

Dominion jurisdiction and that section 92 distinctly and exclusively applies to provincial jurisdiction, and we find in neither of these sections any mention of the question of education. That is a fact that may well be pointed to. Why is it so? It is because education was not given exclusively either to the provinces or to the Dominion and it is wrong to say as many hon. members have said, that education is exclusively within the jurisdiction of the provincial legislature. It it were so it would form part of section 92, but it is put in a section of the Act which we in this House are all familiar with, section 93, but in order that my statement on this point may be a complete one, I am going to incorporate that section with my remarks. Section 93 reads as follows:

In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions:

1. 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.

Subsection 2, I need not read as it applies exclusively to Ontario and Quebec.

3. Where in any province a system of separate or dissentient schools exists by law at the union or is thereafter established by the legislature of the province, an appeal shall lie to the Governor General in Council from any Act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

Section 4 is the remedial clause which I need not read. Now it is argued that the subsections following section 93, only applied to the original provinces coming into this union. Subsection 2 certainly covered the case of Ontario and Quebec. It is argued that subsections 1, 3 and 4 only applied to Nova Scotia and New Brunswick. Mr. Speaker, I do not think such an argument is tenable for one moment. The language of the section itself is clear enough upon that point. In the section and in each subsection the language is:

In and for each province—

Then in the subsection:

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.

In subsection 3 again reference is made to rights and privileges held in the provinces at the union. I do not take that to refer merely to Nova Scotia and New Brunswick, but to any province or colony of the Dominion coming within the four corners of the British North America Act, 1867. Can there be any doubt that when section 93 was framed it was framed in reference to Ontario and Quebec probably more particularly, because, in the Quebec resolutions, On-

tario and Quebec are the only provinces we find mentioned in regard to education and in regard to the right to have separate schools? But, in section 146 other provinces or colonies are enumerated, and as each of these provinces or colonies would come into the union I submit that they would be entitled to all the benefit to be derived from subsections 1, 3 or 4 or section 93 of the British North America Act 1867.

Mr. SPROULE. May I ask the hon. gentleman (Mr. Guthrie) a question? He is dealing with the Act that was brought back from the imperial parliament and going back to the resolutions upon which that Act was based. The Act was to be in exact accordance with the resolutions. In these resolutions there is assigned to the provinces the power to legislate upon education saving the rights and privileges that the Protestant or Catholic minority of both Canadas may possess as to their denominational schools at the time the union comes into operation. That saving clause had reference only to Canada east and Canada west. Then, before that, when a motion was made by one of the members that this Act should not be accepted until it was brought back and assented to by the Canadian parliament, Sir George Cartier gave a strong assurance in the following words:

Mr. Speaker, in reply to what the hon. member for Hochelaga has just said, I shall merely tell hon. members of this House that they need not take alarm at the apprehensions and predictions of that hon. gentleman. I have already declared in my own name, and on behalf of the government, that the delegates who go to England will accept from the Imperial government no Act but one based on the resolutions adopted by this House, and they will not bring back any other.

They accepted that assurance. They gave that as a reason why it was not necessary to have that Act submitted to the Canadian parliament when it came back. Does that not show the intention of the delegates in regard to education in framing the original resolutions?

Mr. GUTHRIE. What the hon. member for East Grey (Mr. Sproule) says may be correct, but I have not to go back to pre-confederation days. I have to examine the case from the Imperial Act that we have and from the clauses which are in the Act. I have understood from some reading I have done on the subject that the original Quebec resolutions were altered in London, England, before the British North America Act, 1867, was actually passed, but we have to deal with the statute as it stands to-day and we have to endeavour to interpret this statute just as we would interpret any other statute known to the law of this country or the mother country.

Mr. SPROULE. Several hon. members on the other side of the House have gone back to the original discussion to show what