while in public life and was never aware until the other day that anything ordered by the House need not be furnished. I was not aware that a return called for could be placed in the pocket of the insurance inspector, whoever he may be, and that he might decide whether it was proper for parliament to see the information called for or not. This House ordered a report to be made and that report should be in our possession. What reason can they have for keeping it back. In the early part of the session I was answered that it was private. What is private ? We have the case of the Equitable Life Insurance Company before us to-day, and everything in that company has been turned upside down. If such information had been private the Equitable Insurance Company of New York would not have been investigated. We have come down to a terrible state of affairs. I must keep within parliamentary bounds; I shall be called down if I do not; but if I were to characterize the whole thing as it should be characterized, I am afraid His Honour the Speaker would call me down at once.

There is no use being mealy-mouthed about it ; the policy-holders in Canada are not satisfied, because they cannot get information which they should be furnished with ; and the answer we have to-day is that these unfortunate people and all others who are endeavouring to help them cannot get the information which, in my humble opinion, we have a right to. I think I was told that the return would take six months to prepare. If the company got the statement up in ten weeks, surely the young men in the department could prepare it in six months, and I have delayed to see if it could be brought down. I propose to make no motion. but I shall place the responsibility where it belongs. If the papers are not brought down voluntarily the government must take the responsibility, and when the time comes that they wreck the company, which is not far off, then let those who differed from me take the responsibility of the whole matter. Between now and next session I hope to obtain the Insurance Report, and I shall next session introduce a Bill in this House to wind up the Mutual Reserve Company in Canada. I beg to withdraw my motion.

The motion was allowed to drop.

Hon. Mr. DOMVILLE.

FRANCHISE ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (52) An Act to amend the Franchise Act, 1898.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said : This is simply providing what I thought was already law—that the voters' lists receive the imprint of the King's Printer to show that they are official and come from the government printing office.

Hon. Sir MACKENZIE BOWELL—How is it to be known that they are official ? Are they to have the King's Printer's name on them ?

Hon. Mr. SCOTT—Yes ; I presume it is for the purpose of verification when it is used in court.

Hon. Sir MACKENZIE BOWELL—Supposing it was a forgery—because I presume that is the reason that a Bill has been introduced providing that the lists shall bear the King's Printer's imprint in order to show their authenticity—if there is a forgery, I do not see any penalty provided.

Hon. Mr. SCOTT—That does not require a penalty to be prescribed.

Hon. Sir MACKENZIE BOWELL—I know there is a penalty for forgery, but would it apply to this case ?

Hon. Mr. SCOTT—Oh, yes ; clearly.

The motion was agreed to.

BILL INTRODUCED.

Bill (170) An Act to amend the Militia Act.—(Hon. Sir Richard Cartwright.)

PROVINCE OF ALBERTA AUTONOMY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (No. 69) An Act to establish and provide for the government of the province of Alberta.

He said: The Bill which I have the pleasure of presenting for your consideration—and I hope also for your approval—is one of the many evidences that we have recently had of the growing time in this Dominion.

Heretofore Canada has consisted of but seven provinces. When these two Bills, this and the sister Bill making a province of the area now know as Saskatchewan, become law, there will be nine provinces. The two provinces to be added to the Dominion give promise of being in the not distant future the two most important provinces embraced in the whole Dominion. Each province enters confederation with a population very much larger than the population of Manitoba at the time it entered the union, much larger than Prince Edward Island, and larger than the population of British Columbia in 1871 at the time that province entered the union. One of the remarkable facts which attracted my attention in considering this subject is the marvellous growth and development of the two provinces. In the thirty years since British Columbia and Prince Edward Island entered confederation the growth of the Territories as compared with the growth of the two provinces in that period has been marvellously great. While British Columbia has increased its population five times since confederation, the increase in New Brunswick and in Nova Scotia would be less in the thirty years than the reputed increase of the Northwest Territories in one year, if we may rely on the authorities that give us the number of persons coming into that country. That is a striking instance which gives one a fair appreciation of the marvellous growth and development which is taking place—that in one year each of those provinces will have grown more in population than Nova Scotia, New Brunswick or Prince Edward Island have done in the thirty years since confederation. It conveys also an idea of the richness of that country, of the undeveloped wealth which must be there to attract the rapidly increasing population which has been going in. I venture to say that in no part of the world will the labour of husbandmen be rewarded in a greater degree than it has been in the Northwest, according to the evidence furnished us, nor is there any part of the world in which the same number of farmers will be producing as large a crop and as valuable a crop. I think that observation cannot be controverted, and that fact assures us of the marvellous growth that will mark the future history of the two provinces. When the question of granting full provincial powers came up, the first point for consideration was, should we make one province of the Northwest. The feeling among the members of the Northwest was favourable to a single province, but it appeared to the government, and I think to all reasonable men who reflect upon it, that it would be a very great mistake to create one province with an area of five hundred thousand square miles. In time to come it would overshadow all the rest of the Dominion. For that reason it was thought wise to have two provinces forming what now will be known as Saskatchewan and Alberta. Even with that subdivision the two provinces will be of enormous extent, and they will contain a greater portion of arable land, land fit for cultivation, than in any other section of the world. With those facts kept in view we can appreciate what those provinces will be in the next quarter of a century. In the next place let me say British Columbia entered confederation with 30,000 persons. Its population in 1901 was 187,000; it had increased 142,000 in thirty years. Manitoba entered confederation with 25,000 population; it has grown to 255,000. Since confederation the population of Manitoba has multiplied by ten. I need not quote the maritime provinces, because the growth there has been comparatively small. The Territories and Manitoba have increased about ten times from the period from the date I have given, in 1871.

Hon. Sir MACKENZIE BOWELL—Give us the population of the Northwest Territories now. The hon. gentleman says they have increased ten times.

Hon. Mr. SCOTT—They have been estimated at 500,000; they probably rank something over that.

Hon. Mr. MACDONALD (B.C.)—That is only for the purpose of subsidies.

Hon. Mr. SCOTT—Later on I may be able to lay my hand on a table which will give the estimated number. Between the two it is somewhere, I think, a little over four hundred thousand. In 1901, when the census was taken, the population was put down at 158,940. I estimated the average increase year by year. In 1902 the increase was not rapid. In 1903 it did increase very much, about 50,000. In 1904 it still further increased, and it is estimated this year that upwards of 100,000 will

come in, so that it will probably bring the population before the end of this season up to the neighbourhood of 400,000. Now in regard to area, I find that in the United States, Pennsylvania has an area of 45,000 square miles with a population of 6,000,000. Compare that with Alberta, which has 254,000 square miles, 5½ times larger than Pennsylvania. Pennsylvania today supports six million people and could support more, because it is quite true that a very considerable number are engaged in manufacturing, but if that state can support 6,000,000 people one cannot go far wrong in saying that Alberta in time will be able to support certainly 25,000,000 people. For many years to come no doubt the largest industry will be agriculture. That is the industry the success of which we all rejoice in, because it distributes wealth more evenly than any other industry you can name. There are of course other industries in which perhaps more money is made than on the farm, but if wealth flows in it is distributed among a limited number of people, and the remuneration to the labourer is fixed in many instances at a low rate. There is no industry that is so beneficial generally to the country as agriculture, and it is a very proud thought to the members of this House that in the Northwest, with the rich area of land, with the fine climate that they have, with the facilities for the construction of railways, the growth of the agricultural industry will be in the next 25 years probably phenomenal. I see it stated now in the papers that although we have two railways which pass through the wheat belt, the Canadian Northern and the Canadian Pacific Railway, with their many branches, it will tax their capacity to bring out the crop of the present year, if the anticipations which we all hope will be fulfilled are realized. That gives one an idea of what that country is capable of producing. The product of the soil will absorb all the transportation facilities which now exist, although the country is being pretty well permeated with railways. Comparing states in the neighbouring union and their population with the provinces we are now establishing, I find that Ohio has 41,000 square miles, against 250,000 square miles in Saskatchewan. Ohio has a population of 4,157,000. The areas of the other western states vary from 40,000 square miles to 83,000 square miles. All of them are very much smaller in area than either Alberta or Saskatchewan and I am justified in saying have less capacity for supporting an industrial population, so that we may look forward to the time when the west will really be the populous part of the Dominion. Probably that was another reason why it was wise and prudent to subdivide the area into two provinces. It might perhaps have been better to have had a third province, but under the present conditions it was thought advisable to create two, and they probably will answer. The Territories come in not alone with a larger population than many provinces of the Dominion, but they also come in with pretty wide powers. It was my privilege some 30 years ago in this chamber to introduce a Bill giving powers to the Northwest Territories. That Bill gave them really very considerable powers, so far as the management of their internal affairs was concerned. They had a local assembly—Lieutenant Governor Laird was the first governor appointed—and they were given control over many domestic matters. Since 1875 powers have been added from time to time until at present one may also safely say that they have all provincial powers except the right to go into debt, the right to tax themselves. They have the right to incorporate companies, the right to establish various industries, and to grant licenses and very many more powers, so that practically the transition will not entail any violent change. It is proposed in the Bill now before the House to grant each province four senators. We already have four from the two, which will be an increase of four more, and further increase will be made by the parliament of Canada as the population justifies, up to six. The idea—I may foreshadow it now—will probably prevail in the future to follow the lines that have been adopted in regard to the older provinces. We have grouped together the maritime provinces, represented by 24 senators; Quebec, represented by 24 senators; Ontario represented by 24 senators, and it would not be unreasonable, particularly in view of the anticipated increase of population, to give 24 senators to the country

west of the Ontario boundary. That would embrace Manitoba, Alberta, Saskatchewan, British Columbia and any other provinces that might be formed later, because the two provinces of Alberta and Saskatchewan only extend to a certain latitude. I have here a map which I will place on the table showing the two blocks representing the new provinces, and hon. gentlemen can form some idea of the area of these provinces as compared with the rest of the Dominion. I have given now the constitution of the senate as proposed. The representation in the House of Commons will be adjusted after the next quinquennial census and after the dissolution of the present parliament. At present there are from the Territories ten representatives in the House of Commons. Assuming that the population is 500,000, they would be entitled to ten each, on the basis which has been established since confederation, which, as you know, is equivalent to a population for each electoral district of some 25,300. That is arrived at on a scale which was adopted at the time of confederation. As hon. gentlemen know, representation is based on the population of the province of Quebec—that is the standard by which all the other provinces are governed, in the number of representatives to which they are entitled. At the present figures, if one of these new provinces should have a population of 250,000 it would have about ten members in the House of Commons, so that after the next quinquennial census if the two new provinces are found to contain 500,000 they would be entitled to 20 members in the House of Commons.

