

which I have read sometimes with interest. It is entitled 'The Powers of Canadian Parliaments,' by S. J. Watson, of Toronto, who has evidently given a good deal of attention to the subject. He first states the reserved rights that were given to the federal parliament: regulation of trade and commerce, postal service, military and naval service and defence, navigation and shipping, currency and coinage, banking and the issue of paper money, insolvency. Then he deals with those rights reserved exclusively to the provincial legislatures: amendments from time to time in their constitutions, municipal institutions in the province, local works and undertakings other than such as are excepted in subsection 10, the incorporation of companies with provincial objects, property and civil rights, education. Education is, therefore, one of the exclusive rights of the provinces; it is only the province which has the right to legislate with regard to education. I hold that to be the correct principle, and whenever this parliament is legislating in regard to education it is infringing on the rights of the provinces.

But I am told there is a provision in section 93 of the British North America Act that gives us power to legislate. In what regard? In one regard and one regard only, that is, by remedial legislation. The Governor in Council, acting as a court, has appellate jurisdiction in cases of the infringement of the rights that belong to minorities. It may be appealed to by the minority for the restoration of those rights. Then the Privy Council becomes a court of appeal, not a legislative body, and if they think those rights have been taken away, and they fail to persuade the provincial authority to restore those rights, then, and not till then, their power as a court ceases, and the federal parliament steps in with its legislative right. That is the only time we can interfere as a federal parliament. We can then pass a Remedial Bill, but we can only do that, as the first minister said, if in our judgment it is good public policy to do it, or we can leave it alone. That is the only provision in the British North America Act, in my judgment, giving us any rights to legislate with regard to education.

With regard to this measure, I want to say that the government have at last undertaken to do what they should have done long ago, and they are confronted with a great many difficulties which they have brought upon themselves. These difficulties might have been very much minimized had they taken the advice of this side of the House, and erected the Territories into a province or provinces long ago. Had they given provincial autonomy to the Northwest Territories years ago, before vested rights grew up to the extent to which they exist to-day, and before the population had increased to the numbers it has reached to-

day, they would have had much less difficulty then they have at the present time. Their difficulties have multiplied in proportion to the delay that has occurred. The disproportion in size between the province of Manitoba and the two provinces which they contemplate creating now is very great. The one is very small and the others are very large. What excuse can they give for being unable to extend the boundaries of Manitoba? The existence of vested rights in the Northwest Territories, the growth of settlement, and certain other things which did not exist years ago. There would have been very little difficulty in extending the boundaries of Manitoba if the government had undertaken this question at an earlier date.

Because settlement has gone on there since, and owing to that settlement, and owing to those vested rights, they find it difficult to act to-day. The principle upon which the financial arrangements are based is almost sure, in my judgment, to create dissatisfaction in the other provinces. I feel quite satisfied that that will be the case. When the other provinces come to know and analyze the arrangement which this Bill contains for financial assistance to these two provinces, they will recognize at once that it is much more liberal than the terms which they enjoy to-day, or which they have had in the past, and this will create discontent, and will bring them knocking at the doors of parliament for a rearrangement of provincial subsidies. It is very liberal, I admit; I am not complaining of that, so much as of the fact that it will give us trouble in the future, perhaps in the very near future. In undertaking to do our duty as a federal parliament and to create provinces in the Territories already in the union, we are told that we must treat those Territories as though they were provinces in existence, having provincial autonomy, having a legislative assembly of their own; to treat them as though they were provinces which are entering the union to-day. I need not refer to that again fully, because I have already done so. We may properly erect provinces, and in giving them provincial autonomy, we are bound to give them all the rights which the British North America Act says they should have, and one of these is the right to legislate upon education. Now, I say that, as a matter of policy, as a matter of duty, according to my understanding of the constitution, when we erect these Territories into provinces, we are bound to give them all the rights of legislation, all the provincial rights, that our constitution provides they should have and enjoy; and if we give less, we are likely to cause friction and trouble. If we go beyond that, we are encroaching upon provincial rights. I say we are now going beyond that, and therefore I object to that encroachment on provincial rights. Have we, as a federal parliament, the right to go beyond that? I have given my reasons for thinking that

Mr. SPROULE.