

minster to enable us to guarantee securities of the province of Alberta? Can that be suggested? I think not. The very discussion that is now taking place indicates that this resolution should have been drawn in different terms. If it is to quiet doubts, one can understand it, but if it is a claim that the power does not exist, I am opposed to it. This parliament has the power, upon the broad general principles that in recent years have governed the construction of the British North America Act, to guarantee anything that it desires to guarantee as far as payment of money is concerned; and the legislature of each province has supreme and complete control over its own revenues. To say less is to indicate that the legislatures are subordinate to some body; and how can they be subordinate when the privy council has declared that each legislature is supreme within its jurisdiction, and has all the powers that the imperial parliament in the plenitude of its power can confer upon it? In other words, in the language of the Lord Chancellor which I read yesterday, they have exhausted the grant of their powers; they have given everything that can be given. If the purpose is to quiet doubts, I can understand it, but to ask for fresh powers is to imply that the province of Quebec, the province of Ontario, and the other provinces of this confederation have not been clothed with all the power that the imperial parliament can confer upon them. But the privy council, the court of last resort, has made it abundantly clear that the imperial parliament has conferred upon the legislature of every province of Canada all the powers it possessed with respect to such matters.

Further, it must be abundantly clear that there is no such thing in this regard as subordination to any parliament. This parliament is not subordinate to the imperial parliament, nor is the legislature of any province subordinate to this or any other parliament. That point was dealt with in these words by the privy council:

Their lordships do not think it necessary to examine, in minute detail, the provisions of the act of 1867, which nowhere profess to curtail in any respect the rights and privileges of the crown, or to disturb the relations then subsisting between the sovereign and the provinces. The object of the act was neither to weld the provinces into one, nor to subordinate provincial governments to a central authority, but to create a federal government in which they should all be represented, entrusted with the exclusive administration of affairs in which they had a common interest, each province retaining its independence and autonomy. That object was accomplished by distributing, between the dominion and the provinces, all powers executive and legislative, and all public property and revenues which had previously

belonged to the provinces; so that the dominion government should be vested with such of these powers, property, and revenues as were necessary for the due performance of its constitutional functions, and that the remainder should be retained by the provinces for the purposes of provincial government. But, in so far as regards those matters which, by section 92, are specially reserved for provincial legislation, the legislation of each province continues to be free from the control of the dominion, and as supreme as it was before the passing of the act.

The statement I have just read arose out of a case in which a province claimed priority in the right of the crown in winding up proceedings, and did so successfully. Likewise in the case which involved the granting of a patent for what was then queen's counsel. These cases established that within the ambit of the powers conferred upon it by section 92, the province is as supreme an entity as this dominion is, which possesses all the powers that it is possible for a self-governing country to possess. The construction placed upon section 92 makes it abundantly clear that the imperial parliament has conferred all the powers within its jurisdiction or power to confer.

Mr. THORSON: I do not wish to interrupt—

Mr. BENNETT: It is quite all right. As a matter of fact I should rather welcome it.

Mr. THORSON: Before the right hon. gentleman proceeds to his next point, may there not be some doubt as to the power of a province to divest itself by agreement of its constitutional right to receive money? A province cannot delegate its powers. Can it divest itself of such constitutional rights as it possesses?

Mr. BENNETT: One expression the hon. gentleman has just used, "the province cannot delegate," is not quite accurate. *Delegatus non potest delegare* does not apply with respect to a province, because—

Mr. THORSON: I meant the constitutional power of legislating.

Mr. BENNETT: The creation of municipal institutions implies a delegation of powers, looking at it from one angle, but the privy council has said that that is not a delegation in the sense in which that word is normally used. My hon. friend from Selkirk (Mr. Thorson) and myself will be in agreement that it is not competent for a province to divest itself of its constitutional powers—if that is what he means. For instance, that was settled in the referendum case from