

relative to property? Because they were needed in order to ensure the successful working of the laws enacted by the Dominion parliament. I might quote other examples. Courts have decided in many instances that we could legislate incidentally on the matters enumerated in section 92 although these matters are left exclusively to the provinces.

There is another argument, and I am glad that the hon. member for Jacques Cartier (Mr. Monk) has brought it up. He claims that there should have been no inequality between the various provinces. But do we not find in the constitution provisions made for the protection of minorities? Does not section 80 enact that twelve counties in the province of Quebec are in a way set apart for the English-speaking minority, and that the limits of these counties shall not be changed without the consent of the majority of the representatives of these counties? That is a restriction on behalf of the English-speaking and Protestant minority of the province of Quebec, a restriction which is not found in the case of any other province.

In the provinces other than Quebec, the use of the French language is not official, nevertheless we find here a provision stating that in the province of Quebec, the English language shall be on the same footing as the French.

The imperial parliament having made all these various restrictions, without thinking that they were interfering with provincial rights, are we not thereby justified in following the same rule as regards the protection to the minority in the new provinces.

But that has not been sufficient to allay the fears of some of our hon. friends on the other side, and the member for East Grey (Mr. Sproule) sent in haste a telegram to a high legal authority in Toronto; he asked the opinion of a leading lawyer, Mr. Christopher Robinson, as to the meaning of section 93 of our constitution. Mr. Robinson made his opinion known, and if the member for East Grey had been a lawyer, and not a doctor, he would have soon realized that Mr. Robinson was making fun of him when he answered that the power of parliament was not beyond question. Now, is there anything on earth that is beyond question, or which a lawyer may question? Have not books been written denying the existence of God; have not even some philosophers turned out volumes expressing doubt as to their very existence?

Mr. Speaker, the power of parliament having thus been vindicated, the stand taken by the hon. leader of the opposition appears in a new light. While he states that section 93 has no application, his colleague from the province of Quebec asserts that it has. Under these circumstances, the country faces a conflict of opinions, a difficulty which should be solved by parliament in order to avoid all trouble. So that, if the hon. leader of the opposition is not in a po-

sition to satisfy the House that his first proposition is well founded, we have to come to the conclusion that he is not desirous of seeing the question settled.

So much has been said about this section 93 that I need not quote it, every one of us knows it by heart. However, I shall venture to say one word as to its construction. There are two ways of interpreting a statute: liberally, and literally. If I give it its liberal interpretation there can be no doubt that the first clause of section 93 applies under the circumstances. Mr. Robinson, in giving the aforementioned opinion claimed that no part of section 93 applied. If that section has no application, then it will be contended that section 92 settles the point. Notwithstanding my deep respect for Mr. Robinson, I have no hesitation in saying that his view of the case is evidently wrong. The Privy Council have decided so in the case of Brophy versus the Attorney General of Manitoba. The Manitoba Act contains a clause corresponding to clause 2 of the Bill now before us, in regard to which the Privy Council made the following comment, page 212 L. R., 1895:

The second section of the Manitoba Act enacts that after the prescribed day of the British North America Act shall, 'except those parts thereof which are in terms made or by reasonable intendment may be held to be specially applicable to or only to affect one or more but not the whole of the provinces now composing the Dominion, and except so far as the same may be varied by this Act, be applicable to the province of Manitoba in the same way and to the like extent as they apply to the several provinces of Canada, and as if the province of Manitoba had been one of the provinces originally united by the said Act.' It cannot be questioned therefore that section 93 of the British North America Act (some such parts of it as are specially applicable to some only of the provinces of which the Dominion was in 1870 composed) is made applicable to the province of Manitoba, except in so far as it is varied by the Manitoba Act.

So that should section 16 of the Bill disappear, section 93 of the British North America Act would still be applicable, in virtue of section 2 of the Bill, to which no exception is taken. What the learned lawyer, Mr. Robinson, must have meant was that subsection 1 and 3 of section 93 were not applicable.

We should put a liberal construction on that statute. Maxwell, in his work 'on statutes,' lays down the following rule:

Except in some few cases where a statute has fallen under the principle of excessively strict construction, the language of a statute is generally extended to new things which were not known and could not have been contemplated by the legislature when it was passed. This occurs when the Act deals with a genus, and the thing which afterwards comes into existence is a species of it. Thus, the provisions of Magna Charta which exempts lords from the liability of having their carts taken for carriage was held to extend to