

province, and for its representation in the said parliament.

The very same Imperial Act that recognized the change in the words from the British North America Act to the words used in the Manitoba Act, gave to this parliament for the first time the power to give a constitution to new provinces. Now, what is the meaning of section 2 of this Act if it is not to give to this parliament discretionary power as to the kind of a constitution we may give to a province? If it was intended that this parliament should do no more than mark out the limits of a province and declare that it was made a province, the Act would have said so; but instead of that the Act proceeds to say that we may establish a province and make provision for its constitutional administration, for the passing of laws, for the peace, order and good government of such province and its representation in this parliament.

In mentioning these exceptions to the general scheme of confederation another instance occurs to my mind, the case of British Columbia. Under the British North America Act, representation by population in this parliament is the general scheme. The provinces may lose representation if their population falls, but as far as British Columbia is concerned its minimum representation is guaranteed by the British North America Act. No matter what the population of British Columbia may be, its representation here cannot go below a certain minimum—another departure from the letter of the Confederation Act. Under the British North America Act each province is given a legislature, but as regards the province of Quebec it is not permitted to control its own local provincial constitution as far as its parliament is concerned, for the British North America Act declares that there shall be two houses and it does not leave it in the power of the province of Quebec to alter that portion of its constitution. It does more. Take the matter of representation of the house of assembly in the province of Quebec. All the other provinces have the power themselves to alter their electoral districts, making boundaries as they see fit, but in the case of the province of Quebec it is entirely different. There are twelve constituencies in the province of Quebec that the legislature cannot interfere with. In the province of Ontario our legislature can, if it sees fit, alter the boundaries of all the electoral districts, and so it is in all the other provinces of the Dominion, Quebec alone excepted. Why was the exception made in the province of Quebec?—simply to meet local conditions and thus we have from ocean to ocean all these provinces, deriving their constitutions from the British North America Act, but not one of them having the same constitution, all varying in some respects and yet all in substance formulated in accordance with

the true spirit of the British North America Act. There are seven provinces in this Dominion. Four of these provinces were created at the same time and created by the same instrument, the British North America Act, which declared the constitution of all the provinces. But that very same instrument, that very same Act of legislation that gave life to our British North America Act gave four distinct kinds of constitution to the four different provinces that formed the original confederation of Canada. Yet, we are told that there is a model to be found within the four corners of the British North America Act, or in the constitutions of the different provinces created under the British North America Act, which furnishes to us full information as to what are to be the powers of each province when it becomes a province. For forty years parliament has been interpreting the meaning of the British North America Act and in no one instance has parliament taken the view that the hon. leader of the opposition now presents to this House. In no one instance has parliament up to this moment felt that it was bound by the letter of the constitution, or that it was at no time to modify according to the local conditions the general scheme of confederation in applying that constitution to a particular province. I ask you then, if, up to this present moment, all who have been engaged in creating these seven provinces, if all the parliaments either here or in England have been disposed to look not to the letter but to the spirit of the law, do you not think that the bed rock of our constitution is the spirit and not the mere letter of the British North America Act. Why, Sir, is it common sense to suppose that when the British North America Act was passed forty years ago the parliament of that day intended that that instrument which for all time was to form the constitution of this Dominion, with its changes and with its future, was literally to be applied, not having regard to the conditions of new provinces when its application was to be made but having regard to the dead past? I can imagine a hundred years hence some question arising in this country; perhaps it may be the question of taking away from a province some of its powers, or it may be a question of taking away from the Dominion some of its powers, or it may be a question in some way or other of rearranging legislative powers, and I can understand that it might be thought of vital importance to the safety of the country that some change should be made. Under these circumstances I can almost anticipate a lawyer of that day rising in his place in parliament and saying: You propose to alter the constitution for the public welfare. I admit that the public welfare may call for a change of the constitution, but I take my stand on the letter of the constitution and I interpret it in the light of 150 or 200 years ago. Is that the spirit