

common sense, if you leave them alone and do not put them into grit cabinets or on pedestals where no one can reach them.

The Minister of Finance wants it to be known that when he talks about this matter he discusses it from the point of view of common sense. But the Postmaster General takes a higher ground. He sets himself up on the pedestal of a statesman and tells us that he looks at this matter from a statesmanlike point of view and wants to have the question settled in a statesmanlike way and not in a legal way. He evidently does not believe that legality and statesmanship ought to go hand in hand in any properly constituted country, but he will no doubt find that if the people can only have a chance to see that their wishes are fulfilled, these two essentials will be joined together and not divorced from one another as the Postmaster General thinks they ought to be. Well, this statesmanlike Postmaster General or postmaster-general-like statesman—you can put it either way you like—says that because the British North America Act, which is our constitution—but which he does not seem to understand is our constitution—makes a difference between different provinces, therefore the Dominion parliament has the right to change that Act as it pleases. I am not quite sure whether the Postmaster General is not labouring under the delusion that he is really in London, England, to-day, and not in Ottawa, because he does not seem able to distinguish between the powers of the Dominion parliament and the imperial parliament. But he cannot produce, nor can the Prime Minister nor the Minister of Justice, nor the Solicitor General—lawyers though they be—produce any Act of the Dominion which has ever undertaken to say that the British North America Act shall mean something different to what it really does say in its own language. No, this Bill now before us is the first measure in which any attempt was ever made by the Dominion parliament to change the wording and the meaning of an Imperial Act. Not a single Act of a Dominion parliament has even been drawn which has undertaken to say that the British North America Act shall be read as containing language different from what it really does contain. Surely the First Minister must have known that the British North America Act did not give him the right to impose these restrictions on these provinces about to be created, or else he would never have undertaken by this measure to amend the Act of Confederation. No hon. gentleman will pretend to say that anybody ever before undertook to resort to the very doubtful and suspicious expedient of having this tribunal alter the Act of another tribunal, or having this parliament declaring that an Act passed by the British parliament shall be taken to contain a different wording to what it really does contain.

Mr. SCOTT. Does my hon. friend not know that very thing was done in the case of Manitoba?

Mr. LANCASTER. Can the hon. gentleman show me any Act with regard to Manitoba which has the words that are used here? I am referring to this substituted section. I am not referring to the section that lost the vote of the Minister of the Interior, but to the section which has brought him into line and which the other Northwest members supporting him are swallowing. This is the language of that section:

Where the expression by-law is employed in subsection 3 of section 93, it shall be held to mean the law as set out in chapters 29 and 39 of the ordinances of the Northwest Territories.

There we have it set down that where the expression by-law is used in an Act of the British parliament passed in 1867, it shall be held to mean certain chapters of the ordinances of the Northwest Territories which were not passed until 25 or 30 years later.

Mr. SCOTT. I understand the hon. gentleman to argue that it was impossible for this parliament to vary the terms of the British North America Act, and I was undertaking to remind him that that was done in the case of Manitoba.

Mr. LANCASTER. I dispute that statement. That was not done at all in the case of the province of Manitoba. That province had, as a province, established separate schools, and it afterwards repealed the law establishing those schools.

Mr. SCOTT. The hon. gentleman is attempting to get away from the point.

Mr. LANCASTER. I am not attempting to get away from anything. My hon. friend says the same thing was done in the province of Manitoba Act. He will find no such expression in that Act or no expression that could be taken to mean the same thing. He cannot find anything in that Act declaring that certain words in the British North America Act shall be taken to mean other words or something else different entirely from what they express. When we find the First Minister declaring that what he is about to do, he could only do under the authority given him by the British North America Act, and then resorting to the expedient of changing the language of that very Act which gives him the authority, his case is a very doubtful one indeed. It really amounts to this that he is interfering with the document which the other man signed. One man gives another a power of attorney. The question then comes up whether that power of attorney gives the right to do certain things, and in order to remove any doubt or difficulty the attorney says: I will take my pen and change the language of the document, and then I will