

What is the remedy of the minority under these circumstances?

There was a very troublesome question to be settled. There was a majority and there was a minority. The majority wanted one thing and the minority another. He declared that the principle must obtain that the majority must rule. Let him apply that to the new provinces he is creating as he applied it to the province of Manitoba in 1896 and if he does we will not have this provision in the Bill which is creating so much excitement and agitation in the country to-day.

What is the remedy of the minority under these circumstances? The remedy of the minority under a free government is to agitate and endeavour to bring over the majority to their way of thinking.

That is proper, that is correct; I agree with every word of it. Sir John Macdonald said the same thing in almost exactly the same words in reference to the New Brunswick case. The right hon. gentleman says that the majority must rule and he says that in case of difference the remedy of the minority is to agitate and endeavour to bring over the majority to their way of thinking. That is the rule under a free government and ours is a free government. Why does he depart from that safe and correct rule, that truism that he laid down in 1896? Has he received new light on the subject, have the scales fallen from his eyes that he has propounded another doctrine to-day which is diametrically opposed to the doctrine that he propounded then? As to the power under the constitution, under section 93 of the British North America Act to supervise and control the legislation of the provinces he says:

The lesson we should deduce is that if it was a wise provision to establish this power in the constitution for the supervision of the local legislatures, perhaps it was not dictated by unmixed wisdom.

I agree with him that it was not dictated by unmixed wisdom. Our experience of the working out of our government since confederation has demonstrated over and over again that it is unfortunate that the provision is there.

For, Sir, experience has taught us that this remedy of interference with local legislation has never been applied and probably never can be applied without friction, disturbance and discontent; that you cannot apply that remedy without causing as much dissatisfaction as satisfaction.

And yet he is endeavouring to do it to-day. He is applying it in the face of the fact that he himself admits that it never can be applied without friction, disturbance and discontent, and to-day he adversely criticises the press of the country because there is friction and discontent.

It must be evident that while you redress the grievance of the minority by such an act of interference, you run great risk of creating a grievance on the part of the majority.

Therefore, by a parity of reasoning it ought to be avoided. Why does he not follow that good advice to-day? Speaking with regard to the power of the government to grant remedial legislation, the right hon. gentleman said:

Sir, the power is there, and being there, the aid of the Dominion government will be sought by the minority. What is the rule that ought to be followed? I shall be told by the hon. gentleman (Sir Charles Tupper), in fact, he has already told us, that the rule works mechanically, and that no judgment is to be exercised by this parliament in such matters. Sir, that cannot be the rule. It cannot be that this remedy is to apply mechanically. This remedy must be granted or denied according as the circumstances of each case require. And that, Sir, is the very language of the statute that the hon. gentleman cited a few moments ago. The remedy is to be sought and applied as the circumstances of the case require.

That was the contention in 1896—that the federal parliament was not compelled to legislate. He was advocating non-interference with provincial rights; he was questioning the wisdom of a Remedial Bill on the ground that it might create a grievance for the majority that was quite equal to the grievance under which the minority laboured.

Now, I want to say one word with regard to the British North America Act as a layman. I suppose it will have not much weight with the lawyers of this House, and it may not have much weight with the laymen; but I hope it will at least have some weight with the common sense intelligence of the people of this country. My understanding of the respective rights and duties of the federal parliament and the provincial parliament is something like the following: At confederation each was assigned its rights; each was given the class of subjects upon which it had an exclusive right to legislate. There were subjects on which each had an exclusive right; there were other subjects on which they had a joint right, and there were other subjects not included in either on which both might properly legislate. The British North America Act puts the rights belonging to the provinces in one schedule, and the rights belonging to the federal parliament in another. Everything concerning local government is given to the provincial parliament, and everything concerning trade and commerce and national undertakings is given to the federal parliament. But it was never intended that the federal parliament should infringe on any of the subjects which were assigned exclusively to the provincial parliament, and education was one of these subjects. I have before me a little work