The feeling for some time past, for the last two years at all events, has been outspoken that they should have this provincial autonomy. The government did not feel that they were suffering at all from the absence of it. With the preceding government and with the present government, the feeling was in no way to restrict them in any fair expenditure so long as the finances were judiciously and economically administered. There was no desire in any way to check them; on the contrary there was a desire to give them liberally what really was necessary for their growth and development, and here it must be remembered that in estimating the amount which ought to be allowed for the administration of each province, one has to take into consideration the large area involved. It is very much cheaper to govern a small country than a larger one, and more particularly a country situated as the Northwest is. In many sections of new countries, the population converges in centres and distributes itself slowly and gradually, that has been the history of Ontario and Quebec; but that policy does not seem to have been adopted by the people who go into the Territories. Owing to the fact that the good lands extend over a large area, that travel over a level country is easy, and that they have no forests to cut down, the population has distributed itself in an extraordinary degree. One would have thought it would have gradually grown as it has grown in Ontario and Quebec. Many of us can remember when the population of even Ontario was limited largely to the frontier; and the back country was remote, uncultivated and uninhabited, for very many years. It was so also in the province of Quebec. Population followed the river St. Lawrence first, then followed the St. Maurice and other streams flowing into the St. Lawrence. That was a highway by which they could travel readily. In the Northwest there has been a marked difference in the method of taking up lands. Settlers have had no hesitation in going twenty, fifty or one hundred, two hundred, even three hundred miles away from neighbours. I presume that may be largely due to the fact that in the earlier years the Hudson Bay Company had posts distributed over the country at distances of three, four and five hundred miles apart. Then came the class of men known as half-breeds, who were utilized by the Hudson Bay people who formed colonies. Take for instance the settlement at St. Albert, which is many hundred miles from Winnipeg. That was a settlement made probably 150 years ago, so that the conditions in the Northwest are entirely different from the conditions in the eastern provinces and the population seems to have scattered over a very large area. The effect of that necessarily has been to make the administration of affairs very much more expensive. Bridges had to be built. The rivers there you all know sometimes cut great gorges in the country and make the bridging very expensive. Freshets sweep down through the plains through a cut or

stream and deepen and widen it, making the work of bridging extremely difficult. So the subsidy per head ought to be calculated on some other basis than that which exists in the older provinces, the expenses being very much greater in consequence of the wide distribution of the people. That distribution, while it has its disadvantages in that respect, has counter advantages, because it creates a flow of immigration, by leaving the impression that there is space and room for very many millions of people. You may travel ten, fifteen, twenty or fifty miles over a country that is capable of supporting a population without finding inhabitants. That creates, of course a stimulus in taking up lands. Although none of us favour the lands falling into the hands of speculators, still the fact of large syndicates being formed to buy up tracts of land from the railway companies and loan companies has had the result of bringing in population by channels of immigration that in the earlier years were never dreamed of. It was due entirely to the facilities for getting land that a large population has been induced to come in from the United States. As we all know, very many farmers in the older states sold their holdings at liberal prices and bought lands in the Northwest Territories. That transition is going on constantly, and from recent reports is steadily increasing. It must increase, in fact, so long as lands can be obtained in the country north of the boundary line for a less sum than south of the boundary line. The division between the United States and Canada in the western country is an invisible boundary to which the people pay very little attention. They move over from the United States to Canada, and as our laws are much more fair and just, and the administration of affairs is more economically carried on, there is this satisfaction about it, that the United States citizens who come in make excellent Canadian settlers.

The allowances made in the past have been on a pretty liberal basis, and in fixing the amount which this Bill settles as to payment to each province, it will probably help hon. gentlemen to form a fair estimate as to whether the amounts are reasonable or otherwise if I give the financial statement for the last year as far as the Territories are concerned. They were allowed in the last fiscal year for civil government, $101,540; administration of justice, $21,000; public works, $680,000; education, $345,000; agriculture and statistics, $47,000; hospitals, charities and public health, $40,000; miscellaneous, $68,000; total, $1,313,000.

To those sums must be added moneys that were spent directly by the government of Canada, because, as hon. gentlemen will have noticed when the estimates were going through, there have always been generous contributions to public works in the Northwest. We spent on public works about $100,000; justice, $100,000; miscellaneous, $124,000; lieutenant governor's office, $3,630; incidental justice, $32,000; insane patients, $70,000; schools in unorganized districts, $65,000; making a total expenditure of $1,636,000. I will give you the financial statement under the Bill and probably it may help to consider it properly by quoting at the same time the allowances to the other provinces. I have a statement here from the Auditor General's Report of 1902-3 which gives the financial allowances made to the various provinces. For support of the government and the legislature, $50,000. In Manitoba the amount is exactly the same. In British Columbia it is $35,000, in Prince Edward Island, $30,000; in New Brunswick, $50,000; in Nova Scotia, $60,000; in Quebec, $70,000; in Ontario, $80,000. I gave in the first place the amount expended by the federal government over the whole area of the two provinces. I am now about to give an estimate of what will be paid under the Bill which we are discussing.

For support of the government and legislature, $50,000; eighty cents per head on an estimated population of 250,000, $200,000. Of course hon. gentlemen know 80 cents is the per capita allowance made under the British North America Act to all the provinces. That is to be increased until they reach a population of 800,000, the increase to be ascertained by a quinquennial census. In view of the assumed rapid growth in population of the provinces, it was thought fair that instead of waiting for the decennial census they should be entitled to any increase that would be possible under that rule every fifth year. The limitation is up to 800,000.

Hon. Mr. McMILLAN—In each province?

Hon. Mr. SCOTT—In each of these provinces, but it is not the same in all the pro-

vinces. The 80 cents is the same, but the limit of population is not the same. The next item would be the amount allowed inasmuch as those provinces have no debt. When the provinces came into confederation as hon. gentlemen know, the debt of each province was assumed, and where the debt of the province was less per capita than the debt of the two provinces of Upper and Lower Canada, the province admitted to confederation was allowed a certain sum to bring up the equality; that is, they were assuming a part of the debt at confederation which was a larger amount per capita than the debt existing in the individual provinces. As these new provinces have no debt now, they come in on a basis of 5 per cent on $8,107,500. That is based on a per capita debt to-day of $32.43 per head.

Hon. Mr. MACDONALD (B.C.)—I should like to direct the hon. gentleman's attention to section 20, where provision is made until the population goes up to 1,200,000.

Hon. Mr. SCOTT—That is in reference to another clause than the one I am discussing now. That is compensation for the absence of public lands. We decline to give them the lands. I am discussing the per capita allowance in connection with the debt, not the compensation for lands. As we take the lands which they claim they have a right to, assuming the present population at 250,000, until it reaches 400,000 we allow them $375,000 a year in lieu of the land. Now that 400,000 may increase to 800,000, when the allowance will be increased to $562,500, and when the population reaches 1,200,000 there will be an increase to $750,000, so that the allowance will then be $1,125,000.

Hon. Mr. MACDONALD (B.C.)—And 80 cents per head besides?

Hon. Mr. SCOTT—Yes. That is entirely in lieu of lands; it has no reference to the other. The 80 cents per head is on a different basis.

Hon. Sir MACKENZIE BOWELL—The consideration for lands is in perpetuity?

Hon. Mr. SCOTT—Yes. Now the amount added to the sums for support of government and for legislation, per capita allowance on debt account and the compensation in lieu of lands for some years to come, would make in all $1,030,375, which would be the total amount allowed to each province. There is an additional clause in the Bill which for five years gives them a specific annual grant of $39,750 for public buildings. It will terminate in five years, so that during that period they will receive $1,124,000 per annum. The Bill of course provides not only for the organization of the government but for its administration. The number of members to be elected, until the province otherwise orders, will be 25. No doubt a debatable question which may arise is with reference to the distribution of electoral districts. That has been made with a good deal of consideration in the other House, and I believe it to be fairly reasonable. Of course it is subject to change by the provincial legislatures. On and after the first session they have a right to alter the boundaries and they will have absolute control of their own internal arrangements. They can increase or diminish the number of representatives. It was thought that twenty-five would be a reasonable number at the present time and that number has been decided on in the Bill.

There is another clause which has created a good deal of discussion, No. 17, the educational clause. I do not propose going into that fully at the present time. It may be necessary for me to make further explanations on that subject at a later stage. All I can say now is that clause 17 is really a compromise. It does not confer the full powers that were given to the minority.

Hon. Mr. LANDRY—What was the compromise?

Hon. Mr. SCOTT—The compromise is the existing clause 17. I say it is not what parliament gave to the minority in 1875. I had the privilege of introducing the Bill of 1875 in this chamber. It went through the House of Commons, after being fully discussed, without a single dissenting voice. On that day, the 2nd of April, 1875, there were 145 members present in the House of Commons, among them my hon. friend to my right (Rt. Hon. Sir Richard Cartwright), and the leader of the opposition (Hon. Sir Mackenzie Bowell), and Hon. Mr. Macdonald, of Cape Breton. On that occasion there was no division; it went by unanimous consent. It contained the clause which has been debated so recently in the House of

Commons, in the press, and, I will not say in the pulpits, but certainly on the platforms. As I say, it was unanimously adopted by the House of Commons. When it came to the Senate it was discussed here. Two gentlemen, now, I am sorry to say no more, in this chamber opposed the Bill and moved an amendment to strike out clause 11 of that Bill.

Hon. Mr. SULLIVAN—Was that the first educational Bill for the Territories ?

Hon. Mr. SCOTT—That was the first educational Bill in the Northwest Territories. We had a full discussion and the ground taken in this chamber was that as this had been a very controversial question in the past, it was much better to settle it then for all time to come. It was argued that people going into that country would know the conditions that existed there in regard to schools and would thereafter have no reason to complain. Sir Alexander Campbell, who was the leader of the opposition at that time, expressed very strong views in support of the government proposition, giving as his reason that it was very much better to settle it then and there than have it the subject of controversy in the future. He remembered, as others of us remembered, the discussions that had taken place, the dissensions that had arisen, the unfortunate scenes that had occurred in Canada in connection with those discussions; and with all that in view, he and others expressed the opinion that it would be far better then and there to settle it so that it could not be disturbed thereafter. When the parliament of Canada settled it at that time the parliament of Canada had been authorized by an imperial Act to do so. Hon. gentlemen know that what is called the first confederation Act was an imperial Act. When British Columbia came into the confederation that had to be an imperial Act. When Prince Edward Island came into confederation that had to be done by an imperial statute. When Manitoba came in, they had to go to the imperial parliament. The imperial parliament then came to a conclusion and said: 'There are new provinces to be added from time to time; can we not once for all vest in the parliament of Canada full power to create new provinces and give them such powers as the parliament of Canada think wise and prudent. So that the parliament of Canada, when they dealt with this question in 1875, had just as full and ample powers as the imperial parliament had when they settled this question in the former Act. When section 93 of the British North America Act was enacted and it was introduced in the charters granted to all the provinces, it insured to the minorities those rights and privileges which they considered themselves entitled to. And let me say here, with a very intimate knowledge of this subject, because I have had to do with it for considerably over forty years, that it was a gentleman who was not a member of the church to which I belong who really put those clauses of the British North America Act on the broad basis on which they stand to-day; that is the late Sir Alexander Galt. At a later stage I will be very glad to give to members of the committee the various drafts which were made of those important sections known as section 93. The first section was a bald one, limited to Quebec and Ontario. It was widened from time to time until it assumed the proportions it possesses to-day. I may say here that in 1866 the question came up and Sir Alexander Galt, who represented an important element in the province of Quebec, was not satisfied with the existing conditions there, He stated that while the feelings of the people were kind and tolerant, still the matter required to be crystallized into an Act of Parliament, so that there could be no departure from the principles that were then recognized of allowing the minority to have their own schools and placing the matter on that basis. Sir George Cartier and Sir John Macdonald both assured him that this would be done. It was not done in 1866, and he then resigned in consequence, and remained out of the government for some months. However, he went to London, and a meeting was held in the beginning of 1867; and he then and there framed the basis of the present section 93 of the British North America Act. It is due to him rather than to anybody else that it was made a part of our constitution. At the time we dealt with it in 1875, I say we had just the same power as the imperial parliament had. We recognized our power and we exercised it in a way that we thought was wisest and best, and I may say here for the gentleman who

took the most prominent part in opposition to it—the late Hon. George Brown, who at that time had a seat in parliament—that after that section was carried George Brown buried the hatchet for ever as regards any opposition to the subject of separate schools. He said in the concluding part of the debate on that occasion :

> Now that it has been settled by this parliament it is for ever removed from any question hereafter. It becomes part of the British North America Act and as such must be enforced.

