

agreement to it. This compact is eminently synallagmatic, providing for mutual and reciprocal obligations and common duties. In the British North America Act lies the common ground on which the different provinces formed the confederation which is now the Dominion of Canada. But, Mr. Speaker, that confederation was not looked upon at first favourably by some of the provinces, fears were expressed on behalf of the minorities in the various provinces, especially by the Protestant University of Quebec, and inducements had to be held out to the minorities in order to gain their consent. Let me quote to you some of the promises that were made to the provinces, from which you can judge what was the idea of the fathers of confederation. Hon. D'Arcy McGee, who I understand was one of the fathers of confederation, speaking, I believe, in 1864, said :

The minorities east and west have really nothing to fear, beyond what always existed, local irritations produced by ill-disposed individuals. The strong arm, the long arm of the confederate power will be extended over them all and woe to the wretch on whom that arm shall have to descend in anger for any violation of federal compact.

Well, Sir, inducements and promises of that kind were relied upon, and the various provinces agreed to form a confederation. They passed some resolutions and then went to the imperial parliament and obtained what is now termed the British North America Act, which is the constitution of Canada. That Act defines the powers of the central government, and the exclusive powers of the provinces. Among the latter is jurisdiction in the matter of education, but a jurisdiction which is not exclusive, but is limited by the terms of the British North America Act itself. My hon. friend from Lincoln (Mr. Lancaster) the other night said that section 91 defined the powers of the central government and section 92 defined the exclusive powers of the provinces; and when he was asked by my hon. friend from St. John and Iberville (Mr. L. P. Demers) if jurisdiction over education was contained in section 92, he was obliged to admit that it was not. There is a special section of the British North America Act, section 93, which gives to the provinces jurisdiction in the matter of education, but one which is limited by the terms of the section itself, subsections 1, 2, 3 and 4. Now we are told that in order to ascertain the meaning of any statute we must go back and inquire what was the intention of the legislators. Well, when this Act was passed in the British parliament, the mover, Lord Carnarvon, then Secretary of State to the colonies, made a statement which was quoted last night by my hon. friend from Cape Breton (Mr. D. D. McKenzie); but I may be permitted to read it again, because I consider it very pertinent. Coming to section 93 the mover said :

Mr. A. LAVERGNE.

Your lordships will observe some rather complicated arrangements in reference to education. I need hardly say that that great question gives rise to nearly as much earnestness and division of opinion on that as on this side of the Atlantic. This clause has been framed after long and anxious controversy in which all parties have been represented and on conditions to which all had given their consent.

There is not a word here of Quebec or Ontario.

The Roman Catholic minority of Upper Canada, the Protestant minority of Lower Canada, and the Roman Catholic minority of the maritime provinces will thus stand on a footing of entire equality.

Well, Sir, on the 22nd of February of the same year the Earl of Shaftesbury presented a petition to the House of Lords on behalf of the Protestants of the province of Quebec, asking that their rights be protected under the British North America Act that was then passing through parliament. What was the answer of Lord Carnarvon? Here I will call upon my hon. friend from East Hastings (Mr. Northrup) to make good his promise when he said that if we could show him some words in which we are in honour bound to give separate schools to the Northwest, then he would be in favour of them. I call the attention of that hon. gentleman to these words I am about to quote, and then ask him to keep his pledge. Lord Carnarvon, on the 22nd of February, in answering the Earl of Shaftesbury, said :

Hence the House would perceive that it was almost impossible for any injury to be done to the Protestant minority. The real question at issue between the Protestant and Roman Catholic communities was the question of education, and the 93rd clause, after long controversy, in which the views of all parties had been represented, had been framed. The object of that clause was to guard against the possibility of the members of the minority suffering from undue pressure by the majority. It had been to place all these minorities, whatever religion, on precisely the same footing, and that, whether the minorities were in esse or in posse.

Now is not that the case of the Northwest which was then a minority in posse and did not then form part of the confederation? Thus the Roman Catholic minority in Upper Canada and the Protestant minority in Lower Canada and the Roman Catholic minority in the maritime provinces would all be placed on a footing of precise equality. Now, Sir, the time has come when the pledge made by Lord Carnarvon in the House of Lords, when he was speaking of minorities, must be kept, and when we ought to do them the justice that was promised in the House of Lords. The hon. member for North Toronto (Mr. Foster) made a very eloquent speech a portion of which I will quote :

Now, Sir, I never was a separate school adherent, I never believed in separate schools as against national schools. In 1896 I stated my