

rage by writing or wiring and getting others to do so.

And then he qualifies this measure as 'criminal folly.' Why, Sir, if these hon. gentlemen were in earnest they would have addressed themselves to the task of improving that proposed clause, they would not qualify this provision of the law as criminal folly or try to raise prejudice and passion among our people. The hon. gentleman from East Grey (Mr. Sproule) said:

Mr. SPROULE. May I ask the hon. gentleman a question?

Mr. BUREAU. Yes, anything you want.

Mr. SPROULE. Does he consider that the party who rings the fire alarm and rouses the public to stop the fire more criminal than the man who sets the fire?

Mr. BUREAU. The hon. gentleman lit the fire on the 16th. We never had any fire on our side until the 21st. Who is the criminal?

Mr. SPROULE. I knew the fire was lit before that, but it had not extended so much that it was open to the world. I had the information before that. It was only smouldering then.

Mr. BUREAU. I will admit the hon. gentleman's proposition for the sake of argument. Supposing that the bringing down of this measure is the cause of all this trouble; suppose that clause 16 has caused all the trouble and we exonerate the hon. member for East Grey, what was clause 16 based upon? I think it was based upon the constitution. I must apologize right here. I have read law in the University of Laval, owned and controlled by the hierarchy. Of course, my opinion may not amount to much, but here is the way I read the constitution, and the hon. leader of the opposition (Mr. R. L. Borden), who is a broad-minded man and a good lawyer, might listen a little bit and see whether there might not be some good in it. The constitution says:

In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions.

Mr. Lewis Sutherland in his book on Statutory Construction says:

Provisos and exceptions are similar; intended to restrain the enacting clause; to except something which would otherwise be within it, or in some manner to modify it. A proviso is something engrafted upon a preceding enactment and is legitimately used for the purpose of taking special cases out of a general class or to guard against misinterpretation.

How could they legislate exclusively? They could legislate exclusively under certain conditions. Otherwise they shall not legislate exclusively because the Act says so. With the right of appeal you will have legislation by the federal parliament as was at-

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tempted by the late government in 1896. Then, the Act continues:

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.

It is admitted that the minority in the Northwest Territories, or in the proposed new provinces, have privileges. They have a system of separate schools and all we now say is that they shall have the same system. We only say that what exists now by their own will shall continue. In listening to the hon. member for North Toronto (Mr. Foster), who must be an authority—he was here in 1896 and he knows what has taken place—I heard him say that a compact was made in Quebec, that Mr. McGee moved the resolution that these restrictions should apply to the two Canadas. I see that in subsection 2 there is something applying to the two Canadas. In 1896 the hon. member for North Toronto, then Minister of Finance, said that before we can discuss this question intelligently it must be well understood and borne in mind that this privilege of having separate schools was not asked for by the Catholics, but was asked for by the Protestants. How is it that Mr. McGee asked that these exceptions should apply only to the two Canadas? How were the words left out of the first subsection? If at that time the intention had been that the effect of this clause should only apply to the two Canadas it was not necessary to leave it in that way. But let us take the constitution. In 1867 what were the conditions in Manitoba? Outside of Kildonan and Springfield, north of the railway track to-day, they were all French and Roman Catholics. You had the settlement of Scotch half-breeds on this side of the Assiniboine river and you had on the other side of the river the parishes of St. Vital, St. Norbert, Ste. Agathe and St. John Baptiste; up the Seine river, Lorette and Ste. Anne; up the Assiniboine, St. Charles, St. Francois Xavier and St. Eustache, all French Canadians, French half-breeds and Roman Catholics. Then, the limit of civilization seemed to be Portage la Prairie. The same conditions existed in the Northwest. You had Prince Albert, St. Albert and Battleford where the majority were French Canadians, French half-breeds and Roman Catholics. Is it not reasonable to suppose that these people who were so anxious to protect the rights of the Protestant minority in the province of Quebec had the words dropped (two Canadas) so that the section might apply also to these territories which are coming into the union? I think it is only a fair supposition to make.

Now, Sir, I am one of those who believe that these provinces cannot legislate without legislating subject to this proviso. I believe that it was wise and that it was the duty of the government in bringing down this legislation to insert such a provision