It is worthy of note that although George Brown spoke against clause 11, not one line was to be found in the Toronto 'Globe' of that period against the adoption of that principle and in support of Mr. Brown's views. He did not subordinate the 'Globe', which was then the organ of the Liberal party, to his own individual views. He allowed the 'Globe' to continue to represent the views of the Liberal party, which were in favour of the extension of this principle to the minority in all parts of the Dominion. It is worthy of note here because it was not alone the Toronto 'Globe.' The organs of the Conservative party never hesitated about the line of policy they should adopt. They all supported it, because Sir John Macdonald himself, from the first time he entered parliament in 1854 up to the date of his death, was always a strong advocate of the rights of the minority. He recognized that if you wanted to make a population loyal and true and tolerant you had to give way in this matter, that there should be no hesitation so far as any religious body thought that they had from their standpoint a right to teach their own religion in any school, and Sir John Macdonald always advocated that principle down to the time of his death. Those who have had any experience in the effect of that toleration must be convinced that it is the wisest and best plan after all.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. SCOTT—The true principle is that the child belongs to the parent and not to the state. God holds the parent responsible for the child's bringing up. The education of a child is not simply the acquisition of knowledge of geography and arithmetic and kindred subjects. It is to bring up the child to a sense of the moral duties that are incidental to life in this world, and these moral duties are those that are taught in all religions. There is no church existing that does not teach a higher life. They may differ in their dogmas, but they are all one in recognizing that the Sermon on the Mount is the golden rule by which we should all be governed. That is the principle, and I take it that it would be a terrible mistake to introduce the public school system from the United States, ignoring entirely the existence of a God. The effect is visible to-day in the Republic to the south of us. I ask hon. gentlemen does crime, dishonesty and fraud exist in any part of the world to the extent that it does in the United States ? There are more murders committed, more forgeries, more robberies committed,—not perhaps stealing as the burglar would steal, but stealing through other sources, stealing by fraudulent methods. An hon. gentleman alluded a few minutes ago to the Equitable Life Insurance Company. There is an instance of what I referred to. That is one of the object lessons. Such a man as Chauncey Depew, who certainly ought to be above anything of the kind, stated the other day that one fraudulent transaction amounting to a quarter of a million had taken place. He was asked if he approved of that. He said, 'No, I did not approve of it.' He was asked 'Were you conscious of it ? Were you a party to it ?' He answered, 'Well, I cannot deny my responsibility.' In that case money was taken from where it honestly belonged and placed where it had no right to go. There is no country in the world where more dishonest practices are carried on than in the United States. Methods are employed which save a man from indictment. That is the criterion : how far can I go and make money safely. If I go so far, I will escape an indictment and cannot be prosecuted for robbery or for obtaining money under false pretenses. I cannot be made to answer for acquiring it dishonestly ; but judged by the strict moral rule no man of honour, no man of common honesty, could say that money acquired as it is in the very many instances of which we have had illustrations is honestly made. I have had occasion before—I am not going to do it now—to quote the evidence of clergymen, not of my own church, but of other churches, showing how

in the United States men were deserting the church. I saw that the Rev. Mr. Stewart, the other day at a meeting of a Christian body in Toronto said they were surprised to see the men going to church in that city, and stated that in the United States the men never went to church although the women to a certain extent did attend. The number of men who visited any of the churches to which they belonged in the United States was comparatively small. I dare say it has been a matter of observation to hon. gentlemen—it has been to me when I visited the cities of the States—to note in the very large churches the small number of men who attended. It seemed to be the prevailing practice that the men were not under the influence of the clergy. I attribute that largely to the fact that God is excluded from the schools, that men are educated without any sense of the true object of this life, which is the preparation for the next. The whole idea of life is misunderstood, and life is turned into channels that Providence intended it should not run into. I say that the dogmas of every church teach high principles, and therefore it is very much better that any dogma should be taught than that all should be excluded from the schools. I remember very well the time when we had no public schools in Canada. I am speaking now of Upper Canada ; I remember when there were only the district schools—in every district there was one school. All over the rest of the country the schools were just as the people chose to make them ; if there were enough members of a particular congregation they had a school of their own and taught their children religion in their schools ; and I think no better family existed in the world than the population of early Canada. They were a model population. Crime rarely was practiced ; men lived honestly. You rarely heard of any threats. I remember perfectly well in my early days travelling from Montreal to the west. When the stage would be leaving McGill Street in Montreal, the bank clerks would come to a man and say, 'Where are you going ?' He might be going to Cobourg, Port Hope, Brockville, Toronto, Prescott or Cornwall. 'Well, would you take charge of this package ?' It would probably be a package of money. There was no express in those days ; you never heard of any man deceiving another, although a perfect stranger. No man would betray the trust reposed in him. You never heard in those early days of bandits—people being stopped at the point of a pistol and robbed. That did not exist ; but it is one of the features of the present age. I attribute it largely to the fact that we have excluded religion from our schools.

Those are views which perhaps hon. gentlemen may not concur in, but they are views formed after very many years experience, and noticing the effect not only on men but on communities. It has been my particular good fortune to have had this question of education somewhat prominently under my control. In the early fifties, it was a burning question in Upper and Lower Canada, more particularly in Upper Canada. In Lower Canada, I am glad to say, it never assumed anything like the same bitterness—in fact it never assumed any bitterness. The conciliation there was ample and abundant. The proof of that is to be found in many volumes that could be quoted here to-day. It was, however, a burning question at that time in Ontario. I had to do somewhat with the settling of the question and therefore my attention was probably more drawn to the subject than it would otherwise have been. I shall say no more on that subject other than this ; the proposal in the present Bill is vastly different from the concessions, as I may term them, that were made by this parliament in 1875, and which were fully discussed in this chamber. Those are a mere skeleton of what parliament then conferred upon the community, but for the sake of peace the minority are willing to accept them. They will make the best of the situation. Practically there are to be no separate schools beyond the fact that there may be half an hour's instruction from 3.30 until 4 o'clock, if the trustees so desire. Beyond that, the teachers have to pass through the Normal school and hold certificates and they have to be under the control of the inspector. Whether a teacher belongs to a public or separate school, he must hold the same certificate according to the grade of the school. The school is open to the inspection of an official named, not by the trustees, but by the government. The books in the schools are fixed by the government. When I say

the government, I mean the commission delegated by the government of which I think one of the members is chairman. So that practically the schools are public schools up till 3.30 in the day.

Hon. Mr. SULLIVAN—Have they a separate Normal school ?

Hon. Mr. SCOTT—No.

Hon. Mr. SULLIVAN—Is the qualification of the teachers the same ?

Hon. Mr. SCOTT—No, there is no separate Normal school. The only province where there is a separate Normal school is the province of Quebec, where the generosity of the people there contribute to the support of the Normal school for the purpose of educating teachers for the class known as the dissentients. It is only in Quebec where that exists.

Hon. Mr. LANDRY—The hon. gentleman has just said that this clause was a compromise accepted by the minority.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Could the hon. gentleman inform us who accepted that compromise in the name of the minority, or who was entitled to do so.

Hon. Mr. SCOTT—There has been no convention held of the minority. They have not spoken through official channels that I am aware of. I myself have seen letters from gentlemen who were entitled to speak for the minority from the positions they held and who have discussed freely this educational question, and who, recognizing the public feeling that has been aroused, thought it was best not to demand what we were entitled to, but for peace sake to accept the best arrangement that could be made, and preserve peace and harmony.

Hon. Mr. LANDRY—Could those letters be made public?

Hon. Mr. SCOTT—No, I could not say that.

Hon. Mr. LANDRY—They might impress us.

Hon. Mr. SCOTT—All I can say is that I myself, from being connected with this matter, from having carried on the negotiations in this chamber some thirty years ago, feel more than ordinary interest in the subject. When I found the high feeling that was aroused when this Bill was first submitted to parliament was likely to create a great deal of bitterness and unpleasantness, I thought it was much better to yield, far better to accept what has been conceded than to seek to obtain more with the acrimony and bitterness and prejudice that would naturally follow.

Hon. Mr. LANDRY—I wanted to know if there was any mandate from the minority to any person to speak in their name.

Hon. Mr. SCOTT—I think as far as that goes, there has been no mandate—what one could call a mandate—either from the minority or the majority in the Northwest. I think they have taken less interest in the subject than the people at Ottawa and Toronto.

Hon. Mr. LANDRY—The hon. gentleman does not know that.

Hon. Mr. SCOTT—I judge it from the newspapers I read from the Northwest, the observations I have been enabled to make, and from the expressions of public men up there and persons who have travelled through that country. I may say here that half an hour has been accepted as a reasonable compromise. It is to be presumed that no objectionable books will be forced on the school. We have confidence in the kindly feeling that will be maintained in that country. A great variety of people are going in there from all parts of the world, and I think that the tendency will be rather—more particularly if this compromise is accepted—to diminish the prejudices that might otherwise arise. If the original clause had been insisted upon, there is no doubt it would have been opposed, and we know how difficult it is to maintain and carry out a law of that kind which is objectionable to a considerable majority of the population. I need not refer to the Manitoba question as an illustration of it. When my hon. friend from Richmond (Hon. Mr. Miller) was discussing this question in 1875, and eloquently maintaining the propriety of the clause, he instanced an illustration in the case of Manitoba and he said he could point to Man-

toba as having had that question settled. He said it could not be disturbed there. He said the whole question has been removed from the political arena for ever. He was not a prophet in his own country.

Hon. Mr. LANDRY—I suppose the hon. gentleman is no more a prophet to-day.

Hon. Mr. SCOTT—If a legislature is determined to take away these rights that are obtained under the sanctity of the constitution, and if courts are made up of men with weak minds and intellects full of prejudices—we are all born with natural prejudices and caprices—where religion comes up there appears to be a peculiar obscuring of the vision. Those of us who had to do with the Manitoba question thought that was certainly settled, and five years afterwards my hon. friend here quoted it as an illustration of how much better it was to have it settled in 1871, than to have it an open question.

Hon. Mr. LANDRY—Could the hon. gentleman tell us why the Manitoba school question is not settled to-day ?

Hon. Mr. SCOTT—Because the parliament of Canada could not settle it.

Hon. Mr. LANDRY—Did the Privy Council not settle it ?

Hon. Mr. SCOTT—I have always been opposed to the decision of the Privy Council. I think they decided on the ground of expediency. They thought that the little red school house at the corner of the concession lines would be a proper receptacle for all denominations. It was a pure expediency judgment. However, I was going on to say that it is very much better to settle this question in such a way that it will not create any opposition in the future and I think that the skeleton is so slight that it cannot offend anybody, and if the children get the half hours' instruction and if as I believe will be the case, the schools are carried on fairly and justly and objectionable books are not used, probably as time goes on in a community where all belong to one church, I do not anticipate any government would care to interfere with the teaching of religion at other hours, provided there were no children belonging to other congregations. Where you get a body of people who are all in harmony, Presbyterian or Catholic, if they happen to be all of the one church, or if they can agree on a dogma, I am sure that no government in the Northwest would interfere with their permeating their literature through the schools.

Hon. Mr. LANDRY—It is against the law.

Hon. Mr. SCOTT—I think I can point now to where the law is not observed. There are to-day in the maritimes provinces denominational schools, and there is no public law for them. They are there by the good sense and toleration of the people of the maritime provinces.

Hon. Mr. MILLER—No, no.

Hon. Mr. SCOTT—I am advised by my friends from New Brunswick and Nova Scotia that there are schools carried on there where Christian Brothers are teachers, and where practically——

Hon. Mr. McMILLAN—The state supports them.

Hon. Mr. SCOTT—They have certificated teachers and they receive their allowance just as the other schools receive it. There are other hon. members here who can say whether I am right or wrong. When the other provinces came in the schools as they had existed in Upper Canada were practically denominational schools, but they were not established by law, and in New Brunswick and Nova Scotia—though section 93 of the British North America Act applies to Prince Edward Island—the denominational schools had no authority to exist of course, and for a time they were wiped out of existence ; but as the years went on people living together thought it would be far better to yield a little, even if they considered it was only prejudice on the part of the minority to desire to educate their children in their own way.

Hon. Mr. MILLER—There is one such school in the city of Halifax, but outside of that I think there are none.

Hon. Mr. SCOTT—I think there is one in Moncton, and I think there are schools in Prince Edward Island. My hon. friend can tell me if I am wrong. Are there not some schools in Prince Edward Island in which

although certificated and subjected to inspection, they allow religious teaching ?

Hon. Mr. FERGUSON—I am not sure that they do.

Hon. Mr. PERLEY—If a school was perpetuated against the law and not under the law, it would be a fraudulent school.

Hon. Mr. SULLIVAN—It would not be against the law to teach religion.

Hon. Mr. PERLEY—Yes. He says it is contrary to law to have these schools in Nova Scotia, Prince Edward Island and New Brunswick, but that they have them. It is against the law and it is worse than the system in the United States.

Hon. Mr. ROBERTSON—It is not anything of the kind. We had our free schools in Prince Edward Island, but in Charlottetown, in order to please and to yield a little to our Catholic brethren, we have the St. Peter's school in Charlottetown which is taught by Roman Catholic teachers, paid by the government entirely. That is a concession made by the government and not fraudulent at all.

Hon. Mr. MACDONALD (B.C.)—A separate building ?

Hon. Mr. PERLEY—If it is against the law, it is a fraud.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman explain to the Senate the difference between the rights enjoyed by the minority in Ontario under the provisions of section 93 of the British North America Act, and those which are conferred upon the people of the Northwest Territories in the new provinces, and what is the difference between the 16th clause as originally introduced by the premier and the amended clause which he is now discussing. That is really what the House wants to understand.

