for proceeding to another order; to adjourn the debate; or for the adjournment of the house.

Under standing order 38, the motion is not debatable but must be decided at once by calling for the yeas and nays.

Motion agreed to.

DIVORCE COURT FOR ONTARIO

The house resumed from Tuesday, April 8, consideration in committee of Bill No. 20, to provide in the province of Ontario for the dissolution and annulment of marriage—Mr. Woodsworth—Mr. Johnston in the chair.

On section 3—Short title.

The CHAIRMAN: When this bill was last before the committee the hon. member for Stormont had moved an amendment, which reads:

That the bill be amended by inserting the following therein as section 3 of the bill, and renumbering section 3 as section 4:

3. Upon receipt by Secretary of State of Canada of a duly certified copy of an order in council passed by the lieutenant governor in council of the province of Ontario requesting that this act be brought into force in that province, the governor in council may, by proclamation, declare that this act shall come into force on a day to be named in the said proclamation, not less than three months after the date of the receipt of such request by the Secretary of State.

Mr. CHURCH: I move that the bill be now reported, if that motion is in order.

The CHAIRMAN: We are now considering the amendment which has been moved by the hon. member for Stormont, and the amendment which the hon. member for Toronto Northwest proposes to move is not in order at this stage.

Mr. BENNETT: It is not an amendment to the amendment. He has moved that the bill be reported.

Mr. CHEVRIER: The purpose of the bill is set out in the explanatory note. It is simply to convert the existing shares in the stock of the company, which have a par value of $100, into shares without nominal or par value.

Mr. IRVINE: Why?

Mr. SPEAKER: Carried.

Mr. HEAPS: The hon. member for Ottawa was still engaged in explaining his bill and I should like to hear a little more about it.

Mr. CHEVRIER: I submit that no further explanation is required on the second reading. The bill will be referred to the proper committee, where hon. gentlemen will have an opportunity of going fully into its merits.

Mr. HEAPS: It happens that some hon. members have not an opportunity of hearing what goes on in the committee and finding out exactly what the purpose of a bill is. It is only when the matter comes before the house that we get this opportunity. When an hon. member introduces a bill the least he can do is to explain its purport to the house.

Mr. DUFF: That was done on the first reading.

Mr. CHEVRIER: I have no objection to doing that, but I do not think this is the proper stage.

Mr. IRVINE: I understood the principle of a bill was virtually decided on the second reading. If that is so and we are voting to give a company the right to change its stock from the value of $100 a share to a no par value, I would like to know the reason why.

Mr. CHEVRIER: This is simply for the purpose of rearranging the affairs of the company. The explanation would probably be lengthy and I would rather that the matter be referred to the committee. I have sat here all this time listening to these divorce bills and said nothing, in order that this bill might be reached. I think the house ought to deal leniently with it.

Mr. CAMPBELL: Is there any change in the number of shares?

Mr. CHEVRIER: No. The bill affects nobody. When the time comes the proper explanation will be given. The bond holders are not affected and the shareholders are not affected. The railway commission has no jurisdiction in the matter. It is merely for the purpose of economy.

Mr. HEAPS: What is the purpose of issuing these shares?

Mr. CHEVRIER: They are not being issued.

Mr. SPEAKER: When an hon. member has spoken once on the second reading, he has exhausted his right to speak.

Motion agreed to on division and bill read the second time.

NATURAL RESOURCES

AGREEMENT WITH ALBERTA

The house resumed consideration of the motion of Mr. Stewart (Edmonton) for the second reading of Bill No. 17, respecting the transfer of the natural resources of Alberta.

Mr. BENNETT: Mr. Speaker, when the house rose at six o'clock I was answering a question of the Minister of the Interior (Mr. Stewart) as to where the words "for the purposes of the Dominion" were to be found. I was dealing with the province of Manitoba, and in section 30 of the Manitoba Act which was confirmed by a statute of the imperial parliament, the words will be found. In the event of their being of interest to the hon. gentleman, I will read them:

> All ungranted or waste lands in the province shall be, from and after the date of the said transfer, vested in the crown, and administered by the government of Canada for the purposes of the Dominion, subject to, and except and so far as the same may be affected by, the conditions and stipulations contained in the agreement for the surrender of Rupert's Land from the Hudson's Bay Company to Her Majesty.

That refers only to the province of Manitoba. That is the provision contained in the act creating Manitoba a province, which act was confirmed by the imperial parliament. That, of course, has the effect only of indicating that Manitoba lands were to be administered "for the purposes of Canada."

When we come to consider the position with respect to lands in Alberta and Saskatchewan, it will be observed that section 21 of the Alberta Act contains these words:

> All crown lands, mines and minerals and royalties incident thereto, and the interest of the crown in the waters within the province under the Northwest Irrigation Act, 1898, shall continue to be vested in the crown and administered by the government of Canada for the purposes of Canada, subject to the provisions of any act of the parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this act, which shall apply to the said province with the substitution therein of the said province for the Northwest Territories.

That section has not been confirmed by a statute of the imperial parliament, but it will be observed that the wording used is practically the same as that used in section 30 of the Manitoba Act. It therefore follows if this parliament had complete jurisdiction to continue the lands in the crown for the purposes of the Dominion, there is outstanding on behalf of all provinces a claim that has not been satisfied with respect to the administration of those lands. That is the position beyond question.

If we proceed a step further with the transaction, we reach the point where three factors must be considered in dealing with the rights of the provinces affected, namely, Alberta and Saskatchewan, in connection with the transfer. Section 20 of the Autonomy Act provides that inasmuch as the said province will not have the public land as a source of revenue, there shall be paid by Canada certain amounts of money. That was taken by a certain school of thought to be compensation for the lands which were not given to the province. On the other hand, Sir Frederick Haultain, as premier of the Northwest Territories, contended in 1905, and prior to that date, that the lands of the Northwest Territories were held from the inception of the transfer by the Hudson's Bay Company to the crown in trust, when received by the Dominion, for the provinces that would be created as contemplated by section 146 of the British North America Act.

Mr. STEWART (Edmonton): That was where I was anxious to know if the application came in.

Mr. BENNETT: Yes. I trust that I have made myself clear to my hon. friend. That section provided for the creation of provinces from Rupert's Land and the Northwest Territories. That question is now being reserved for consideration by the courts under the provisions of the Saskatchewan statute, and the amendment suggested by the minister yesterday will enable the determination of that question, if favourable to the contentions of Saskatchewan, to inure also to the benefit of the province of Alberta. It was also contended that since 1905, at least, when the provinces were created, the lands were administered by the Dominion in trust for the provinces.

There you have three schools of thought. There you have the three claims that are made: (1) that the Dominion owns these lands for the purposes of the Dominion; (2) that these lands from the day they were transferred to the Dominion in 1870 were held by the crown in right of the Dominion in trust for the provinces to be created; (3) that the lands in any event were held in trust by the crown in right of the Dominion for the provinces since their creation in 1905.

I shall not present argument in support of any of those views, because that question is now a matter for adjudication by the courts. Before leaving that, may I venture to point out that my hon. friend the Minister of Finance (Mr. Dunning) always took the view that a province was not worthy of the name of province if it did not have its natural resources and public domain, yet the premier with whom he served in the first instance expressed himself in 1910 in these words:

> Am I going too far when I suggest a doubt as to the sanity of any Saskatchewan man who complains about our land terms?

Mr. DUNNING: Who was that?

Mr. BENNETT: That was Mr. Scott.

Mr. DUNNING: My hon. friend is wrong in one particular. I did not serve under Mr. Scott.

Mr. BENNETT: I was under the impression that during the last six months of Mr. Scott's administration my hon. friend was a member of that administration.

Mr. DUNNING: No.

Mr. BENNETT: Then I will put it this way. He did not serve with Mr. Scott, but Mr. Scott discovered him.

Mr. YOUNG (Weyburn): A great discovery.

Mr. BENNETT: The hon. member for Weyburn says that it was some discovery.

Some hon. MEMBERS: A great discovery.

Mr. BENNETT: There has always been some question whether Columbus did discover America.

Mr. DUNNING: I would consider it an honour to have been discovered by Mr. Scott.

Mr. BENNETT: The hon. gentleman I know is very modest, and while he considers it a great honour to have been discovered by Mr. Scott, I for one will say that it was quite right that he should have been discovered.

I have given the view that was expressed by Mr. Scott. Equally insistent language was used by other provincial ministers in western Canada. Under the circumstances that I have pointed out, Sir Robert Borden was dealing with this problem in the manner that I have indicated when the war broke out in 1914.

That suspended negotiations, but it will be within the memory of members of this house that when the Union government came into power it began to negotiate, as soon as the war was over, with the western provinces for the settlement of this question. The Minister of Railways and Canals (Mr. Crerar), who was a member of the Union administration, will be able, if he so desires, to enlighten this house as to the negotiations that took place looking towards a settlement of that much vexed question. In 1921 the Meighen administration went out of power—

Mr. STEWART (Edmonton): May I ask my hon. friend a question at that point?—because I think it is important. Will he say that the federal government under the leadership of Sir Robert Borden, or later under the leadership of Right Hon. Arthur Meighen, ever at any time made an offer of any kind to the provinces for the settlement of the natural resources question?

Mr. BENNETT: The Minister of the Interior has asked me if they ever made an offer. I should say that the answer, so far as I know, is in the negative, but so far as I know they had conferences and considered proposals that came from the provinces, and negotiations took place between a committee of the cabinet at Ottawa and the western premiers. The hon. gentleman himself was premier of one of the western provinces for a time, and knows of the negotiations that took place between a subcommittee of the cabinet at Ottawa and the western premiers. It is also within the memory of the minister, although he was succeeded by the farmers' administration in 1921, that further negotiations took place between the Union government and the western provinces looking towards a settlement of this question. This serves no purpose except to say that the negotiations did not result in any settlement. That I think is a fair way of putting it. The reading by the Minister of Justice from Mr. Meighen's speech in parliament in 1921, indicates the difficulties that he was experiencing in endeavouring to bring about a solution of the difficulties.

