

of the provinces which are now being created is to be settled by this parliament exclusively. That there may be no doubt on that subject, perhaps I had better read an extract from the 'Debates.' Sir John Thompson said, in answer to Mr. McCarthy:

The hon. gentleman's argument, of course, was that if this system—

That is to say the school system of the Territories.

—were allowed to stand until provinces are created, we should, by force of the British North America Act be unable to withdraw that system, and that it would be riveted on the provinces. As has been shown by the hon. member for Bothwell, the provisions of the British North America Act relate only to the provinces which were entering into the union at that time, and to the provinces which were named in the last section of the Act as entitled to be admitted into the union, and have no relation whatever to the provinces which are to be created out of the territorial district of the country. That is clearly seen when we come to the British statute of 1871, which, for the first time, conferred the power on this parliament to create provinces out of our territories, and, as the hon. Minister of the Interior has said, enables this parliament to decide what the constitution of those provinces shall be. We claim, therefore, that the constitutional system which was established with regard to schools and with regard to language in 1875, ought to be maintained for the same reasons as those which dictated its creation, and that this condition of affairs should last, at least, while the affairs of the territories are under the control of this parliament. What the constitution of the future provinces shall be, in view of the pledges which have been referred to, or in view of any other set of circumstances, will be for parliament to decide when it decides to create those provinces.

Now it seems to me that some consideration should be given to this opinion expressed by so eminent a man, absolutely in line with the opinion on which the government are now acting. Now, as against the views I have expressed, the opinion of another very eminent man has been quoted, that of Mr. Christopher Robinson. I make bold to say that there is no man in this country who occupies a higher position, not only as a lawyer but as a man, than Mr. Christopher Robinson. The worthy son of a distinguished sire, he embodies in his person all the best traditions of the noble profession to which so many of us belong. I have given evidence of my respect for Mr. Christopher Robinson, on many occasions, the most important being when I recommended him as chief counsel for Canada in the Alaska boundary case. Now what does Mr. Christopher Robinson say—rather, not what does he say, but what is he reported to have said?—because we have not yet got what he said, we have not been favoured even with the questions that were submitted to him.

Mr. FITZPATRICK.

Mr. SPROULE. I think an explanation is due to the Minister of Justice.

Some hon. MEMBERS. Sit down.

Mr. SPROULE. If I am not permitted to make an explanation, if the hon. gentleman will not, out of courtesy, permit me to make an explanation, I will sit down.

Mr. FITZPATRICK. Mr. Speaker, I think I have provoked an explanation.

Mr. SPROULE. I said that a word of explanation was due to the Minister of Justice. He requested me to hand to the House the questions that were submitted to Mr. Christopher Robinson, and I told him I would endeavour to get them and supply them to him. When I wrote for them the answer which I received from Mr. Macpherson, the gentleman through whom I was acting, was to this effect, that the questions had not been considered as they were presented, but rather as having regard to the purport of the Bill. I should have handed that answer to the Minister of Justice, but I did not do so because I thought it would not meet the intention that he had in asking for the question.

Mr. FITZPATRICK. There is absolutely no harm done, I have absolutely no complaint to make against the hon. member for Grey (Mr. Sproule). Now let us see what Mr. Christopher Robinson said. We have the positive opinion of Sir John Thompson, now let us see what Mr. Christopher Robinson said, as I find it in 'Hansard':

The right of the Dominion parliament to impose restrictions upon the provinces about to be formed, in dealing with the subject of education and separate schools, is, I think, not beyond question.

Mr. SPROULE. May I be permitted to say one word here? The Minister of Justice used the expression 'What Sir Christopher Robinson is reported to have said.' I here hand to the hon. gentleman the paper which Mr. Christopher Robinson signed with his own hand.

Mr. FITZPATRICK. Mr. Christopher Robinson said:

The right of the Dominion to impose restrictions upon the provinces about to be formed, in dealing with the subject of education and separate schools, is, I think, not beyond question. This would require more consideration than I have been able yet to give it, and must ultimately be settled by judicial decision. I am asked, however, whether parliament is constitutionally bound to impose any such restriction, or whether it exists otherwise, and I am of opinion in the negative. It must be borne in mind that I am concerned only with the question of legal obligation. What the parliament ought to do or should do in the exercise of any power which they may possess, is not within the province of counsel.