Hon. Mr. SCOTT—The clause as introduced first was a recital of section 11 in the Act of 1875.

Hon. Sir MACKENZIE BOWELL—That is the ordinance.

Hon. Mr. SCOTT—Yes, and the practice under that was to have two boards having absolute control, one of separate schools and one of the public schools, and the money allotted was divided between them and apportioned by the boards. The first clause 16 re-enacted section 11 of the Act of 1875, and this is an entirely different clause now.

Hon. Mr. McMILLAN—Under clause 16 they were really getting separate schools in the Northwest.

Hon. Mr. SCOTT—Yes.

Hon. Mr. McMILLAN—And under clause 16 as at present framed they do not get anything ?

Hon. Mr. SCOTT—They have a right to religious instruction from 3.30 until 4.

Hon. Mr. McMILLAN—That is not a separate school ?

Hon. Sir MACKENZIE BOWELL—My hon. friend has not answered my question. We can all read the two clauses. I asked him if he could explain to us the difference between the concessions made to the minority in the Northwest Territories as they were originally intended to be given by the 16th clause, and the present clause ; and then I asked him, in addition to that, how far is the minority in the Northwest Territories restricted in regard to the question of education than they would be if they came in under section 93 of the British North America Act. We all know what that is so far as it affects Upper and Lower Canada.

Hon. Mr. SCOTT—As the law stood in 1875, and as they put it in operation for very many years—the local legislature passed an Act codifying it in 1884—there were two boards of administration, what was known as the Protestant Board and the Catholic Board, and they consisted of six members.

Hon. Mr. McMILLAN—Twelve members.

Hon. Mr. SCOTT—At all events equal numbers. The board of the minority were given half the money and absolute power and control over the schools to teach religion all day if they liked for that matter. There was no restriction ; even their inspector was appointed by themselves, and not by the government. They were absolutely independent of the government. Under this Bill, the schools are under the control of the minister who has charge of education. Substantially up to half-past three they are absolutely public schools except this, that the trustees may belong to the

minority. If it is a separate school, presumably the trustees have been elected from that body, but the inspector is appointed by the government, and the teachers must hold certificates on a par with the teachers of the public schools so that the conditions are extremely wide.

Hon. Mr. LANDRY—If I understand the hon. gentleman, the difference is only in the half-hour.

Hon. Mr. SCOTT—That is all, except this, there are trustees elected who have the control and management of the schools internally, but they are not permitted to teach other books than those supplied by the department.

Hon. Mr. LANDRY—But the compromise is giving the half-hour.

Hon. Mr. SCOTT—Yes ; there is the additional fact that the trustees belonging to the minority body, who have control of the schools, have a good deal of power and a good deal to say in the domestic arrangements. For instance, the selection of a teacher is an important matter.

Hon. Mr. LANDRY—But all subject to the regulations of the department.

Hon. Mr. SCOTT—He must hold a certificate from the proper authorities. You can quite see where the trustees belonging to the same religion as the larger proportion of the pupils, there would necessarily be a religious atmosphere given to the school, but if there are children attending the school belonging to other denominations, then they would have no right to intervene with anything like religious teaching. What I say is this, if they were all of one religion no government would interfere seriously with their having prayers at the opening of the school—in fact they would have a right to say the Lord's prayer at the opening.

Hon. Mr. MACDONALD (B.C.)—I suppose there are two sets of trustees, Catholic trustees and others ?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. MACDONALD (B.C.)—If the Catholic schools are in separate buildings entirely, where does the half-hour come in ?

Hon. Mr. SCOTT—From half-past three to four.

Hon. Mr. MACDONALD (B.C.)—But if they are Catholic schools they do not require the half-hour, because they will inculcate their tenets all through.

Hon. Mr. BERNIER—Even those schools that are separate will be subject to the regulations of the department.

Hon. Mr. SCOTT—Certainly.

Hon. Sir MACKENZIE BOWELL—I am sure every one who has listened to the explanation of these Bills by the hon. Secretary of State, will acquit him of any desire to raise excitement or create a feeling similar to that which was exhibited by himself a few nights ago when the hon. gentlemen referred incidentally to the subject. Having said that, I frankly confess that I approach this subject with a very great deal of diffidence, and with a desire as far as possible to treat the subject in as calm and collected a manner as my hon. friend who has just spoken. We have now the Bills presented creating two provinces, after a demand for them had been made for the last two or three years by the people of the Northwest Territories and also by the party with which I have the honour to be connected. Whenever the question was broached in the House of Commons, it was constantly voted down by the Liberal party until on the eve of a general election when the whole Northwest Territories were in arms demanding what they considered their rights in the way of local autonomy. Nothing was heard of the intention of the government until the excitement in the Northwest Territories became so great and their demands for provincial autonomy so loud that we had an announcement from the premier that if the Liberal party were returned again to power they would deal with this question and organize the Territories into provinces. Whether their action was the result of the agitation, and of an intimation from their supporters in the Northwest Territories that unless the people were granted that concession there would be no probability of any supporter of the present government being elected, it is not difficult to say. That announcement made by the premier, resulted in the return of a number of members supporting the present government. Upon the assembling of parliament we had the most extraordinary ex-

hibition ever made before a legislative body —the premier of the country bringing down measures creating two new provinces in the Northwest Territories without the consent or apparently the knowledge of two of his most prominent ministers, one of whom represents the Northwest Territories and who was supposed to understand the wants and requirements of the section of the Dominion he represented—a gentleman, too, who had, when in power in Manitoba, deliberately deprived the minority of that province of the rights which were given to them under the law to which my hon. friend has called attention. That which has followed since I need not repeat. We all know the difficulties that presented themselves in the way of the Conservative government and myself when head of the government, in trying to settle the school question in a manner that we believed to be honest and equitable to the people who had enjoyed those privileges before being deprived of them by the Manitoba government, of which Mr. Sifton was one of the principal members. What resulted from that? Mr. Sifton on his return to the country at once took exception to the clauses relating to education. Subsequently, however, after negotiations extending over some time, an arrangement was effected. What my hon. friend opposite now designates as a compromise clause was substituted for the original clause 16 in the Bill. I have tried to elicit from the hon. gentleman the difference between these two clauses, but he very dexterously avoided altogether the explanation which I expected he would have given. He has told us, however, what the meaning of the present clause is. All I can tell him is, and I think he knows it, whoever accepted that compromise, if compromise it may be termed, certainly is not in accord with the sentiments of the vast majority of those who are affected by it, nor is the interpretation which he has given at all in accord with the explanations of the organs of the party to which he belongs, some of which organs are principally owned by members of the cabinet. However, I may refer to this point again before I close. We know there was a little rebellion in the cabinet after the return of Mr. Fielding from Europe. He was not satisfied with the provisions of this Bill and if rumour be correct, or partially correct, he was on the verge of leaving the cabinet unless the concession which he demanded was made. I think his speech on this question was the most ingenious one delivered in the House of Commons. It all resolved itself into this one point, that unless they accepted the amended clause the premier would have to resign, and that would have broken up the government; and rather than break up the government and lose his portfolio he would swallow the dose prepared for him while he was absent in Europe. It is precisely the same with others in the cabinet. The explanation given by the hon. gentleman on the questions to which I have called attention are in accord with the utterances of some of the ministers during the last election. They are diametrically opposed to the utterances of some of the other ministers when they were speaking in Quebec and the maritime provinces. I shall not weary the House, although I have them under my hand, with reading extracts from these speeches to show what their opinions were. Their opinions, stated in public and in portions of the public press, were in accord, as they supposed, with the sentiments of their particular readers and the portions of the country in which they happened to be.

I approach this subject with a good deal of diffidence because of the diversity of opinion which exists as to the actual power of the Dominion government under the British North America Act to deal with questions of this kind. We have had a variety of opinions. We have had Sir Wilfrid Laurier telling the lower House that upon the entrance of any new province similar to these which are about to be established, the provisions of the 93rd section of the British North America Act would apply. If that interpretation of the law be correct, it would automatically operate in favour of separate schools as they existed at the time the Territories were made provinces. I do not think there can be a question on that point. That opinion was also given in much stronger and more forcible language by Mr. Monk in dealing with this question. I must admit that Mr. Borden as a lawyer takes exception to that interpretation, and outside of parliament there are differences of opinion. An eminent lawyer in Toronto,

Mr. Christopher Robinson, takes a view of the question which is to a certain extent in accord with the views taken by the leader of the opposition in the House of Commons, but you will notice that he adds to the opinion which he gave to Mr. Sproule, one of the members of the House of Commons, upon a certain question that he had asked, that it must be left to the courts to decide, as he could not venture to give a decided opinion upon the question. Mr. Haultain, who I believe is a legal gentleman, takes a very strong view in favour, not only of the autonomy of the provinces in all other respects, but in regard particularly to education, claiming that the British North America Act provides that that subject shall be left exclusively with the provinces subject to the provisions of the British North America Act. His argument is that as the Northwest Territories were not a province or provinces at the time the British North America Act became law, therefore they do not come within the purview of the 93rd section of the British North America Act, and if they do not come within the purview of that clause, the provinces have under another section of the Confederation Act the right to deal exclusively with the subject of education. If we legislate respecting education, how far are we trenching on the rights of the provinces, and how far would our legislation be decided by the Supreme Court to be ultra vires. That is a grave question, and no doubt will have to be settled in the future by an appeal to the courts. Mr. Haultain has already declared in his public utterances that in case this clause is forced upon the new provinces, they will appeal to the courts in order to settle the question. It would seem to me, therefore, that it would have been better if the Dominion government, before introducing these Bills, had submitted the case to the Supreme Court and if necessary the law lords of the Privy Council in England, in order to have their opinion and interpretation of the clauses of the law to which I have called attention. If it should transpire that we have gone beyond our powers in dealing with this question or with any other question affecting the provinces, then I take it the Dominion parliament and government would be in a somewhat humiliating position. It seems to me, and I think it would appear desirable to most people who have considered this question, who have been connected with the agitations which have taken place in the past, and who have had to undergo condemnation and praise from different parties when they were dealing with this matter, that it should be settled in such a manner as to prevent any future litigation upon this very grave and important question. That is the view which I hold, and I think it would be well if the government had pursued the course which I have indicated.

My hon. friend the Secretary of State referred to his course in the past in reference to the passage of the Bill granting territorial rights to the Northwest Territories in 1875. I remember very well a little of the by-play that was going on at that time. What he says is correct so far as the agitation at that time in the House was concerned. He also referred to the part that he has played upon the question of education during the last forty wears. I do not know that I should weary the House with an historical account of the separate school question, but I hold in my hand a short synopsis of the whole legislation upon separate schools since 1807. I was somewhat amused when I heard the hon. gentleman refer to the action of the political parties in the past. The record shows that instead of the Liberal party having been either the fathers or supporters of separate schools the contrary is the fact. Turn to the memoranda which the hon. gentleman published and circulated a short time ago in connection with this subject, and you will find that George Brown, Oliver Mowat and the whole Liberal party at that time with scarcely an exception, voted against the establishment of separate schools in the old province of Canada, and also in the new provinces of Upper and Lower Canada. To us who have lived long enough and had something to do with events for the last forty years, it is really amusing to hear hon. gentlemen arrogating to themselves the credit of having done that which was really done by the Conservative party. My hon. friend took a very prominent part in the establishing of separate schools. I give him credit for the honesty and perseverance that characterized him in days past when he was dealing with this question, but I do not forget that when all this

was done the hon. gentleman belonged to the Tory party and was acting with that party and not with the Liberal party, as I can show by the memoranda I have in my hand showing who voted for and voted against the Bills that my hon. friend himself introduced. He allowed them to remain without putting them on the statute-book in 1862. Perhaps it is not fair to say what the reason was, but the inference was that it was opposed by the party with which he is now connected, the late Sir Oliver Mowat and others voting constantly against him and the principles involved in the Bill.

