tion of the special circumstances of the present case and how far the law is applicable to them, and if I may say it without offence, there is alway an appearance of wisdom, and an impressive appearance of impartiality. Then while you are still waiting to see the constitutional or mental machinery put to work, there is suddenly the announcement of a decision which is usually prefaced by 'It seems to me,' 'I am of the opinion,' or 'There is no doubt.'

Now, while one has been waiting for something mysterious in the manner of reaching this decision, I think it is abundantly evident that the methods by which these gentlemen reach their decision is just the ordinary mental process by which any one would reach a decision on such points. I say there is nothing mysterious, there is nothing that, when properly explained, a business man or a literary man who is accustomed to measure and weigh the meaning of words, could not understand and reach a decision upon although he could not put the argument with the skill of the lawyer. I find, however, nothing unusual in the manner in which they reach these decisions, and we have not found cases cited, or judgments or precedents cited. Acting in that way, and after listening carefully to the debate, one naturally reaches conclusions of his own. Acting so far as possible as a juror and not as an advocate, I must say that I cannot follow those who find in section 2 of the Act of 1871 plenary power to do any thing in making a constitution without having regard to the circumstances in that country. I cannot conceive that it is the intent and purpose, the spirit of the Act, that this parliament should be allowed entirely to abrogate the law of 1867, as they would be capable of doing, or that they should make any kind of a constitution different from that proposed by the Act of 1867. They might if possessed of plenary power establish an autocracy, they might make a government up there under one man. It has been said that there is some indefinite kind of an obligation, that the constitution must be in some way analogous to that of other provinces. As you have plenary power, then you may do as you like, and if plenary power had been intended, I think it would have been put in very much more explicit language than it is put in this section. If it had been intended, it could have been put in such a way that we would not have required all this argument to prove it. For myself I have been unable to accept the reasoning of those who claim that section 2 of the Act, 1871, gives this plenary power. If I could, I would not be at a loss as to my position on this question. If I felt that plenary power existed in section 2 of 1871, I would heartily support the present Bill. But after looking at section 2 of 1871, listening to all these arguments, considering it from all the points of view from which it has been presented and reading it in connection with 146 and 93, I feel it is utterly impossible for me to support that contention. It may be said that 146 does not give the power. It may be a question as to whether power that exists in 146 has already been used. These also are questions that I would like very much if they had been referred to the courts, andt hat a necessity did not exist for laymen to endeavour to judge of them. We are asked also to consider whether 93 acts automatically. We find the member for Jacques Cartier (Mr. Monk) declaring that it does; we find others declaring to the contrary. I believe that 93, like any other class of machinery, works when you supply the proper material. You may invent a machine that will put clothing on a man, but it is necessary in all cases that you bring both the clothing and the man to the machine; 93 might act automatically in a special case. If 93 acts automatically, why should we put it in the Bill? If it does not, I think the spirit of 93 should control. It might be that a reference to the courts would not satisfy all; but it would have the value that its decision would be respected. If by such a reference we found that greater privileges were due the minorities, then I am willing for one leges should be given. I am willing for one to give all the privileges that the constitution provides for. In considering this section there are certain principles that appear to be stated rather strongly, and the decision on the main point will be guided by the degree of importance which you attach to one or other of these principles. Now, in looking at 93 I find it provides for the exclusive right of legislating on education to the provinces, and also provides for the rights of minorities, with certain exceptions. It reads as follows:

> In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions :
>
> Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

I noticed that when the Minister of Agriculture was speaking on that question he said that the preservation of the privileges to minorities was there as strongly as the exclusive right to legislate on education. It is indeed a question which many minds will look at in different ways. To my mind the chief principle underlying section 93 is the exclusive right over education granted to the provinces, and that exclusive right is I think the real point at issue when provinces enter the confederation. At all events we find that no other body has concurrent right with the provinces. It has been said that this is an exclusive right. It is possibly an exclusive right within a circuit, but no other power has a concurrent right to