It is quite clear that had the offer that was made, not by the federal authorities, but by the provinces, in 1913, been adopted, it would have been less favourable to the provinces than the agreements that are now being considered by this house. It is also quite clear that at that time the revenue of this country was about one-third of what it now is, and the benefits that would have accrued to the provinces at that time as compared with to-day bear about the same relation as the revenue of the country at that time bears to the revenue to-day. Roughly speaking, our revenue is three times as great now as it then was. The matter then rested, as I have indicated, and when the present government came into power, the Prime Minister of this country and his government took the matter up with the various provinces looking towards a solution of the difficulties.

The Duncan commission was appointed to deal with problems peculiar to the maritime provinces, and while the report of that commission does not in terms state that the claim to compensation for the lands previously owned by the Hudson's Bay Company, a portion of which had been given to Quebec, Manitoba and Ontario, should necessarily be a deciding factor, Sir Andrew Rae Duncan did make it perfectly clear that that claim should be considered in the final adjustment of the financial compensation to be awarded to the maritime provinces. That question has not yet been disposed of. That claim still remains for what it may be worth. It has not in any sense been adjudicated upon. There is no claim made, as was suggested this afternoon, for western lands. The claim was for financial or monetary benefits because their boundaries did not lie contiguous to the boundaries of any of the western lands, and by western lands I mean lands referred to in the British North America Act and succeeding statutes as Rupert's Land and the Northwest Territories. Because they had no lands in the maritime province contiguous to those areas, they made a claim to financial consideration by the federal authorities, as indicated by the letter of the late Premier Murray and the premiers of the other maritime provinces.

We now have the matter dealt with by this administration in the form of three agreements. The agreement with Manitoba has been considered and passed by this house. That agreement, of course, is in a somewhat different position from the agreements with respect to the other two western provinces because the statute creating the province of Manitoba was confirmed by an act of the imperial parliament. With respect to the provinces of Alberta and Saskatchewan, certain legal questions must be determined as to whether or not these lands have attached to them any implied trust, and whether or not there shall be compensation awarded to the provinces for the lands that were alienated both before and after 1905. All these questions are being dealt with by the courts. We have to consider this agreement between the province of Alberta and the Dominion of

Canada, and I shall proceed to consider it for a few moments only, in the terms in which it expresses a settlement of the difficulties.

In the first place, it is not usual to settle constitutional matters in this way. It will perhaps be recalled by this house that section 6 of the amending act to the British North America Act provided that when parliament had exercised its power to create a province, it had exhausted its power, and no further action by this parliament is possible with respect to constitutional questions, unless it be with respect to insignificant matters. These constitutional questions must be dealt with by the imperial parliament. In the event of there being any interest in the matter by any members of the house, they will find the provision that I have indicated in section 6 of the amending statute of 1871, which as a matter of fact gave the right to the Dominion to create provinces. Perhaps I had better read it:

> Except as provided by the third section of this act, it shall not be competent for the parliament of Canada to alter the provisions of the last mentioned act of the said parliament, in so far as it relates to the province of Manitoba, or of any other act hereafter establishing new provinces in the said Dominion, subject always to the right of the legislature of the province of Manitoba to alter from time to time the provisions of any law respecting the qualification of electors and members of the legislative assembly, and to make laws respecting elections in the said province.

That is the reason why this parliament, having exercised its jurisdiction by creating Alberta and Saskatchewan, has exhausted its powers. No power now rests in this parliament with respect to this matter; that power now rests in the imperial parliament, and the imperial parliament alone. It has not been customary nor has it been the constitutional practice in days gone by to prepare agreements and have them ratified by the legislatures and then confirmed by the imperial parliament as constitutional pacts. I venture to think that when the draftsmen who have to deal with these matters in the old land come to prepare the necessary legislation they will regard it as being somewhat peculiar, for certainly it has never been done in this way before; and the effect of it, I think must be apparent to the most casual reader, to say nothing of a parliamentary draftsman.

Here we have, in contravention of the provisions of two statutes of the imperial parliament, a province and the Dominion entering into an agreement which is wholly beyond the legal competence of either. That is so declared by the imperial parliament itself in two statutes. Now the Dominion and the province, neither having the constitutional power, have made a contract, and that contract—which, of course is illegal as it now stands—is to be made legal by virtue of an imperial act. That is the first question which we must consider. I say the usual method would have been to have prepared an address in accordance with the terms of the British North America Act itself to the king in council at Westminster, and, following that, to have prepared the necessary amendments to the British North America Act, which would be known as the British North America Act, 1930. However, another course has been pursued, and I am taking this opportunity to point out to the house that that course never has been taken before. It is not a method that has ever been pursued before in dealing with a problem of this kind so far as I have been able to see, and while it may work out satisfactorily, I shall presently point out two or three reasons that very gravely concern me, because I cannot but foresee great difficulties—difficulties that cannot be readily overcome unless something is done which has not yet been suggested by the government or by those who have been speaking for it.

Once more I desire to repeat to this house that the Alberta agreement represents a contract invalid and illegal, declared to be such by the British North America Act of 1867 and 1871, because it purports to amend the constitution which the British North America Act of 1871 says this parliament cannot do. It therefore follows—once more I repeat this—that the only method by which this change in the constitution can be effected is by a statute of the imperial parliament, in this case, validating an agreement which is illegal per se, because it is the exercise by the province and the Dominion of powers which they do not possess. And in my judgment it is not the method by which this question should be determined.

But now let us look at the agreement itself, an agreement which, as I have said, is in its terms illegal at the moment. I am going to ask the Minister of Justice (Mr. Lapointe) for some explanation of the preamble, which will be found on page two of the agreement in these words:

> And whereas it is desirable that the province should be placed in a position of equality with the other provinces of confederation with respect to the administration and control of its natural resources as from its entrance into confederation in 1905.

What does the Minister of the Interior mean when he says "as from its entrance into confederation in 1905?"

Mr. LAPOINTE: As a province.

Mr. BENNETT: My friend will observe that it does not say that.

Mr. LAPOINTE: It means that.

Mr. BENNETT: It says:

—that the province should be placed in a position of equality with the other provinces of confederation with respect to the administration and control of its natural resources as from its entrance into confederation in 1905.

Mr. LAPOINTE: As a province.

Mr. BENNETT: But it does not say that. It says:

—from its entrance into confederation in 1905.

I do recall that in spite of the fact that the premier of Alberta and the representatives of the province of Saskatchewan sought to have those words changed, this government was adamant. They said they would not do so. They said under no circumstances would they change those words. What sinister meaning is behind that? That is the question. I say to the Minister of Justice that he of all men, the Attorney General of this Dominion, knows that to make a declaration in the preamble of a statute which is historically untrue is an insult to the imperial parliament.

Mr. LAPOINTE: It is not.

Mr. BENNETT: The hon. gentleman knows it is historically untrue.

Mr. LAPOINTE: Not at all. The province could not enter confederation as a province before it was born, surely.

Mr. BENNETT: Surely my hon. friend realizes that that is not what this preamble says.

Mr. LAPOINTE: That is exactly what it says.

Mr. BENNETT: Once more may I remind him that the language which counts here is not what is written on the fleshy tablets of his mind, but what is on this sheet, and it is this:

And whereas it is desirable that the province should be placed in a position of equality with the other provinces of confederation with respect to the administration and control of its natural resources as from its entrance into confederation in 1905;

Mr. LAPOINTE: Its, the province's entrance.

Mr. BENNETT: But it does not say that. Let me remind him what is said in the Alberta Act passed by this parliament in 1905. It will be found that the preamble of that statute is in these words:

Whereas in and by the British North America Act of 1871, being chapter 28 of the Acts of the parliament of the United Kingdom passed in the session thereof held in the thirty-fourth and thirty-fifth years of the reign of Her late Majesty Queen Victoria, it is enacted that the parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada,—

So that the area now called Alberta was as a basis for the exercise of parliamentary powers of this house a part of the Dominion of Canada.

Mr. DUNNING: Of course.

Mr. BENNETT: Then how did it only enter the confederation in 1905? That is the point.

Mr. DUNNING: Oh, well—

Mr. BENNETT: The language is:

—but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province, and for its representation in the said parliament of Canada;

And whereas it is expedient to establish as a province the territory hereinafter described, and to make provision for the government thereof.

It will be found that the same language occurs in the exercise of the powers by the sovereign after the surrender in granting the lands to Canada, because it will be observed that when that power was exercised it was said that these lands were lands that were to become part of the Dominion of Canada. In 1871 they became part of the Dominion of Canada, which is the confederation. Now we are told in the preamble to the statute that Alberta became part of the Dominion from its entrance into confederation in 1905. As a matter of fact Alberta has been a part of the confederation since 1870, but was created a province in 1905. I shall point out presently that one of the difficulties in dealing with this matter of agreement is that the provinces have no power to refuse what the federal government may offer, and so in the final analysis must accept or refuse what is offered. Why could they not say from the date of its being created a province in 1905, which would have been historically true and everybody would have understood it? For some reason or other the words used are held to be sacred. That is the difficulty which confronts every lawyer in this country who reads the preamble, and all those who have to deal with it wonder why it should be so. In the Saskatchewan

agreement it will be observed that in the preamble there are words which differ from the original preamble. In the second part of it are these words—and once more I suggest to the minister it is a rather old circumstance that while in one agreement they were able to get this historic fact correct, in the other it is inaccurate. In answer to the question of the hon. gentleman I would ask him to turn to the bottom of page 2 of the Saskatchewan agreement. After the recital I have indicated he will find the following:

And moreover that the province is entitled to be and should be placed in a position of equality with the other provinces of confederation with respect to its natural resources as from the 15th day of July, 1870, when Rupert's Land and the Northwestern Territory were admitted into and became part of the Dominion of Canada.

