

Mr. DAVIN. The right hon. gentleman started out with that accusation; he made the most he could of it; he treated it rhetorically, and he flung it defiantly across the House, but as I said about another Minister, the fact was excogitated. Take the constitutional argument of the right hon. gentleman. When the right hon. gentleman was reading Story, I asked him what he took Story to mean there by "civil right," and I asked the right hon. gentleman whether he meant by "civil right," that it came within the civil rights as reserved to the provinces of the British North America Act. The right hon. gentleman said it did, and that it was in that sense he used "civil right." The right hon. gentleman is a lawyer, and I ask his attention to the 41st section of the British North America Act:

Until the Parliament of Canada otherwise provides, all laws in force in the several provinces of the Union relative to the following matters:—

And one of them is the "franchise." I contend that as that is laid down there, it implies that this right is entirely within the province of this Parliament, and if you look at the 84th section, it reads:

Until the legislatures of Ontario and Quebec respectively otherwise provide, all laws which at the Union are in force in those provinces respectively, relative to the following matters, or any of them, viz.: The qualifications and disqualifications of persons to be elected to sit or vote—

Where? Is it in the Parliament of Canada? Not at all; but—

—as members of the Assembly of Canada.

Therefore, it is clearly laid down in the British North America Act that the right of voting for a member in this House is not within the provincial jurisdiction. I will not ask the House to take my interpretation of that, but I will ask the House to take the interpretation of a judge of high standing, and I will put his judgment on this very point against the position taken by the right hon. gentleman. On this very head this is what Chancellor Boyd says:

The subject of this class of legislation are of a political character, dealing with the citizen, as related to the Commonwealth, whether province or Dominion, and they are kept distinct from the federal constitutional Act, from matters of civil rights in the provinces, which regard mainly the meum and teum as between citizens.

What Chancellor Boyd means is, that they are not included in the clause of the British North America Act which defines what comes under the jurisdiction of the provinces.

It is, in my view, rather confusing to speak of the right of voting as comprehended under the civil rights mentioned in section 92, subsection 13, of the British North America Act. This franchise is not an ordinary civil right, it is historically and truly a statutory privilege of a political nature, being the chief means whereby the people, organized for political purposes,

have their share in the functions of government. The question in hand, therefore, falls within the category, not of civil rights in the province, but of electoral rights in Canada.

Now, so far as there was anything vertebrate at all in the speech of the hon. gentleman, it was the statement he made as to the disfranchisement that took place in British Columbia, and his argument as to constitutional law. Well, Sir, even if I were not reinforced by Chancellor Boyd, I think having pointed out what is the clear meaning of the two sections I have quoted, the House will agree with me that the constitutional argument of the right hon. gentleman signally failed. Where are we in regard to this Government whenever it has to express an opinion on any subject? Last night we found the greatest possible contradiction on the Treasury benches, and to-day we have the Prime Minister contradicting point blank the position taken by the Solicitor General this afternoon. I am not surprised that there was a disposition to-night on the part of the Premier to prevent the Solicitor General from speaking; because the Solicitor General is a lawyer in practice and a lawyer of repute, and he would not dare to risk his reputation by buttressing the fallacious propositions respecting constitutional law that come to us from the amateur lawyers, and—I will not say the amateur statesmen, but we will say the experienced statesmen on those benches. The hon. gentleman made a flourish about the evils of manhood suffrage. He told us that the best citizens of the United States regretted manhood suffrage; and what is he doing by this Bill? He is trying to force manhood suffrage for the Dominion on provinces where we have not now manhood suffrage.

Mr. FOSTER. Without any education.

Mr. DAVIN. Yes, without any education. He is forcing manhood suffrage for Dominion purposes on Ontario, on Nova Scotia, on New Brunswick, on British Columbia and on Manitoba, in which provinces manhood suffrage for Dominion purposes does not exist to-day. If there be conviction behind the rhetoric, if there be a strong and abiding conviction in the right hon. gentleman's mind, as to the evils of manhood suffrage, why does he want to force manhood suffrage on the foremost province of the Dominion—certainly foremost as regards wealth and population? The fact is that it looks as if any argument was taken up that would suit at the moment, and as if these arguments are not thrust upon us at all as convictions. Let me ask the right hon. gentleman, in regard to the latter part of his speech, where he has gone? The Solicitor General said to-day: we simply adopt for the present the provincial franchises, and if the provincial legislatures do not do what we think right, we can change the law at any moment. The right hon. gentleman took the view that the declaring who should vote