

which I oppose this measure. I oppose it because I believe the framers of the British North America Act clearly intended to leave in the hands of the provincial authorities the performance of all those duties which can be more properly and more profitably performed by them than they can be by the central Government. The central Government have very useful functions to perform, and there are questions, such as factory legislation, health legislation and cognate matters where it is necessary to have uniformity in the laws, but this Bill seems to me to be an unnecessary and impolitic interference with the rights of the provinces, and if this House could now be persuaded to drop this measure until the people of the country could have an opportunity of expressing their opinion upon it, I think it would be most desirable. I regret very much not only that the Government has brought down this Bill at so late a period of the session as to render it impossible for us to consider it clause by clause, as it should be considered, but they have thought proper without an appeal to the people to interfere with provincial rights.

HON. MR. TRUDEL—To my mind this question of jurisdiction is far from being settled. I certainly believe that the opinion which now prevails since the decision by the Supreme Court that this is a matter within the jurisdiction of this Parliament is not a correct one. I consider that it is a matter that deserves further attention, and that it is the duty of the Government to seriously undertake to settle at once and forever the question of jurisdiction. I think there are some matters in this Bill which are certainly within the purview of this Parliament, but my impression is that the greater number of the subjects with which it deals would be better in the hands of the local legislatures. If there is a country in the world where the centralization of power would bring serious wrongs on the country it is Canada, and there are many reasons why it is so. The vast area of country, and the differences of race, religion, nationality and local interests are elements in the composition of this federation such as render it necessary that the management of matters of purely local concern should be left entirely in the hands of the local legislatures. Many

judgments have been rendered by provincial courts, establishing the right of local legislatures to deal with this question; but there have been contradictory judgments the last of which by the Supreme Court of Canada is from such a high authority that we cannot ignore it, though I do not give it that weight which is generally assigned to it. It is well known that those opinions are not what constitute jurisprudence; even a succession of expressions of opinion of this character do not constitute jurisprudence. I believe that we cannot remain without a law after the conflicting judgments that have been mentioned; some legislation is necessary, and I regret that this Bill does not provide for temporary legislation to meet the present wants of the country, and in the meantime proper steps should be taken by the Government to come to a final settlement of the question of jurisdiction. My impression is that it would be very easy to do so. Some kind of convention might be called where all the Provinces, and the Dominion, should be properly represented, and there, if necessary, a basis could be agreed upon, or a case could be agreed upon to be submitted to the highest tribunal of the Empire for adjudication, but my impression is that a convention of representatives of the different provinces would be the best tribunal to decide this question. We ought not to lose sight of the fact that our present constitution has been framed in such a convention, but it was not treated as a legal question; it was treated as a question of the rights and requirements of the different parts of the Dominion, so that my impression is that the legislation adopted to-day should be considered as being without prejudice to the question of jurisdiction, and to be in force only so long as the question of jurisdiction remains unsettled. The same principle was adopted in relation to the western boundary of Ontario. It is well-known that that question is still unsettled, and in the meantime it was decided by the Government and by Parliament that until the boundary was finally defined the territory in dispute should be administered by Ontario. Whatever may be my doubts or my convictions as to the jurisdiction of this Parliament in relation to many of the subjects embraced in this measure, still