So that now we have the admission that the provinces of Saskatchewan and Alberta were part of the Dominion of Canada since the 15th of July 1870, although in the preamble in connection with Alberta—

Mr. DUNNING: My hon. friend has not read it all.

Mr. BENNETT: Shall I read it again? I remember that in days long past there was one known as doubting Thomas, and his tribe has not yet departed, which is well for the world. I shall read it again:

And whereas the government of the province contends that before the province was constituted and entered into—

Mr. DUNNING: Exactly.

Mr. BENNETT: That has not anything to do with it; I am talking about the Saskatchewan agreement.

And whereas the government of the province contends that before the province was constituted and entered into confederation as aforesaid the parliament of Canada was not competent to enact that the natural resources within the area now included within the boundaries of the province should vest in the crown and be administered by the government of Canada for the purposes of Canada and was not entitled to administer the said natural resources otherwise than for the benefit of the residents within the said area, and moreover that the province is entitled to be and should be placed in a position of equality with the other provinces of confederation with respect to its natural resources as from the 15th day of July, 1870, when Rupert's Land and the Northwestern Territory were admitted into and became part of the Dominion of Canada.

That is confederation.

Mr. DUNNING: That is merely a recital of the contention of the provinces.

[Mr. Bennett.]

Mr. BENNETT: Yes, and it continues:

And whereas it has been agreed between Canada and the said province that the said section of the Saskatchewan act should be modified and that provision should be made for the determination of the respective rights and obligations of Canada and the province as herein set out;

In the one instance you recognize the historic fact and in the other instance you have the denial of an historic fact. I only suggest that it would be difficult for a person in the old land to understand why in one breath we should deny the historic fact of confederation as applied to the province of Alberta and assert later that the province of Saskatchewan became part of the Dominion of Canada in 1870. That is the first point to which I desire to direct attention in respect to the recital. The act, roughly, divides itself into three parts; first, there is the part of the act which deals with the action of natural resources; secondly, there is that part which deals with reservations from the exercise of the power, and lastly we have the specific dealing with the question of waters and water rights, etc.

Mr. MACKENZIE KING: The hon. gentleman has called it an act; he means an agreement.

Mr. BENNETT: I meant to call it an agreement. First, there is the grant to the provinces. The grant to the provinces is in section 1, and here again, as well as in the recital, there is an inaccurate statement. These provinces are not being placed on equality with the older provinces of confederation. These provinces are not being placed on an equal basis with New Brunswick, Nova Scotia, Quebec or Ontario, as I shall presently point out, in matters of profound importance. The people who live within these provinces are in an entirely different position, and there is not the free and unrestrained power to deal with their assets that the other provinces have.

Let us look at this part of the agreement—transfer of public lands generally:

In order that the province may be in the same position as the original provinces of confederation are in virtue of section 109—

Section 109 deals with the land, mines, minerals and royalties. In the province of Quebec all these are entirely at the disposal of the government which sits at Quebec. In the province of Alberta, notwithstanding this legislation, millions of acres of land and the minerals contained therein are kept within the exclusive legislative jurisdiction of this Dominion and are not passed over to the province. Therefore this statement is not

only historically inaccurate but it is inaccurate in fact. The parks are retained, and not only are the parks retained but the mines and minerals in the park lands are retained to the Dominion. What is worse still and something which it must be difficult for a Liberal administration to do, is to say that the exclusive legislative jurisdiction with respect to a territory larger than the province of Prince Edward Island which is situated in the province of Alberta shall rest with this parliament regardless of the views which may be entertained by the legislatures of the provinces.

Mr. DUNNING: You are referring to the parks.

Mr. BENNETT: Yes, and other lands to which I shall presently refer. I will not do more than point out just what the facts are until we come to the next point, one which I consider to be of some importance in consideration of this agreement; I refer to the section which deals with water. The question of school lands and the question of other portions of the territory have been dealt with by a constitutional statute which has been passed by this parliament, the validity of which has been challenged by one of the provinces, and a stated case as to the validity of the power which was exercised by this parliament is now left open for decision. I shall express no opinion with respect to it, because it is not a matter which would seem to be fairly within the discussion in connection with this agreement.

Let us proceed a step further to the clause dealing with water. In this connection I invite the minister's most careful consideration. I ask the Minister of Justice (Mr. Lapointe) and the Solicitor General (Mr. Cannon) to look at this matter with as much care as possible. May I direct the attention of the house to the Irrigation Act, section 6:

> The property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp, marsh or other body of water shall, for the purposes of this act, be deemed to be vested in the crown, unless and until and except only so far as some right therein, or to the use thereof, inconsistent with the right of the crown, and which is not a public right or a right common to the public, is established.
>
> 2. No person shall divert or use any water from, and no person shall construct or cause to be constructed any dam or other works for the impounding of water in any river, stream, watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp, marsh, or other body of water, otherwise than under the provisions of this act, except in the exercise of a legal right existing at the time of such diversion or use or construction.

Now, Mr. Speaker, that is the Irrigation Act of Canada. That statute is not mentioned in this document as being repealed and that statute is not common to the provinces; it has no place in the provinces of Ontario and Quebec, for there the water-powers and the waters, apart from those which belong to individuals by right of the ownership of the adjoining soil, belong to the crown in the right of the province. The Irrigation Act of Canada provides that all the waters, whether they be small streams, whether they be lakes or waterfalls, belong to the crown in the right of the Dominion, and this Dominion is administering those water-powers from time to time. Under the provisions of the Water Power act and other acts in that behalf, as well as the Irrigation Act, the exercise of that administrative power, vested as it has been in the government of the Dominion, has been exercised from time to time and I point out that I cannot see how we are in any sense handing these over to the province, because under section 8 of the bill you find these words and these only:

> Canada agrees that the provision contained in section four of the Dominion Water Power Act, being chapter two hundred and ten of the revised statutes of Canada, 1927, that every undertaking under the said act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to undertakings within the province.

Although they still have the power to re-enact them. Now, Mr. Speaker, I submit this to the law officers of the crown: Do they think they can repeal a statute in that way? Does anyone think for a moment that by an agreement between a province and the Dominion, in the exercise of powers wholly beyond their competence, you can repeal a statute of the Dominion of Canada? That is what this proposal is. The right hon. Prime Minister is not a lawyer, but he has been good enough to follow what I am saying, and I say this in no disputatious sense, because I am desirous that this agreement should vest in the provinces all their resources, all their water-powers and all their assets; that is what I want to see done. It is my duty, since I have been more or less familiar with this matter for a quarter of a century, to direct attention to what I conceive to be the situation as it stands in this agreement. I put this to the house: How can you repeal a statute of the Dominion of Canada by an agreement made between a province and the Dominion in the exercise of an invalid power?

Mr. HANSON: It is ridiculous.

Mr. BENNETT: As my hon. friend says, it is ridiculous. You cannot say it stands repealed, because a mere agreement between a province and the Dominion that something is to stand repealed does not accomplish the repeal.

Mr. CANNON: We do not contend that, either.

Mr. BENNETT: Then it still stands, and if it still stands the water powers are not vested in the province. That is exactly my difficulty.

Mr. CANNON: Every provision of this agreement will have to be implemented by legislation, when legislation is necessary. There is no doubt about that.

Mr. BENNETT: It is just that difficulty to which I am endeavouring to direct the attention of the house. The validation of this agreement by the imperial parliament does not affect that purpose. That is the point, for the imperial parliament...

Mr. CANNON: It makes our obligation all the more binding.

Mr. BENNETT: The imperial parliament having conferred upon this parliament, under the British North America Act, the power to enact the statute in question it can be repealed only by this parliament.

Mr. CANNON: There is no doubt about that.

Mr. BENNETT: Then I submit that this agreement, so far as section 8 is concerned, is worse than meaningless; it is deceptive.

Mr. CANNON: It only shows what is the intention of the parties.

Mr. BENNETT: But surely my hon. friend hardly means that; he would hardly say that in a court of law. The effectuation of a purpose cannot be brought about by saying the intention of the parties is so and so, unless words are used to effectuate the intention.

Mr. CANNON: The intention must be made effective by legislation. My hon. friend would not contend for one moment that we should pass the legislation first and the agreement later.

Mr. BENNETT: I am trying to point out to my hon. friend that the very difficulty which he is now mentioning is the difficulty to which I am directing the attention of the house, and not only is that so with respect to this section but it is also so with respect to several other sections to which I shall refer later. If the observations of the Solicitor General are to be taken as indicating the real intention in the preparation of the agreement, then of course it is unnecessary for me to do more than indicate that unless there is legislation, not of the imperial parliament but of this parliament, this agreement is of no avail. Yet the statement is being made that the water powers are vested in the provinces.

Mr. CANNON: That is, we have agreed to do so.

Mr. BENNETT: Yes, but wherein have we agreed to it? All we say in section 8 is this:

> Canada agrees that the provision contained in section four of the Dominion Water Power Act, being chapter two hundred and ten of the revised statutes of Canada, 1927, that every undertaking under the said act is declared to be a work for the general advantage of Canada, shall stand repealed. . . .

That does not confer upon the provinces the water powers; it only says they shall be no longer regarded as works for the general benefit of Canada. That is all that stands repealed, and therefore so far as this agreement is concerned the water under the irrigation Act and under the Dominion Water Power Act still remains the property of the Dominion and, if administered at all, must be administered by the Dominion and not by the province.

