

pied the attention of this House for a period of two weeks, after a large number of members on both sides of the House have given to us the result of their investigation and of their thought, after many speeches have been delivered, until the late hours of the night, it is almost impossible that there should be anything said upon this subject that is either new or interesting and I should certainly yield to the temptation to give a silent vote upon this question were it not for two considerations: First, the fact that representing the Protestant minority in the province of Quebec and having had some experience in school conditions in that province, I feel that I may perhaps be able to contribute something towards the debate along educational lines, and secondly because there have been permitted to emanate from this chamber many statements that have caused a misapprehension throughout Canada in general and among my own electors in particular. If to-night my remarks may be of a somewhat neutral character my main desire is to clarify the question in such a way that it may be plainly understood.

This parliament is called upon at the present time, in conformity with the British North America Act, 1871:

To establish a new province in territories forming part of the Dominion of Canada, but not included in any province thereof,

And this parliament may at the time of such statement—

Make provision for the constitution and administration of any such province and for the passing of laws for the peace, order and good government of such province, and for its representation in the said parliament.

Consequently the main question which we now find before us for consideration is this: whether this parliament, in conferring upon these new provinces the charter under which they will, from now on, exercise certain privileges of self-government, should endeavour to a certain extent to limit them in the exercise of the legislative privileges, or whether this parliament should declare that they shall have and enjoy the fullest possible freedom of action which can be given to them under the law. It is a difficult matter for us to arrive at a conclusion with regard to the legal aspect of this case, because we have in this House the spectacle of very eminent constitutional authorities differing upon it. We find upon the one side the Prime Minister intimating that, according to the constitution, when we are called upon to give a charter to this new province we must necessarily observe the rights of minorities and must necessarily protect them in the legislation which we may pass, especially in reference to education. And we have upon the other hand an equally eminent authority, in fact

on this side of the House we consider him an abler authority, we have the leader of the opposition (Mr. R. L. Borden), who says that according to his opinion, after a close examination of the British North America Act and other statutes, he is of the belief that the British North America Act applies automatically and that the several provinces, by the very creative Act come into the possession of full provincial autonomy and full local liberty, that in fact this is their birthright, and that this parliament can neither give to them nor take away from them anything that inherently belongs to them. The same line of argument, if properly applied, would also include whatever rights the minority may have at the present time in this territory under the same British North America Act. Thus we find eminent legal authorities differing very materially as to what are the powers which this parliament may exercise in respect of the legislation which we are now called upon to pass, and I must say that the fact that the government, in permitting the parliament of Canada to be in such a position as it finds itself to-day, has, according to my mind, been guilty of grave negligence. I feel that this parliament is in a very peculiar position. Suppose we should pass legislation, and it should prove to be ultra vires, in what position would we find ourselves? This legislation will be immediately contested in the courts and will eventually go before the highest judicial authorities. Suppose it is declared that certain sections in this Bill, we have no power to pass? Then where are we? It will simply mean that this parliament will have at some future date to undertake to pass legislation and to petition the imperial parliament asking that our own illegal Acts may be made legal, and once again shall we have this long, weary debate and this acrimonious discussion throughout the whole country; once again the whole question will be reopened and reconsidered, I trust that time to a finality. The position, which this parliament finds itself in, is that we are called upon to pass legislation of doubtful legality and the government may possibly expect to pass such legislation trusting that imperial ratification will be given to it ultimately. Why did not the government in the first place prepare for this contingency? Is this any new question? Has this question not been before this House and before this country for the past five years? In 1900 did not the legislature of the Northwest Territories pass various resolutions asking to be created into provinces? In 1902 did they not bring down and present to this government a draft Bill of what it was suggested by them should constitute the charter of the new provinces? And two years ago did not the leader of the opposition (Mr. R. L. Borden) in this House press this once again on the attention of the govern-