

examining into the Bills that have been passed by this House to authorize the transfer, I have come to the conclusion that it was not necessary to consult the other provinces.

At the Dominion-Provincial Conference, held about two years ago, claims were made on behalf of all but two provinces, Ontario and Quebec, for better terms from the Federal Government. After the various claims had been discussed the responsible representatives of those two great provinces declared that they had no objection to the Dominion of Canada giving such treatment as it deemed fair and proper to the western and the eastern provinces, and that so far as Ontario and Quebec were concerned, they would make no counter claim for compensation as a result of any benefits that the other provinces received. It was virtually a love feast.

With regard to the question whether any of the provinces have the right to be consulted in certain matters affecting the Dominion and other provinces, I desire to say that in these present instances there is no necessity for consultation with the provinces not directly interested. The Province of Manitoba was created by Act of the Canadian Parliament under authority given in section 146 of the British North America Act. British Columbia was taken into the Union by virtue of the same clause. The Parliament of Canada considered that this clause gave it full power to act as it did with regard to those two provinces. Doubt was expressed in some quarters as to the right of Parliament to grant a constitution to any of the provinces, particularly to Manitoba. In order to remove the doubt as to whether the Parliament of Canada was on solid constitutional ground in creating the Province of Manitoba and granting it a constitution, special powers were sought the following year from the Imperial Parliament. The British North America Act was amended by an Imperial Act on the 29th of June, 1871. The amendment conferred upon the Parliament of Canada the right to establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof. It also contained a clause confirming the act of the Canadian Parliament in creating the Province of Manitoba. The British North America Act, section 146, and the amendment of 1871, gave to the Dominion of Canada the power to constitute and organize provinces. Under this authority the Federal Government could have given to Manitoba, Saskatchewan and Alberta the very powers that are now being handed to them by the measures passed at this session. Instead of doing this, Parlia-

ment retained control over the natural resources of the Western Provinces. Now it is held that the Parliament of Canada, having exercised its power to create and organize the Western Provinces, has no further power to amend the constitution of the provinces unless authority is secured from the Imperial Parliament.

Hon. Mr. GRIESBACH: May I interrupt the honourable gentleman to ask whether the Acts of the Parliament of Canada creating the provinces of Alberta and Saskatchewan in 1905 were later approved by the Imperial Parliament?

Hon. Mr. DANDURAND: I can answer that in the negative. Because one's memory may be faulty on a matter of that kind, I have made inquiries and verified my recollection. There was no confirmation by the Imperial Parliament of the charters given by the Parliament of Canada in 1905 to Saskatchewan and Alberta. Those provinces were created by virtue of the powers given to the Dominion Parliament in section 146 of the British North America Act of 1867 and the amendment of 1871.

Hon. Mr. GRIESBACH: Would the honourable gentleman state what is the difference between the legislation of 1905, which did not require sanction by the Imperial Parliament, and the present legislation, which apparently does?

Hon. Mr. DANDURAND: The honourable gentleman will realize that section 146 of the British North America Act, and the amendment of 1871 which confirmed the power to create Manitoba, were sufficient to enable the Dominion Parliament to constitute the provinces of Saskatchewan and Alberta. When the Canadian Parliament had created those provinces and given them their charters, it could not change any of the provisions in those charters, or modify them in any way, without the sanction of the Imperial Parliament. It is because we have not the power to change the constitutional Acts which created those provinces that we must apply to the Imperial Parliament now.

Hon. D. O. L'ESPERANCE: Honourable senators, before the motion is put, I should like to ask the honourable leader a question. He said a moment ago that at the Dominion-Provincial Conference there were claims made for better terms on behalf of all the provinces but two, Ontario and Quebec. Within the last two or three years a very important judgment relating to the Province of Quebec has been rendered by the Privy Council on the La-