Now, I am not taking any particular credit to the Conservative party for what they have done. I have already announced in this House, and I have no hesitation in saying now, that notwithstanding the horrors which my hon. friend has depicted in this House of crime in the United States arising from the fact of there being no separate schools, I have never been a supporter of separate schools per se, but I believe there are fundamental principles of Christianity which should be taught in all schools altogether independent of the peculiar dogma taught either by the Roman Catholic or the Protestant churches. I took that ground in 1895-6. I know, because I was a party to the legislation when Manitoba was brought into confederation, that it was intended that separate schools should be given and guaranteed to the minority in that province, and at that time most of you know that it was a grave question as to where the minority was to be found. The fact is, if we are to take history as we read it, that the Protestants were in a minority in the Territory at the time it was made a province and came into confederation. That being the case, then we may draw the inference from what was done that it was intended to protect the rights of the Protestants of Manitoba at that time. Such was the intention of Mr. Galt when he insisted upon clause 93 of the British North America Act being enacted to protect the rights of minorities in the provinces of Quebec and Ontario. Since the hon. gentleman has claimed all the credit for the Liberal party for having secured separate schools, I will read from a statement now before me which will show who has done most for separate schools.

The Act of 1807, or 47th George III., chapter 6, makes provision for public schools.

Under this Act no provision was made for religious instruction, but the trustees had power to regulate the schools and consequently they could introduce religious instruction if they chose.

I may add that that was the character of the schools in the town of Belleville some 70 years ago.

The Act of 1808, or 48 George III, chapter 16, amends the above, but only as regards the location of the London schools.

The Act of 1816, namely 56 George III., chapter 36, page 383 of volume of Acts from 32 George III. to 37 George IV., in library, makes no special provision for religious training, but leaves power in the hands of the trustees to provide for the government of the schools.

The Act of 1819, or 59 George III., chapter 4, page 450 of the library volume, amends the previous Acts in unimportant particulars, but makes no mention of religious instruction.

The next Act is that of 1820, namely chapter 7 of 60 George III., see volume in library mentioned above.

This Act provides for the continuance of the Act of 1816 above mentioned, with certain exemptions, but no provision is made for religious teaching.

Nevertheless under these Acts in consequence of the complete control the trustees had of the direction and teaching of the schools, the district in which Catholics had a majority or a considerable minority were in the course of time provided with schools directed in a manner agreeable to the Catholic people.

The Act of 1824, or 4th George IV., chapter 3, made permanent and extended the preceding Acts and provided the sum of £150 per annum, to afford the means of moral and religious instruction to the more indigent and remote settlements. The object stated was to purchase and distribute by means of the district boards of education, books and tracts calculated to afford the necessary instruction.

Hon. Mr. MILLER—What province does that refer to?

Hon. Sir MACKENZIE BOWELL—Ontario—old Upper Canada.

This is the first legislative recognition in Canada of the principle of placing religious instruction on the programme as a principle of public policy, but it was not specially intended to further the views of Protestants or Catholics, either of whom could when they were in the majority no doubt obtain some benefit by purchasing Protestant or Catholic tracts and books.

No further legislation took place until the union. Though in 1835 and 1836 there were movements in regard to schools, the events of 1837 rendered impossible any attention to education. The negotiations for the union of the provinces of Upper and Lower Canada absorbed the attention of public men for some years after. At length in 1841 the two provinces were united and the province of Ontario came under the influence of the members from the province of Quebec. The very first Act regarding education shows the influence of the Catholic members from the lower provinces.

In the upper province at that time the question of separate schools had not been carried to the extent that the representatives of the Roman Catholic faith of Quebec carried it, and consequently they insisted or persuaded the members with whom they came in contact from Upper Canada to grant further concessions. At that time my hon. friend who is looking at me knows that these members were principally Protestants. I am glad to bear evidence to the fact that where the Protestants have been in large majorities, and the agitators have not entered among them, they have made great concessions which would not have been made otherwise had an agitation been started, and aroused the feeling that has unfortunately been exhibited in other instances. I may add that I firmly and conscientiously believe that if this question of education were not touched at all in this Bill the great majority—and I think there will ultimately be a great majority—of Protestants in the Northwest would have made concessions which would have been acceptable to the Roman Catholic settlers. That is the opinion I have of the Protestant community when not roused by inflammatory speeches and by agitation that should never exist. This statement continues:

The Act of 1841, 4 and 5 Victoria, chapter 18, passed by the Baldwin-LaFontaine government (Liberal), repealed the Acts previously mentioned as insufficient for the purpose. It provided among other things—

First, that Christian Brothers should be eligible as teachers though not British subjects. (Section 7, subsection 3.)

And this suggests to me an explanation of the remarks made by my hon. friend from Prince Edward Island, in reply to the question put by the hon. Secretary of State. The hon. gentleman said that in Charlottetown they permitted nuns and Christian Brothers——

Hon. Mr. ROBERTSON—No, they simply permitted Catholic teachers.

Hon. Sir MACKENZIE BOWELL—I went to him and asked him then if that carried with it the teachings of the Roman Catholic faith, or Roman Catholicism, and he said no, they are working under the Public School Act, though taught by Roman Catholic teachers. That was a common practice when I was a boy. We never used to draw the distinction as to what a school teacher's faith was in those days. Then.

2nd. That separate schools might be established whenever the minority differed on religious faith from the majority. (Section 11.)

3rd. That the boards of examiners in cities and towns corporate, should consist when necessary one-half of Protestants, one-half of Catholics, to examine teachers and govern the schools. (Section 16, Statutes of Canada, 1841, chapter 18, page 102.)

The Act of 1843, or 7 Victoria, chapter 29, in sections 54, 55, 59, provides :

1. That no child shall be required to join in any exercise of religion objected to by the parents.

2. That where the teacher of any public school was a Protestant a separate Catholic school could be formed on the application of ten or more freeholders, and vice versa if the teacher was a Catholic.

So that it gave the right to establish separate schools where the teacher was a Protestant, and the right to establish a Protestant separate school if the teacher was a Catholic—to my mind a most absurd provision.

3. That such schools should be entitled to their share of public appropriations.

The Act of 1843, 7 Victoria, chapter 9, provides for the apportionment of the school funds of the united provinces between the two provinces.

The Act of 1845 (Draper and Papineau, Conservatives), 8 Victoria, chapter 41, page 235, makes provision for public instruction in the province of Quebec. It makes provisions (section 26) for the interest of the Protestant minority in the province of Quebec, and repeals the Act of 1841 so far as it applies to Quebec.

The Act of 1846, 9 Victoria, chapter 20 (Draper government, Conservative), sections 32, 33, page 729, provides for the establishment of Protestant and Catholic schools under certain conditions.

The Act of 1847, 10 and 11 Victoria, chapter 19 (Draper and John A. Macdonald government, Conservative), amends the Common School Act of Upper Canada by providing that the corporations of cities, towns and municipalities shall be corporations for the purposes of the School Act. It recognizes the existence of separate schools in sections 5, subsections 3 and 5, and 7.

The Act of 1849, 12 Victoria, chapter 83 (Lafontaine-Baldwin government, Liberal), page 563, of Statutes of Canada, part 1, 1849, which repealed the Act of 1843, does not contain any privileges for Catholics, though it does for coloured people. This Act, it was stated, was never read by ministers ; was objected to on all sides and allowed to remain a dead letter.

It is a most extraordinary thing that the legislature at the time should make a special provision for coloured people and leave out the other portions of the community, unless it was supposed that the coloured people should not associate with the children of the white people. That is the only inference I can draw.

The next Act making provision for separate Catholic schools is the Act of 1850, 13 Vic-

toria, chapter 48 (Lafontaine government, Liberal), section 19, page 1263 of Statutes of Canada, 1850. This Act enacts provisions for separate schools for Catholics, Protestants and coloured people, according to the provisions of the Act of 1843.

The Act of 1851, 14 Victoria, chapter 111 (Lafontaine government, Liberal), one section only, explains the Act of 1850, section 19, and enlarges the power to establish separate schools in cities and towns. (Statutes of 1851, page 2129.)

The Act of 1853, 16 Victoria (Taché and Hincks government, Liberal and Conservative), chapter 185 of the Statutes of Canada, 1853, section 4, page 905, further provides means for strengthening separate schools by freeing their supporters from assessment for the common schools, &c.

The Act of 1855, 18 Victoria, chapter 131 (Tache-Macdonald, Conservative government), page 553 of statutes, was specially enacted for the purpose of defining and enlarging the powers of the Catholics to establish separate schools. It repeals section 19 of the Act of 1850 and the 4th section of the Act of 1853, but provides more fully than these did for the establishment and government of separate schools.

In 1859 a Bill was introduced by Mr. Ferguson, a private member, providing for the repeal of the Acts authorizing the establishment and maintenance of separate schools. This Bill was debated briefly by Ferguson and McGee but no division was taken and the Bill was not reached again that session.

The Secretary of State will remember that, because he was in parliament at the time. It may be mentioned that Mr. Ferguson was an extreme opponent of separate schools in any shape or form.

The Consolidated Statutes of Upper Canada, 1859 (Cartier-Macdonald Conservative government), chapter 65, sections 18 to 36, page 771, re-enacted the Act of 1855 of the Cartier-Macdonald government, and this continued to be the law on the subject till the Act of 1863 was passed.

In 1860 Mr. Scott introduced a Bill to amend the Acts respecting separate schools in Upper Canada. This Bill passed its second reading on 16th May, 1860, on a vote of 59 yeas to 19 nays, and was supported by J. A. Macdonald, Carling, Abbott and other Conservatives. The Macdonald-Cartier government were then in power.

Mr. Mowat and those who followed him invariably voted against separate schools. I only mention that fact to show the Liberal party's stand upon this question of education in old Canada.

In 1861, on the 23rd March, Mr. Scott introduced his Bill again, but it was not reached till the 16th May, when the order for the second reading was discharged and the Bill was withdrawn ; no vote was taken (Cartier-Macdonald government).

In 1862 Mr. Scott again introduced his Bill which was carried as far as the second reading by a large vote of 93 to 13, but not reached again for a third reading, though an attempt was made to give it precedence (Cartier-Macdonald government), Mowat and other Liberals voting against it.

That is the time the Bill was dropped and an election followed immediately. I have a pretty distinct recollection of that, because I had an election at that time and was defeated on this very question because I refused to go the full length of pledging myself to vote to take from the minorities of the provinces of Ontario and Quebec the rights that were granted to them under the Act. However, I never regretted the position I took then. I believe it was the proper course, as I believe it is correct to protect the rights of all classes of Her Majesty's subjects.

The Act of 1863 (Sandfield Macdonald government), 26 Victoria, chapter 5, was then introduced by the Hon. Mr. Scott, and was assented to on the 5th May, 1863.

In that case Mr. Mowat and other Liberals voted against the Bill. I am not sure whether my hon. friend the Minister of Trade and Commerce was in the House at the time.

Hon. Sir RICHARD CARTWRIGHT—No, I came in in 1863.

Hon. Sir MACKENZIE BOWELL—Yes, that is the time the hon. gentleman was elected, and I was defeated. I do not know what position the hon. gentleman took on that question, but as he belonged at that time to the Conservative party, I take it for granted he voted with his leaders and supported the Bill.

The Act of 1863 was duly re-enacted and embodied in the Revised Statutes of Ontario, 1877, chapter 206, volume 2, page 2140.

This Act was prepared, I have good reason to know under the direction of the Roman Catholic hierarchy. I do not instance that fact to complain that the hon. gentleman sought the advice of the hierarchy, whose interests he was looking after at the time any more than I——

Hon. Mr. SCOTT—I got Mr. Ryerson's consent, which perhaps the hon. gentleman does not know.

Hon. Sir MACKENZIE BOWELL—Oh, yes, I do know. Rev. Mr. Ryerson was just about as clerical as any of the gentlemen to whom I have referred belonging to his own church. I have a very good recollection of Egerton Ryerson, one of the best educationalists who ever occupied a position in Canada and to whom Canada owes in a

great measure the educational system which prevails in Canada.

This Act was prepared under the direction of the Catholic hierarchy, and has continued to be the law ever since, with certain amendments from time to time to protect the manner of making assessments and collecting the rates, The law as it exists at present is to be found in the Ontario Revised Statutes, Volume 11, page 2466, chapter 227.

Upon this memo. I based the statements which I have made with reference to the history and growth, if I may so term it, of the separate school question from 1807 to 1863.

Mr. Scott's Bill of 1860 was supported by a vote of 59 to 19, and John A. Macdonald, John Carling and J. J. C. Abbott voted for it, the Macdonald-Cartier government being in power. Journals of 1860, page 450, Conservative government.

