

own authority. For instance, a city council, which is created by legislature and has certain powers conferred upon it, has no right to put questions to the provincial government which are entirely related to matters which have been assigned to the provincial government. The same principle applies here.

I do not want honourable senators to suppose for one minute that I have departed from what I said in a speech the other day. I have always been and always hope to be a strong supporter of provincial rights, within the limits of those rights; but I am equally opposed to provincial usurpation of federal rights.

In matters purely federal, the legislature and government of British Columbia have no concern, but the people of that province have the same concern as the citizens of any other part of Canada. The machinery is provided for them to exercise their wishes by voting. So I would repeat that a province, as such, has no status to oppose this proposed resolution unless—and this is a very important proviso—unless it can be shown that under the guise of federal legislation we are seeking to infringe on purely provincial matters. If that can be shown, then a real grievance has been established. In connection with the distinction which I have been seeking to make, the Prime Minister read in another place a letter from Sir John A. Macdonald, which to my mind is most important. Honourable senators have no doubt read the letter, but I think it should appear in *Hansard*. It was written to the Governor of Nova Scotia back in 1886. It was marked as a private letter, but it has been on official files, and the Prime Minister felt justified in using it. It is as follows:

I see your ministers are going to dissolve.

The permission to grant or refuse a dissolution rests with you, as well as to fix the time for holding the elections. As important issues are, it is said, to go before the people, you should, I think, insist that they should not be taken by surprise and that ample time should be given them for consideration.

Your legislature's legal term of existence expires, I take it, on the return day of the writs of election, and no election need be held until after that day.

Should your ministers found their advice for an early dissolution on the ground that they desire an immediate expression of the will of the people as to their remaining in the confederation—you will, I have no doubt, feel it your duty as a dominion officer, to decline to allow that subject to enter into consideration at all. The representatives of Nova Scotia as to all questions respecting the relations between the dominion and the provinces sit in the dominion parliament and are the constitutional exponents of the wishes of the people with regard to such relations. The provincial members have their powers restricted to the subjects mentioned in the British North America Act and can go no further. I write you confidentially, but if necessary you will be supported by the whole weight of the dominion government.

Yours sincerely,

John A. Macdonald

That was the conception of the then leader of the Conservative party, the first Prime Minister of Canada, one of this country's great statesmen, and the man who perhaps more than any other in our history gave inspiration and leadership to confederation.

Honourable senators, that brings us to what I think should be the real objection, if there is any—and it is real, if well founded; otherwise it is unreal—and that is, that the amendment does in fact and in law affect matters within provincial jurisdiction, or rights and privileges secured to the provinces as such. That involves a study of the resolution. As I have already said, by no stretch of the imagination could this amendment, when passed, relate to anything in section 91, because section 91 contains nothing which is not correlated to section 92. I do not think it would relate to section 95, which deals with agriculture and immigration, though I have never been quite able to make up my mind about that. But on that point there is this to be said. Section 95 gives parliament and the provinces concurrent powers of legislation respecting agriculture and immigration. But the section provides that if on the subject of agriculture or immigration any legislature passes a law that is repugnant to an act of parliament, the federal legislation will prevail.

On the subject of immigration, the power of the legislatures has been practically eliminated. I have not gone far into the matter exhaustively, but so far as I am aware the federal parliament has almost exclusively occupied the field of immigration. Years ago in our province of British Columbia, when the oriental question used to be acute and it was good politics to oppose the admission of orientals, the legislature would pass a law prohibiting their immigration into the province, and while such legislation could have been considered valid, under section 95, it was always held to be invalid because the field had been fully occupied by federal legislation. If parliament ever wanted to usurp completely the field of agriculture, it could likewise do so. Therefore I am not greatly concerned about whether there is full protection or not on that point. If there is not, the matter can be dealt with at dominion-provincial conferences.

Then, to what does this resolution relate? It relates to section 37 of the British North America Act, the section which provides the number of members to be elected to the House of Commons. That matter vitally affects the citizens of every province, but the British Columbia legislature, as such, or any other legislature, as such, has not a single