Mr. CANNON: It is possible that further legislation is necessary.

Mr. BENNETT: That is the case I am endeavouring to make to the house at the moment, and if the Solicitor General says that, he has quite answered my objection. However I do contend that the agreement is not adequate for the purposes intended, because it should say, "Canada covenants and agrees, upon the confirmation of this statute, to repeal—" then the Irrigation Act should be named and also the Dominion Water Power Act and sections of the Alberta Act. I know what my hon. friend is going to refer to—

Mr. CANNON: In the preamble we have agreed to carry out the provisions of the agreement.

Mr. BENNETT: I know that.

Mr. CANNON: We have agreed to that, whether we do it by legislation or otherwise, but the agreement must be approved first, as my hon. friend will admit.

Mr. BENNETT: My whole point—and I am sure my hon. friend sees it, from what he has just said—is this: The agreement is

faulty in that it does not contain a covenant on the part of parliament to do something. The preamble is not an operative part of the agreement, and the covenant is a covenant only that we have agreed that the declaration that these works are for the general benefit of Canada shall stand repealed. However, the mere stating that this section should stand repealed does not vest these waters and water powers in the provinces, either potentially or actually. That is the position.

Before I leave that point I do desire to direct the attention of the minister very carefully once more to the water section, for when this question was first raised, after I read the agreement I put it to some of those who are interested as to the ownership of the water powers, and the answer made was that the vesting of the lands in the crown vested the water powers that were incidental to the land. That was the answer given but unfortunately, while that would be so in a common law country, it is not so where we have legislation that vest the water powers in the crown in the right of the Dominion as distinguished from the lands themselves, which is done by the Irrigation Act. It must be remembered that the Irrigation Act of Canada is a law very peculiar to western Canada; it has no operation, for instance, in Ontario or Quebec or yet in British Columbia. The Irrigation Act has operation only in the three provinces of Manitoba, Saskatchewan and Alberta, and the reason for its passage was that since water was scarce in that country and was required for irrigation purposes, the crown treated it as a precious mineral and vested the property in the water in the crown, to be administered by the Dominion, because at that time there were no provincial authorities to administer that act, and it was not left to the territorial body. Hence, even to-day when you ask for a licence for the purpose of sluicing water from a small stream down to the lowlands in the provinces of Alberta or Saskatchewan, that licence must be obtained from the Department of the Interior, as the minister knows.

My suggestion to the government is that if we are to deal with these matters as we should deal with them, we must at least see to it that the legislation based upon the agreement goes further than the agreement, and it will be within the memory of hon. gentlemen how loudly complaint was made of that being done in connection with confederation in 1865 and 1866. Perhaps hon. gentlemen will recall the historic parallel and departure from instructions illustrated by the British North America Act. That act in its present state is somewhat different from the agreement which was arrived at before it was drafted. With respect to these water powers, I say to the law officers of the crown that as the matter now stands, unless there is by imperial legislation something more than a mere ratification of the agreement, no court of law will hold that these water powers have been vested in the provinces. That is my difficulty and I am anxious to have it overcome. Any suggestions which I offer are not put forth in the sense of carping criticism, but from a desire to see come about in fact and not in name the purpose which I have had for over twenty-five years.

The Indian reserves are said still to be vested in the crown in the right of the Dominion, and the question raised by Sir Oliver Mowat, and which was taken to the privy council, that lands which had ceased to be Indian lands were vested in the province, seems to me might well have been incorporated in this agreement. That is the law in effect at present in the province of Ontario.

Mr. STEWART (Edmonton): It is the same exactly; we have an agreement with the province of Ontario.

Mr. BENNETT: My friend is referring to one thing and I am referring to another. I am talking about lands no longer required for Indian purposes. In one instance the province of Ontario and the Dominion each claimed those lands, and the case went to the privy council, which decided that when such lands were no longer Indian lands they went to the province and not to the crown in the right of the Dominion. I submit that that should have been made clear in this instance because we are legislating, not for to-day, or twenty-five or fifty years hence, but for all time. The Indians are gradually becoming fewer in number—

Mr. STEWART (Edmonton): My hon. friend is not quite right in that statement.

Mr. BENNETT: I can only say that in the locality in which I live they are becoming fewer,—on the reserve nearby. I assure my hon. friend that I have no desire to refer to the rapid disappearance of the Liberals in that section of the country; I refer to the reservations. I would point out that that matter has not been dealt with by the agreement.

In discussing the previous agreement I referred to the national parks, and I do not intend to traverse that ground again beyond merely saying that there are few people in

Canada who do not rejoice at the setting up of national parks. Whether that be done in the province of British Columbia or in the province of Nova Scotia, the people are very proud to think that we are anticipating the demand of the future by setting aside areas for national parks. Such areas provide recreation grounds not only for our own people but to the people of other countries. They provide attractive resorts to which numbers of people come from various parts of the world, and such parks are very helpful to this country, not only because of the money expended therein but because it makes this country better known. Any expenditure brought about through these parks is a factor in reducing adverse exchange balances with other countries of the world. Rejoicing as we all do in the establishment of such parks, the fact remains that the Dominion has set aside these areas and has asked that they be vested in the crown in the right of the Dominion. One can readily understand that where a government expends public moneys upon such parks they should have some say, not only as to how that money is to be expended, but as to how the parks are to be managed and operated.

In the province of Ontario there is a great park at Niagara Falls. That province provides, through a commission, the money necessary to conduct the operations of the park. But that particular park belongs to the people of Ontario, as distinguished we will say, from the Rocky Mountains park at Banff, which belongs to the people of Canada and has belonged to them since the acquisition of the Northwest Territories. In one case the money is expended by the province, in the other it is expended by the Dominion; in one case the provincial authorities are responsible for the administration, in the other case the federal authorities are responsible. When we create in the province a separate area not subject to the laws of the province, in my judgment we are destroying the whole scheme of confederation. Just think what it would mean to say that in the centre of that aisle which we will say is subject to the legislative power of Alberta, that desk at which sits a reporter, should be subject not to the jurisdiction of the legislature of the province but to the jurisdiction of the parliament of Canada. It is a little Canada within a province, a territory subject to the laws of the Dominion. Is that in accordance with the words of the preamble? Is that a just and fair exercise of our powers? The words used are very strange language to be used by this parliament in 1930. Paragraph 14 reads:

> The parks mentioned in the schedule hereto shall continue as national parks and the land included therein,

And section 15 reads:

> The parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of each of the said parks.

The outer boundaries of the Rocky Mountains park near Banff extend as far east as Canmore, and they extend west into the province of British Columbia. Within that park are many sections which have been alienated. Lands have been sold and little communities have grown up; villages and towns have been created, townsites registered and lots sold therein, and now we are told that those areas shall be subject to the exclusive legislative jurisdiction of the parliament of Canada. I protest, sir, against the exercise of that power. The same arrangement which was made in other instances could have been made with the provinces of Alberta and Saskatchewan, the same provisions with respect to national parks which have prevailed since 1905, when the provinces of Alberta and Saskatchewan were created, might well have continued to be made.

Although I say it with some hesitancy, I must consider as monstrous the exercise of exclusive power by this parliament over these areas. Hon. members will be amazed to discover that the parks act deals with the smallest details of municipal government. That act deals with the form of structures which may be erected, it prohibits the putting up of tents; all such matters must be agreeable to those who are charged by the federal government with administrative power. Only certain types of lamps and lights are permitted; all such things are entirely within the power of this government. No municipal institutions are allowed to be created. The regulations made here at Ottawa and approved by the governor in council govern those communities, although in some instances the population may be from one to two thousand people.

Would any hon. member from Ontario or Quebec tolerate for a single minute this government at Ottawa having control over the lives, habits and let me say the environment and surroundings of people living within their provincial areas? Through an arrangement between the provincial and federal governments there exists at the present time in the town of Banff a liquor vendor's store. A structure of any kind cannot be built in that town unless the plan has been antecedently

approved by the department at Ottawa. It has first to go before the parks commission. and from there it is sent down to Ottawa, and I know of delays which have extended into months. Refusals have been made in cases where a man has desired to erect a little building for his own comfort.

It is said that these provinces are being put upon an equality with the other provinces of Canada. I am sure that upon more mature consideration it will be found unnecessary to say that this parliament shall have exclusive legislative jurisdiction over any particular park areas. Then all you have to do is a very simple thing: do as has been done in other countries and communities; do as is done here in the city of Ottawa if you will, where arrangements are made between the civic and the federal authorities or between the provincial and the federal authorities for the purpose of ensuring that measure of regulation which is necessary to protect our parks as a national asset. Surely that can be done without taking from the legislature of Alberta the power even to tax. The agreement does not stop at the point I have indicated, but it also deals with the vital question of the power to tax. If you will look at the closing paragraphs, you will find if there is a conflict between the province and the Dominion all general taxing acts passed by the province shall apply within the same unless expressly excluded from application therein—by whom? Not by the province, but by the authority of parliament. That is, if Alberta passes a taxing act applicable to the territory, prima facie it applies, and not unless the province determines otherwise, but unless parliament determines otherwise.

With respect to the question of mines and minerals that exist under the surface, to have granted the surface to the crown in right of the Dominion, one can understand, but to declare that mines and minerals within that area shall belong to the crown in right of the Dominion is but to continue the administration thousands of miles distant of what may be one of the most valuable and priceless assets of the province. The idea of the scenic character of the country being destroyed is something so far-fetched that when the estimates are under consideration I shall point out what is happening in at least one section of these parks. It is not necessary to do this to-day, because it arises in connection with the raising of the level of the water in a lake. The minister has recently received communications in that regard. But in this agreement we have said that this vast territory comprising millions of acres of land with all the people who may one day be in it—and there are a few thousands there now—is to be subject to the exclusive jurisdiction of the parliament of Canada and the provinces are deprived of all legislative control except such as they may exercise unless the government at Ottawa otherwise determines. That is all I shall say with regard to that.