Mr. Scott's Bill of 1861 was introduced on 23rd March, 1861, and not brought up again till the 16th May, when it was discharged. No vote was taken on it at all. Journals 1861, 36-363, Conservative government.

Mr. Scott's Bill of 1862 was introduced on April 7th ; was debated on the 29th April and again on the 30th April ; was carried on May 2nd by a vote of 93 to 13 ; John A. Macdonald, Carling and Conservatives generally voting for it, and Sir Oliver Mowat and others voting against it. Journals, 1862, page 147, Conservative government.

Mr. Scott's proposition of 1863 was passed by a majority of 74 to 30, John A. Macdonald, Abbott, Carling and Conservatives generally voting for it, and Mowat and Liberals voting against it. Journals, 1863, page 130, Sandfield Macdonald government.

It is thus obvious :

1. That previous to Mr. Scott's entry into the affair the two enactments of any value to Catholics (i.e., the Acts of 1855 and the re-enactment of it in 1859) were by the Conservative government, and

2. That but for the Conservatives Mr. Scott's amending Act of 1863 could never have been carried.

3. That Mr. Scott was but the agent of the Catholic bishops, who then as now thought that they could take care of their church interests pretty effectively.

Those are deductions which I have drawn from the facts which I have read to the House. They may not be interesting to some, but they are facts which, placed upon the records may be of benefit to those who are dealing with the question in the future. The next historical events, the record of which I am not going to read, relate to the New Brunswick School Act and what followed after confederation. The Manitoba separate schools shall also receive attention. I will show how they were dealt with and by whom they were dealt with, but I do not know that I shall take the trouble to read the statement, because they are of such a modern date that most people know the effect of them. It will be noticed by the statistics which I have read in reference to the schools, that the period to which my hon. friend called attention in the history of this country when everybody was honest and he could trust his money and his packages to any person to take them a distance was a period when religion was not exercised in the schools by law at all. In his boyhood days and in my boyhood days religion was taught although not recognized by the law; it was taught in the manner in which I indicated when I spoke of the matter before. The fundamental principles of religion were taught, and not the doctrines of the Episcopalian or Roman Catholic or any other church. The masters of the schools I attended in those days were principally Irish mathematicians who came to the country, educated men who were not fit for anything else, and they generally taught school, I received a good portion of my education from them. If at that period we were all honest, and rascality and villainy of the character described by my hon. friend prevails in the United States where no separate schools exist, how does he reconcile the two cases ? I think no child should be brought up without being taught the rudiments of Christianity. There are principles in connection with the Roman Catholic and Protestant churches upon which all agree. You go further than we do upon many points, and all I can say is that I hope we may be right and reach the heavenly home as well as you gentlemen who think you have a better religion than we have. It being six o'clock, I move the adjournment of the debate.

Motion agreed to, and the Senate adjourned until 8 p.m.

Second Sitting.

The SPEAKER took the Chair at 8 p.m.

Routine proceedings.

Hon. Sir MACKENZIE BOWELL, on resuming the debate, said: When the House rose at six o'clock I had given a short resume of what I may call the history of the rise and progress of separate schools in Canada. I intimated that I had a short memo-

randum of historic events which took place with reference to the New Brunswick School Act and also of the Manitoba School Act. It is very short, but I did not consider it necessary to read it to the House. I have, however, been requested by a number to give it as they would like to see the full history of the school question, not only as given from 1807 to the present time, but also the action of parties in parliament in dealing with the New Brunswick and Manitoba school questions. As it will not take many minutes, although not strictly pertinent to the measures before the House, perhaps it would be excusable to give it under the circumstances. If you refer to Todd's Parliamentary Government, page 346, you will learn that in 1871 a Bill passed the legislature of New Brunswick regulating the schools, out of which arose the difficulties that afterwards culminated in an appeal to the authorities here, and also carrying the case to the Privy Council in England. The Act was passed by the New Brunswick legislature in 1871. On January 10, 1872, the Roman Catholics of New Brunswick protested against the provisions of that law and asked for its disallowance by the Dominion government. The government of the day decided not to interfere with that legislation. However, on May 20, 1872, a motion was made in the House of Commons by Mr. Costigan, asking the government to disallow the Bill. That was lost. Subsequently another motion was made that a petition be sent to Her Majesty to amend the Confederation Act in regard to the separate schools in the province of New Brunswick. That also was lost. In 1873, on May 14, a motion was made in the House of Commons asking the government to disallow the New Brunswick School Act of 1871, imposing taxes on non-supporters of public schools. That motion was carried. However, though the resolution passed parliament, the request was not complied with by the Dominion government. Sir John Macdonald was head of the government at the time, and his Attorney General declared that the Act being intra vires they would not disallow it, notwithstanding the passage of the resolution in the House of Commons, asking them to do so. Subsequently the government referred the question to the law officers of the Privy Council in England, who decided the Act to be intra vires. That ended the question so far as the Separate School Act and the school law of New Brunswick were concerned. I may say, however, that since that time those who have paid any attention to the working of the Act in New Brunswick, know that the most liberal construction has been put upon the provisions of that Act and they have followed the same course as had been explained by my hon. friend from Prince Edward Island in reference to the schools in Charlottetown. Bear in mind, the Privy Council in Canada and the law Lords in England sustained what we now term provincial rights. Whatever the constitution gave them in matters of this kind should not be interfered with. In 1878 we had another illustration of that principle, and it is somewhat worthy of note that on the day we are celebrating, the 12th of July, in the year 1878, Isaac Butt presented a petition to the government in England from 20,000 Irish Catholics, praying for the disallowance of a Bill which has been passed by the New Brunswick legislature incorporating the Orange Society. The decision of the English authorities was that the Bill was within 'the competency of the legislature of New Brunswick' and therefore should not be disallowed—another instance in which the Privy Council as well as our own government of that day asserted and maintained the principle of provincial rights. Turning to the Manitoba School Act, the Act bringing that portion of the Northwest Territories into the confederacy as a province was passed in 1870. The separate schools clauses were added to that Bill, as most of you are aware, in the words used in the British North America Act, in reference to the right to separate schools in Ontario and Quebec, but as there was no law at the time in Manitoba, Sir Geo. E. Cartier moved that the words 'and in practice' be added, because Sir George at that time knew that the denominational schools had existed in Manitoba, and he supposed as parliament did, at the time, that by putting in the words 'by law or by practice' he would continue the rights enjoyed by the minority in that province, prior to the passage of the Manitoba Act. Under that provision of the Mani-

toba Act, a Bill was introduced in the Manitoba legislature by Mr. Norquay, leader of the Conservative government, establishing separate schools much upon the principle existing in Ontario and Quebec, and those rights continued and the schools were organized and maintained under that law until 1890, when Mr. Greenway repealed the law and abolished separate schools and the use of the French language in that province.

There was an appeal to the Manitoba courts on behalf of the Roman Catholic minority, by Mr. Barrett, then a resident of Manitoba and an officer of the Inland Revenue Department, I believe. He entered an action testing the legality of the law. The court decided it to be intra vires. This judgment was appealed against to the Supreme Court of Canada which unanimously decided, strange to say, even in opposition to the court in Manitoba, that the Act of 1890 abolishing separate schools was ultra vires. Then appeals were taken to the Privy Council in England, who declared the law passed by Mr. Greenway to be intra vires on this ground, notwithstanding the fact that the Manitoba Act provided for the retention of all the rights and privileges that had been enjoyed by law and practice in Manitoba, the Catholic minority had the same rights that they had possessed prior to the passing of the Manitoba Act. That is, there being no law at the time Manitoba entered the union establishing or supporting denominational schools, such schools having been supported by private funds, the minority have the same right to continue them and consequently the repeal of Norquay's law was not in contravention of the power of the Manitoba legislature. They added to that decision that a wrong had been done to the minority, and that they should appeal to the Dominion government to introduce remedial legislation. Then followed an application on the part of the minority to the Privy Council of Canada for remedial legislation. The question of the right of appeal was submitted to the Supreme Court of Canada which decided by three to two that the minority had no such right. The dissentients to that judgment were the late Mr. Justice King, formerly of New Brunswick, and the late Mr. Justice Fournier, who was a judge at the time. The last judgment of the Privy Council in England declared the Act passed by the Manitoba legislature abolishing separate schools to be intra vires for the reasons I have given. But as I say, they added to that judgment that a wrong had been done to the minority in Manitoba which should be remedied by legislation. The minority appealed to the Law Lords of the Privy Council against the decision of the Supreme Court, which denied them the right to appeal to the Dominion government for remedial legislation, which appeal was sustained. An appeal to the Dominion government for remedial legislation was made in 1892. The government tried as far as possible to come to some amicable arrangement, but it could not be done. The appeal to the Privy Council was in 1894, the judgment of the Privy Council was in 1895, and the remedial order, which was passed by the government of which I was the head at that time, was dated March 21, 1895. The resolution of the Manitoba legislature reaffirming its position on the question was passed on the 19th June, 1895. Then the supplementary order was issued. Most of you know what followed. The remedial legislation was blocked by the opposition in the House of Commons talking parliament out of existence. My hon. friend opposite smiles, but that is the literal truth. The fifth year of the parliamentary term expired in the month of April. The party, then as now headed by Sir Wilfrid Laurier, talked night and day until the term of parliament expired, and so persistent were they in their opposition to remedial legislation that they did not even allow partial estimates to be passed to pay the employees of the government. They, however, when they came to power passed an Order in Council contrary to law, and the Governor signed it in order to provide money to pay the government employees. I have placed these historical facts on record that they may be of use hereafter.

Referring to the legislation of to-day and the position occupied by the gentlemen who now control the destinies of this Dominion, their actions in 1895 and 1896 must be left to the judgment of the electors and to their own consciences. There was a reason, and a good reason, based upon equity and upon the judgment of the Privy Council for the government to take action in the attempt which they made to remedy the wrong

which the Privy Council said existed, and which I believe did exist. I have under my hand extracts here that will fill two or three pages from the utterances of my hon. friend sitting opposite, Hon. Sir Richard Cartwright, the hon. Secretary of State, Sir Wilfrid Laurier, and the whole party, in which they condemn in the strongest terms the action of the government for interfering with prerogative and privileges of self government in the province of Manitoba. Even my hon. friend from Halifax wrote a pamphlet on the question which in order to refresh my memory I read again the other day in which he takes the same ground with those whom he was supporting in opposition to remedial legislation, declaring in as plain language as he could without committing himself too far against remedial legislation under the circumstances. Whether he has been doing penance for that during the last ten years I do not know, but I am very much inclined to think that he will support the present government notwithstanding his utterances and his sentiments in the pamphlet to which I have referred. If I may be permitted to do so, I will pay him the compliment of saying it is one of the best defences of the subject that I have read though I think his conclusions were wrong, and I think he would agree with me to-day, but the political exigencies of that time demanded the course which he pursued in support of his friends. The political exigencies of to-day require that the supporters of the government, although I know they conscientiously disagree with the course pursued by the ministry, should sustain the government in the course they are taking now, even though it is diametrically opposed to that which they took in 1895-6. I remember very well the numerous paragraphs which were written and the great use that was made of the words 'political exigencies' by the late Hon. Thomas White in one of his speeches. It was looked upon not only as a moral error, and delinquency on his part but as a political sin that any party should ever act on the principle that political exigency justified a politician in departing from his honest convictions in order to support the government. How far the supporters of the present government, particularly the gentlemen from Manitoba who took part in the repeal of the Separate School Act in Manitoba, have acted in such a manner is a matter for them to explain, not for me. I purpose to act, as far as I can, in this matter consistently with what I did before, because I felt that I was doing right then, and I can reconcile the course I am pursuing to-night with the way I acted then.

