

of elections. A contest then took place on the floor of this House, one of the mightiest debates that ever took place in the political history of Canada. If one turns back the pages of Hansard, refers to the proceedings of Parliament thirty-five years ago, and reads the arguments that were used and the speeches that were delivered pro and con in regard to that question, one is bound to conclude, having regard to the men who took part in that great debate, that there must have been "giants in the world in those days." It was an able debate, sometimes bitter and acrimonious, sometimes even turbulent. But comparing that debate with our debates of the present day, one is bound to say that it was conducted upon a very high plane, and that that characteristic was very well sustained throughout.

Well, what was the argument? The argument of the Hon. Edward Blake, then leader of the Liberal Opposition, and undoubtedly one of the greatest lawyers that this country has ever produced, was briefly this: Among provinces joined together upon a federal principle, on a federal theory, it is absolutely necessary in order to carry out the true theory of federation, that each province should alone be asked in what manner it desired to send its own delegates or representatives to the Federal House. Mr. Blake argued that it was not for Ontario to say in what manner the representatives of the province of Quebec should be sent to this Parliament; that it was not the business of representatives from the province of Quebec to say by what method the representatives from Nova Scotia should be elected. Mr. Blake argued that the most outstanding example of the principle which he advocated was to be found in United States—I think he called it the most glorious and the most outstanding example of the federal principle. He demonstrated to this House that every State in the United States had the right to determine its own franchise and to make and revise its own voters' lists used in the election of members of Congress. That certainly was then and is now the right of every State in the United States. But I think there is an inclination on the part of many people who make a comparison between the constitution of this country and that of the United States to overlook this important fact: That while the United States was founded upon the federal principle, and the federation of the Canadian provinces was likewise founded on the fed-

eral principle, but upon principles in one material respect very different from the principles adopted in the United States. In 1776 the States which subsequently formed the United States sent their representatives to Philadelphia and there they laid down certain principles. One principle which they laid down was that each State should surrender a certain part of its sovereign power to the federal authority, that sovereign power to be exercised by the federal authority for the benefit of all the States which should form the Union. It was not so in the case of the formation of the Canadian federation. When the delegates of the various provinces assembled in the conference which led to Confederation, they worked out their agreement upon the principle that the federal or central government should have all legislative power which should thereafter pertain to the Dominion as a whole, and that only the residue (what was left), and only that which was of a local and private or provincial nature, should belong to the provinces. Now, the result of these two modes has been this: In the United States the national Government has jurisdiction only over those matters which were expressly handed over to it by the States themselves; all other legislative power and authority remains with the State Governments. But in Canada the provinces have jurisdiction only in respect of those particular matters which were expressly handed over to them by our Confederation Act, the Dominion having exclusive jurisdiction in regard to all other matters. That is a very opposite result as between the two countries, but it is arrived at by a logical process of reasoning, having regard to the principles which guided our respective forefathers when they came to their original agreement.

There is a very simple means of testing the question whether this Parliament or the provincial legislatures have jurisdiction in regard to the franchise so far as respects the election of members to this House. Under the scheme which was adopted when the British North America Act was passed there is one section which is well known to all lawyers, section 92. Under that section are gathered together all the 4 p.m. subjects upon which the provinces have the exclusive right to legislate. There are only sixteen of them, sixteen subparagraphs, and with regard to those sixteen subjects the legislatures of our provinces have exclusive rights to legislate; apart from those sixteen there are only one or two other subjects in which