

there can be any possible conflict of jurisdiction—that is, in regard to education, dealt with by section 93, and the subjects of agriculture and immigration, dealt with by section 95,—I have said that there is a simple way of applying a test in these matters. If in section 92, among the sixteen subjects therein mentioned, you find a particular subject regarding which you are making inquiry, broadly speaking, you will know at once it is a matter of provincial jurisdiction. But if the subject concerning which you make inquiry is omitted from among the sixteen subjects enumerated in that section, you may take it as absolute that the provinces have no jurisdiction in regard to it. Now, I challenge any one to find in section 92 of the British North America Act, after going over it paragraph by paragraph, a hint, a suggestion, an insinuation in respect to a Dominion franchise, a Dominion election, Dominion voters' lists, or anything of that kind. So as a result of that simple test you are forced to the conclusion that this Parliament has complete and absolute jurisdiction on that subject.

But the matter does not rest there, by any means. When Parliament first met after Confederation, in July, 1867, some means had to be devised whereby elections could be held. The British North America Act did not provide the means, except for the first meeting of Parliament. The British North America Act was more a declaration of principle than anything else. It did not attempt to go into details. It left much of the detailed matter to be worked out by subsequent legislation, and it left a good deal of it likewise to be decided by the appellate courts of the British Empire. But section 41 did provide that until this Parliament should otherwise declare, the provincial franchises and the provincial lists should be used and the provincial election methods adopted. But the first words of section 41, I think, tell the whole story in regard to jurisdiction.

Section 41—I will not read the unnecessary portions—reads as follows:

Until the Parliament of Canada otherwise provides, all laws in force in the several provinces at the union relative to the following matters or any of them, namely: the qualifications and disqualifications of persons to be elected or to sit or vote as members of the House of Assembly or Legislative Assembly in the several provinces, the voters at elections of such members * * * shall respectively apply to elections of members to serve in the House of Commons for the same several provinces.

That settled the question for the first election to this House, and that section

[Mr. Guthrie.]

commences with these words "Until the Parliament of Canada otherwise provides." That is almost an express enactment that this Parliament has the jurisdiction. Certainly the only implication from that language is that we have that jurisdiction, and that jurisdiction is the jurisdiction which was maintained in the Act which was presented to this House in 1885. I must say that the late Mr. Blake made a very forceful argument in support of his contention on that occasion; but Mr. Blake had in support of his argument the special conditions which actually existed in Canada at that time. He was able to point to the situation which had developed in the seven provinces which at that time made up Confederation in this country. He was able to tell Parliament that there was the greatest diversity in those provinces in regard to the franchise; that was true. Why, he said, in the most westerly province of Confederation, British Columbia, they have manhood franchise, while every other province has a property qualification, and in no two of those provinces is the qualification the same. Consequently, he said, there is the greatest diversity, and only confusion and trouble will ensue if you adopt a dual system. I am satisfied, however, that if Mr. Blake's life had been spared to this period of time, if he had been able to watch the development that has taken place in regard to this matter in the provinces of Canada, he would have been the first to admit that the foundation of his argument had been taken away.

What have we to-day? We have nine provinces in the Dominion, and in six of those provinces we have practically a single franchise—manhood and womanhood suffrage. In only three provinces is there any distinction made, and in those three, Quebec, Nova Scotia and Prince Edward Island, I think there is still a slight property qualification, but with all due deference to those provinces I submit that the property qualification where it exists is so slight as to be absolutely insignificant. There would be very little difference between a provincial list in Nova Scotia and Prince Edward Island, based upon manhood franchise, and a list in the same provinces prepared having regard to the property qualifications which exist in those provinces to-day. So for practical purposes one may well say that throughout the length and breadth of Canada there is an established franchise, certainly an approximate franchise, which has uniform