

I say that this parliament should, according to that constitution, give to the minority in the new provinces the same rights and privileges that are given to the minorities in the new provinces of Quebec and Ontario. Sir, what seems to me this very proper legislation is opposed throughout the length and breadth of our country—no, I will not say that,—but in certain portions of our country—and in the name, I might almost say the sacred name, of provincial rights. But it is remarkable that the men who at this day, are insisting the most upon what they call provincial rights have taken no heed of the fact that, in the very letter of the constitution on which they rely there is an abbreviation of provincial rights wherever there exists in any province a system of separate schools. Provincial rights are the basis of our constitution. All parties now admit these rights and recognize them, whatever may have been their position in the past. But, Sir, it is an old saying that there is no rule without its exception; and, in the very letter of the constitution, an exception has been made concerning provincial rights wherever there is a system of separate schools in any province. Now here is the law upon this point. The words which I use now may grate upon the feelings of some, may seem harsh to the ears of others, may seem harsh to my own ears, but, Sir, here is the law. Section 93 of the constitution says:

In and for each province the legislature may exclusively make laws in relation to education—

If the law stopped there, if there were no other words to qualify this general provision, such legislation as is now before the House would never have been introduced. But the law does not stop there; there are words which qualify the general proposition:

—subject and according to the following provisions:—

1. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

Here you have the fact proclaimed, the principle laid down, that wherever there is, in any province, a system of separate schools, the provincial rights are abbreviated and the legislature can do nothing to prejudicially affect the rights of the minority who have the benefit of this clause. But, though these facts are plain, still, at the present moment, they seem to be ignored; and, even on the floor of this House the attempt is sometimes made to cast upon myself, who have always held these views, the imputation that at one time or other, I held different views. The other day my hon. friend from East Hastings (Mr. Northrup) quoted some words of

mine in this House spoken on this same subject, in which I gave due praise to the Liberal party, especially of the province of Ontario, for the stand they made in favour of provincial rights. These are the words of mine that he quoted:

Sir, I am to-day as firm a believer as I ever was in the doctrine of provincial rights. I take as much pride as ever I did in belonging to the great party which in the past carried that doctrine to a successful issue, an issue, indeed, so successful that we rank among the advocates of that doctrine to-day the most prominent of the men who opposed it in the past. And when the historian of the future shall refer to the first twenty years of confederation, the brightest page he will have to record will be the page in which he will trace the efforts of the Liberal party to maintain inviolate and intact the liberties and independence of the local legislatures. And I am proud to say that among the names which shall be revered in the hearts of their countrymen, as the names of those who stood foremost in the fight, will be the names of Edward Blake and Oliver Mowat.

My hon. friend stopped there. Had he read a little further, he would have found that I qualified the statement I made by saying that, in the matter of education, provincial rights were not supreme, but they are abbreviated by the very letter of the constitution. I continued as follows:

I agree with the Prime Minister in this view, that it would have been wiser for the fathers of confederation to have adopted the American principle of local independence. But such, after all, is not the principle which has been adopted. On the contrary, the principle of our constitution is this: that while in all other matters the powers of the local legislature are almost independent, in the matter of education, a supervisory power has been given to this government, in so far as separate schools are concerned.

So that, in 1893 I held the views I now hold, and I am acting exactly in accordance with the opinions I proclaimed twelve years ago and which so far as I remember, I have always held. This being well established, this being I believe, impossible of denial—that the rights of a province are abbreviated whenever there is a system of separate schools—yet we are told that this cannot be adopted because the provinces referred to in this legislation are not now provinces, but are simply territories. If I understand that argument correctly it means that if the provinces of Alberta and Saskatchewan already existed and were to come to-day and ask to enter confederation, they would come with their system of schools, and that system would apply mechanically and parliament would be forced to give it to them; but as they come as territories, they are not to have the same privileges as they would have had, coming as provinces. Now, in the name of common sense, what does it matter, so far as law and order is concerned, whether these territories are now territories or are now provinces? If under the