

the Interior (Mr. Stewart), and on behalf of the province of Alberta by the Premier of Alberta and the Minister of Railways of the province, Hon. Vernon W. Smith. There is a promise given by His Majesty's representative that a bill would be introduced to return its natural resources to the province of Alberta. Well, that has not yet been done. But I find that last year there was referred to the Supreme Court of Canada a question for determination and settlement, under an order in council which reads as follows:

The committee of the Privy Council have had before them a report dated June 24th, 1926, stating that as the result of certain negotiations looking to the transfer to the province of Alberta of the public lands within that province, now vested in the crown and administered by the government of Canada for the purposes of Canada, an agreement was entered into on the 9th January, 1926, between the governments of the Dominion of Canada and of the province of Alberta, respectively, whereby it was agreed that certain provisions of the Alberta Act should be modified to the intent that all crown lands, mines, minerals and royalties within the province, and sums due or payable for such lands, mines, minerals or royalties should, from and after the coming into force of the said agreement, belong to the province, subject to any trusts existing in respect thereof and to the several other terms and conditions particularly set forth in said agreement. Subsequently, the two governments agreed upon certain additional provisions to be inserted in the said agreement relative to the transfer and administration of the School Lands fund and certain specified school lands, to parks and forest reserves affected by the agreement, and to the rights and properties of the Hudson's Bay Company. Notice was given by a resolution that a bill would be introduced into parliament, at its present session, to approve and give effect to the said agreement as so modified, but a question having been raised as to the constitutional validity of section 17 of the Alberta Act, relative to the subject of education and schools within the said province, it was decided not to proceed with the proposed legislation as drafted until this question of doubt could be authoritatively settled.

That matter was considered by the Supreme Court of Canada on the 7th of March and on the 20th of April, 1927, and on the last mentioned date a judgment was given unanimously deciding that the statute was constitutional and that the Alberta Act in every particular was within the legislative competence of the parliament of Canada. That was the unanimous judgment of the Supreme Court of Canada, given in answer to a reference made to it by the governor in council in which the specific question was asked, twenty-two years after the enactment of the legislation, as to whether or not it was within the constitutional competence of parliament to enact it. That question having been answered, as I have said, in the affirmative, one would naturally have

[Mr. Bennett.]

expected that the lands, mines and minerals would be turned over to Alberta and the promise given immediately implemented. But what happened? One would have thought, especially in view of the discussions that took place in this house as to our equality of status with relation to other sections of the empire, that the judgment of the supreme court would have been at once accepted, and action taken by the government accordingly. But what was done? Instead of that proceeding being taken, an application was made by petition to the judicial committee of His Majesty's Privy Council in England for the purpose of hearing an appeal when there was nobody to appear in the case as respondent. I happened to be in London a few days after, and I saw the transcript of what took place. When Mr. Lafleur, representing the Minister of Justice of this Dominion, appeared for the purpose of presenting his petition—mark you, a petition to the Privy Council from a judgment of the Supreme Court of Canada, about which we hear so much, and to which I shall presently allude—when he presented his petition he was asked, who were the respondents? There were none. To whom did you give notice, he was asked? To nobody. And then he was told to hunt up a respondent somewhere in order that they could get on with the case; and so to-day, as far as I can find out, before the province of Alberta can get its resources the Minister of Justice must find a respondent to appear before the Privy Council.

But that did not end it. If it had ended there one might regard it as somewhat amusing. My friend the Minister of Justice will remember that last session, discussing the question of our constitutional status, he declared with great deliberation that it was the fixed aspiration of the French-Canadians to prevent appeals to the Privy Council. At page 1713 of Hansard the Minister of Justice, speaking of the Nadan case, said he thought it was well decided. He said further:

So that that is not the feeling that animates me, but to alleviate the fears of my hon. friend with respect to Quebec I will tell him that the men in Quebec who represent really the aspirations of French-Canadians are applying to have the appeal to Privy Council done away with.

That is the same Minister of Justice who presents his solemn petition to His Majesty the King to permit him to take an undefended case to the Privy Council with a judgment in his favour.

I suggest that the government, without further delay, return to Alberta its natural resources. I raised no question in this House