

In my view the British North America Act, 1867, contained in itself a complete disposition of legislative powers as between the Parliament of Canada and the original or subsequent provinces. This distribution could not be altered or affected by the Parliament of Canada upon the establishment of new provinces, and it was not only our right but our duty to apply to the new provinces the exact provisions of the Confederation Act without attempting to restrict or amend them in any way.

The Prime Minister in so many words admitted this view. He said (Hansard, page 8277): "My contention is that we must not go beyond section 93." Mr. Brodeur, the present Minister of Marine and Fisheries (Hansard, 5219), declared that the compact upon which he relied contained nothing which was not embodied in the British North America Act. But both these gentlemen, and their supporters as well, chiefly argued that it was necessary to make amendments to the British North America Act in order that there might not be litigation. A more absurd declaration could not well be imagined. An unauthorized or invalid amendment would necessarily provoke litigation. Besides, under a constitution such as that of Canada, in which the legislative powers are distributed between the Dominion Parliament and the provincial legislatures, it is impossible to prevent litigation as to the constitutionality of legislative enactments; and indeed it is impossible to foretell what the ultimate decision of the highest court will be on certain difficult questions.

Their followers, Mr. Scott and Mr. Lamont, used the same argument, and declared that my proposal would invite litigation. Whether that would have been the case I do not know; but I am aware that Mr. Scott, now Prime Minister of Saskatchewan, and Mr. Lamont, now Attorney General of the same province, have recently approved and passed a resolution of the Legislature of Saskatchewan providing for an attack on these very same educational clauses upon the ground that the Parliament of Canada had not power to enact them. It should not be forgotten that those gentlemen owe their present position to Sir Wilfrid Laurier. This is simply a repetition of the action of the Liberal party with respect to the Manitoba school question. When that question was before the people they promised what they never intended and what they have absolutely failed to perform. In respect to Alberta and Saskatchewan they declared that they would amend the British North America Act (which they had no