

Mr. LANCASTER. That is not quite what I said.

Mr. LEMIEUX. Last year the Privy Council gave judgment in the representation cases, with which my hon. friend (Mr. Lancaster) is familiar. Section 5 of the British North America Act says:

Canada shall be divided into four provinces, named Ontario, Quebec, Nova Scotia and New Brunswick.

As my hon. friend knows, Nova Scotia and New Brunswick took exception to the representation of these provinces as had been fixed by parliament and contended, with some appearance of reason, that the aggregate population of Canada as mentioned in section 51 was the population of the four original provinces. But the Privy Council decided that the word 'Canada' mentioned in section 5 was a variable term, which, at the beginning of our history, meant four provinces, but later meant five, six and seven provinces, thus explaining that the British North America Act was quite an elastic instrument, which should be interpreted according to the sound principles of the law.

Mr. LANCASTER. The Solicitor General (Mr. Lemieux) does not seem to realize that there is a difference between the British North America Act being construed by the courts and this parliament undertaking to throttle the construction by an Act of its own. With all his legal knowledge, he cannot understand the common sense difference between a judge construing the language of this Act of the British parliament and this parliament undertaking to throttle the court and prevent any interpretation except that which the Prime Minister sees fit to give. I do not wonder that the Minister of Finance (Mr. Fielding) wanted common sense in this matter. I do not wonder that the Postmaster General has assumed so much with regard to the law. I do not wonder that the Minister of Customs (Mr. Paterson), having in view the advice that the Minister of Justice (Mr. Fitzpatrick) would give on this question, desired to look at it in a common sense way. I am glad that I am a man of common sense, and not down in the cellar of the law, where I cannot see the daylight. I am willing to leave the matter to the common sense of the common people of this country. The ordinary man whom you meet on the streets, or on the farm, and who needs no lawyer to tell him what the constitution of Canada is, but knows it as well as we do; he will say: Do not talk to me only of law or of what the judges have said; the constitution of Canada was made in Britain, and the courts have decided that it means something. If the Prime Minister of this country thinks it should be decided to mean something else, why not let them decide it and not throttle the courts

by an Act that he has no power to pass—for he is not the imperial parliament.

Now, a great deal was said by the Postmaster General (Sir William Mulock) with regard to the petitions sent him through the action of the hon. member for East Grey (Mr. Sproule). The Postmaster General insinuated that the hon. member for East Grey was getting up petitions on the one side for the other of this question. He undertook to say the petitions had been sent in here from Orange lodges. Now, let me be understood. I am not an Orangeman. I am not a Roman Catholic. But I am a Canadian, British born; and I believe that the Orangemen and the Roman Catholics, taken one with another, are equally good citizens and equally loyal to the country. The petition the hon. member for Grey is sneered at for bringing into this House is a petition that every Roman Catholic could sign, and the signing of which he could justify to his priest. That petition is as follows:

We, the undersigned electors of the electoral division of do pray that in granting provincial autonomy to the Northwest Territories the Dominion parliament will not by any enactment or otherwise withhold from the newly created provinces full and unrestricted freedom of action in all matters affecting the establishment, maintenance and administration of schools.

This is spoken of as a partisan petition. Yet it is a petition that every citizen could properly sign. It says in effect: Render to Caesar the things that are Caesar's; render to Alberta the things that are Alberta's, and don't take away from the little fellow what belongs to him at the dictation of Quebec, which has no right to butt in at all. There is nothing here either in favour of or against the principle of separate schools; it is simply an humble request, put in perfectly constitutional form. It is such a petition as we were asked to vote for four years ago by the Prime Minister, at the instigation originally of the hon. member for Victoria, N.B. (Mr. Costigan). It was moved that this parliament should exercise its right of petition, should go to the foot of the throne and ask that the Coronation Declaration made by the King should be amended so that it would not be offensive to His Majesty's Roman Catholic liege subjects in the country and throughout the empire.

These people, I care not whether they be Orange lodges or Roman Catholics, have the same right to petition, and their petition is equally sensible, equally just, equally correct, equally constitutional, and that is the petition that my hon. friend from East Grey (Mr. Sproule) is sneered at for bringing in here. I presented a lot of them myself, they were sent to me and I presented them; and if they petitioned this parliament against provincial autonomy to the Northwest Territories, I would present the petition, though