My hon. friend the Secretary of State referred in glowing terms to the growth and development of the territories. We all rejoice with him on that fact. He intimated that the population of the older provinces was not growing as rapidly as he would like to see it grow, or as rapidly as the population of the Northwest. That is easily explained. No one can go through the Northwest Territories, especially Manitoba, without meeting in every second man a settler from the older provinces. One of the principal reasons why the population of Ontario did not show as large an increase as we expected and why we lost six representatives in the House of Commons was the fact that thousands of her people moved from Ontario to Manitoba and the Northwest Territories and British Columbia. An hon. gentleman sitting opposite to me, who is an Ontario man, now boasts of being a resident of British Columbia. It is gratifying to know that we have a Northwest of our own to which our people who desire to acquire lands can go, instead of emigrating as they did twenty or thirty years ago to the United States. We retain the population in the country but it is lost to the older provinces, and that accounts in a great measure for the apparently slow growth of population in the older provinces, and for the rapid increase in Manitoba and the Northwest. I am sorry that my hon. friend from Brockville, (Mr. Fulford) is not here to-night, because this being the 12th of July I should like to refer to a letter of his which appeared in the London 'Chronicle' on this very question, and to enter a protest against the statements which he made on that occasion. I informed him that I intended to bring this up and I had hoped he would be present. The hon. gentleman was in England while this agitation was going on with respect to Provincial Autonomy. As I said to him, I suppose the reason he wrote the letter was because he wanted to make himself solid with the Irish Catholics. He was then on the point of taking an automobile trip through Ireland, and in order to get a good reception

he wrote this inflammatory, I was going to say untruthful letter, under a misapprehension, I hope, of the facts. The London 'Chronicle' of April 25th last, contained his letter. Referring to the agitation in Canada, he says :

In a population where the Catholics number about 43 per cent of the entire population, and where there is a small but active minority of political Orangemen, it is not to be wondered at that occasionally there are sectarian extremists.

It is only by the efforts of people of this character that the political aspect of the Orange Order can be kept alive. A certain class of mediocre bigots can only secure political prominence through these means; therefore, it is found necessary to wave the Protestant banner every decade or two.

Now, as heretofore, the agitation is confined almost altogether to Toronto, which is extremely Tory, and more wildly Orange than any city in Ireland. The introduction of legislation in the Dominion Parliament by Sir Wilfrid Laurier creating two new provinces in the Northwest furnished another wild outburst from these so-called enthusiastic Protestants, numbering, as I have said, but an extremely small proportion of the population of the Dominion, and confined almost altogether to Toronto.

If the hon. gentleman had asked me, I could have shown him by reference to the Orange statistics that the organization which he speaks of as an extremely small proportion of the population of Canada, runs up to over 200,000. He continues, following almost in the language used by the Secretary of State, to explain clause 17, of the Bill :

There is no proposal to establish sectarian schools in western Canada. The schools are in every particular, both as to standard, teachers and public inspection, similar to other schools, with one exception, that between 3.30 and 4 o'clock, where the majority come under this particular legislation, religious instruction can be given by the resident clergyman.

There is more of this character of writing in the letter, but I have read enough to show the manner in which a Canadian senator undertook to educate—I was going to say mislead the people of England. I do not purpose to answer the hon. gentleman myself. I shall allow the Toronto 'Globe,' the leading organ of the Liberal party in Canada, to deal with Mr. Fulford, and reply to his denunciation of the Orange Order and his declaration that the excitement was confined to that particular class of politicians in Canada. In the 'Globe' of April 10th, there is an editorial, which contains the following :—

Those who suppose that opposition to the educational clauses in the Northwest autonomy bills is confined to Toronto, and that it is dependent on Orange-Toryism for its vitality, are living in a fool's paradise.

It is not very often I can agree with the 'Globe,' but I do in this case ; Senator Fulford must have been living in a fool's paradise when he wrote his letter, stating that the whole agitation against the educational clauses is confined to the Orange society. The Globe continues :

The point of capital importance, and which cannot be disproved by shutting one's eyes to its undesired existence or by shouting bravely that it does not exist, is the unmistakable fact that not in Toronto alone, but in scores of centres throughout this province the sanest and steadiest and most intelligent men cannot bring themselves to approve of the Dominion Parliament, on any pretext whatsoever, interfering in the educational affairs of the new provinces. The men who make this objection are not Tories. They are not Orangemen. They are Liberals. They are, some of them, the men who give virility and prestige to Liberalism in their constituencies, and without whom there would be no Liberal party worthy of the name. To ignore the fact of their opposition, to minimize its significance, or to misunderstand its quality, is to play the part of children in a situation which demands the wisdom and courage of men.

Another delusion is the notion that this significant opposition is wholly based upon racial or religious prejudices.

Now that is pretty strong language, and I think it is a sufficient answer to Mr. Fulford's declaration that the agitation is confined to Orange-Toryism in the city of Toronto. I do not propose to follow that point further than to call attention to a mass meeting which was held in Massey Hall in the city of Toronto, for the purpose of denouncing the remedial legislation, if such I may term it, that is now before parliament and condemning the action of the government in framing the 16th or any other clause affecting what they term the educational rights of the Northwest Territories. Who were those who attended that meeting? Were they the leading Orange Tories of whom Mr. Fulford writes? My hon. friend opposite me knows very well they were not. They were nearly all leading Liberals of that city, such men as Caldicott, Thompson the lawyer, and Leighton McCarthy, and a number of others that I could mention. Not satisfied with denouncing the government, they denounced the Tory members from the city of Toronto for not being present to assist them in their condemnation of the pre-

sent government, and yet in the face of such facts we find government supporters attributing to others that which the leading men of their own party are guilty of. I do not desire to be understood as saying that many Orangemen are not opposed to this legislation, but any man who knows the facts will not attribute to them alone the agitation in the city of Toronto. If he does he is either speaking of matters of which he knows nothing, or wilfully perverting the facts. So much for the 12th July, and the Hon. Mr. Fulford.

In conclusion, I want to refer for a few moments to the provisions of the Bill. To the money arrangements I have no objections to make. I should like, however, to have seen one province instead of two. My own conviction is, and I believe it is the conviction of the great majority of the residents of Manitoba and the Northwest, that the arrangement should have been to increase materially the area of the Province of Manitoba and erect the balance of the Northwest Territories into one province. The Hon. Secretary of State, in speaking of this, ingeniously said 'you could control and manage a small province cheaper than a larger one'; but there is considerable difference between the cost of governing one province and the expenditure involved in governing two. By giving a large addition from the present Northwest to Manitoba, and making but one province west of Manitoba in the Territories, the expense of governing that part of the Dominion would have been much less. There is very little difference in the cost of managing a large province and that of managing a smaller province, as we know by the experience of the smaller provinces of the Dominion. British Columbia does not require more territory. It is large enough now, and the developments and discoveries in that country prove it to be one of the richest of our provinces. Three provinces west of Ontario would have been quite sufficient for all the purposes of government, and would have been infinitely better than the proposed arrangement.

I think also it is a very great mistake—and this has been my conclusion for many years, both with regard to Manitoba and the Northwest Territories—that the lands have not been given to the local authorities to manage for themselves, and relieve the country of the charge upon the revenues of the Dominion, in lieu of the land, which must be made for all time to come, of the interest on over one million dollars. When the Dominion has sold all the lands or given them away for railway purposes in the two western provinces, there will be no returns to recoup the annual payment. The interest on the amount will have to be paid for all time to come.

Hon. Mr. McDONALD (C.B.)—There would be no land to sell.

Hon. Sir MACKENZIE BOWELL—There will be none to sell, and after it is all gone the interest charge will remain for ever. I do not share the fear expressed by the Prime Minister, when he referred to this subject, that if the lands were given to the provinces, the price would be made so large that it would prevent settlement. That has no force whatever, except as an excuse for depriving the people of that part of Canada of the control of the lands. I am opposed to interference with the autonomy of the different provinces. We have heard a great deal on that subject this session in the different committees in dealing with minor matters, such as railway charters. Under the constitution certain rights in connection with these roads are given to the provinces, which I think is a blot on the constitution. I have always believed, and believe still, that the whole range of transportation systems should be under the control of the Dominion. We are not dealing with that question now; I refer to it merely for the purpose of pointing out how tenaciously the Senate has adhered to the principle of provincial rights in that respect, and yet hon. gentlemen opposite do not hesitate to vote for a proposition which takes from the new provinces rights which I believe are guaranteed to them under the law. I shall not deal, because I am not capable of doing so, with the legal aspect of that question. I shall leave that to others who in all probability will follow me, and who can deal with it more intelligently than I can. But I may refer again to the uncertainty as to the power which this parliament has to deal with the educational question. It would be exceedingly unfortunate if we should have interminable law-suits, whether instigated by individuals or by the provinces themselves, testing the question of the power of

this parliament to legislate upon a purely local question. For that reason I repeat that while strongly in favour of the erection of that portion of the Dominion into a province or provinces, I do think, in order to avoid the difficulties which may arise, and which are presenting themselves to the mind of every thinking man who has paid any attention to this question, that it would have been better to have allowed this measure to stand for another six months, until the government could have submitted these disputed points to the Supreme Court or to the Privy Council in England, and have them finally settled. Convinced as I am of the propriety and statesmanship of that course, I propose to move, seconded by my hon. friend from Montarville (Hon. Mr. de Boucherville), That the Bill be not now read the second time, but that it be read the second time this day six months.

If that were carried, the government could act upon the suggestion made, I will not say exclusively by myself, but which I now repeat, to ascertain precisely the power we possess, and then legislate in accordance with the authority given us by the British North America Act.

Hon. Mr. BEIQUE—Will the hon. gentleman state what question in his opinion should have been submitted to the courts ?

Hon. Sir MACKENZIE BOWELL—I have pointed out a number of differences of opinion. Sir Wilfrid Laurier is contradicted by the leader of the opposition in the lower House, while his opinion is sustained by Mr. Monk and Mr. Bergeron. Then another opinion has been given by Mr. Haultain, and another by Mr. Christopher Robinson, upon different points which have been raised in the debate. I might add that the Minister of Justice has given a very deliberate opinion in the House of Commons, but I venture the assertion that a Philadelphia lawyer after reading it would be unable to understand what it means. I read it two or three times myself, and my blunted intellect was quite incapable of comprehending its meaning. I asked a number of lawyers if they understood it, and they all replied that they did not. My hon. friend is a student of political history and knows the points to which I have referred.

Hon. Sir RICHARD CARTWRIGHT—This is a measure on which, in my judgment, it is most peculiarly appropriate that the Senate of this Dominion, both collectively and individually, should express an opinion. Late as the session is, long as it has been protracted, I for one have no objection whatever to the debate being continued as long as our hon friends see fit to continue it ; for I am well convinced that the longer this question is debated, the more it is brought before the public, the more convinced they will be that the government on this occasion has pursued a just and wise course, and that they are not in the slightest degree liable to the imputation made by my hon. friend that their course to-day is diametrically opposed to their course eight years ago. As I have said, this is a question which it is peculiarly appropriate that the Senate of the Dominion should pass upon. We are here, if we have any function at all in the constitution, for the express purpose of guarding the rights of the smaller provinces. For that purpose the members of the Senate have been given a life tenure, for that purpose the smaller provinces are provided here with a much larger representation in proportion to their numbers than the larger provinces are conceded. It is perfectly clear that while it is abstractly possible, though not probable, that one particular province might dominate in the other chamber, it is inconceivable under any circumstances that any one province should exercise an undue influence in this body. Therefore I say that it is peculiarly appropriate that the measure should be fully discussed in the Senate of the Dominion.

It is not my purpose to follow my hon. friend the leader of the opposition, who I may remark has treated this question with unusual moderation and in an unusually reasonable manner, through the somewhat lengthy dissertation with which he has favoured us, as to events which occurred, I was going to say, prior to the creation, at any rate prior to the creation of this confederation, nor do I desire either to enter at any great length into the legal subtleties which trouble my hon. friend's mind. Some years ago I had occasion to discuss this question of the value of legal opinions with a very eminent English lawyer.. no less a personage than the late Chancellor of England, my lamented friend, Lord

Herschell; and I very well recollect that he was good enough to expound to me and to an interested audience how it was that legal opinions were obtained, even in so good a constitutional country as England. I remember Lord Herschell telling me that on one occasion Lord Palmerston had consulted the late Sir Richard Bethel on a question of great importance affecting principles of international law. Sir Richard Bethel, after due consideration, presented to Lord Palmerston a learned, lengthy, well-reasoned, logical, clear opinion, taking a particular view of the case. Lord Palmerston took the opinion, but expressed to Sir Richard Bethel his regret that he had arrived at that conclusion. Sir Richard expressed his surprise that Lord Palmerston had not told him what conclusion he wished him to arrive at, and remarked that there was a good deal to be said on the other side of the question; and he withdrew his opinion. Forty-eight hours later he presented to Lord Palmerston another opinion, still more learned, still more logical, still clearer, and still better reasoned, in support of Lord Palmerston's view.

