

the language used by his Minister of Inland Revenue, when that gentleman in speaking of the wisdom of trusting to the generosity and fair-play of the people, he applied that in answer to a supposed argument that this law could not be enforced and he said: You may trust to the generosity, and it is wise to trust to the generosity and fair-play of the people. Well, if that be so, why not trust the people of the west. Does the Minister of Inland Revenue suppose that he is going to approach this people with any hope of success when he only half trusts them?

Is he likely to get a people to treat him with generosity when he goes to them with a clenched fist and in effect says to them, I ask you to do this, but if you do not do it, I will make you do it? That is the sort of trust the hon. gentleman seems to wish to indulge in.

As I have said, I propose to confine my remarks to the educational feature of the Bill, and I think it is well to consider at the very outset what is the real basis of the constitution as regards education. The subject of education is wholly dealt with in section 93, and its subsections, of the British North America Act of 1867. In my opinion that section was intended to be a final and conclusive settlement of all controversies on the subject of education in this Dominion. It was intended to put an end once and for ever, if possible, to such wranglings and bickerings as had been so hurtful to the old Canadas and their peoples. The methods laid down to accomplish this may not have been in every respect and to the minds of some men the very acme of wisdom and statesmanship; but they certainly were the result of the earnest and loyal efforts of the best minds of that day, and they are the law, and as such should cheerfully and in all loyalty be respected even though there are here and there some men who may see what they would like to have otherwise. I do not wish to be understood, Mr. Speaker, as in the remotest degree questioning the wisdom of that Act of 1867, in any particular, nor as finding fault with any clause or word in section 93. That clause dealt with a difficult subject in, as I believe, a most comprehensive manner, and it would be most presumptuous in me or I think in any man of the present day to say that he could have suggested any better method of accomplishing what was accomplished by that section. The men of that day were old and practical statesmen, full of experience, alive to every danger, to every difficulty, and to every obstacle in the path of the aspirations of a people who, whatever their differences of race or creed, had in clear view a great Canadian nationality, one, undivided and inseparable. They endeavoured to lay down a basis, a guiding principle, as to education generally, and as regards separate schools in the various

provinces. They endeavoured to do this, in my opinion, not only for the four original provinces of the confederation, but for other provinces which should come in, and for new provinces which might be created out of Territories taken into the union. In my opinion, provision was made, and wisely made, for every province, no matter when or how it should become a province. Once it became a province, however, the law as laid down in section 93 and its subsections at once applied. We find running through section 93 and its subsections one clear principle, that education is a subject for provincial legislation—that in no way whatever is education under any circumstances a subject for Dominion legislation except by way of appeal under the remedial clause. That is the principle throughout the whole clause and the subsections. Read the main clause, and read every subclause, and you will see nothing but that from beginning to end. The provincial power in reference to education, it is true, contains certain restrictions and conditions, but these conditions always relate to provincial status; they relate to no other status whatever; and it is quite clear that if any one or more subclauses do not apply to a particular province, that does not confer any jurisdiction upon the Dominion parliament. The only effect is that the province can exercise power without being hampered by such subclauses. I therefore contend as a necessary result that parliament can neither legislate as to education, except in case of appeal, nor can it add to or detract from or vary in any way the conditions on which provinces have authority to legislate. We have questions bandied back and forth across the House as to what some particular gentleman of the legal profession thinks about the application of a certain clause. But why ask such questions? The answer may be right or it may be wrong. We can neither make it right nor make it wrong. If a subclause does apply in a particular case, we cannot prevent it applying. If a clause of its own strength does not apply, we cannot by any Act of this parliament make it apply. We have no authority to interpret. Therefore why should we do more than apply the law as it is? Apply the British North America Act, and you thus apply section 93 subject to its subclauses; and that would mean that wherever one or more subclauses did effect a particular province, it took its powers of legislation subject to such subclauses alone. The rule established was that a province should have full power, subject only to this, that what in the exercise of its own representative functions it once gave, that it could not take away. As to Territories, I may point out that while the British North America Act, 1867, deals with both provinces and Territories, section 93 and its sub-