

terms and conditions under which these people would ultimately be formed into a province.

And these educational clauses of the Act of 1875 providing for a certain system of separate schools were part of the terms and conditions on which these people settled there and would become an organized part of the Dominion. Now, it is true, as I have said, that it was open to this parliament at any time to repeal or amend the law of 1875, and it is equally true that on several occasions this parliament was asked to repeal these provisions of the statute, but refused to do so. One would suppose, from what is said by hon. gentlemen opposite, that this was the first time it had been proposed to recognize the desire of the minority for educational privileges suitable to their condition. That has been recognized for over a quarter of a century, and over and over again it has been confirmed by this House. In the session of 1894, on consideration of the Bill to amend the Northwest Territories Act, under Sir John Thompson's premiership, the late Mr. Dalton McCarthy went fully into the question of separate schools and school legislation for the Territories. He was endeavouring to persuade the House that the time had come when the Territorial legislature should be given full control of educational matters. The scope of the legislation of 1875 was fully investigated by Mr. McCarthy, and it is instructive to note that he made use of the following expressions:—

Now I want to draw the attention of my hon. friends to a very important provision.

He was warning the House of Commons in 1894.

By this legislation we are really riveting upon the people of the Northwest the separate schools system for all time.

And further on he held this language:

Now we insist by the clause of the Act of 1875 which has been included in various consolidations of legislative power of the Northwest Territories which have been made from time to time, that they shall have separate schools, if we continue to insist that that system shall prevail up to the time we create provinces in the Northwest, then the application of this clause of first subsection of section 93 of the British North America Act, to which I have referred, rivets for all time upon the new provinces the system of separate schools.

And further on Mr. McCarthy said:

It has been urged, and I have heard it urged, why not allow this matter to remain until the new province is created? Why interfere with the matter so long as they are mere territories? It will be time enough when we are creating provinces in the Northwest to give them full power in school matters. Well, those who argue in that way will, I think, find it very difficult to contend that the population of the Northwest is not as competent as any other population in

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the Dominion to legislate in regard to educational matters, but even if they were not, we ought to leave it to them to select the system of education which they prefer so that it shall not be conducted against their will by the clause of the Act to which I have referred.

It will be remembered that Mr. McCarthy was moving an amendment to vary the legislation of 1875 in order that the Territories might be left to deal with the matter of education. At the conclusion of the debate, in reply to Sir John Thompson, the First Minister, Mr. McCarthy said:

My argument was and is now, if we hand this matter over to the control of the Territories there will be no harm done, but if we do not give power to choose, if we deny them the right to select for themselves, then when the day comes, as it must before long, when part of the Territories will ask for admission and be entitled by their population and position to have this clause enacted, then this parliament would be bound to repeal the law—

That is, the law of 1875.

—otherwise we should be as I say riveting the system of separate schools upon them.

And further on he says:

What I say is this, that if this question of separate schools is to remain in its present position until we grant provincial autonomy to any parts of the Northwest, it will be practically impossible unless there is an enormous change in public opinion to deny them what every other province that has joined confederation has been entitled to, what Manitoba was entitled to and what under the circumstances every province would be entitled to.

The inference from these quotations is clear, that so eminent a jurist as the late Mr. Dalton McCarthy gave it as his opinion that if the separate school system, or the right of the minority to enjoy their educational privileges, call it what you may, obtained in these Territories until the time when they came to us seeking admission as provinces into confederation, then we would be bound to perpetuate the existing state of affairs in regard to education. I want to point out how remarkably consonant this opinion of Mr. McCarthy was with the opinions expressed in 1875 by Hon. Edward Blake and Hon. David Mills, and consonant also with the opinion—not, of course, the opinion of a lawyer—expressed by Hon. George Brown in the Senate when the Bill of 1875 was under advisement. We hear very much about these proposals as regards education being an invasion of provincial rights. And, strange to say, this cry of provincial rights comes from a quarter that did not, in the old days, hold provincial rights in very high esteem. Why, Sir, the province of Ontario, whence I come, has on many occasions had to do battle and strenuous battle for provincial rights. And who constituted the enemy on those occasions? The Conservative party in the Dominion who sat on these government benches and supported Sir John Macdonald when provincial rights were as-