

The present Chief Justice of the Supreme Court expressed the same idea in the following terms:

"...it is evident that the Dominion may grant sums of money to individuals or organizations and that the gift may be accomplished by such restrictions and condition as Parliament may see fit to enact. It would then be open to the proposed recipient to decline the gift or to accept it subject to such conditions".

And, in the Privy Council, as reported in the same Reference, Lord Atkin, handing down the court's decision, said this:

"That the Dominion may impose taxation for the purposes of creating a fund for special purposes and may apply that fund for making contributions in the public interest to individuals, corporations or public authorities could not as a general proposition be denied".

I have heard some people say and there are others who have even written in newspapers with large circulations, that so doing would constitute a fraudulent misuse of funds.

They said it, for instance, about family allowances, but they do not say it in all cases for it is by virtue of the same right that the federal government is able to make equalization payments to provincial governments, to help finance hospital construction, technical and vocational training or conservation of certain natural resources, even though legislative responsibility in these fields belongs exclusively to provincial legislatures. It is this same power which enables the federal government, if it sees fit, to offer bursaries to students, or grants to universities. Such assistance can well be granted without "making laws in relation to education"; otherwise, private individuals and industry, who certainly do not have the right to enact such laws, would not be able to offer assistance to education.

In fact, this same royal prerogative is also enjoyed by provincial legislatures. That is why the Quebec government, under Mercier in 1890, was able to make a grant of \$10,000 to the University of Toronto and, more recently under Mr. Duplessis, to provide the sum of \$50,000 to the University of Ottawa. The Quebec government certainly cannot enact legislation with regard to education in Ontario nor in any other province outside Quebec; and yet it had the right to offer those gifts. At the same time there was no suggestion on the part of the Ontario government that this was an invasion of its rights. On the contrary the Ontario Minister of Education, in his annual report for 1905 expressed his gratitude to the Quebec government for the action it had taken in 1890. Moreover in later years the government of Quebec has made substantial grants to institutions situated in other provinces for secondary education.

Therefore, the federal governmental has the right to offer financial assistance in all fields of culture, and it rests with the federal government to decide the purposes for which it is offered, and who is to benefit from it. In other words, these problems are a matter of national cultural policy in respect of which the federal government also has responsibilities.