

that matter, notwithstanding his formal denial. But what has that to do with the school question of the Northwest? I shall be asked. Let me draw attention to the fact that as recently as 1901 a joint debate took place at Indian Head, in eastern Assiniboia, between Mr. Roblin and Mr. Haultain upon this very question of the extension of the Manitoba boundary. Mr. Roblin put forth the reason why the people of that little place should declare themselves to be in favour of the extension of the boundaries of Manitoba, at the expense of the Northwest Territories, Mr. Haultain, on the other hand, arguing against the proposition and seeking to convince the people that it was to their interest to remain in the Northwest Territories and that the boundaries of Manitoba should not extend westward. And what, Sir, were the reasons given by Mr. Haultain to induce them to resist the blandishments of Mr. Roblin and to oppose the extension of the Manitoba boundary? The joint debate is reported in the Regina 'Leader' of January 20, 1902, and Mr. Haultain's argument is summed up in these words: 'Good roads. Railways. Schools. Water.' Referring to the school question, he says:

With the school system you are fairly well contented, so I need not dwell upon the subject.

I said a moment ago that I expressed no opinion as to the relative merits of public and separate schools. Not because I entertain any doubt myself as to the proper system of education, or as to the necessity for religious teaching in our schools; not because I do not believe in the voluntary school, for, undoubtedly I do believe in that school, because I think that school is the only school consistent with absolute freedom of conscience for which I have always stood. As for the common school, bringing all the children together, so that there may be uniformity, I have very little to say. My view has been that the individual ought to be developed. I do not want uniformity any more than I want monotony—both stand practically in the same light, so far as I am concerned. I believe in the development of the individual as I believe in the doctrine of self-help. Perhaps, later on, I may have occasion to say a few words more about that doctrine. I argue that what was said and done in 1875, what was said and done in 1876, and in 1880, and 1885, and 1894, puts upon this parliament the imperative obligation to give effect to the promises and pledges then made. In 1875, Hon. George Brown, when section 11 of the Act of the Northwest Territories of that year was up for consideration said:

The moment this Act passed and the Northwest became a part of the union, they came under the Union Act, and under the provisions with regard to separate schools.

It is true that Hon. George Brown was not a lawyer, but he had taken a prominent and important part, a part, perhaps, second to that of no one else in the confederation debates, and he must be presumed to have understood the meaning of the British North America Act. He said that if the Act of 1875, which contained section 11 guaranteeing separate schools to the minority in the Territories, were allowed to continue until the Territories came into the union, then those schools became part of their constitution. Not only was that the view held by Hon. George Brown, but Mr. Dalton McCarthy, in 1894, speaking of the clause relating to separate schools, which he wished to have repealed, said:

Now, we insist by the clause of the Act of 1875, which has been included in the various consolidations of the legislative powers of the Northwest Territories which have been made from time to time, that they shall have separate schools, and if we continue insisting that that system shall prevail up to the time we create provinces in the Northwest, then the application of this clause of the first subsection of section 93 of the British North America Act, to which I have referred, rivets for all time upon the new provinces the system of separate schools.

Therefore we have the opinion of Hon. George Brown, confirmed by that of Mr. Dalton McCarthy, that if the system of separate schools exists in the Territories at the time when they came into the union as provinces, that system becomes part of their constitution and we cannot interfere with it.

Mr. R. L. BORDEN. Did not he withdraw that later on?

Mr. FITZPATRICK. Possibly. But it seems to me that I have gone several times through all the debates on that subject and do not recall reading any withdrawal on his part. It may have escaped my attention—

Mr. FIELDING. Does the hon. gentleman (Mr. R. L. Borden) mean in the same debate?

Mr. R. L. BORDEN. Yes, a little later on. Speaking purely from recollection, in answer to Sir John Thompson, he did withdraw it.

Mr. FITZPATRICK. I saw that part. It is not a withdrawal—at least, that would not be the construction I would put upon it. Some days ago, the work of Mr. Clement on the constitution was quoted by the leader of the opposition against the position of the government. Mr. Clement, of his own motion, without being solicited wrote to me on March 10th, in a letter in which he inclosed a typewritten document headed 'The Legal position of a new province as to education,' in which he deals with this question. He says in part: