provinces claiming the rights of sovereign states. To quote the language of a commentator, the central government seems to have abdicated and permitted its power to go to the capitals of the various provinces. That is a condition which I think cannot possibly continue.

No man who is familiar with the history of the United States can fail to remember the great struggle that took place between the states and the central power. The suggestion that the states were sovereign powers was put forward by Calhoun and Hayne. The great debate in the senate between Webster and Hayne was to decide whether they should have a strong union or whether there should be a group of sovereign states gathered together in a loose form of government. That was the issue, so effectively dealt with in the reply of Webster. Hundreds of thousands of copies of his speeches were circulated in every part of the union, and the cry that had gone forward for the establishment of sovereign states ended.

For some strange reason there is a recrudescence of that very struggle in this country. There is a growing opinion that each province is a sovereign state and that unity in the sense of Canada as a whole is something that cannot be understood. It will be recalled that Clay always said that he was not of Kentucky or Virginia, that he was of the United States. He tried to make it clear that union was the essential thing. The United States ended that great struggle with a civil war, but there are none of us who contemplate such a possibility in Canada. But if we are to have a strong and vigorous Canada we cannot consider the possibility of there being nine sovereign states.

The only way we can secure that liberty which we hold so dear as against any form of compulsion is by maintaining with all our power the necessity of a strong central state. Canada is our country, not New Brunswick or Alberta or Saskatchewan. The nation is Canada, not the provinces that comprise it.

One of the reasons why we have these conditions at the present moment is the fact that in the minds of the people there exists the thought that all that could be done by the central power is not being done. That is the view they hold. When questions come up that should be decided by the executive, what do they do? Instead of deciding them, they refer them to the courts. The courts have no powers with respect to these matters. The Supreme Court of Canada is only advisory, and, what is more, it is not a court of original jurisdiction. The constitution gave us no power to create other than an appellate court in the Supreme Court of Canada. If under peace, order and good government we endeavour to set up a court, we cannot do so because section 92 contains the specific provision that the administration of justice and the establishment of courts belong to the provinces. That is the position.

When we refer to the courts the question of whether or not a given measure that was never a statute is or is not within the competence of a legislature, in my judgment we are taking a course that is injurious, if not inimical, to the preservation of the central power. Think of what we have done! The province of Alberta passed a statute or thought that it had done so. It got through the legislature, but when it came to the lieutenant-governor, he declined to assent. It then came down reserved to be dealt with by this government which had the power to say yes or no as the lieutenant-governor is a federal official. This was decided in the days of Governor Letellier.

Now what has happened? Instead of the government dealing with it, we have this anomaly, this precedent established—and think what it means—that a legislature which has to meet a few weeks from now will not know whether the action it took was taken properly or improperly. One can understand the idea of referring to a court a statute, because it represents the legislative effort of a legislature; but to refer something that is neither fish, flesh, fowl nor good red herring to a court for an advisory opinion is to beg the very question itself and to escape responsibility which justly belongs to the executive. There is no doubt with respect to that. Think where it leads. The question of referring these matters to courts is not one that should be lightly considered. Every question could be referred to the courts.

I find that away back in 1889 the late Sir John A. Macdonald was confronted with a similar situation, and the matter is dealt with in his correspondence. He was dealing with a question of tremendous import and of grievous difficulty. What had he to do? He found himself confronted with the Jesuits' Estates Act. There was an agitation asking him to disallow it. Did he listen to it? He asked for an opinion of the law officers in England, whether or not it was constitutional. His minister of justice, the late Sir John Thompson, was clearly of the opinion that it was constitutional. Then what happened? Lord Atholstan, who was borne to his last resting place to-day, conceived that it would be an easy way out of the difficulty if the matter were referred to the supreme court. He said, "There is the way out. All you have to do is to refer it to the supreme