

perpetrated upon them that I firmly believe this government will in future regret it. I say that no portion of the people of these two new provinces have any right to ask this parliament, in framing a constitution for the provinces, to provide that there shall be only public or national schools; nor have the Roman Catholics the right to ask that this parliament shall enact that they shall have the right to separate schools. And Why? Because the constitution does not give that right to either class of people. And while the people have no right to make that demand on this parliament, this parliament is bound by the very same principle, and what the people have no right to demand from parliament, this parliament has no right to inflict upon them. I argue from that, that this legislation is not only an infraction of the constitutional rights secured to the people of these provinces, but it is placing an obligation upon this parliament which it ought not to assume. Another reason why this government should not be asked to initiate legislation on this subject is, that it would be perfectly just and competent for them to say: we may have to sit in appeal upon whatever legislation may be enacted in these new provinces, and therefore it would not be fair for us to express our opinion in legislation beforehand. If these Bills are passed the government cannot take that position, and that shows again that the right of appeal has been taken away or interfered with by this legislation. After all, the question is not whether these provinces shall or shall not have separate schools; the question is: shall this parliament interfere with the educational rights of the provinces. I concur in the opinion expressed by my honoured leader; I venture to think that the subsequent legislation has in no manner changed the position which I have argued prevails under the British North America Act. Take the Manitoba Act of 1870 or the confirmatory Act of 1871. It may be observed that that legislation was passed under very exceptional circumstances. It was passed owing to conditions prevailing in that province at that time, and I might say passed by agreement between the people of Manitoba and this government.

Now, no such conditions as existed in that province exist in regard to these two new provinces. The right hon. leader of the government, when introducing these Bills, did not see fit to shelter himself behind the legislation of 1870 or 1871; and perhaps I need not trouble with that more than to say that the Imperial Act of 1871 appears to give unlimited power to this parliament to frame a constitution for a new province; but while that appears to be the effect of that Act, the British North America Act was in full force at that time. Now, that confirmatory Act of 1871 makes no reference whatever to the British North America Act and it cannot be contended that there was any

intention on the part of parliament in passing that Act that the British North America Act should be interfered with. Had there been such intention, some reference would have been made in that Act of 1871 to the British North America Act. That being so what is the position? Here we have the constitution under the British North America Act declaring that the provinces shall have the exclusive right to legislate in regard to education; and we have the Imperial Act of 1871, passed under these exceptional circumstances, and to meet the condition of affairs to which I have already referred, and when it could not have been intended to affect the British North America Act. Granting that these Acts are both of equal force, we have the British North America Act which says you shall give the exclusive right to legislate to these provinces and the Act of 1871 saying you may give these rights or not as you please. Granted that they are both of equal force, what is the fair position that this parliament should take? To carry out the guarantee which these people had under the constitution, or to take advantage of the permissive right which the statute of 1871 gives them? In the constitution it is obligatory; in the Act of 1871 it is only permissive; and for this reason I argue that the fair course to be taken by this parliament would be to say we will observe the obligation which we have entered into with you and will not take advantage of the right we have of denying you your full right of provincial government. Now, when the Act of 1875 was passed, the Act of 1871 was in full force; but we do not find in that Act of 1875 any reference whatever to the Act of 1871; so that that Act of 1875 could not have been based upon the right that was conferred by the Imperial Act of 1871. Such being the case, I conclude that the statute of 1875 offers no warrant whatever for legislation such as the government is pressing through the House now.

Considerable has been said in regard to the provisions of this Bill as it was originally introduced into this House, and the amendments now under discussion, and I want as briefly as possible to treat that subject as it appears to me. At the time of the introduction of this Bill it must have been apparent to any person who gave attention to the matter that whoever had charge of the drafting of the original Bill must have entertained a doubt as to whether the ordinances preserved all the rights and powers that were conferred on the minority by the Territories Act of 1875, under which Act, as the late Minister of the Interior said, there grew up, and was maintained a complete system of separate schools with the dual language, or what may be known as clerical schools, or that the ordinances superseded the provisions of that Act and deprived the minority of their rights to a complete system of separate schools with the two languages. This doubt must have

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