

these new provinces is vested in this parliament, and if it be necessary to give effect to that right, we must do so. But he is not clear that section 93 does give that right.

Mr. R. L. BORDEN. He does not say so.

Mr. PATERSON. I am not arguing the legal point with the hon. gentleman, I am simply pointing out that the best legal minds we have in the country do not agree. Now there was a very large meeting held in the city of Toronto last Monday, in Massey Hall. The multitude assembled were evidently deeply moved by the subject of discussion, namely, the educational clauses of this Bill. There was present a legal gentleman whose standing in the profession I do not know; I see he is a King's Counsel, and I have no doubt he is a gentleman possessed of legal knowledge. Evidently he felt warmly on this subject, for he moved a resolution protesting against the passage of the Bill. In the resolution which was to be forwarded to the Prime Minister he proposes one of three different courses in dealing with this question. I am taking now the report of the meeting published in the Toronto 'World,' which I presume will be accepted by hon. gentlemen opposite. In speaking to his resolution he replied to the arguments of the Prime Minister as to the bearing of section 93 of the British North America Act. He said that if what the Prime Minister had contended was true, then there was no necessity to do anything further. Then he considered what Mr. Haultain had contended for, and could not agree with that. The third view, and the one that was likely, from his own opinion, to prevail was that under the British North America Amendment Act of 1871, power was vested in the Dominion parliament to deal with this educational question in the constitution of the new provinces, as it saw fit; and, said he, that is the supreme reason why we want to speak out now, because that power is in the hands of the Dominion parliament, and if they exercise it now it is irrevocable for all time to come. The legal gentleman to whom I refer was Mr. Thomson, K.C., of Toronto. Hon. gentlemen may read his opinion for themselves. Now amidst all these conflicting opinions as to whether we have this power, the leader of the opposition proposes to leave this question unsettled, no one knowing where they are, nothing definite, the country to be left in a turmoil in reference to this matter for a long time to come. If there is such a division among the legal gentlemen, may not the same doubt exist in the Supreme Court, the same doubt in the Privy Council? And all this time you have the delay. What shall we do? What shall I as a layman do? Judging from the arguments I have heard, and bringing to bear what common sense I have on the subject, and what legal knowl-

edge as a layman I may have, it seems to me we have power to deal with this matter. In dealing with this matter, I have regard to the fact that in those Territories, of thirty years, by Act of this Dominion parliament under which people have entered that country, knowing that the existing school system had been established by an Act of this parliament, knowing that under these conditions people have gone in there and settled there under that system of education, I say it is only just, and right, and sensible, and the proper thing to do in dealing with this matter on the basis of justice of law, to say that the advantages, whatever they may be, that these people have had for thirty years, shall not, by this Dominion government, be taken away from them now.

At six o'clock, House took recess.

After Recess.

House resumed at eight o'clock.

Mr. PATERSON. Mr. Speaker, when you left the chair at six o'clock I had alluded to the fact that there were differences of opinion as to the constitutionality of the Act which has been submitted for the approval of the members of this House. I gave, as far as I understood them, the differing views. Whether I interpreted them aright or not it must be evident to every hon. gentleman present that there is a diversity of opinion when a very able and eminent lawyer whose words were read to us from a telegram this afternoon, speaks of doubts, speaks of the necessity for further consideration and hints that it is possible it may be necessary, in order to supplement section 93 of the British North America Act, that we should have recourse to the powers which parliament may possess to make it plain. If I apprehended him aright that shows that in his opinion it was contemplated that parliament had powers in this matter and that view, in my humble opinion, coincides with what I think to be the facts in the case. But, as I said before I do not intend in any way to argue the constitutional question. I point out this, however, that there being such a conflict of opinion and the authority to whom I have alluded saying that it might be necessary to get a judicial opinion that would require time during which you would have excitement, during which you would have unrest and during which you would not have that peace that is conducive to the prosperity of the Dominion and which would affect, I think, injuriously, the provinces that we are about to bring into the confederation. I think it will be admitted by all who have listened to the arguments that the view which is taken by many is not the correct view to take of the constitution of this Dominion in reference to educational matters.