

which we were created. We were intended to be a check upon hasty legislation in a moment of weakness or passion, where the larger provinces might combine against minor provinces. For that reason, I think it is our bounden duty to be exceedingly careful that we do not go beyond what is the proper line of our duty in that respect. I read from a remark made by Sir Oliver Mowat, that the principle of uniformity should not apply in this case. Let me give the opinion of Sir George Burton, Chief Justice of Ontario, which illustrates somewhat the same principle. My hon. friend thinks that if the Dominion government steps in and extends to the whole of Canada his Bill, which is good enough in its way, that we will get better results than from legislation by the provinces. This is a constitutional principle. Supposing we should get better results, is that any reason why we should violate the law? Supposing a man sets himself up as an authority on some religious doctrine, and says 'If you all come to my church you will be better Christians than in the church to which you belong,' that does not prove his theology is sound; it shows the audacity of the man to put forward views which have not been proven to be true. I shall not apply that to my hon. friend, for of all men he is the most modest; but it is the audacity of sudden encroachment to say because these things must be better than everything the province has, we must accept it. But no, the provinces have the right to make their laws. It has been urged in the case of home rule that if Ireland wants to play the fool and misgovern herself, that is her business, she is entitled to home rule. We argued when we were passing our federal constitution, if a province choose to misgovern itself that is their lookout. Chief Justice Burton said:

I think the principle must be clear that neither the Dominion parliament nor the local legislature can attract to itself a jurisdiction in matters assigned exclusively to the other power, by the mere device of enlarging the geographical area to exclude the whole of the provinces, nor in the other case of restricting the area in which the power is to be exercised.

Here is an endeavour to extend the jurisdiction of Canada by extending the geographical area.

Edward Blake observed, in his argument in *Regina versus Watson*, we must recognize as an inconvenience inseparable from the federal system a lack of power anywhere to make uniform regulations co-extensive with the whole Dominion on subjects relegated to provincial authority.

Edward Blake saw the desirability of making uniform regulation. What prevented him? The sanctity of provincial jurisdiction. Hands off the province; no matter how uniform the regulations may be, hands off the province, because the province has the exclusive right, and, therefore, uniformity, desirable though it must be, may be abandoned for the moment. I shall have to trouble the House with two or three more quotations to make my argument conclusive, and to meet the statement that this is a matter of trade and commerce, and, therefore, within the jurisdiction of parliament. Now this is not a matter of trade and commerce as I understand the British North America Act. Trade and commerce, under the constitution, means trade between provinces, or between a province and a foreign country, or between the Dominion and a foreign country. Here is what is said on that point by Mr. Horace Davey in discussing the Dominion License Act:

Regulation of trade and commerce means general regulations as applicable to trade generally, of what may be called, for want of a better word, a political character, that is for regulating trade and commerce between the Dominion and foreign countries, or other countries, including, of course, Great Britain, or, for instance, for regulating the trade between the provinces themselves.

I have similar definitions, one of them from Chief Justice Strong, and definitions from other judges on the same point. We cannot bring it in under trade and commerce in any fair interpretation of the terms. So, therefore, the jurisdiction of this parliament is excluded in that way. Let us notice the case as it came before the committee, the pains taken to arrive at a conclusion. I think that is worthy of consideration. The committee heard all that could be said in the time at their disposal, and the conclusion arrived at by a majority was that the Bill should not pass. That conclusion is before the House. We asked the opinion of the Minister of