The other clauses are ones that deal with financial terms and other matters that are, of course, of importance because they are details in connection with the working out of an agreement. Let us come now to the last paragraph of the agreement, where a new principle is set up. It reads:

> The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the parliament of Canada and the legislature of the province.

That is a new theory. I hope the law officers of the crown realize that the effect of that is to say we may hereafter amend the British North America Act, for the act of 1930 when passed by the imperial parliament will become a constitutional statute governing the provinces of Alberta and Saskatchewan. Now we are told that if parliament and the provincial legislatures agree, they may amend this agreement. This agreement will of course be embodied in some form in a statute, so the effect is that with respect to Saskatchewan and Alberta there may be—and this is entirely at variance with section 6 of the act of 1871—an amendment of the constitution in the manner I have indicated. It is not usual to make amendments to the constitution in this way; it has never heretofore been done. It is not the method so far pursued in any country I know of. In South Africa, where they may amend their constitution, the method is defined by statute. In Australia, where their constitution may be amended, the method is very complicated. Under this agreement by a bald majority in the legislature of either Saskatchewan or Alberta and a bald majority in this parliament, the constitution may be amended because it is said that the terms of this agreement may be amended and the terms of this agreement constitute constitutional sections which, under section 6 of the Act of 1871, require to be dealt with by the imperial parliament. In other words, an agreement, wholly illegal as it now stands, between a province and the Dominion, is by ratification to confer upon a bald majority in the Dominion parliament and in the provincial legislature, the right to effect constitutional changes. I think that cannot have been intended, but anyone who takes the trouble to read the document will, I am sure, agree that that is the legal effect of it.

One further point. As I look at the agreement—and I commend this again to the law officers of the crown—sections 20 and 21 of the Alberta Act of 1905 are of course sections that will no longer have application. Clearly, they cannot be repealed by this parliament and there should be some legislation by the imperial authorities repealing those sections. The agreement does not make any such provision nor does it in any sense deal with the matter even inferentially. I will not take up the time of the house to deal at greater length with details, but I desire to place on record a protest against this form of dealing with a problem which is so complex and which, I submit, could be handled with greater simplicity. It could be dealt with in a manner that at least would have left some power to this parliament. I suppose it is useless for me to say to the house what it already knows, namely, that we have no power to amend this agreement.

Mr. MACKENZIE KING: Parliament has.

Mr. BENNETT: Pardon me. We have no power to amend it for the simple and obvious reason that it is a contract and there can be no variation of the terms of the contract save by the consent of both parties. Inasmuch as both parties are no longer available for the purpose of making the changes, how are they to be effected?

Mr. LAPOINTE: It would mean a delay.

Mr. BENNETT: But I say we have no power as a parliament to make the changes. I should like to make to the government a suggestion which I think may to some extent meet the difficulty. The government may not be disposed to agree to my suggestion. If they are certain that they desire to effectuate the ends mentioned by the Solicitor General and by the Minister of Justice, it will be competent to incorporate in the statute of the imperial parliament sections which will carry out the purposes intended. That was what was done once or twice, but when you have resort to an agreement you put yourself in a rather difficult position if you depart from it. The suggestion, of course, involves, if my submissions are warranted, a departure from the principle of contract, for contract involves a consensus ad idem, an agreement of minds. It involves a discussion of the details. It involves more; it involves the agreement representing the minds of both parties. It involves, of course, that both parties shall meet and their minds shall come to an agreement, and in the absence of any such arrangement it seems to me this might be effected by the executive, because if the intention is to do as has been said, there can be no doubt of the power of the executive of the province and the Dominion to effectuate that purpose.

I for one am very glad indeed that the time has come when an agreement has been arrived at between the Dominion and the provinces. It is perhaps one of the ironies of political life that the hon. Minister of the Interior, who moved the second reading of this bill tonight validating the agreement made with the province of Alberta, is dealing with a province that is no longer governed by the Liberal party but by a government that represents an independent group that is neither Liberal nor Conservative. He is also dealing with the province of Saskatchewan, which, despite what has been said, has not even a Conservative government administering its affairs, there having been, as hon. gentlemen well know, a larger number of Liberals elected at the last provincial election in Saskatchewan than there were Conservatives, and the ten members who control the destinies of that legislature are either Independents or Progressives. So that by the turn of the political wheel the minister whose party asserted only a quarter of a century ago, which is nothing in the life of a country, that the control of the natural resources of a province never should be vested in the western provinces and whose Minister of the Interior at that time loudly proclaimed from the housetops that money was better than lands and that administration of these resources far removed from the people of the province themselves was much better than administration at home—that minister, I say, now moves the second reading of an agreement that will vest in the people of the province of Alberta the administration and control of the natural resources within the province—the mines and minerals in part, the water powers not at all, the park areas so far as their soil is concerned not at all, the legislative jurisdiction not at all—and he now solemnly declares without a smile upon his face that he is placing the province of Alberta upon an equality with the other provinces of confederation. Such is the irony of political life. While I rejoice at this accomplishment, I can only say that I am perfectly certain that one day again this parliament will be asked in the exercise of its powers, by address to the imperial parliament or by some other method that may then prevail, to effectuate what the preamble of the bill says, the placing of the province of Alberta upon an equality with the other provinces with respect

to its natural resources. Until that is done, I for one accept with great pleasure and gladness this measure of justice that is now tardily done, not the giving away of millions to the province, but vesting in the people of Alberta and Saskatchewan those rights and powers and privileges and those natural resources which were their due when they became provinces of this confederation.

Hon. CHARLES A. DUNNING (Minister of Finance): Mr. Speaker, I shall not attempt to follow in detail the very able legal argument, largely with respect to procedure, to which we have just listened. I am very much more concerned, as I am sure every member from the provinces of Manitoba, Saskatchewan and Alberta is also, with the historical significance of what is now taking place in this parliament in the passing of this legislation affecting the natural resources of the three prairie provinces.

For a great number of years, since the provinces were formed, speaking for myself, for the whole of my political life, and before that, during all the period since I became interested in public matters, I have believed that the people of the western provinces as provincial entities should control the natural resources within their borders in the same manner as the natural resources of the other provinces of Canada are controlled by the people of those provinces. In a measure the western provinces have occupied with respect to the control of their resources a position of inferiority as compared with the other provinces of confederation. That inferiority is being wiped out by the legislation which is now under consideration by this parliament, and when this legislation is passed we shall be in the position of having a confederation of nine provinces all of which control the public domain within their borders in the same manner. This I say is an important step forward in the historical development of this confederation of provinces.

I welcome it particularly, Mr. Speaker, because it has been my fortune to have been closely identified with the question during the whole of my public life. It has been my fortune to represent my province at numerous conferences with various Dominion governments from time to time on this question. There has been for a number of years a disposition on the part of succeeding federal governments to agree to the general principle that the remaining resources should be transferred to provincial control. The difficulty always was in agreeing upon terms. I took the ground very strongly that the province of Saskatchewan could not consent to taking over the remaining natural resources and give up the subsidy which is being paid, and has been paid since 1905, in lieu of the resources. The difficulty always was on the question of terms.

I remember very well the first occasion on which I had the privilege of being one of the representatives of the province of Saskatchewan at a conference with the Dominion government. The Union government were willing to consider handing to the provinces the remaining resources held by the crown provided that the provinces would agree to surrender in perpetuity any right to cash payment in the way of subsidy in lieu of resources. It was impossible for us to accept that proposal. The ground we took was that the inherent right of the province to the control of its natural resources was recognized in 1905, when the federal parliament in its wisdom determined that it would pay compensation annually in lieu of granting to the province its resources. If the province had no right to its resources in 1905, why did this parliament grant an annual sum to the province in lieu of the resources? That very grant was a recognition of the right for which the western provinces have been contending all down through the years, a right to which this parliament is giving recognition in the legislation now before us.

Later in the days of the Union government I remember that an interprovincial conference was held, at which I was again present as a representative of Saskatchewan, and my colleague the Minister of the Interior (Mr. Stewart) in this government was present, I think, representing his province. We were told then by the government of that day that if we could agree with the representatives of the other provinces there present on terms, the Dominion government would take action to transfer the resources. But there was a condition added, that no further charge than was then being paid should be involved so far as the Dominion government was concerned. I remember very well the meeting of provincial representatives at which the matter was discussed. Each of the other provinces desired to get compensation from the Dominion if the resources were handed back to the western provinces, and needless to say the conference broke up with no agreement being reached. Later on, at a conference with the government of the Right Hon. Arthur Meighen, the same stumbling block arose—the question of terms.

Early in the period of the administration of our present Prime Minister a conference was held at which an advance was made, in

that a definite offer was made by the government of the Dominion as to what it was prepared to recommend to parliament, and to stand by, so far as financial terms were concerned. No offer up to that time had ever been made by a federal government. That particular offer was not acceptable to my province, although a later development of the same offer was accepted tentatively by the province of Alberta. An agreement was not concluded with Alberta because of other difficulties which arose, difficulties which did not relate to the compensation feature. Gradually the negotiations have gone forward until to-day this parliament is acknowledging by solemn agreement that the remainder of the natural resources shall be turned over to the provinces and that the subsidies shall be continued in perpetuity in the manner provided by the acts constituting the provinces in the first instance.

