

that are assigned to the provincial legislatures under section 92 of the British North America Act, surely they are intelligent enough and far enough advanced to deal with the subject of education? That section gives the provincial legislature exclusive jurisdiction to deal with the subjects of direct taxation, borrowing money on the credit of the province, management and sale of public lands, the establishment, maintenance and management of reformatories and prisons, establishment and maintenance of hospitals and asylums, licenses, local public works, marriage, property and civil rights, administration of justice, and generally all matters of a merely local nature in the province. Now, if the Prime Minister thinks that the people of those Territories are sufficiently advanced to deal with all these subjects I have mentioned, surely he must believe that they are sufficiently advanced to deal with the subject of education.

It is idle for the right hon. Prime Minister or any person else to pretend that there is any other reason for excluding education from the operation of this Act or taking the question of education away from these provinces except it be on the religious ground. I say this and I say it forcibly because it is necessary as we are drifting away back into the dark ages. When we are dealing with this Bill this question ought to be dealt with exactly on its merits, the same as any other question would be, and if there is no meritorious reason for butting in the question of religion, or for sticking it in the Bill at all, if there is no logical, sound, businesslike reason for putting it in, there is no excuse for putting it there any more than there would be for putting in any other question that had no business to be there? Are we not sufficiently intelligent to deal with this question of education calmly, deliberately and as business men? Can we not ask ourselves the same question in regard to this question as in regard to any other question? Cannot we say: Does this properly come within the subject of this Bill, is it proper that we should deal with this question any more than that we should deal with any other question? There is not an hon. gentleman on the other side of the House who has made up his mind to record his vote for the government on this question, but will admit or will conscientiously say to himself that a judgment of this kind should not be forced upon him more in respect to the religious question than it would be in regard to any other question. I venture to say that if the British North America Act were attacked in regard to some other of its features, if it were proposed, for instance, to give the Northwest Territories control of post offices instead of leaving it to the Dominion parliament the hon. Postmaster General would say: No, that is unconstitutional; that is one of the subjects that the British North America Act exclusively

leaves to the Dominion parliament to deal with, and you cannot change the British North America Act in that respect. But, the Postmaster General does not mind taking from the provinces the right to deal with the subject of education although it is exclusively assigned to the provinces except in the cases that he has mentioned to-night. If a province after it was a province, being of age and able to do it, deliberately knowing what it was doing, inflicted upon itself a system of separate schools it could not abolish that system upon joining the union. There is no warrant whatever for dealing with this question except upon the lines of the British North America Act. And section 92, containing an enumeration of the different classes of cases which I have mentioned, lays it down that these cases are to be dealt with exclusively by the provinces.

Mr. L. P. DEMERS. Do they mention education in clause 92?

Mr. LANCASTER. Not in that section. Section 92 which I have just read says, and I have used that for a purpose, that:

In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated.

And so on. Section 93 says that the 'legislature may exclusively make laws in relation to education.' These provisions are exactly the same in the operative parts of these two sections. Section 92 dealing with matters which neither the Prime Minister nor any one else has dared to interfere with, which are subjects which are admitted to be exclusively within the jurisdiction of the province and which are always to be dealt with by the province, contains exactly the same phraseology as section 93 does in regard to education:

In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated.

Is one section, and

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

Is the other section. Exactly the same operative words are used in both sections. The province may make laws exclusively in relation to education

Subject and according to the following provisions.

Exception No. 1 no one but the premier pretends has anything to do with this case; exception No. 2 no one pretends has anything to do with this case. Exception No. 1, is as follows:—

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.