

hon. friend the Minister of Justice was referring to clause 2 of that Bill—we can put the matter to a very simple test. Eliminate section 16, No. 2, as you have already eliminated section 16, No. 1 and let this question be tested upon the provisions of section 2 of this Bill which are substantially the same as those of section 2 of Mr. Haultain's Bill. If Mr. Haultain's Bill was sufficient to accomplish the purpose claimed by my hon. friend the Minister of Justice, there need be no further discussion about the question at all. Eliminate section 16, No. 2, as you have already eliminated section 16, No. 1, and let all parties stand upon their rights in respect of section 2 of Mr. Haultain's Bill. I might also observe in passing that in discussing the effect of section 16 of this Bill and section 2 of Mr. Haultain's Bill, my hon. friend the Minister of Justice seems to me to have overlooked the definition of the words 'by law' which he has introduced into section 16, No. 2.

The Minister of Justice also says that he has merely defined the word 'province' and the words 'at the union' in order to remove doubt; but my hon. friend is too good a lawyer to require to be told that express legislation may be affected by definition. Here it is just the same as if he had substituted a new section containing the interpretation which he has given to those words. There cannot be any doubt about that, and I know that my hon. friend has not any doubt on that point. My hon. friend also observed at page 6201, unrevised 'Hansard,' that under the present ordinances the schools are schools of all the ratepayers. Is this intended as a distinction? By chapter 29, section 41, and chapter 30, section 8, of the ordinances, the minority ratepayers are taxed for only their own schools.

Now, I have just one further observation to make with regard to the reliance which has been placed upon what has been called the sacred compact, the constitutional right, the solemn promise, made by the Act of 1875, and to which it is alleged that the people of the Northwest Territories are entitled under the provisions of the British North America Act. I would like to observe to my hon. friend the Prime Minister that if section 11 of the Act of 1875 was a solemn compact, how does he distinguish the provisions of the Revised Statutes of Canada of 1886, chapter 50, section 110, which were first enacted in the year 1881? That section was as follows:

Either the English or the French language may be used by any person in the debates of the legislative assembly of the Territories and in the proceedings before the courts; and both those languages shall be used in the records and journals of such assembly; and all ordinances made under this Act shall be printed in both those languages.

It does not seem to me that because a
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particular provision was made in 1875, and another particular provision was made in 1881 by the same authority, the latter is less a pledge or a promise or a constitutional right than the former. In the one case, in 1875, a certain temporary provision, as I understand it, was made with regard to separate schools in the Territories so long as they should be Territories. In the other case, in 1881, a particular provision was made with regard to the use of the English and French languages in the debates of the council and the legislative assembly of the Territories; and if you are to call one a solemn promise and compact and constitutional right, why should you not call the other a solemn promise and compact and constitutional right? I do not at the moment have my attention called to any possible distinction which could be made in principle between the one and the other. My right hon. friend very well remembers that in 1890 there was a debate in regard to this matter, and a Bill was introduced, I think, by the late Mr. Dalton McCarthy; and eventually, at some stage of the debate, the following resolution was moved by Sir John Thompson:

That this House having regard to the long-continued use of the French language in old Canada, and to the covenants on that subject embodied in the British North America Act, cannot agree to the declaration contained in the said Bill as the basis thereof, namely, that it is expedient in the interest of the national unity of the Dominion that there should be community of language amongst the people of Canada. That, on the contrary, this House declares its adherence to the said covenants and its determination to resist any attempt to impair the same. That at the same time this House deems it expedient and proper, and not inconsistent with those covenants, that the legislative assembly of the Northwest Territories should receive from the parliament of Canada power to regulate, after the next general elections of the assembly, the proceedings of the assembly and the manner of recording and publishing such proceedings.

That gave occasion for debate, and my right hon. friend the Prime Minister supported this resolution of Sir John Thompson, saying in part as follows:

The amendment of my right hon. friend, the Minister of Justice, tends to uphold provincial rights and local autonomy, and I am happy to extend my congratulations to the Prime Minister and to his government that more and more and day by day the force of circumstances brings them over to the principle.

I am afraid that I can hardly convey the same congratulations to the right hon. gentleman and his colleagues in respect of their attitude upon the Bills which are now before the House for discussion. The right hon. gentleman continued:

I always have stated publicly, as well as privately, and I have never disguised my thoughts on this matter, that, in my judgment,