My hon. friend the leader of the opposition (Mr. Bennett) questions the method of dealing with this matter by agreement. I have no doubt at all that from the standpoint of a lawyer his argument may have some merit. I am not qualified to debate that question nor to deny the merit of his various technical objections. Others will attend to that. But I can say this, Mr. Speaker, that the legislature of Manitoba, the legislature of Saskatchewan, the legislature of Alberta, and the parliament of Canada, have entered into an agreement in good faith. They all intend that the terms of that agreement shall be carried out, and they will give legislative effect to whatever measures may be necessary in order to carry it out. That is, I think, the best answer that a layman can give to the technical objections that have been raised. If it is found that legislation of any kind is necessary to implement the terms of this agreement, will anyone say that the parliament of Canada will deny the signature which it is placing upon this agreement? Not at all. Will anyone say that any future legislature of Saskatchewan or Alberta or Manitoba will refuse to carry out the solemn contract entered into between itself and this parliament? I feel sure that in so far as working out technical details of any such legislation as may be required is concerned, we can rely upon the common good faith of the legislatures of these three provinces and upon the good faith of the parliament of Canada to do whatever may be necessary to carry out in the fullest degree the terms of the several agreements.

My hon. friend from St. Lawrence-St. George (Mr. Cahan)—I am sorry he is not in his seat—yesterday and to-day in discussing these matters adopted towards the western provinces that attitude of fatherly care which in the past these western peoples have somewhat resented. We do not recognize that we need the careful supervision that my hon. friend from St. Lawrence-St. George would have this parliament exercise over us. We believe that the peoples of our western provinces are quite as well able to take care of their provincial legislative jurisdiction, of their financial responsibilities, and of any trusts which may exist as this parliament is prepared and able to take care of similar matters which fall within its jurisdiction. We are quite sure also that our peoples are sufficiently intelligent to apply to these matters which fall within provincial jurisdiction the same good sense which the peoples of the other provinces apply to their affairs. That is my answer in brief to my hon. friend's fatherly concern lest these provinces should do some unheard of thing with the school lands. I can assure him that the legislatures of these western provinces, no matter what party may be in control, may be relied upon to represent their people as faithfully and as intelligently as the legislatures of the other provinces.

I prefer not to deal with what might be called the party-political aspects of this question. My friend the leader of the opposition (Mr. Bennett) was good enough this evening to say that I had always held the view that these resources should be turned over to provincial control. That is quite true. In that respect at least, I am fortunate—or unfortunate—enough to have been in agreement with him.

Mr. BENNETT: Hear, hear.

Mr. DUNNING: He referred to an address which I made in Regina. I have since been reminded of the circumstances. I may tell him that my references to himself on that occasion were called forth by his own speech in the same city a short time before in which he represented very strongly the continuous and hard fight that he had put up with respect to this question of natural resources.

Mr. BENNETT: Hear, hear.

Mr. DUNNING: Now, I give my hon. friend full credit for the hard fight which he put up with respect to the natural resources question—except during that period to which he himself referred this afternoon; that is, when he sat as a member of this house from 1911 to 1914, and remained silent. He him-

self expressed it this afternoon as the "silence of indignation" at his party for not having proceeded more rapidly with the carrying out of their promises.

Mr. BENNETT: And I am on record in regard to that.

Mr. DUNNING: My hon. friend is on record, but not in this house.

Mr. BENNETT: Yes, I think so. The then hon. member for Medicine Hat placed my views on Hansard.

Some hon. MEMBERS: Oh, oh.

Mr. BENNETT: He quoted from my speech in Calgary, and I was content.

Mr. STEWART (Edmonton): Is not that quite unusual for my hon. friend?

Mr. BENNETT: Well, not always, no. I would prefer the hon. member for Medicine Hat rather than the hon. minister to express my views.

Mr. STEWART (Edmonton): That is quite unusual.

Mr. DUNNING: In that regard I can very well imagine the severe restraint and discipline under which my hon. friend must have laboured before he would allow the Liberal member for Medicine Hat to state his, the hon. member for Calgary's views on this question in this house. I say that because I know how strongly my hon. friend felt in the matter.

Mr. BENNETT: I think my hon. friend will find that when parliament met in 1911 I made my first speech on this matter, and he will also find that in 1913 I made the speech to which he referred.

Mr. DUNNING: I have read my hon. friend's speeches and I will not pursue the matter any further than that. I am quite satisfied with what my hon. friend said himself with regard to the matter this afternoon; and, quite frankly, what I am now saying is more by way of pleasantry than in any critical spirit.

With regard to the references made by my hon. friend from St. Lawrence-St. George to literature which is being circulated in his own constituency, may I say to him that I have just the same objections that he has to the identical literature being circulated in my constituency. His criticism of it is that the literature which was intended to be good Tory propaganda in the province of Saskatchewan does not appear to be such good Tory propaganda when it is circulated in the province of Quebec. I say regardless of party, and I do not care in this respect whom my remarks hit, that it is bad Canadianism for any political party or for any member of it to be stirring up in various parts of Canada prejudice and suspicion and hatred against the people of any other part.

Some hon. MEMBERS: Hear, hear.

Mr. DUNNING: There are of course times of heat when men of all political parties may be guilty of indiscretion. I cannot claim to have been always free from indiscretion myself, but I do try to keep always before me that if this country is to remain united these age-old prejudices must give way to the light of intelligence and good will.

My hon. friend from St. Lawrence-St. George also advanced another remarkable argument. He criticized this government for having included in the agreement provision whereby the provinces could test the constitutionality of certain acts of this parliament and also of the acts constituting the provinces. Well, Mr. Speaker, that is to me a most extraordinary attitude to take. That the people of any province living under the terms of an act passed by this parliament should be forever debarred from testing whether or not this parliament had the right to pass that act is to me a most extraordinary attitude to take. As a matter of fact—my legal friends will put me right if I am in error—I believe that even if there had been no provision in the agreement for testing the constitutionality of any act of this parliament, machinery does exist which a province could take advantage of to test it in any case. Perhaps my hon. friend the leader of the opposition would admit that?

Mr. BENNETT: In general that is so, but there may be restrictions upon the exercise of that right.

Mr. DUNNING: I am not in any sense associating my hon. friend the leader of the opposition with the argument advanced by the hon. member for St. Lawrence-St. George.

Mr. BENNETT: Thank you; for I do not agree with it.

Mr. DUNNING: I did not get that?

Mr. BENNETT: I say I do not agree with that argument.

Mr. DUNNING: Quite so. In any event, stating in the agreement that the Dominion will facilitate such appeal, to my mind in no way is a breach of faith with any minority in this country. The minority in this country

would not desire that the people of any province should be denied access to the courts in order to prove or disprove the constitutionality of any particular act. That appeal by my hon. friend from St. Lawrence-St. George to the people of the province of Quebec I am sure will fall on deaf ears, because if there is a people in this Dominion which values the right of liberty it is the people of the province of Quebec. I am quite sure they would not deny to the people of any province the right to test the constitutionality of any measure in any court of the land or of the empire.

I just want to say in conclusion, Mr. Speaker, that to my mind this is an historic occasion, and I for one am proud of the privilege of having a part in it. I believe it is a step towards a greater, a more complete and more unified confederation of the provinces. I believe that as a result of this action, carried out and implemented as it must be by the imperial parliament and possibly by further legislative enactments of this parliament, we will tend to develop a greater unity and closer community of interest among the Canadian people.

Mr. HENRI BOURASSA (Labelle): Mr. Speaker, it was not my intention to take part in this debate, certainly not at this stage. What I had to say I intended to reserve for the Saskatchewan agreement, but in view of certain observations which have been made, and I may say in view of the debate exchanged this afternoon between two of my best friends in this house, the hon. member for St. Lawrence-St. George (Mr. Cahan) and the Minister of Justice (Mr. Lapointe), I think I owe it to the people who have confidence in me to add a few words to the reference made by them to the difficulty which arose in 1905 with regard to the maintenance of the minority rights in these two provinces.

That these school rights should be connected with lands is the fault of no particular party, as was partly explained by my hon. friend from St. Lawrence-St. George and by the Minister of Justice. This connection resulted from the action of parliament at the inception of the Northwest Territories, when they were still under the jurisdiction of this parliament. As stated by the hon. member for St. Lawrence-St. George, it was suggested to Mr. Mackenzie, then Prime Minister of Canada, by Mr. Blake, who was not at that time in the government but who became Minister of Justice a few months later, that it should be made clear by a substantial organic law what the rights of majorities and minorities in matters of public education would be in this newly acquired territory in order to avoid the difficulties which had occurred previous to and after confederation in Upper and Lower Canada. To this suggestion Mr. Mackenzie agreed immediately, and he inserted a clause in the act of 1875 which I have here and which I may read, since it is not long:

> When, and so soon as, any system of taxation shall be adopted in any district or portion of the Northwest Territories, the Lieutenant-Governor, by and with the consent of the council or assembly, as the case may be, shall pass all necessary ordinances in respect to education; but it shall therein be always provided, that a majority of the ratepayers of any district or portion of the Northwest Territories, or any lesser portion or subdivision thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection of rates therefor; and further, that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that, in such latter case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they may impose upon themselves in respect thereof.

Before the introduction of this measure, when Mr. Blake suggested it he said that—

> —he believed it essential to our obtaining a large immigration to the northwest that we should tell the people beforehand what these rights were to be before we invited them to settle in the country. . . . . He regarded it as essential that the general principle should be laid down in the bill with respect to public instruction. He did believe that we ought not to introduce into that territory the heart burnings and difficulties with which certain other portions of this Dominion and other countries had been afflicted. It seemed to him, having regard to the fact that as far as could be expected the general character of that population would be somewhat analagous to the population of Ontario, there should be some provision in the constitution by which they should have conferred upon them the same rights and privileges in regard to religious instruction as were possessed by the people of the province of Ontario.

