

1. The federal parliament cannot create a new province with an area of legislative power greater or less than that assigned to the original provinces by the British North America Act.

2. It follows that section 93 of the British North America Act—the clause defining the legislative jurisdiction of the provincial assembly over education—must, *proprio vigore* and without possibility of amendment by federal legislation be operative in any new province immediately upon its creation as a province.

3. Therefore, if there should be at the time when a new province is established which is, in my opinion, the meaning of the words 'at the union' in section 93, any right or privilege in respect to denominational schools existing by law there, such right or privilege shall be protected by section 93.

Now, Mr. Clement, without hesitation, declares in the same sense that Mr. Dalton McCarthy did, namely, that if there are separate schools in existence in the Northwest Territories at the time these Territories come into the union—that is to-day these separate schools are entitled to the constitutional protection afforded by section 93. There is the opinion of Mr. Clement, who was quoted against me the other day by the leader of the opposition.

May I now deal for a moment with the amendment of my hon. friend the leader of the opposition? I have attempted to make the position of the government absolutely clear, would it not now be proper for us to know exactly what the position of the leader of the opposition is? Is it the intention of the leader of the opposition to ignore existing conditions, and public engagements resulting from the legislation of the past in this House, and the speeches made in explanation and support of them? Is it his intention to say to the Roman Catholic minority of the Northwest Territories that they should not have that protection that other minorities in all the provinces of the Dominion now have? I have read the amendment naturally with care, and I must confess that I have been at a loss to understand exactly his position on that point.

Now I will deal with one or two of the minor criticisms that have been offered against this legislation. It has been made a matter of reproach to the government that we did not declare our policy on this school question before the last election. Our policy, the policy of the Liberal party, was absolutely clear, it was not necessary for us to make any declaration; our policy was to follow the law in the letter and in the spirit; our policy was to give effect to the legislation introduced in 1875 by the great leader of the Liberal party, the Hon. Alexander Mackenzie and supported by Edward Blake, to give effect to that policy by our legislation. What about the opposition? Did they declare their policy on this question when they went up and down the country discussing the question

Mr. FITZPATRICK.

of autonomy for the Northwest Territories? Did they declare what their policy was with respect to separate schools? I have yet to learn that they did. But I think it would have been somewhat embarrassing to them to do it, in view of the spectacle we have had in this House during the last few weeks. They would have had one policy for Ontario and another policy for Quebec; and as to the policy in the other provinces, I leave it to the imagination of each one to conceive what it might have been.

Now another criticism that has been made is that Mr. Sifton was not consulted about this Bill. Mr. Speaker, I have little to add to what I have already said incidentally on that subject. I can say now that Mr. Sifton handed to me personally a draft Bill as prepared by those who represented the Northwest Territories, and that on that Bill were notes written in his own handwriting with respect to this question of schools, which I understood is the only question that we differed about. I have the notes here, which I will read:

Make memo of present provisions in law relating to the Northwest Territories as to public schools and provisions in other constitutional Acts.

Beyond that, I never had a conference with Mr. Sifton, beyond that, he is in no respect responsible for section 16 of this Bill. Now I have endeavoured at all times to shut my eyes and to close my ears to the idle chatter which we hear in the streets; I have endeavoured at all times to ignore the professional malinger who goes about for the purpose of endeavouring to create disturbances between friends. So far as I am concerned—I speak out openly, I have nothing to hide, nothing to be afraid of, either here or outside—I say that the honest differences that have existed, if any have existed, between Mr. Sifton and myself with respect to this Bill, are differences which any two self-willed and perhaps rather strong-minded men might have. But they have never extended beyond that, and any man who says they have, any man who, either in this House or out of it, says anything to the contrary, says what he knows to be untrue.

Now there is another point to which I wish to refer. A criticism has been offered as to the composition of the subcommittee that was appointed by the government to confer with the representatives of the Northwest Territories with respect to the provisions of this Bill. I would like to say that it is somewhat embarrassing to answer the charge that a man should not be Minister of Justice, or form part of that committee because he happens to be a Roman Catholic. The Prime Minister was a member of that committee. Was it improper that the Prime Minister should be a member of this important subcommittee?