

court," and he presented a very powerful petition to that effect to the government of the day. Sir John Thompson considered the matter and wrote a letter to his prime minister in which he pointed out that in his opinion a government should not shirk its responsibility, but face it. Then it was that Sir John A. Macdonald wrote this letter to Sir John Thompson—bear in mind that this was only twenty-two years after confederation. The Supreme Court Act had been placed there at the instance of Mr. Edward Blake. This is in part the letter:

July 24, 1889.

I have made a note on the margin on the 10th page, merely for the purpose of calling your attention to the grave danger of the practice of summary application for advice to the Supreme court being resorted to. It would quickly grow, and a dominion ministry, careless or ignorant of constitutional principles, might on every question of public interest, for popularity or some sinister purpose, freely use the power of reference. A Mercier government would leave every question to the Supreme court, if it thought the courts below were adverse to its wishes. And it would be an inducement to pack the Supreme court with its partisans, imitating in that respect the government of the United States.

The courts below would gradually be ousted of their jurisdiction, and a new star chamber formed. I don't think this at all an imaginary danger. Lastly, I doubt the policy of alluding, as is done on the 16th page, to what is stated in some quarters, although not in the petition, but I don't feel at all sure that I am right in my doubts.

That is the letter of one who was regarded as a father of confederation. He pointed out, very properly I think, the bad practice which comes from shirking and evading and escaping responsibility by referring a matter to the supreme court, whose opinion, mark you, is advisory only; more, it is not that of a court as such but of the judges *persona designata* for the purpose of giving that opinion; that is all. Under those circumstances you have unrest, distrust, suspicion. I say to the Minister of Justice (Mr. Lapointe) that while I agree with him wholly in his disallowance of the statute denying rights to the courts in the province of Alberta, I almost ventured to be impudent enough to suggest to him that, having disallowed that statute, he should leave the banks to fight out their questions with the courts. I recall that when I was at the bar I was defending an action brought by the province of Alberta against the Royal bank in connection with the Alberta and Great Waterways Railway in which a deposit of some six million odd was changed from being a time deposit to the credit of the province's general account. The action succeeded in the courts of Alberta: then it was

[Mr. Bennett.]

that the bank in question applied to Sir Robert Borden for disallowance. Sir Robert Borden fixed a time at which argument was heard. I did not appear, so I can speak about it frankly. They made a lengthy argument; the matter was considered by the committee of the privy council, and finally advice was given that the matter, then being in the courts, should be left in the courts and the power of disallowance should not be exercised. That gave the bank the chance to fight the case to the privy council, where, as is known, they succeeded. But the point I desire to make clear is that if we get into the habit of escaping the responsibility that belongs to the executive—and I am not saying that in an offensive sense—the very conditions to which Sir John A. Macdonald alluded will inevitably follow. If on the other hand we exercise the power promptly, and say—as I tell the Prime Minister and the Minister of Justice quite frankly I think we should say—to all the world that any provincial legislation which denies the right of any citizen to go to the courts will be disallowed by the government as a matter of policy, I believe it would serve a useful purpose, and would avoid the criticism being urged that in one case you did one thing and in another case, another.

As a distinguished journalist said the other day, there are two things we must deal with in this country. One is, to use the language so prevalent in these days and so apt, we must conquer poverty. I am well aware of the words of Holy Writ, "The poor always ye have with you." That is true. But we can lessen poverty. The other day I had a letter from Taber, and I confess that I found it difficult to continue work. Here was a family whose children were without clothes, and, covered with rude coverings, who kept warmth in their bodies by staying in bed; the father was without work and could not get it; he had been a miner when they were carrying on operations there. I could cite countless cases of this kind. I could mention similar cases in other parts of Alberta that came within my own immediate knowledge in the weeks I spent there during the last few months. Cannot we as a people do something to remedy such conditions? I think we can. The work may be slow, it may be difficult. Take, for instance, the proposals made by Mr. Purvis. He suggested a large scale operation which he thought would bring about an improvement in conditions, and the conditions that he says should be improved are those under which initiative is being destroyed by lack of employment and by payment of relief. Some steps have been taken for the purpose of lessening the numbers on