

Newfoundland

educational life of the new province itself, will be the backing and the help of the existing institutions which have contributed in great measure to the professional and cultural life of Newfoundland down through the years.

Mr. Timmins: I do not think it would be inappropriate to say that a good number of the young men from Newfoundland have found their way up to Ontario to seek their education. The Secretary of State for External Affairs will bear me out when I say that he and I, as students at Victoria college in Toronto, had with us many young men from Newfoundland, a good number of whom have become professors in Canadian universities. One of them was also a delegate who came from Newfoundland to consult with our officials and our Prime Minister in respect of this act of union. We have welcomed many in the past, and I think that in the future we will welcome more and more of these young men to our various universities, particularly those in Ontario.

Mr. Bentley: I should like to ask the Prime Minister whether consideration has been given to certain things. When speaking on second reading of the bill this afternoon, the leader of the opposition pointed out, in connection with oleomargarine, that there was embodied in this agreement a certain term which, while it may not be operative now, since time and circumstances have removed the need for it at the present time, is nevertheless there for future consideration by anyone who may feel that he may want to take advantage of it. In this section the same thing happens.

The Prime Minister has said that the terms of the Newfoundland delegation with regard to their educational system were something they themselves wanted, and that the Canadian delegation agreed to them because the Newfoundland delegation wanted them. That means that there is a departure from the regular practices under the British North America Act in that the new province of Newfoundland, when union takes place, will not need to appeal to His Excellency the Governor General—or to the lieutenant governor, I presume, in the case of a province—for any changes in connection with the agreement. That may be all right. Traditionally, Newfoundland undoubtedly wants that. They are accustomed to it. But did the Canadian delegates consider seriously the possibility that if this becomes part of the agreement by consent of Canada, then in the future some other provinces which may wish to adopt this particular procedure may possibly put up a strenuous fight, and that we shall find our whole Canadian system of

education altered to suit that of Newfoundland? Was that possibility considered when the matter was under discussion?

Mr. St. Laurent: I do not think this term can have any effect on the educational system in Newfoundland or in Canada. It is a modification of the guarantees of minority rights set out in the original British North America Act. In the acts which created the provinces of Alberta and Saskatchewan there were made for those two provinces special provisions which were somewhat different from the terms set out in the original British North America Act. The hon. member suggests the possibility of some province wishing to have these or similar terms instead of having the terms that are now in the British North America Act. I do not know how an amendment of that kind could be brought about. I think it would be a relief to all of us in Canada if these matters could be dealt with by the courts of justice whenever there was any feeling that a minority right had been violated, instead of being dealt with by means of an appeal to a political body. The experience of the Canadian public with respect to appeals that have been taken under section 93 of the British North America Act is really an unhappy one. It has created disunion, and whatever disposition was made by the governor in council, there was a large section disappointed and dissatisfied with the decision. They are apt to consider that the decision is not really a judicial but a political one. In these matters where there are to be constitutional safeguards it is better to have them sanctioned by judicial decisions than by decisions which many people feel are more of a political than of a judicial character.

Mr. Bentley: The Prime Minister has tacitly agreed that what I suggested might happen could happen and would be desirable. If a province wished to adopt this particular principle or practice, any changes in educational matters would not be subject to a legislative body.

Mr. St. Laurent: No; all changes, under this section, have to be made by the legislative body of Newfoundland, but if the legislative body of Newfoundland attempted to do something that violated a minority right, instead of having a political body decide the question whether or not there was a violation, that question would be decided by a judicial body. It is the same in the other provinces. There are guarantees of minority rights. But when there is a contention that they have been violated, instead of going to the courts to determine whether that is so or not the matter is taken to the governor in council; and, whatever he decides, many feel that his