

yesterday that the Minister of Finance was a wonderful swimmer, but that he had to be thrown into the water. I realize, with some degree of fear, that this debate may be protracted to a considerable length, and I wish to indicate as briefly as possible to the House through what mental process I have passed, if I may use that expression, in order to arrive at the conclusion at which I have arrived in respect to this measure. The question has been treated from a constitutional standpoint, and certainly it ought to be treated from that standpoint, since the very grounds on which we are legislating in this affair are constitutional grounds. I submit, in addition, that it must be looked at from a political standpoint—I say political in altogether the highest sense of the word. But, taking the constitutional standpoint, the House will permit me to say in what sense I understand that we are called upon to act, and how I interpret the three constitutional Acts which serve as the foundation for our legislation, and which must be read together. We have the Confederation Act of 1867, the Act of 1871 and the Act of 1886—all imperial Acts without which we have no jurisdiction whatever. Under section 3 of the last imperial Act, the amendment of 1886, these three Acts must be read together. I will not quote the sections; it would be imposing upon the attention of the House. But according to the Constitutional Act of 1867, from the very first section, it is evident that the scheme of the framers of our constitution was that the provinces should be associated together with an absolutely equal division of powers. It never entered into the minds of the framers of those Acts, particularly the Act of 1867, nor even into the minds of those who laid the foundations of that Act in the Quebec conference, that there should be the slightest inequality between the provinces. You will see that if you look at the Act of 1867, from section 58 to section 91.

Read section 91 and section 92 (which are the two most important sections in regard to the definition of the field of legislation), read section 93, section 109, section 146, and section 147 and you will come to the conclusion that the main object of the imperial legislature was to unite the varied provinces together and to distribute among those provinces, with the most absolute measure of equality, the different powers which were assigned to each. It is impossible to read these Acts and not arrive at the conclusion that this is the proposition which is the outcome of the efforts made by the imperial legislature in the direction of confederation. The plan of confederation itself rests upon the absolute equality, the equal division of powers between all the provinces, parties to confederation. Any variation, however small, from this rule is

destructive of the fundamental principle of our constitution.

Section 146 which provides for the admission of other provinces into the Dominion upon the Order in Council of the home government, especially declares that the admission of those other provinces of Prince Edward Island and British Columbia and Newfoundland is to be done by the mere operation of an imperial Order in Council are which shall bring those provinces into confederation, subject to all the dispositions of the Confederation Act. This was so very well understood at the very inception that we find British Columbia first of all entering into confederation by the operation of section 146 by the mere passage of an Order in Council bringing the province into confederation and touching in no respect whatever upon any of the powers which are to be attributed to the new provinces or upon any of those powers then lying in the lap of the new province and which were by necessary implication to be transferred to the Dominion. It is undeniable that when British Columbia and Prince Edward Island were brought into confederation, no other mention was made of the Order in Council which brought these provinces into confederation but this that they came in with a certain representation in parliament, stipulated and agreed upon between the Dominion government and the provincial powers, but as to a distribution of powers nothing whatever is said; reference is simply made to section 146 of the Confederation Act. It is there declared that these provinces come into the Dominion subject to that distribution of powers which, according to my interpretation of our constitution, acts automatically the moment the province enters the Dominion.

In the case of Manitoba there were special circumstances. Manitoba did not enter confederation under the ordinary rule. It was an exceptional case, and the terms upon which that province entered the Dominion were the subject of a special agreement between the representatives of that then part of the Northwest Territories and the Dominion government. An Act was passed beforehand by this parliament in order to create that province with certain rights, certain broad possibilities, and the charter of Manitoba is so little founded upon that Act of our own parliament and that Act was so clearly, in the judgment of competent lawyers, ultra vires, that it became necessary to pass in England the Imperial Act of 1871 which is really the charter of Manitoba, so that Manitoba did not enter the confederation under the same machinery as that provided for other parts of British North America. Its charter is a special one, and it is taken altogether out of the ordinary rule with regard to its entering

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