

That means that if the province of Alberta, we will say, desired to do so it could pass a statute providing that all moneys received from royalties on coal and oil and gasoline should be placed in the bank in a special fund and utilized for the purpose of making good any payments that might be payable or had been made by the dominion under its guarantee of provincial securities. That is a contract. If one looks at this provision carefully it merely says:

The legislature of any province may charge the principal, interest or sinking fund of the guaranteed securities on any revenue of the province—

Does that power not now exist? Can it be successfully denied that it exists? Does anyone seriously question that it does not exist? Let me give an illustration. In Newfoundland they charged the gasoline tax for the purpose of making good the interest on securities, having conferred a monopoly upon an oil company that undertook to lend and did lend them certain moneys. Newfoundland had no larger powers with respect to this matter than has the province, under the decisions of the privy council. The province has supreme and exclusive control over property and civil rights. The province has supreme and complete control over the question of what it shall do with its revenues, unless indeed with respect to school funds where there is the limitation that they must be used for certain specific purposes. But eliminating that, they have freedom of action, and in the exercise of that freedom of action it is now said that they must go to Westminster and secure a statute saying that they may enter into a contract for the purpose of passing a statute that will enable them to charge a given fund with the payment of any moneys that the dominion may have to pay for the purpose of making good its guarantee on any bonds or securities that may have been guaranteed.

I think the mere statement of the proposition completely refutes the necessity for any such legislation. It places the provinces, each of them, in a subordinate position and denies them the powers which over and over again the courts have said they possess, that is, the power to make contracts of any kind, nature, form or description whatsoever, within the ambit of their powers, when once authorized by the legislature. Section 92 certainly would enable them to do anything they pleased with their revenues regardless of whether we thought it wise or unwise. Some of us may have thought that certain expenditures made by provincial legislatures were very unwisely made, yet we have no

control over them. Certain provincial legislatures may have thought that expenditures made by us in this parliament were very unwise, yet they have no control over us except to the extent that they may be electors and thus able ultimately to express their opinions through the ballot box. Certainly there is no legal or constitutional authority to which reference can be had which deprives any province of the fullest possible power to make a contract on any terms or conditions it pleases within its jurisdiction.

That is the position I take with respect to this resolution. I do not do that for the purpose of opposing the resolution; I do it for another purpose. I do it for the purpose of trying to assert in my poor way the right of legislatures created under the British North America Act, and of this parliament, not to go to Westminster to seek fresh powers when powers already exist, for I believe the language used by the privy council in connection with our constitution makes it abundantly clear that there is nothing that could be done by that parliament that has not been done to clothe our legislatures with all the powers a province could possess under the constitution, and the dominion with all the powers a free nation could possess, subject of course to the question of our amending our own constitution and dealing with the rights of the crown.

The last paragraph deals only with the title to be given to the statute. Now I think I have concluded all I desire to say with respect to these various branches of the case. May I say to my learned friend the Minister of Justice (Mr. Lapointe) that I direct my arguments to him not as a partisan or as a political opponent but as a student of the constitution, and not a very close student now, for I have not the time to follow it with the care I once did. I speak, however, as one who has, as I believe the minister has, a realization that we must not seem to be clothed with less powers than we have. To admit that is to deny for the future—a position which I think would be something undesirable—that the provinces possess all the powers that the imperial parliament, in the plenitude of its powers, could confer upon them and that this dominion parliament has all the powers that any nation could have, with the limitations that I have mentioned.

Now let me go one step further. Yesterday the minister made some reference to observations that had been made by the late Sir Wilfrid Laurier with respect to the financial relations between the provinces and the dominion. No question has more closely engaged the attention of students of our constitution than that, and it will be remembered