

goes through parliament without changes and amendments. That is perfectly true. But I would ask the right hon gentleman if, in the course of his reading of constitutional law, he has ever found a case where the leader of a government introduced a Bill and, contrary to the ordinary practice not only explained its provisions, but made an impassioned appeal to the House by all the principles of right, and by all the claims of justice, loyalty, and even religion, to pass certain clauses, and days and weeks after told the House gravely that the government was considering these clauses and reserved its right to do as it saw fit about them? I would ask the right hon. gentleman's followers if it would not be more in accordance with constitutional procedure and more statesmanlike if this, consideration, this discussion, had taken place before the Bill came down, and before this burning question was thrown into the political arena? Would it not have been better to discuss the matter with his hon. colleagues, so that they might have a chance, before the Bill was brought to parliament, to oppose the measure and to try, by resignation or in any other proper way, to compel a modification of its terms? Would not this be better than, after parliament is called, the members should be detained from their business week after week because the government is not ready to announce its policy? My hon. leader (Mr. R. L. Borden) asked the right hon. gentleman (Sir Wilfrid Laurier) a most important question—it occurs to me the most important question in connection with this matter—which the right hon. gentleman did not answer. He inquired whether it was the intention of the government, as stated in a newspaper ordinarily supposed to be one of the organs of the party of hon. gentlemen opposite, to refer this question to the Supreme Court. Now, I do not know what the policy of the Conservative party or any other member of the Conservative party may be on this subject. But, speaking for myself, I oppose any proposal to refer this matter to the Supreme Court. We know that even a wise man may be caught napping once, but no wise man will be caught napping twice in the same way. I remember a question similar to this that agitated this country nearly ten years ago. I remember that a constitutional question arose along lines similar to this in the province of Manitoba. After it had been decided that Manitoba had not the right to separate schools because there were no separate schools by law or practice in the province at the time it entered into confederation, Manitoba claimed the right, under the remedial clauses of the law, to appeal to the Dominion parliament. The right of this parliament to repeal a provincial statute passed after the union was discussed, and the House was asked to consent to a reference of the matter to the Supreme Court. It was so referred. But

Mr. NORTHROP.

no less an authority than the right hon. gentleman himself (Sir Wilfrid Laurier) pointed out—and, I think, wisely and correctly—that the very fact of the House referring to the Supreme Court the question of its right to pass this legislation was an admission by the House that, should it be held that parliament had the right to pass such a law, it was in reason and in honour bound to exercise that right. And it was for that reason, and not because we were advocating separate schools in Manitoba that I and many others like me, thought that, this House having asked whether it had the power to pass remedial legislation, it would be a monstrous absurdity, it would be a stultifying of ourselves not to pass it. To ask whether we had the right to act and, when that right was established refuse to act, would simply be playing a double game. It would be asking the Supreme Court and the Privy Council gravely whether our rights extended to a certain point while determined that even if they did extend that far, we would not act upon the right thus decided to be ours. There is a clear cut line between the right hon. Prime Minister and Mr. Haultain and many other gentlemen in this country as to the constitutional right of this House to pass the legislation now proposed. Of course, I do not propose to discuss that point at present. But I venture to say that no lawyer will look into the matter and not come to the conclusion that, at least, the question is open to argument that it is doubtful whether this House has power to pass and enforce such legislation. But, if we should pass such legislation, and it should be decided to be ultra vires of our powers, the provinces will find that out for themselves and it will not be long before the people will find that they are not bound as they were supposed to be. But I would protest against submitting the question to the Supreme Court or Privy Council whether we have power to pass such educational clauses as are proposed; for all must see that, if this House should ask the Supreme Court whether we have that power to pass such clauses, it might be contended, as the right hon. Prime Minister said ten years ago, that, if it should be decided that we had the power, then we should be bound to show our sincerity and good faith by passing such legislation and so impose these clauses upon the Northwest Territories for all time to come.

Now, the right hon. Prime Minister (Sir Wilfrid Laurier) spoke of the educational clauses as the only objectionable clauses in the Bill. I would enter a very earnest dissent from that proposition. The Bill may have many objectionable clauses, but, if it has one transcendently objectionable, it is quite reasonable for the people, for the time being, to concentrate their attack upon that clause rather than spend their time on minor clauses which, however objection-