

ing, I desire to point out was made not to Canada, but to Her Majesty, that is, to the imperial authorities,—it is declared in the preamble as follows :

Whereas by the British North America Act, 1867, it is (amongst other things) enacted that it shall be lawful for Her present Majesty Queen Victoria, by and with the advice and consent of Her Majesty's most honourable Privy Council, on address from the Houses of parliament of Canada, to admit Rupert's Land and the Northwest Territories, or either of them, into the union of the Dominion of Canada on such terms and conditions as are in the address expressed, and as Her Majesty thinks fit to approve, subject to the provisions of the said Act.

So, throughout all the documents leading up to the transfer of this territory to Canada, stress is laid upon the fact that when this territory becomes part of Canada, it shall do so under and in accordance with the terms of the British North America Act. Now, in that view of the case, and having the British North America Act imported into the Act of 1871, under which this Bill is brought down, it seems clear, according to my reason and judgment, that the whole Act applies, and that these provinces are entitled to the same measure of responsibility as the other provinces under all the sections of the Act, except where by direct statement of reasonable intentment only one or more provinces and not all the provinces is intended. That being the case, it seems to me that section 93 applies to the Territories referred to in this Bill. It seems to me that section 93 applies by force and operation of the law, and, by section 2 of the Bill it is made to apply expressly, for it is so stated in the section, and the side note states 'British North America Act, 1867 to 1886 to apply.' And so the minority in that province will have every benefit of these sections and every benefit of the law. And, whatever the law may be, in all parts of Canada, the minority equally with the majority have to submit. It may be that to-morrow the minority may be seeking the protection of the statute that is now being invoked; they may need the protection of the British North America Act. It does seem to me that it is better that the law should be lived up to, that in these matters we should, as it were, hue to the line, and that the law as laid down in our constitution should be maintained with regard to all classes of the community. And I believe that the minority in this country have no desire to wrest from the majority anything to which they are not entitled. Moreover, I believe that the minority in these new provinces will receive a larger measure of justice if they are left to their legal rights.

Mr. A. LAVERGNE. With the hon. gentleman's permission, I would like to ask him a question. Suppose that section 93 were left to apply and suppose the rights of the

Mr. MACDONELL.

Catholics in the Northwest were taken away from them, would the hon. gentleman favour a Remedial Bill?

Mr. MACDONELL. Absolutely. Most certainly. The party to which I belong favour remedial legislation where necessary to protect minorities. We favoured it yesterday; we favour it to-day; and I believe we shall be found favouring it to-morrow, for it is law. We stand upon the constitution. Now, I am not alone in the belief that the people of the west will receive a larger measure of protection and be more clearly guaranteed their rights by letting the law take its course and supporting the amendment. Let me quote the words of some hon. gentlemen opposite. The hon. member for North Ontario (Mr. Grant) said :

Now, Sir, I have said that the hon. leader of the opposition made it a point that the merits and demerits of separate schools did not enter into this discussion. Hon. gentlemen opposite apparently did not think so, and I have wondered too how some of them could bring themselves to support in its entirety the amendment offered by the hon. leader of the opposition to this Bill because it might quite possibly be the logical effect of the amendment of the hon. leader of the opposition to bring into force a full dual system of sectarian schools in the new provinces. I do not say whether that would be a blessing or whether that would be a great detriment to those new provinces, but I do say that hon. gentlemen opposite who have gone out of their way to attack separate schools should think twice and that they should think long before they vote for an amendment which will have the effect that I have just pointed out.

And the hon. member for North Simcoe (Mr. L. G. McCarthy), in the course of his remarks on this Bill, spoke as follows :

Now, Sir, upon this legal proposition, I do ask some consideration at the hands of my hon. friends. If I am right, as I think I am, I cannot endorse the view of the leader of the government, nor can I endorse the view of the leader of the opposition, because I think that in the event of there being litigation over this Bill, it will be found that if you leave clause 2—

(That is clause 2 in the Bill now before the House.)

—in there as it stands—and they are certainly entitled to something like that—if you do not vary it, you will have a system of separate schools imposed upon these provinces, a more effective system, in the interests of supporters of separate schools, than the present clause 16. In that respect I agree with the hon. member for Beauharnois (Mr. Bergeron), who made the suggestion last night that such would be the result. Now, if that is so, I ask again for protection in that regard for those who think as I do upon that question. It is necessary to vary this Act if you want to get rid of the effect of clause 93 of the British North America Act, and to do that you will have to insert in this Bill some such clause as that the provinces shall have unconditionally the exclusive right to legislate on educational matters. If you do not do that, then I say that the constitution will take its course, and the courts will decide that