

thereto which have been made since, specifically mentioning that those grants must be paid yearly but that the dominion has the right to deduct the amounts for the interest on the public debt in excess of the amount mentioned in the act, debars absolutely any right to deduct any other sum than the one mentioned specifically in the constitution and the amendments thereto.

To show that special provision must be made for the future in cases of arrangements of this kind, I refer to an imperial act of 1892, chapter 52 of 55-56 Victoria, authorizing an advance to the government of British Columbia. An arrangement had been made between the imperial parliament and British Columbia with regard to the settlement in that province of families from parishes in Scotland. I do not know whether my hon. friend the Minister of National Defence (Mr. Mackenzie) came out at that time.

Mr. DUNNING: When was this?

Mr. LAPOINTE (Quebec East): In 1892. However, an advance of £150,000 was made in virtue of this act by the treasury to the government of British Columbia. The debentures of the province were given to the treasury as security, and this amount was to be repaid by instalments. Section 4 of this act provides against the possible action of the legislature of British Columbia in the future. It reads:

Every act hereafter passed by the legislature of the province of British Columbia which in any way impairs the validity or priority of the charge upon the revenues of the province of the principal or interest of any advance made or debenture deposited in pursuance of this act shall, so far as it impairs such validity or priority, be void unless the previous consent of the treasury has been obtained.

There British Columbia had all the rights possessed by the provinces of to-day, but the imperial parliament did not trust that arrangement with the provinces as binding in the future, and protected itself against possible repeal of the legislation which provided this guarantee.

Mr. BENNETT: Mr. Fielding did the same thing with respect to our trust securities.

Mr. LAPOINTE (Quebec East): Yes, I think he did. Does anyone think—do you think, Mr. Speaker—that we introduced this resolution simply for the purpose of enjoying ourselves, or to hurt or do harm to anybody? If we had all the powers which my hon. friends claim we have already, it would have been so easy to exercise them and not be subjected to the criticism we have been

[Mr. E. Lapointe.]

meeting yesterday and to-day. We thought, and we are sure, that this is the proper way to protect ourselves. I make bold to say that if my hon. friend the Minister of Finance (Mr. Dunning) had brought into the house legislation such as he will be able to bring in after this amendment is made, without having first had the British North America Act amended, in my imagination I can hear the voices of my hon. friends strongly criticizing us and declaring that we were assuming powers which did not belong to us. This resolution is merely for the purpose of doing the right thing in the right way, and I do not see that we deserve all that has been said yesterday and to-day with regard to this matter.

Of course it may be a question of a different state of mind, a different mentality. We want to be sure that we have a right before we make use of it. I remember well, a year ago, the government of that day introducing in the house many pieces of legislation which a good many hon. members thought the parliament of Canada had no authority to enact. My right hon. friend—and I admired his courage in those matters—said, "I have the right and I am going to use it." Of course he did so, but I am not sure that my hon. friend from St. Lawrence-St. George was so sure of the constitutionality of some of those statutes. However, at the present time there are eight references before the Supreme Court of Canada. The other day in his speech on the address my hon. friend said that it was a mistake to make such references even if we were not sure. He said that lawyers generally held the conviction for years that the Lemieux act with regard to industrial disputes was ultra vires of the Dominion of Canada, but we left it on the statute books until someone challenged its validity and the privy council declared it void. My hon. friends thought that was the proper way to act. I do not think it is the proper way. I believe that before taking a step involving the expenditure of millions of dollars belonging to the Dominion of Canada we must be sure of our law, and it is not after the thing is on the statute books that the ratepayers should be compelled to apply to the courts in order to ascertain whether or not the legislation is valid.

Then my hon. friend from St. Lawrence-St. George, supported to some extent by my right hon. friend the leader of the opposition, criticized the drafting of the resolution. My hon. friend said that he did not know where section 2A would come in the section as amended. Well, I suggest that there is no