

of Justice this afternoon said it was one of policy. If it was a question of policy, it must turn in the carrying out of contracts that had been made with minorities. I believe it is not a question of law; I have to disagree with quite a number of my hon. friends on this side of the House. To me it is not a question of law but absolutely a question of policy, and even were it a question of law, even were it a constitutional question, we all know the conversation that occurred between Catherine of France and Henry V. when kissing was under discussion. The king said: 'Nice customs must curtsey to great Kings.' Now, to me the constitution is very much of the nature of a custom and it at times has to curtsey to a great king and the great king in this question is that enlightened public opinion which upholds those ideas of political freedom and progress which mark this American continent, namely, civil and religious equality, no connection between church and state and a national school system. That is a custom to which even a constitution must make curtsey. Because the public opinion of the country may say that even if the constitution says one thing the welfare of the country demands another thing. The Minister of Justice has been continually talking about carrying out contracts with minorities and the right hon. the leader of the House (Sir Wilfrid Laurier) often speaks about the sacredness of contracts and about vested rights. Do they know that if this talk were true in which they indulge about maintaining contracts with minorities and the sacredness of vested rights, there would never have been any constitutional progress in England or in this country that contracts, that rights must be continually commuted for something better and that all the constitutions that ever were written have been distorted, have been thwarted in the public interest? The constitution of the United States as judged by the institutions in that country is now the most distorted document that was ever put to pen and ink, and it was because the interest of the country required that changes should be made and when changes could not be made by altering the constitution, they were made by the decisions of the courts, made by judges who were largely of a political complexion. The right hon. gentleman shakes his head, but the judgments of the Supreme Court of the United States are not based upon the constitution; they are based upon the political necessities of the people of that country.

Sir WILFRID LAURIER. Does my hon. friend approve of that?

Mr. W. F. MACLEAN. Yes, I say that I approve of everything that is obedient to the great popular will as it can be ascertained, and I say that the whole constitutional progress of England is based absolutely upon reforms effected by a commutation of

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existing conditions and of certain so-called rights and vested interests. The British constitution, the constitution of that country of which we are so proud, those institutions that I say govern the 80,000,000 people who now speak the English language on this continent, are the result of revolution, constant or progressive, and they are the result of changes and sometimes of the deprivation of the rights of minorities. England has not regarded in every instance the rights of minorities and vested rights; she has at times swept them away and while I am not advocating a single change in the rights of the people to separate schools in the old contracting provinces of Canada, I do stand here to-day for the fullest liberty for the people of the west in regard to schools. They should not be bound by the bonds that contract the people of the east, were imposed on the people of the east by their own election, but the people of the west are to have no say in the selection of the bonds that are to bind them and that is the issue that will be before the people of this country. This to me is absolutely a question of statesmanship, as was said by some hon. gentleman opposite. And what is the duty of statesmanship? There have been forty legal arguments imported into this debate as to what the meaning of the constitution is. My experience is that you can get as many opinions as the number of lawyers whom you care to fee and every one of those opinions is arguable. But what a statesman does and ought to do is to select a policy, to judge of the situation, to face the conditions that confront him, to face the problems before him, and if it depends upon the constitution to select a constitutional position, to take his stand on that view of the constitution and if the constitution does not suffice in carrying his policy, what can he do? He can amend his constitution; he can even go to the imperial parliament to have confirmed what he thinks is in the interest of the Canadian people in regard to this separate school question in the west as hon. gentlemen may have to do before many moons are over. And so it comes to this that the legislation that is proposed on any great question in the 20th century methods and conditions. I have listened to and have almost been surfeited with the praises that have been bestowed on the fathers of confederation and with versions of what the fathers of confederation meant in regard to the government of this country. I pay great respect to the fathers of the confederation, but what have the fathers of confederation to do with the sons of the confederation who are to-day in front of a great political question? We pay respect to what they say, but can George Brown, can John A. Macdonald settle the questions that to-day confront us? We must do it to the best of our ability for our-