To this suggestion Mr. Mackenzie and the whole house agreed, but in the Senate this proviso was attacked by Hon. George Brown. There it was strongly defended on behalf of the government by the Conservative leader in the upper house, Sir Alexander Campbell, one of the fathers of confederation and one of those men of whom all parties and all provinces might well be proud.

So this measure was passed. The legend which has been circulated frequently, and which was resurrected a few years ago, when for the first time I dealt with this question in this house, namely, that this measure had

been imposed upon the Northwest Territories and the future provinces, by the people of Quebec, dominated by the Catholic hierarchy, is absolutely groundless. It was the spontaneous thought of the best minds of both parties in both houses that this should be settled on principle, and forever, so that minority rights should be well known in these territories before people settled therein, and this was done in order to avoid those very difficulties which arose later on.

Then we come to the question of lands. It was in 1872, as the Minister of Justice reminded us this afternoon, that the principle of a school endowment was laid down. Then in 1879 provision was made for the sale of these lands, for the establishment of the school fund, and for the distribution to the province of Manitoba and the territorial government of the future provinces all the interest accruing on these funds. However, the interesting feature occurred in 1884. Some movement had been started in the province of Manitoba to ask for the transfer to the province of the school fund, to which Sir John A. Macdonald, then Prime Minister of Canada, replied:

> Representations have come from the province of Manitoba, and very naturally from the government of that province, that the school lands of Manitoba should be handed over to them for their management. Hitherto the government have not seen their way to go so far. That province is large and its population small; and the temptation to deal with that magnificent grant for present purposes to meet present exigencies is very great; and the government think—and I may here mention that the course of the government met with apparent approval during the last parliament—they ought not to denude themselves of this sacred trust, handed over to them as trustee for this great fund for the education of the people in the illimitable future. . . . .

However, there is a further fact which is even more remarkable. There were then four representatives of Manitoba in the federal house, and the three members from that province who were present during that debate all approved of the idea of retaining control of these lands and these funds here. Mr. Royal, who represented the constituency of Provencher and who later became Lieutenant-Governor of the province, said:

> I do not believe, myself, that these lands should be placed under the management of the provincial government.

Mr. Ross, who represented the constituency of Lisgar, said:

> . . . . I believe that the people of the northwest think that the government should preserve these lands intact for school purposes.

Mr. Scott, who represented another constituency, in referring to the previous statements, said:

> I agree with them that the management of these lands should remain entirely in the hands of the Dominion government. . . .

Mr. EVANS: Was that Mr. Walter Scott?

Mr. BOURASSA: No, that was another Mr. Scott. I have not the name of the constituency which he represented, but there were four representatives from Manitoba at that time. Later on in the same debate Sir John A. Macdonald added these words:

> The government is merely the trustee for these lands, and cannot divest them in any way whatever from the purposes of school endowment. . . . .

This would seem clearly to indicate that the intention of parliament was to make it clear that the minority rights should be established forever and preserved by this parliament, acting under authority received from the imperial parliament to make laws for the good government of these territories, and later on to make organic laws for their administration as provinces. That intention was carried out in the letter of the law in section 22 of the Manitoba Act, with regard to separate schools in Manitoba. Of course, the disposition of the Dominion Lands Act applied to Manitoba as well as to the Northwest Territories.

Then the question came up again in 1905. The member for St. Lawrence-St. George, and the Minister of Justice (Mr. Lapointe) gave us this afternoon a few glimpses of that history. I am not going to give it in full to-night; but it will have to be made complete one of these days. With all due respect to my excellent friend the Minister of Justice I may say that he was then a baby in parliament. I had been here for some time. As a matter of fact I had made up my mind not to come back to parliament, and when I did come back in the fall of 1904 it was at the insistent request of Sir Wilfrid Laurier and Sir Charles Fitzpatrick, the then Minister of Justice, in order to help them have these autonomy bills prepared, especially with regard to the minority rights therein. These bills were carefully prepared after the election of 1904 and before parliament met in 1905; and I took an active part, together with Sir Charles Fitzpatrick and some of the representatives of the western provinces, in preparing that school clause.

That legislation was very well received by parliament. Sir Wilfrid Laurier announced it as being the result of careful study. He declared that in presenting it to parliament he was not creating new legislation but was standing "on the rock of constitution;" he

was simply maintaining what parliament had decided thirty years previously and maintained up to that time. To that statement Sir Robert Borden replied in rather vague terms, stating that the Conservative opposition would not make any issue of the school question. A few days later, however, Mr. Sifton, Minister of the Interior in the Laurier government, returned from California, and Mr. Fielding, Minister of Finance in the same administration, returned from Europe. Mr. Sifton found that an agitation had already been started, not in the Northwest Territories, although Mr. Haultain had made a very mild protest, but by a newspaper in Toronto, and it had made some headway. Mr. Sifton thought this a good occasion on which to threaten the government, and then to carry out his threat by resigning. His object was fairly well known at the time; it was to bring about the downfall of the Laurier government, break the contract entered into with the Grand Trunk Railway Company for the construction of the Transcontinental railway, and later bring a Mackenzie-and-Mann administration into power. It had not much to do with considerations of right as between majorities and minorities. I am sorry to say that Mr. Fielding played to a certain extent into the hands of his colleague when he also threatened to resign. He changed his stand in that regard through the influence of a banker in Montreal, who represented to him that it might create a financial crisis in connection with the financing of the Transcontinental scheme. In that respect the hon. member for St. Lawrence-St. George did not present a complete picture; the hon. Minister of Justice gave us a little of it, but I consider it my bounden duty to tell the whole truth.

From that time on the Conservative opposition started a current through the Tory press of Canada, making the charges of which the Minister of Justice has given but a very slight idea. What is going on to-day in Saskatchewan is mere child's play compared to the propaganda carried on at that time from Sydney to Vancouver. The Laurier government was charged with being under the control of Rome and of the bishops, and with being under French domination, and the government became frightened. The Minister of Justice has said that it was found impossible to pass that clause, but I know too much about it—I know it could have passed.

Whether it would have been wiser for the government to have stood upon "the rock of the constitution" instead of rolling from that rock into the sea, I do not know; but after twenty-five years I take a broader and more serene view of that situation. I admit that I resented very much the attitude of both parties, and if I am permitted to give advice to my good friends, I would tell them not to open that debate either in St. Lawrence-St. George or elsewhere. From a party point of view, neither the Liberal nor the Conservative parties have anything to gain in the esteem and respect of the present generation through such action. The one party was guilty of the basest exploitation of the passions of the people, and the other was guilty of moral cowardice to a point which was not a credit to the parliament of Canada.

I admit that there were many outside causes and many currents which played upon both parties and which may be offered on behalf of public men of that day as an excuse for their action, but to say that by that compromise the rights of the minority were preserved—no. Mr. Sifton, as well as Mr. Fielding, made it quite clear that the text which had been substituted by the government on account of the combined threat of the group represented by Mr. Sifton and of the Tory opposition, with the exception of five or six members, had the effect which the hon. member for St. Lawrence-St. George said it had—that of suppressing completely the minority rights in every section where the minority in the province was represented by a local majority. In other words, it changed the whole basis of the school legislation by substituting for the organic law of 1875 a disposition adopted by the Northwest Territories in ordinances which Sir John Thompson, the Minister of Justice in the Macdonald cabinet, qualified as being ultra vires of the legislature of the Territories, but the disallowance of which it did not recommend. He advised the minority to wait until the provinces were organized, and then the duty of parliament would be to reenact or rather to maintain—the legislature of the Territories never had the power or the jurisdiction to amend or abridge a federal law—the law adopted by parliament in 1875. Parliament failed to do that; and I must agree with the hon. member for St. Lawrence-St. George when he says that what remains of the minority rights in Alberta and Saskatchewan is very meagre indeed.

When this matter was before parliament four years ago it was said that I was responsible for impeding any action to be taken because of a remark I made in my first speech after an absence of eighteen years. At that time I reminded the house of the engagement which had been made in 1905 to maintain what remained of the minority rights; and I

stated that the solemn pledge which had been given to parliament by the leaders of all parties in 1875 should not be still more reduced. I reminded the house that there were minority rights which could not be forgotten in connection with the school lands. That brought about a resolution reading as follows:

(a) That the school lands fund to be transferred to the province as in the said agreement provided, and such of the school lands specified in section thirty-nine of The Dominion Lands Act, chapter 20 of the statutes of 1908, and amending statutes, as pass to the administration of the province under the terms of the said agreement, shall be set aside and shall continue to be administered by the province in accordance, mutatis mutandis, with the provisions of sections thirty-nine to forty-two of The Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the provisions of section seventeen of The Alberta Act, chapter three of the statutes of 1905,

Considerable fuss was raised at that time. I remember an hon. member of this house going through the western provinces and saying that that fellow Bourassa, lately in the pay of the German kaiser, and always under the control of Rome, had threatened the government and had forced them to impose upon the western provinces those abominable shackles which curbed their liberties. The hon. members will be curious to know that two weeks afterwards a Conservative convention in Winnipeg adopted a resolution which went far beyond the one proposed in 1926. As far as I am concerned I would be perfectly satisfied to see inserted in these agreements the resolution read by the hon. member for St. Lawrence-St. George. When negotiations were reopened with the Premier of Alberta, the Prime Minister of Canada, in a letter dated December 29, 1928, adopted practically the same language. He said:

With respect to the school lands trust fund and the school lands, it is proposed that these shall pass to the administration of the province but shall be set aside and continue to be administered by the province for the support of schools organized and carried on therein in accordance with the laws of the province, but in compliance with the letter and spirit of the constitution.

