

had no title to these lands or that they should have been originally transferred to Manitoba. Constitutionally it seems to me that our right to deal with these lands in the way we are dealing with them cannot be seriously questioned.

It must not in addition be overlooked that when the Territories became part of the Dominion they had no revenue, and in addition to the payment of £300,000 sterling to extinguish the Hudson Bay Company's rights, Canada had immediately to assume the whole burden of government without any compensation in the way of revenue except such as it derived from the sale of public lands. I would not wish to repeat what has already been said, as the subject will require to be more fully considered in committee but it seems to me that not only under the provisions of the constitution, not only for the reasons urged by the hon. member for Brandon (Mr. Sifton) with respect to immigration, not only for the reasons set forth in the different Orders in Council prepared by preceding governments, but because the people of Canada have been obliged to incur all these liabilities with respect to these Territories, that we have not only the right but we have the duty to retain the possession of these lands. Perhaps incidentally I might mention that in the debates on confederation the question was considered, and it is gratifying to see that the Hon. George Brown, discussing the question of immigration, pointed out the inconvenience that would result from a separate administration and a different policy as between the government of the Dominion and the provincial governments, and he practically went upon the lines that are being urged here in support of the government's position.

Now I come to the crucial point, the education provisions, section 16. And here, Mr. Speaker, I have to stand humbly before the House, perhaps in a penitent mood, and to make the admission that I drew that clause. Apparently there are few in this House who do that clause honour.

Mr. R. L. BORDEN. You look pretty guilty.

Mr. FITZPATRICK. I look pretty guilty but I do not look nearly so guilty as I feel. I drew it with my own hand, clause by clause, line by line, word for word. It is one of the two clauses of the whole Act for which I am personally responsible. The other is the clause that has reference to the Canadian Pacific Railway contract. I will not now say any thing, as I fear I have detained the House long enough, on the amended clause. That I shall be prepared to deal with and to justify when it is moved in Committee.

Now, if I have succeeded in establishing my first point, namely, that this parliament has the power to insert in this Bill the provisions contained in section 16 with respect

Mr. FITZPATRICK.

to education, the next question to be considered will be, are these provisions under all the circumstances fair and reasonable, and in view of the pledges given and of the legislation passed by this parliament is there a moral obligation to enact this clause? My principle, if I have a principle in politics, is to hold sacred my covenants. There is to use the words of the Privy Council in the second Manitoba case, a 'parliamentary compact' made with the people of the Northwest and I went, so far as it is possible to do it, to hold sacred my covenants and to see that compact observed. We are told that the provinces were not consulted about this Bill and especially about this provision of the Bill. Let me say that as far back as 1900 the territorial government drew a Bill and submitted it for the consideration of the government, to which they expected parliamentary sanction would be given. I have here in my possession a Bill drawn in 1902 which they submitted to the government and in which I presume they caused to be inserted all the provisions which they desired to have in their new constitution. What is there in that Bill?

Mr. R. L. BORDEN. That is the Haultain Bill?

Mr. FITZPATRICK. The Haultain Bill, yes, the Bill of 1902. This Bill will be found in a return which was brought down last year or the year before and annexed to it there is a memorandum explaining each one of the provisions. What does that Bill say in section 2? And bear in mind that section 2 of that Bill is almost in terms section 2 of the Bill now under consideration of this House. Section 2 of the Bill presented to us by the people of the Northwest Territories contains this provision:

That on and after the first day of January, 1903, the provisions of the British North America Act, 1867, except those parts thereof which are in terms made, or by reasonable intendment may be held to be especially applicable to or to affect only one or more but not the whole of the provinces under that Act composing the Dominion, and except so far as the same may be varied by this Act.

Rather suggestive that they think we have the right to vary the terms of the British North America Act.

Shall be applicable to the province of.... in the same way and to the same extent as they apply to the other provinces of Canada, and as if the province of .... had been one of the provinces originally intended by the said Act.

What does that mean? The provisions of the British North America Act; do they include section 93, the educational clause, or if it was not their intention that that section should be made applicable to them why did they not except it? Now we have more than that. Mr. Haultain in the letter I have mentioned says: