

erected in Edmonton to house the staff who will look after the natural resources of Alberta. Arrangements are being made for the transfer of staff and files, for re-engagement, for dismissal, for promotions, appointments, superannuation, and so on. The whole matter is under way, and the result will be very serious if in the last hours of this session, after all these arrangements which mean so much to the Western Provinces have been passed by the various Legislatures and by Parliament, they are held up or hindered by a question that, while somewhat more than a constitutional quibble, is not of great importance in the present case.

Right Hon. Sir GEORGE E. FOSTER: I am sure my honourable friend would not infer from what I said that there was any disposition to hold up the legislation. It is not a hold-up to proceed step by step, and to leave one step to be taken at the next sitting of this Chamber, so that in the meantime the leader of the Government in this House may have an opportunity to learn the facts of the case as understood by the Government themselves. That is the information I ask for, and I do not think it is an unreasonable thing to want.

Hon. J. McCORMICK: I understand there has been no protest from any of the original provinces of Confederation, Ontario, Quebec, Nova Scotia and New Brunswick, nor from Prince Edward Island, which are aware of the discussion that has been going on in Parliament for the last three or four years concerning the natural resources of the Western Provinces. As this resolution is based on an arrangement made between the Federal Government and the Governments of the four Western Provinces, it seems to me that a protest against it could come only from any of the other five provinces. As my honourable friend from Edmonton (Hon. Mr. Griesbach) says, the people of the West are looking forward to the transfer of the natural resources. The Western Provinces are being given only the same right that the older provinces received under the British North America Act; that is, the ownership of the natural resources and the public domain. I can see no reason for delay.

Hon. Mr. DANDURAND: Honourable senators, I would draw the attention of my right honourable friend the junior member for Ottawa (Right Hon. Sir George E. Foster) to the fact that this resolution is but a consequential one. During this session we have approved of the agreements that were entered into between the Dominion and the four

Western Provinces. That having been done, it goes without saying that the next step must be a request to the Imperial Parliament to amend our Constitution in accordance with these agreements, in order that they may be fully legalized.

I have no objection whatever to the postponement of the motion for adoption of the resolution until to-morrow. But with respect to the statement made by my right honourable friend (Right Hon. Sir George E. Foster) that perhaps the legal advisers of the Justice Department or of Parliament should be asked about our right to proceed as we have been doing, without consulting the other five provinces, my impression is that there is no legal basis for the view that we should consult the other provinces, but that it is a question of policy for this Parliament to determine under what conditions it will by resolution ask the Imperial Parliament to amend our Constitution. It has been contended in this Chamber that no amendment should be made to the Constitution without the consent of the provinces. I remember that on one occasion when this subject was being discussed I wondered whether the consent should be obtained from the original provinces of Confederation or from the whole nine. I have never heard it affirmed that there was anything in the Constitution which bound this Parliament to obtain consent from the Legislatures for the amendment of the Constitution. As my right honourable friend knows, the Dominion Parliament has more than once had the Constitution amended without referring the matter to any province; but such amendments did not affect vital interests of the provinces, so far as their jurisdiction was concerned.

However, I believe that the Parliament of Canada would be going beyond the spirit of the agreement of 1866 if it undertook to trespass upon the privileges which were given to the provinces that originally entered into the compact. Parliament is but the creature of the provinces. Old Canada, New Brunswick and Nova Scotia, at the time of their union, agreed to delegate some powers to Federal authority, but they had the first and the last word as to what powers should be delegated. I doubt very much that we would undertake to send to the Imperial Parliament a resolution recommending an encroachment upon the rights that were retained by the provinces; for at the time of Confederation they had all the power. However, I do not think that would be a matter for our legal