

Mr. SPROULE. As they do.

Mr. FITZPATRICK. As they do not.

Mr. SPROULE. Has any authority dared to interfere with the right which these provinces have enjoyed since they entered confederation in 1867? Who has dared to interfere with their rights to deal with education? And have we not had discussions in this House with regard to the province of New Brunswick and was it not decided here that they had that absolute right and must enjoy it? That was declared by Sir John Macdonald and he refused to interfere with that right.

Mr. FITZPATRICK. Never.

Mr. SPROULE. Certainly.

Mr. FITZPATRICK. The leader of the opposition, who has a reputation as a lawyer, would not repeat that?

Mr. R. L. BORDEN. What was it you said?

Mr. SPROULE. I said with regard to New Brunswick it was contended they had the absolute right to control their education and when the question was brought into this House of interfering with that right Sir John Macdonald declared against it, and said it was one of the rights which the provinces must enjoy. I stand by that, and I am upheld by the record. When it was said that the minority did not get what they were entitled to, what he said was the remedy was to agitate, agitate, and try to convince the majority that what they were doing was wrong and if they could not do that to vote them out at the polls. That was his answer, to attempt to vote them out, and they have enjoyed that right ever since. So has Prince Edward Island, and in face of that will it be said that no province has an absolute right to deal with education?

Mr. FITZPATRICK. The Privy Council has said so, that does not make any difference.

Mr. SPROULE. The Privy Council has said that when a certain contingency arose there was federal jurisdiction, but unless those conditions laid down by one subsection of section 93 were brought about there could be no interference, and, therefore, the province enjoyed absolute freedom.

Mr. FITZPATRICK. Absolute freedom subject to regulation.

Mr. SPROULE. Subject to conditions which they never invoked, which can only be brought about by themselves and which they are free to bring about or not, so it is absolute freedom. The Prime Minister said that we want to adhere exactly to the constitution, and by his amendment which is supported by the Minister of Justice he is proposing to substitute something else for a portion of the constitution, something else for the subsection of section 93 of the consti-

tution, and he says we want to adhere to the constitution. Is that not a strange proposal? Is that not somewhat paradoxical? We want to adhere to the constitution and yet we propose to amend it, and the Minister of Justice supports him in that contention that he should amend the constitution. As long as the constitution secures the rights which he desires to give the minority he is prepared to stand on the rock of the constitution, but as soon as he imagines that the constitution does not secure those rights then he is prepared to amend the constitution, itself as he now proposes to do.

The Minister of Justice, who, I imagine, will also contend that they are endeavouring to stand on the constitution, supports them in the proposal to amend the constitution to secure to the minority the rights which he is afraid they may not otherwise get. What excuse did the Minister of Justice give for proposing this amendment? He said: 'I do not wish to be misunderstood. It is because we are not sure that these rights would be secured to the minority if we allowed the whole of section 93 to go into operation in connection with this Act, that we are proposing to amend a portion of that section 93, and substitute clause 16 for the old clause, which provides that we shall amend section 93 by reading into it the ordinances as they exist to-day in the Northwest Territories, and thereby amend the constitution.' What did the Prime Minister say when he introduced this Bill? He said: 'We are standing on the rock of the constitution.' But he contended that as the minority in the Northwest Territories enjoyed separate schools to-day, and as those schools had been in existence for so many years, this provision would bring them under the constitution and secure to them that right in perpetuity. Now, here was something that rather amused me, and that I thought was scarcely consistent with that statement. Following it, the row broke out between the present government and the late Minister of the Interior, and they succeeded in bringing him back by amending the clause in question. The Prime Minister said: 'We may have been unfortunate in our language, but what we desired to perpetuate is what exists in the Northwest to-day.' But what exists there to-day is not by any means what was given under the Act of 1875. If the rights given under the Act of 1875 were what the minority fell heir to, the Prime Minister admitted that he did not intend to perpetuate those rights, but that he intended to perpetuate what was grafted on that Act by the ordinances and the amendments made to it and the regulations. Is that consistent with the position he took, that he was standing on the rock of the constitution? In my judgment it was not. Then there was a controversy between the late Minister of the Interior and the Minister of Justice as to who drafted the original clause 16, and why it was drafted as it was.

Mr. FITZPATRICK.