

Canada:

The Government could not readily contemplate any change in these arrangements which would impose larger financial burdens on Canada. On the other hand, with respect to those matters which are primarily of provincial concern, such as education, the Government of Canada would not wish to set down any rigid conditions, and it would be prepared to give reasonable consideration to suggestions for modification or addition.

All I want to say about that clause is this. In Newfoundland we have had for many years, before any of us was born, a system of education that has grown up based on the beliefs and the ideas and the needs of our people.... It is a system under which the various religious denominations have their own school system. Each denomination has its own schools and these schools are supported by the government out of the public funds, most of them. They also raise money of their own, as we all know.... Clause 19 says that first of all, only the legislature of Newfoundland can pass any laws concerning education if we become a province.... Secondly, they could not pass any law which would affect the rights of the different denominations to have their own schools; their rights are protected and they can go on as long as time lasts because no law can be made to change that. If any two denominations or more should ever wish to unite their schools into one system, their right is protected here and it is left entirely to the people and the legislature of Newfoundland, and no one else can interfere in it. In other words, this clause protects our present school system, leaves it just like it is, unless we Newfoundlanders should ever wish to change it ourselves....

Mr. Chairman They could amalgamate?

Mr. Smallwood Yes, by uniting any two or more schools. If any denomination wishes to go on forever with its own system of schools, their right is guaranteed in clause 19. The Prime Minister has made it quite clear that if Newfoundland wishes to change that clause, if this Convention desired to ask the Government of Canada if they would change it in some way, they are open to receive the request. If far more responsible people than this Convention wish to take up the matter, the way is open.

Mr. Chairman I think it is a closed matter as far

as the government is concerned. It is the right of any community to see that its rights shall not be taken away; if they desired to change by amalgamation, that would be brought before the provincial legislature. In either of those cases, I feel that any communication between the Government of Newfoundland and the Government of Canada is futile and absolutely unnecessary.

Mr. Smallwood I do not see it quite that way. Knowing as they do in the Government of Canada what our school system is, they were most anxious to protect our rights as they stand today. So they put in a clause to do that. It does exactly that. But the Prime Minister says, "With respect to those matters which are primarily of provincial concern, such as education, the Government of Canada would not wish to set down any rigid conditions, and it would be prepared to give reasonable consideration to suggestions for modification or addition"... They are open to make it even more binding than it is for the purpose of guaranteeing and protecting the rights of the various classes of persons in Newfoundland.

Mr. Chairman I think you are right on that.

Mr. Cashin I am not conversant with the British North America Act; but is there not something in it covering education?

Mr. Smallwood Yes, would you like to have it read?

Section 93: In and for each province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:

(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

(2) All the powers, privileges and duties at the union by law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

(3) Where in any province a system of separate or Dissident Schools exists by law at the union or is thereafter established by the