

to be for the general advantage of Canada, then the Government of the Dominion can take that local undertaking over. It then ceases to be local; it becomes national. The attempt in this Bill to get around that clause of the constitution was rather ingenious. After saying 'that the highways were to be taken over for the general advantage of Canada,' it said 'we will pay this money on the condition that the provincial legislature and the Lieutenant Governor in Council will agree to our so doing.' Now, I hold they cannot agree to surrender their power over the highways any more than they can surrender their power over education, or hotel licenses, or anything else of a local nature. It is not in their jurisdiction to surrender any power given to them under the constitution, except with the consent of the Imperial Government. If they were allowed to surrender under an agreement with the Dominion Government, any power they possess, they could surrender every power they possess, and our Confederation would cease to be a confederation. It would be a legislative union, and you would pull down the whole fabric of Confederation. I have here a remark of Lord Watson of the Privy Council, on that question. He says that the Dominion cannot give jurisdiction, or leave jurisdiction, with the province. It cannot give jurisdiction, and it cannot leave jurisdiction with a province—that is it cannot give the province more than it possesses and it cannot leave with a province anything it does not possess. The provincial parliaments could not give jurisdiction to the Dominion Parliament to enter on the domain of a province. If they have that jurisdiction, they possess it by virtue by the Act of 1867. I think we must get rid of the idea that either one or the other can enlarge the jurisdiction of the other or surrender jurisdiction to the other. Thus the Highways Bill is, ab initio, a violation of the constitution, and I would say to my hon. friend on a question of such vast importance, that before he introduces another Highways Bill, he ought to get the advice of the Supreme Court, and carry the case as far as necessary, in order that we will not be asked to legislate in the dark, and under grave doubts on such a question as is involved in the Highways Bill. Do not let it be supposed for a moment that the Senate is not inclined to help the provinces. We did not object to the Bill to grant aid to agriculture, because the Dominion has concurrent jurisdiction with the provinces. We were glad to give the provinces that as-

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sistance. But, when you come to subsidize the provinces, if it is for work which is under the jurisdiction of the provinces, if it takes from the Dominion treasury money which does not belong to the province, and which the Dominion holds as a trustee for the people of Canada, then you are travelling on very dangerous ground, and I do hope that our rejection of this Bill, or rather our amendments to this Bill from time to time will be a warning to the Department of Justice, and to the distinguished leader of the Government to see that the Senate is not asked any more to dispose of a Bill which I believe is not—though I do not claim to be a high constitutional authority and simply give a warning—to be within the purview of the House of Commons.

Let me go on a little further. I noticed several other Bills are being treated as having been rejected by the Senate and are not to be re-introduced on that account. For instance, the Highways Bill is not going to be introduced. The Branch Lines Railway Bill is not going to be introduced. The Naval Bill is not going to be introduced. Why this shivering on the shore? Why this dread of the opposition of the Senate, if these Bills are right? Britain had a Home Rule Bill in 1886. The House of Lords did not want it. Gladstone did not stop there; he introduced another in 1893. The House of Lords did not want that one. Then in 1911 the Government of the day simply said to the Lords; this Bill is absolutely necessary we think, and we will see that it does pass! But this Government of Canada at the present moment thinks the Highways Bill and the Branch Lines Railway Bill are good; but good as they are they must stand over until Providence comes to their help. It is not the will of the people they are considering in this case; it is rather the ability of the undertaker to do a certain amount of work. And when he does it, he is quite sure that dead men tell no tales. How could they offer any opposition to the members of the House of Commons? They may rise in their shrouds and haunt them, and very probably they would, haunt the government for being so timid in a matter of so great importance to the Dominion. But whatever the ghosts of these senators may do, living senators in this Chamber have a right to expect more from a Government with a majority of thirty or forty, yet we get no more.

Let me go on to consider the next Bill which is not to be brought down, the Branch