That is similar language to that contained in the resolution adopted at Winnipeg. The words inserted in the agreement are somewhat similar, but I am sorry to see the words "in compliance with the letter and spirit of the constitution" left out. I say that not because they have much legal value in themselves, but as a result of my somewhat close study of our various constitutional struggles and difficulties in the interpretation of such laws as I would call laws of principle rather than administration. In these matters, interpretations made by the supreme court and the judicial committee of the privy council are apt to be governed by some such general terms which serve to express the intention of the legislator. I thought it a very happy coincidence—it reminded me of the days of 1875—that both parties practically agreed upon these qualifying terms. However, they have disappeared from the agreement, and I am unable to discover from the correspondence that that was brought about by any insistence on the part of the local governments.

I have no desire to prolong the debate this evening, but I would like to close it with a much broader thought than those already brought out in the debate. I am sorry to see occurring these explosions of bigotry, these attempts on the part of a majority to dominate a minority and to impose its views, but that is only human. With the exception of the provinces of Quebec, Nova Scotia and British Columbia, such struggles have occurred here and there throughout Canada. We have passed through days of nasty and violent quarrels between Protestants and Catholics, between French speaking and English speaking Canadians; but after many years of public life and a study of history, I am beginning to find out that after all the best guarantee against such explosions of bigotry is to be found not so much in texts of law as in forbearance, in patience, and by a constant appeal to the best instincts of all classes in all provinces. I have upheld and sustained, even more so than my good friend from St. Lawrence-St. George, many fights for what I considered to be the moral, the natural, and the national rights of my people; and I have always acknowledged to every other class the same rights which I claim for my own.

I may be permitted to boast in saying that next year the province of Quebec will celebrate the centenary of the full emancipation of the Jews; and I am proud to say that the first legislation in the British Empire which did away with the shackles which had bound the Jewish race was brought about through the influence of my grandfather. Then again, a few years later, he appealed to the sense of fair play and justice of the French-Canadian Catholics and was elected ninety-six years ago by a French-Catholic majority in the city of Montreal in opposition to one of the founders of McGill university. He asked that not only the Anglicans should be given the rights which they then enjoyed, but that all Protestants should be given the same rights and the same privileges which were

enjoyed by the Roman Catholics because of their majority and by the Anglicans because of right of conquest.

When the question of Jewish education began to crop up, I am proud to say that I was the first one in the Dominion of Canada to advocate that our Jewish fellow-citizens should be given the same rights which we claim for Roman Catholic and French-speaking minorities in the English provinces, and which have always been acknowledged and granted to the Protestant minority in the province of Quebec. I am proud to say to-day that this has been accomplished; and although there have been some little difficulties of interpretation as to details of the law, I am happy to say, as regards that hierarchy denounced so often as a dominating power, as a power of intolerance, that Cardinal Rouleau, in the last letter which he wrote to the Premier of Quebec, stated that all the bishops of Quebec were glad that the Jewish minority were given the same rights as the Protestants to educate their children in the public schools of the province in conformity with their religious convictions. That is the spirit of Quebec and of the Roman Catholic hierarchy of Quebec. After all those struggles, after all those difficulties, I have not lost the hope that that spirit of generosity will make its way west and east, north and south.

Not very long ago there were bad days in the province of Ontario. It is not so long ago that in the streets of Ottawa there were children in practical revolt against school authority for the preservation of what they considered, and rightly so, their inborn right to learn their own language in their own schools. To-day a Conservative premier has given evidence of his broad spirit and statesmanship by having amended the legislation of his own government and letting that spirit of liberty and fair play, which has never been challenged in Quebec or Nova Scotia, now prevail in Ontario. The same wave will pass also over the plains of the west. The advice I have given to my friends in Quebec ever since this little trouble has arisen in Saskatchewan is: Let us have patience; it will pass as the others have passed.

But on the other hand, I thought parliament in self respect ought not to put its signature upon any document which could be interpreted as saying that all those great men in the past, those men who founded confederation, those men who endeavoured to introduce in the fabric of confederation a spirit of equality, of liberty, were mistaken either in the precautions they took to guard against passions in the future or in the enactments they secured from parliament in order to make those engagements hold good. Therefore I think we should hesitate every time we touch upon those things with the idea that we are making conditions so much better when we are putting an end to everything that was done in the past.

Mr. CAMPBELL: I would like to ask the hon. member whether he is in favour of carrying out the fundamental principle contained in this agreement, namely, of handing their natural resources back to the provinces?

Mr. BOURASSA: Of course I am. I am glad my hon. friend raises that point, because in 1904 in the preparation of the autonomy bills—and this is no secret now; it is a matter of history—I was the first to suggest that we should there and then hand over all the lands and natural resources to the provinces. If my personal views had carried, the western provinces would have had their natural resources twenty-five years ago. But I was equally clear in saying: If we remit to them the material goods to which I consider they are entitled, we have at the same time the bounden duty to maintain the word of honour that has been given in the name of the crown by the whole parliament of Canada that minorities, whether small or big, whether Catholic or Protestant, whether Liberal or Conservative, whether influential or otherwise, having a moral right, shall have that moral right preserved by parliament. I do not like to speak too much of this, because I feel what I felt in those days when I saw a government led by Sir Wilfrid Laurier falling down from "the rock of constitution" because he was blackmailed on the one hand by an unscrupulous politician and on the other assailed by unscrupulous opposition. I beg your pardon, Mr. Speaker, but these are reminiscences of my youth. I prefer remaining on the ground I have adopted ever since this question has been before us. Three years ago I toured and spoke in every centre of the west. I chose as the subject of one lecture this matter of natural resources and lands, and I think some of my hon. friends were present when I spoke. I did so at Edmonton, the very capital of the province in which that difficulty had arisen, and I think every man who was there, who heard my remarks, realized how false was that legend of Quebec domination and Quebec endeavouring to impose its will upon the western provinces. I used there the same language as I use here, and as I have used in the whole Dominion.

I reserve for the committee a few observations I may have to make on the school clause, but before the second reading passes I simply

wish to say that I am unreservedly in favour of the main principle of these three bills; I have always been, even when the Liberal party was not in favour of it and even when the Conservative party could not see its way clear to giving to the provinces their resources. Of course, as is always the case before an election, there is now keen rivalry between the two parties as to which is to give the most to the west.

At the same time I feel we should not begrudge the broadest interpretation possible and all that we can still give of guarantees to the minorities that are there, because if it is sacred to consider the rights of majorities as far as money interests, lands, water powers and forests are concerned, for a nation to become one worthy of the name it is still more important to preserve the sanctity of word given whether it be to one man or to one million, to a powerful majority or to a small minority, in matters of moral right.

On motion of Mr. MacLaren the debate was adjourned.

At eleven o'clock the house adjourned, without question put, pursuant to standing order.

Wednesday, April 30, 1930.

The house met at three o'clock.

BANKING AND COMMERCE

Mr. FRANCIS WELLINGTON HAY (North Perth) presented the fourth and fifth reports of the select standing committee on banking and commerce.

Mr. HAY moved that the fifth report be concurred in.

Motion agreed to.

PENSIONS AND SOLDIERS' PROBLEMS

Mr. C. G. POWER (Quebec South) presented the fourth report of the special committee on pensions and returned soldiers' problems, as follows:

Your committee have considered Bill No. 19, an act respecting war veterans' allowances, and have agreed to report it with amendments.

Commencing with its preamble, several substantive amendments have been unanimously adopted.

For the greater convenience of parliament, your committee have agreed to reprint it in its amended form.

GRAND TRUNK RAILWAY COMPANY

PETITIONS OF FIRST AND SECOND PREFERENCE STOCKHOLDERS.

Mr. R. S. WHITE (Mount Royal): Mr. Speaker, I have the honour to present and deposit five parcels of petitions containing approximately 3,000 signatures of the first and second preference stockholders of the Grand Trunk Railway Company of Canada, residing in Great Britain, humbly praying that this honourable house may consider the claims of the petitioners in connection with the disposition of the properties of the said railway company in Canada, Great Britain and the United States of America, and further praying for such relief as to this house may be best adapted to the necessities and merits of the case of the petitioners and most consistent with the rights of all parties.

PRIVATE BILLS

SUSPENSION OF STANDING ORDER 92 RESPECTING PETITIONS

Mr. L. G. BELL (St. Antoine): Mr. Speaker, I beg to move, seconded by Mr. Geary:

That the following petitions severally praying for private bills, which were read on April 29, but not received on account of being presented after the time for receiving such petitions had expired, together with the report of the clerk of petitions thereon, be referred to the select standing committee on standing orders for the purpose of considering the suspension of standing order 92 in relation thereto:—

Of Stauntons Limited, for a bill to extend patent 163,389.

Of Herman Howard Gray, and others, for a bill to incorporate "The Hamilton Life Insurance Company."

Of Rebecca Caplan, for a bill of divorce.

Of Frances Evelyne Rosser, for a bill of divorce.

Of Elsie Florence Katharine Vincent, for a bill of divorce.

Of Ethel Adine Ross, for a bill of divorce.

Motion agreed to on division.

THE BUDGET

PRESENTATION ON THURSDAY—SUSPENSION OF STANDING ORDER 28

Right Hon. W. L. MACKENZIE KING (Prime Minister): I believe there is a general expectation on the part of the house and the country that the budget will be brought down to-morrow. The government was anxious before bringing down the budget to conclude the debates on the several agreements which have been under consideration. I am of course not in a position to say whether these debates will be concluded this afternoon, but in any event I assume that if the budget is brought down to-morrow it will be the wish of hon. members not to continue the debate on the budget immediately thereafter. In that event we could resume consideration of any business which is left in an unfinished state. As the rules provide that the Speaker must leave the chair without question being put on Thursdays and Fridays, a motion for the suspension of that