

justification for the language which appears here and there through this act, making it retroactive, clearing up doubts about past actions of this parliament, he must accept the position that any legislation he introduces must be in conformity with this act.

Mr. DUNNING: Of course.

Mr. STEVENS: I am quoting the resolution, which will be the act.

Mr. DUNNING: This is a constitutionally limiting act; that is all.

Mr. STEVENS: Certainly this is a constitutionally limiting act, and my hon. friend will have to found his legislation upon it. But let me proceed. The resolution goes on to say this:

The government of Canada may, . . . out of any revenue received or collected by the government of Canada or any department or officer thereof for or on behalf of the province, make payment direct to a creditor of the province of any amount owing to such creditor. . . .

The minister may say that he will never do that. I am not saying that he will, but I am pointing out in the first place that the government have removed from the provinces any rights they may have under existing legislation, and in the second place they are giving a right or a power to a federal finance minister or government to effect payment direct to a creditor of a province of any amount owing to such creditor under the guarantees, without consulting the province at all. The minister will say that he would never do that, and I do not think he would.

Mr. DUNNING: This does not contemplate it.

Mr. STEVENS: But it is there. I am not a lawyer, nor am I reflecting in the slightest degree upon lawyers, but I say that if that meaning is not in the clause I do not know the English language. Some of us have been in parliament long enough to know from experience that, after someone has assured us that thus and so is not meant, we take up our newspaper six months, two years or even ten years afterwards, and we find that the courts have interpreted the language entirely differently from what we were led to believe was meant. You cannot read that language and say that a minister of finance in a federal government has not power to effect payment in whole or in part of any such amount by payment direct to a creditor. The federal minister, if he is so minded, can pay direct to the creditor without consulting the province.

Mr. DUNNING: That is the arrangement. The provinces do not have to come into it.

Mr. STEVENS: If men, with both hands tied, and faced with disaster in the provinces, are told that they can accept or reject a ten or twenty million dollar loan or guarantee, will they not take it? Tell me of any bankrupt business man or other private individual, any province or municipal government that would not do so. The hon. member who is mayor of Vancouver (Mr. McGeer) and who has spoken here frequently can tell of the dilemma with which some of these cities are faced. When they come to the federal minister and say, "Here is our position; we need five or ten million dollars," and the minister says, "All right, we will give you five or ten million dollars, but these are the only conditions upon which the loan can be made," I do not care twopence what the minister's will may be; those will be the conditions.

Mr. DUNNING: Is it unfair?

Mr. STEVENS: No; I will say this to the minister—

Mr. DUNNING: Is it unfair?

Mr. STEVENS: I will limit my answer to this, that without knowing what rights the provinces are surrendering under section 2, I cannot say whether it is fair or not. Parliament ought not to pass this resolution until its members are fully aware of what rights the provinces may be surrendering under the "notwithstanding" clause of section 2.

Mr. DUNNING: None.

Mr. STEVENS: None? I should not like to say that. I am under the impression that they have certain rights. I am not prepared to cite them. I am not a constitutional authority, but from arguments I have heard on the matter I know there are certain rights accruing to the provinces—one was cited here this session—which enabled them at least to resist any, shall I say ruthless, action on the part of the dominion government. Do not conclude that I am suggesting that such action will be taken by the present government, because this part of the legislation will probably not be effective for ten or possibly fifteen years, and it is not likely that my hon. friends who are now on the treasury benches will be there at that time. I do not care what government—

Mr. DUNNING: Let us say, any government.

Mr. STEVENS: I submit that until we know what we are surrendering we should not pass this resolution.