says, whether it works well or ill; I care not whether it is to the public good or the public injury—every province has the same constitutional charter the moment it becomes a province. The opposite view is that the province does not derive its charter automatically from the British North America Act, but that the spirit of the British North America Act must be considered, and so much of its provisions as may be reasonably adapted to the provincial status is given to the new province. The British North America Act, in conferring upon the people of Canada certain legislative powers, has set forth in a general way a scheme for the distribution of legislative powers to be exercised by the Dominion or the provinces. It suggests in a general way that some of these powers, of which it gives a list, may properly be given to a province, and the others may properly be left to the Dominion. But the British North America Act, according to those who look at its spirit rather than its letter, does not in itself contain a model constitution that automatically attaches, without the variation of a word or a letter, to every province the moment it becomes the province. If the reasoning of the leader of the opposition is right, there is no reason why, when a province is established, parliament should trouble itself to declare any of these powers. And yet, if you trace the history of the several provinces of Canada from their creation up to the present, you will find that, in every instance, the parliament of Canada, or the government of Canada, or the imperial parliament, has conferred upon each province powers somewhat different from those that the Confederation Act would suggest. If each province gets its constitution automatically from the British North America Act, we in this House cannot in any way frame or limit the constitution of the new provinces. But if we interpret the British North America Act, not by its letter, but by its spirit and by the manner in which it has been applied in the creation of every one of the provinces from confederation down to the present time, we fail to find a single instance where the doctrine of the leader of the opposition has been adopted, where any province has been given a constitution exactly in harmony with the general scheme of the British North America Act. There are no two provinces whose constitutions are the same, though all derive their constitutions from the British North America Act. It is the spirit that suggests how the constitution shall be framed. So, where is the model? And how can it be argued that when a province acquires the provincial status it acquires immediately certain rights and powers without any intervention or exercise of discretion on the part of the Dominion parliament or any other legislative body? To illustrate what I mean, consider the character of the British North America Act. Sections 91, 92 and 93 cover the distribution of powers, some powers to be exercised by the central parliament and others by the provincial parliament. Take, for instance, the important subject of divorce. Under the British North America Act, divorce is assigned to the exclusive jurisdiction of the Dominion parliament. If the literal wording of the British North America Act is adopted in giving a constitution to another province, you would not find any province entitled to maintain a divorce court unless it was so authorized by this parliament. This parliament has never established a divorce court in any province. And yet to-day there are divorce courts in several provinces—in Nova Scotia, in New Brunswick and, I think, in British Columbia. How comes it that the subject of divorce, which, under the British North America Act, is assigned to the exclusive jurisdiction of the Dominion parliament, is dealt with by several provinces? Simply because, when it came to the creation of confederation, certain provinces had at that time this institution. Nova Scotia had a divorce court and desired to retain it. The British North America Act allowed it to be retained in that province. In that respect it allowed a departure from the British North America Act. The province of Quebec had no divorce court, and no divorce court was given it under the British North America Act—the Act recognized the status quo as respects that subject in the province of Quebec. New Brunswick had a divorce court and wished to retain it, and the British North America Act recognized the wish of that province and allowed it to retain the divorce court, thus making an exception from the letter of the Act. Ontario had no divorce court and was given no divorce court by the Act. Later on British Columbia came into confederation. As I understand it, British Columbia had a divorce court then, and it was left in the employment of that institution—the letter of the law was departed from, but the spirit was observed; the general scheme of confederation was made applicable, but, with exceptions, recognizing local peculiarities and local institutions. Then—going rapidly over the subjects of special importance to the provinces—take the subject of languages. This is an English-speaking country; and it was assumed, doubtless, that English would be the prevailing language throughout the country. The use of language in the courts and legislatures of the provinces is a civil right, and, as such, is under the exclusive jurisdiction of the province. Yet, turning to the constitution as affecting the province of Quebec, you will find that, unlike the other provinces, Quebec was not left to determine what languages shall or shall not be used in its courts and legislature, but the British North America Act declares that the English language, along with the French, shall be lawful in the courts and legislature of that province.