

has precedence that cannot be done; you cannot take away from a private member the rights and privileges which he has enjoyed for two or three hundred years. I am not going to urge that, however, because I sympathize with the government in their endeavour to restore order to the finances of the country.

As I see it this resolution is also unfair to His Majesty's government in the old land, in loading them up with the settlement of this involved question without a petition from the provinces to the Governor General of Canada, setting out the exact terms on behalf of each province. I am not aware that any petitions have been presented so far this session, and there has been no conference with the municipalities to protect their rights from this invasion. Before this resolution was proposed why was it not considered by the banking and commerce committee or some other committee of the house? Last year a committee was appointed to consider the British North America Act, and this resolution runs contrary to the principles laid down by that committee and the opinions of its witnesses, which reviewed all the authorities and decisions I have already named, regarding sections 91 and 92.

If this resolution is followed by an act of the imperial parliament I say that not only will it destroy the municipal institutions; it will also constitute a gross invasion of the property and civil rights of the provinces. It is against the ordinary principles of British justice to take away all these powers of taxation from the municipalities without their knowledge, consent or advice, because any act passed by any parliament in the British dominions must not be contrary to the ordinary principles of natural justice without a municipality hearing first of how it will affect them. What is going to become of the municipalities? How are they to be reimbursed for the amount of money that is to be taken from them and handed over to the provinces, that do not need it and that have natural resources, lands, mineral wealth, corporation taxes and so on, which the municipalities do not have? I wish to protest against such a gross invasion, because, as I see it, it is taxation without representation. This resolution hands over the right of indirect taxation to the provinces. I say that is taxation without representation, because the government of the day have no mandate from the people to upset the act which has been in effect ever since 1867. The government of the day, whether dominion or provincial, has no mandate to do this, and it should not be done without the knowledge

and consent not only of the legislature but of the people as expressed at the polls. Here it is being done without even a conference with the municipalities.

As I have already stated, in connection with matters such as these the courts of the land will not deal with abstract cases. They want concrete questions. We found that out before the Beauharnois case in the reference to our supreme court, in connection with the rights of navigation as against power, as between the provinces and the dominion. We on this side of the house objected to some of the questions that were submitted. Those questions went to the supreme court, which decided they could not answer the questions categorically, in the abstract, that they would require some concrete evidence. Here, without any concrete evidence as to how this taxation clause is going to affect the municipalities, we are going over their heads in an abstract way. My hon. friend the former mayor of Hamilton can tell the house what is going to happen there. I would refer particularly to paragraph (ii), having to do with the patronage of hotels, restaurants and places of amusement or entertainment. These are very large features in the income of a municipality, so much so that the municipalities are required to maintain large police forces to regulate and protect them. In one of the rinks of a large municipality I know they have numerous policemen on duty, as well as firemen to enforce the fire regulations. Are the municipalities to be required to maintain all these free services without getting a copper from the present licence system towards their cost? I say that should not be done, and I believe this is a direct invasion of the principles of confederation. As I have said, we have all the power we need if we would only exercise it. Just because certain officials tell the Minister of Justice and Attorney General of Canada that they think we have not the power to create a loan council and need legislation does not make it so. I can find no decision of the privy council to support such an attitude, and I do not think any court of law would say so. I do not think any amendment is necessary in order to give effect to the policy of creating a loan council, if the government of the day wish to do so.

Mr. Edwards' opinion, as I have read it, indicates that the federal power has residuary powers which the provinces have not. That is one of the main differences between our constitution and those of some other federations and confederacies such as I mentioned before. The question is: Was confederation a contract or not with the provinces when