

respect. The government take the position that under the British North America Act, the minority, whether Roman Catholic or Protestant, in the Territories are entitled to have preserved to them the rights and privileges in respect of education which they now have by law. On the other hand, the leader of the opposition claims that in granting autonomy to the Territories we have no right to make any reference to education; but that the exclusive and constitutional power to deal with that subject should be left to the new provinces subject to the provisions of the Confederation Acts from 1867 to 1886. The provisions in respect of education in the British North America Act are contained in section 93 which in effect states that:

In and for each province the legislature may exclusively make laws in relation to education. Provided, however, that 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.

The question very largely turns on the meaning of the term 'at the union.'

Mr. Haultain claims that the Northwest Territories came into the union in 1870, when that territory was annexed to Canada. Prior to that time there were no separate schools by law in the Territories. Mr. Haultain argues that section 93 of the British North America Act applies as at the time when the territory was annexed to the Dominion. In other words, he says the new provinces are entitled under the British North America Act to full and exclusive power to legislate in regard to education, without any qualification or condition—there being no separate schools prior to the annexation.

On the other hand, the government contends that the term 'at the union' means the time when the Territories are created into provinces and granted full autonomy, and that the rights and privileges which the minority have now, in respect of education, should be perpetuated in the Autonomy Bill—following the principle of section 93.

In 1875, the Dominion government of the day gave the Territories a form of government, and provided, among other things, that the territorial government might pass laws or ordinances in regard to education, but that in such laws or ordinances provision would always be made for separate schools for the minority, be they Roman Catholic or Protestant.

To my mind the word always must mean what it says, and the many different opinions given by eminent jurists on both sides lead me to believe that there must be some doubt as to the interpretation of the constitution; and such being the case, the proper course to follow was to place the matter beyond the shadow of doubt as the government have done.

Now, if the 'time of union' within the meaning of the British North America Act was, as contended by some, the time when the Territories were annexed to Canada, namely, in 1870, and section 93 of the British North America Act then applied automatically, as is contended, it would seem that the Dominion government had no right in 1875 to make provision in their legislation for separate schools for that Territory, there being no separate schools prior to that time, but nevertheless, they did so, and the records of parliament show that both parties practically agreed to the legislation. They were almost unanimous. The records also show that the leading statesmen on both sides of the House at that time were of the opinion that the legislation was intended to be in the nature of a settlement of the much vexed question for all time to come. Some hon. gentlemen on the other side of the House have rather attempted to discredit the loyalty of the French Canadians in the province of Quebec, though this has not been done so much in this House, probably, as in newspaper articles. I want to say right here that had it not been for the loyalty of the French Canadians of the province of Quebec many years ago, there would not be a vestige of British rule in this country to-day. But for this loyalty we should not be sitting here to-night discussing the question of religious education for half an hour in the school-house;—for, be it remembered, religious education is not given in the school as some hon. gentlemen have said. I claim that when the school is dismissed, the religious education cannot be said to be given in the school, but in the school-house. And for my part I believe—and I think a great many members on both sides will agree with me—that the proper use for the school-house is not only for half an hour on school days, but for every hour of every day in the week, when school is not in session to devote it to religious instruction, Sunday Schools, temperance meetings and the spread of the Gospel. I say, Sir, that had it not been for the loyalty of the French Canadians shortly after the cession of this country to Great Britain, we should not have been here as a Dominion parliament with the Union Jack flying over us and the representative of the Crown within telephone call of this building, but, in all probability, we should be sitting in one of the legislative halls of the United States, with the stars and stripes floating over us, governed from Washington, and discussing the negro question, instead of a paltry question of a half-hour's religious education.

Mr. SPROULE. If that had happened, where would the separate schools have come in?

Mt. BICKERDIKE. We should have had no separate schools. I would like to cite