

territory, which has no government in that respect. That can never have been the intention either of the framers of the constitution or of the Act that was the result of their labours.

Now, I noticed in the amendment which was moved by the leader of the opposition that he has seen fit to stop short of the subsections of section 93. He has framed his amendment in such a way that by no possibility could a minority claim any rights whatever. He has transposed the whole meaning of section 93, which says :

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

And he stops there. Now section 93 is broader than the amendment of the hon. member. Section 93 continues :

—subject and according to the following provisions :

And it does make provisions for the rights of the minority. May we gather from the amendment as drawn and as presented to this House the real feelings of the leader of the opposition upon the merits of this question? May we assume from the manner and the language he has employed in drawing up his amendment that he is distinctly opposed to any claims of minorities in this matter? Were his amendment to carry, and were section 93 to stop as it stops in the amendment which he has placed before the House, there never could be a claim by a minority for separate schools in any way, shape or form, in the new provinces. Is that what the hon. member means? and is that a fair indication of his real feelings upon the merits of this question, apart from the highly technical argument which he placed before the House, and in regard to which he said he stood upon the rock of the constitution?

Now, Mr. Speaker, I do not desire to detain the House any longer. I have tried to place before you as clearly as I could the reasons which impel me, which force me, to the conclusion that this parliament has the power, the constitutional right, to pass this law; and if it has, and if it does pass it, then I submit that no other tribunal or no other legislative body has that power. We have, I submit, the constitutional right, and we should exercise it. It is said that it will create turmoil, confusion, prejudice and bad feeling. The educational question in Canada has done so from about the year 1840 or 1850, in the old provinces, and will do so probably for all eternity, unless it is settled by some legislation emanating from an authorized source. We have the right, and I submit that we should exercise it. Why leave this question to embitter the people in those new provinces when this is the proper tribunal to settle the matter? I agree that if we have the pow-

Mr. GUTHRIE.

er to settle it under the British North America Act of 1871, we have the right also to leave it unsettled and refer it to the provinces. Would it be wise to do that? Would it be manly to do it? I know there is a disposition on the part of many members in this House to shirk, or to shrink from the question. I know also that there is a disposition on the part of many hon. members opposite to fall in behind their leader on the constitutional question, and to satisfy themselves on the pure technicality which he raised on the letter rather than on the spirit of the law—and I submit the letter is against them—rather than come out in the open and vote upon the merits of the question. Has anybody challenged our right to pass the Act of 1875? Was that a constitutional Act? Has it ever been challenged? I submit it was constitutional, and came within the powers granted by that Order in Council passed in June, 1870, an Order in Council which had the same force and effect as an imperial statute. Under that Act what do we find? After the Act had gone into operation, an elective body was formed in those Territories with power to make laws, subject to the assent of this parliament. We have acted upon the educational clauses of the Act of 1875, we have changed them time and again, we have restricted their application. We have been the representatives of the people of the Territories, and it is not fair to say that the Territories had no representation in this House in 1875; this parliament represented the Territories. Surely the members of parliament of that day felt their obligation towards that part of Canada, as towards any other part of Canada. I think that from the year 1888 they had direct representation in this House, and also in the Senate. They amended their school law by ordinances passed in 1890 and 1891, and this government has assented to them. For thirty years the people have had a guarantee, with the consent of this House, that the system of schools in operation there would be perpetuated. Shall we place these new provinces on a lower plane than we would place the colony of Newfoundland? Shall we say to these new provinces: If you come in you must come in without the benefit of subsections 1, 3 and 4 of section 93 of the British North America Act, while Newfoundland would come in subject to those subsections? I submit that, from the point of justice, of equity, of fair dealing with the minority in this country, as a pure matter of expediency, if on no higher ground, for the purpose of taking this matter out of provincial politics—as a pure matter of expediency, as well as a matter of justice, the educational clauses of the Bill as now framed should be passed.

At six o'clock, House took recess.