

thereof, or in substitution thereof, there shall be no discrimination against schools of any class described in the said chapter 29.

It appears to me, Mr. Speaker, to be a mere pretense to say that there is any obligation binding Canada to restrict the legal rights of the new provinces to legislate exclusively as to education under section 93 of the Act of 1867. The strongest admission the government could make of that fact is that they find it absolutely necessary to alter section 93 to attain that object, and as I have already shown that is what they have deliberately attempted to do. The Postmaster General based his support of the Bill upon what he is pleased to assume to be the spirit as opposed to the strict letter of the constitution, I might point out what the hon. gentleman said upon the subject :

In fact, there are just two ways of looking at the British North America Act ; you may look at it from the standpoint of a lawyer, or you may look at it from the standpoint of a statesman. If you look at it from the standpoint of a lawyer—and I submit that is the standpoint of the leader of the opposition—you take the letter of the constitution without regard to its bearings and its application to the time being, and apply it literally, whether the application fits the time and occasion or not. But taking the spirit of the Act on each occasion of creating a new province, you adopt the constitution, as far as possible, to the new province, having due regard to the conditions then prevailing.

The Postmaster General, apparently construes the British North America Act of 1871 as authorizing this parliament to hand out to the new provinces any kind of constitution we might see fit to give them, and the hon. gentleman based that contention upon section 2 of the British North America Act of 1871, which provides as follows :

The parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion, but not included in any province thereof, and may at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province, and for its representation in the said parliament.

Now, the hon. minister is a lawyer, and a lawyer of very old standing, and consequently must be well acquainted with the canons of construction which the law prescribes as the proper method of ascertaining the meaning of any writing, namely, that where there are general words regarding any provision in that writing, and in the same writing there are particular words on the same subject, the operation of the general words must be held to be restricted, controlled and governed by the particular words. Well, those general words are in the clauses to which I have just adverted as to making 'provision for the constitution and administration of any province.' But the particular words are to be

found in the body of section 93 of the Act of 1867 :—

In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions.

Then follow certain restrictive subsections to which I shall advert later. The hon. minister set what he considered the spirit as against the strict letter of the law, in the face of that canon of construction. I now bring to his notice both the Act of 1871, containing the clause I have cited, and section 93 of the Act of 1867. The hon. gentleman also adverted to section 146 of the Act, and I shall have some observations to make hereafter in that connection. Let me ask him who is to be the judge of what is the spirit of any writing which may be submitted for construction. Surely the spirit of the Act will be varied indefinitely according to the object, bent of mind or interest of the person who is placing a construction upon it. The observations of the hon. minister would almost lead one to suppose that he was descending to what is familiarly known as 'fireside law' and asking us to accept what he would have us believe is the 'intention' of the Act. But, Sir, the intention of any writing can only be ascertained by the words used. It must not and cannot be drawn from a history of the subject to which the writing relates nor from surrounding circumstances or attendant facts. The only manner in which a writing can be properly construed is by a critical examination of the language it uses. The hon. minister would apparently have us believe it was the part of statesmanship to disregard the letter of the law and endeavour to find out its spirit by taking the broad view which he enunciated. Well, I have only to observe that so far as I am aware statesmen—even statesmen of the status of the Postmaster General himself—are subject to law and to the letter of the law equally with the king's meanest subject. May I be permitted—not for the information of hon. members, but for the possible benefit of the man on the street, as to whom the member for Brandon (Mr. Sifton) was the other night not improperly solicitous—roughly—without argument, barely to state the provisions of the various acts entering into a consideration of the exclusive right of the new provinces to legislate on the subject of education. First let me bring to the attention of hon. gentlemen the provisions of section 146 of the British North America Act of 1867. That section is as follows :

It shall be lawful for the Queen, by and with the advice of Her Majesty's most honourable Privy Council, on addresses from the Houses of the parliament of Canada and the houses of the respective legislatures of the colonies or provinces of Newfoundland, Prince Edward Island or British Columbia, to admit those colonies or provinces or any of them into the union