Hon. Mr. LANDRY—That is what the government have done in this case.

Hon. Sir RICHARD CARTWRIGHT—I have not the slightest doubt that the government could obtain opinions on any question in any particular direction they desired. That has been my experience and I think it is the experience of most men who have had much to do in the matter of legal opinions.

There is one feature of this whole discussion to which I think the attention of this House and this country may well be called. It is remarkable that the parties who are most directly affected by this legislation are the parties of all others who appear to care least about it. We know that Ontario has been set in a turmoil; we know that Quebec has been agitated more or less on this question; but the Northwest has remained perfectly cool and impassive. Fiery agitators, I admit, have had no trouble whatever in stirring up the angry passions of my friends in Toronto to almost boiling pitch, but the fiery agitators, when they got as far as Edmonton, struck a barrier of perpetually frozen ground so far as this question is concerned at any rate. There has been plenty of time; this matter has been before the country for fully six months; there has been plenty of opportunity for our countrymen in the Northwest, if they thought they were aggrieved, to make their wishes known. I ask, in the judgment of this House and of this country, whether all the advices they have received from the Northwest do not go to show that to-day there is no serious discussion or dispute on this matter. But the other day a member of the government was sent back for re-election to the very heart of the region most concerned, and yet the men who tell us that the Northwest is disturbed and agitated over this question, did not dare to put up a man to oppose him and he was elected by acclamation. I remember perfectly well the state of things in Manitoba when in 1896 it was proposed that the government of the Dominion should coerce that province. There was plenty of agitation then; there was plenty of demonstration then; there was no uncertain sound either from the people or the legislature of Manitoba on that occasion. Now I ask the House what is the natural inference to be drawn from those circumstances. I say the natural inference is this, that there is no substantial grievance, that the people of the Northwest are not in the slightest degree dissatisfied with what the government propose to do in this matter.

I come to the merits of this case. First I shall discuss what I may call the natural equity of the case, then I shall have a word or two to say as to the legal aspect thereof. Again I have to ask the House and to ask the country what right of the majority do we propose to interfere with, what just privilege of the majority do we propose to take away? On the contrary it will be found on examination of this Bill that every legitimate right of the provinces, every legitimate right of the majority in these provinces has been scrupulously guarded and protected. As the hon. gentleman has admitted, as the hon. Secretary of State has declared again and again, the provincial authorities retain the fullest power to decide the qualification of every teacher who teaches in every school, whether separate or public. The provincial authorities retain the fullest authority over the course of study, over the curriculum, over the books

that are to be used, and they retain the right of appointing examiners to see that the various teachers who are employed conform to their regulations. What is the special privilege, the only special privilege, which this Bill proposes to confer. It proposes to confer the permission on those who choose to use it for one-half hour in every day to have those children whose parents desire it instructed in the religious tenets of the religious body to which they belong, and that is not confined, as I understand the Act, to any one particular denomination. The Anglicans, the Methodists, my Baptist friends, may, if they choose, avail themselves of the privilege. The Presbyterians may do it—for aught I know the followers of Buddha, if there are any there, can do it.

Hon. Mr. LANDRY—It is no longer a privilege if everybody has it.

Hon. Sir RICHARD CARTWRIGHT—That is all the Bill does. If my hon. friend is correct that it is not a privilege, it is not a thing which can interfere materially with the rights of the majority. The Catholic minority, or any other minority, could not well ask less, and if there is any party who are likely to suffer from granting of that right or privilege, call it which you will, it is those very men who propose to erect separate schools under the conditions prescribed. Recollect that in erecting a separate school, in most cases the men who for conscience sake choose to do so, put themselves at a certain disadvantage. They will have in most cases, as I have known in Ontario and elsewhere, to pay more in proportion than their neighbours. They will probably have to put up with less efficient teaching, because they will not be able to pay as large a salary in most cases as the teachers in the ordinary public schools enjoy. Under these circumstances, I say the majority have small right to complain, and that the interference with the so-called rights of the majority does not exist except in the imagination of men who wish to make a grievance out of nothing.

Now, hon. gentlemen, I will admit frankly that if we were approaching this question for the first time, if we took this matter up with an absolutely clean slate, if we were bound by no previous engagements, I will admit that it is a fair question of argument, and I do not hesitate to say, that I myself would strongly incline to advise no interference in the matter of education with the new province. But we are in no such position. We are entering this discussion bound, if ever a parliament was bound, by a solemn compact entered into by both the great parties in Canada, without dissent, without dispute, without division, as far back as 1875, when there was no population in those territories worth speaking of. For 40 years, and more, I have been a member of the Canadian parliament. I was present in 1875, although I did not take part in the debate when this question was under discussion. My hon. friend beside me has truly stated—my hon. friend opposite has not denied the fact—that on that occasion, both the leaders of the great parties, so far as in them lay, and their followers, including, I think, my hon. friend himself, raised no objection whatever to those provisions in the Act of 1875, and they formally and solemnly guaranteed to the minorities the rights which we now propose to guarantee to them when these provinces are erected into separate provincial communities.

Hon. Mr. MACDONALD (B.C.)—They had not provincial rights then ?

Hon. Sir RICHARD CARTWRIGHT—Nor have they to-day. They have no provincial rights to-day. That is the fallacy which underlies most of the arguments advanced. to-day. They are spoken of as if they were independent provinces coming into confederation. They are not independent provinces. They are provinces of our creation, as I shall presently show, and the Dominion of Canada have a right to dictate to them, in law at any rate—I do not say it would be expedient to do so—and say on what terms we will admit them to a provincial status. I am myself a strong advocate of provincial rights as they are defined by the Confederation Act, but on this question of provincial rights, I have to say that it does not exist in this case at all at the present moment. I repeat that these provinces have no provincial rights until we create them, and I say there is no legal obligation on the Dominion to take that action. Does any hon. gentleman dispute that position ? If so, I should like to know on what grounds they pretend to do it.

Hon. Mr. LANDRY—The Minister of Justice.

Hon. Sir RICHARD CARTWRIGHT—No, the Minister of Justice did not, if the hon. gentleman will read his opinion, dispute that proposition, nor do I see that any human being can pretend that there is at this moment any province either of Alberta or Saskatchewan.

Hon. Mr. CLORAN—They are not in existence.

Hon. Sir RICHARD CARTWRIGHT—There is none existing to-day, and there will be none existing until such time as the parliament of Canada passes and the Governor General of Canada gives the royal assent to the measures creating them. I repeat here, and I am prepared to repeat anywhere, before the strongest advocates of provincial rights in this Dominion, that it is an utter absurdity to allege that these new provinces stand on all fours with the older provinces of the Dominion. These older provinces had separate and independent existence before the confederation was formed. They could not have been compelled to enter into confederation—at least it would have been in an extreme degree inexpedient for the British government to have passed an Act forcing them into confederation against their will. We certainly would not have compelled them. But in the case of these new provinces, the very land of which they are composed was actually purchased with money belonging to the older provinces of Canada. They have been developed, and are being developed at huge and monstrous cost by the money of the older provinces of Canada. For my part I should like to ask this House, and I would like to ask my hon. friends from those provinces, whether they are of the opinion that the new provinces owe anything to older Canada. I have witnessed the birth and growth of the new provinces during a period of forty years, and I say here, and I challenge contradiction here or elsewhere, that never did older states sacrifice more for the benefit of younger states than the older states of Canada have during the last five and twenty years for the benefit of the younger provinces which they are now creating. I say that the history of North America, not to speak of other countries, has nothing like it to show. The history of the United States will show nothing in the slightest degree resembling such sacrifices made by the federal power for the benefit of new and distant provinces as we can point to during the last five and twenty years. From 1870 to 1896, it is a literal fact, demonstrable from our financial records, that one-third of the entire net income of the people of Canada was devoted to the task of providing for the wants of the new dependencies in the Northwest. We paid for their lands. We paid and are paying a very large sum to-day, for quieting the Indian title. We paid for constructing the road to make their country accessible. We paid heavily to preserve law and order all through the distant territories, and here let me say that two of the brightest features in Canadian history are these : that throughout the whole course of our confederation and before confederation itself, to the honour and credit of the governments of Canada be it said, whether they have been Liberal or Conservative, they have always dealt justly and fairly with the Indian possessors of the soil, and that under very difficult circumstances they have maintained law and order and enforced respect for life and property, from the Yukon to the farthest boundaries of the Pacific or Atlantic Ocean, as it never was enforced on the other side of the boundary line. Let us recall the facts, and I desire simply to recall the absolute facts of the case—if they grate a little on the ears of some of my hon. friends opposite, let them blame the facts and not me. Let us recall the facts ; let us remember how through all that dreary period from 1878 to 1896, while old Canada remained stagnant, while every third male inhabitant of Canada between the years of twenty and forty, as our records and the United States records will show, found a home in the United States, when the growth of our collective population was less than the growth of the oldest country in Europe, when our trade and commerce were practically standing still—during all that period older Canada was pouring out money like water for the benefit of her northwestern territories. It is a coincidence—I will not say the cause, for fear of hurting my hon. friend's feelings—it is a coincidence that all that has changed and changed remarkably since 1896. As I have dwelt a good deal on the sacrifices older Canada made for the North-

west, I have this now to say, that if all that is changed now, if for the last eight or nine years Canada has been advancing by leaps and bounds, if in the last seven years, as I had occasion to show in another place, the material progress of Canada is not only equal to but has surpassed that of any other civilized nation in the world ; if the growth of our population in a single year probably equals the growth of our population in ten former years—if an honest census had been taken—the predominant factor,—the *causa causant*, as I may say—of this progress lay in the unparalleled growth of our northwestern country. Without that it would have been utterly impossible for us to have made the showing we did; but while I grant that, I say also that the residents of the Northwest should not in their turn forget the sacrifices which Canada made on their behalf in the past. As I have said, it appears to me to be utterly absurd to pretend that the condition of these provinces that are to be, which do not exist to-day, can be placed on all fours with the position of the provinces which, having an independent existence, combined to enter into our present federation. Hon. gentlemen will mark that I am not discussing the expediency of restricting these new provinces. The question is of the legal right to impose terms. To my poor mind we have heard quite enough of provincial rights, and it would be just as well that we should pay some regard to the the rights of the Dominion too. I am perfectly willing for my part to raise and stand by the cry of Canada first, but I never have and I do not intend to raise the cry of Ontario first and Canada second, or Quebec first and Canada second, or Nova Scotia first and Canada second, or the Maritime provinces first and Canada second. This is all the more true and all the more fair because these provinces are at the present moment exceedingly well represented both on the floor of this House and on the floor of the House of Commons.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Sir RICHARD CARTWRIGHT—I say they are well represented and therefore there is not the slightest fear of any material injury or injustice being done to them. It requires no prophet to predict that in all human probability before another decade has passed we shall have fifty members on the floor of parliament from the Northwest country between Lake Superior and the Rocky Mountains, and no leaders of parties would ever intentionally do any injustice to the men who are going to form so large a component part of the body to whom they will be responsible. In this connection I desire to say a word or two as to a certain injustice which, in my opinion, has been done during this contest, not so much perhaps in this Chamber as in other places, and in the press particularly. I am sorry to say that grave injustice to my mind has been done in the press of Ontario to Sir Wilfrid Laurier and to the province of Quebec. I should like to ask these gentlemen who are to-day condemning, as my hon. friend condemns, Sir Wilfrid Laurier for having acted in a manner diametrically opposed to his professions in 1896—I should like to ask him and to ask the country if they have wholly and entirely forgotten 1896 ? What would have happened to Canada had Quebec in 1896 chosen to throw her weight against Manitoba. Have any hon. gentlemen here, have any of those men who are raising these charges against Sir Wilfrid Laurier considered well what the result would have been had Quebec arrayed itself beside my hon. friend, and beside my hon. friend's colleagues—if I can call them colleagues—had Quebec arrayed itself on the side of my hon. friend and his allies or supporters, for the purpose of coercing Manitoba. I have seen two rebellions in the Northwest and I have no desire to see or take part in a third ; and I say that at that particular time had Quebec thrown its weight, as I have said, against Manitoba, the result in all human probability would have been that our confederation would have been rent asunder or at the best that the progress of the Northwest would have been retarded for many years ; and those great results to which I pointed so recently would have been in all probability utterly unattainable by us, at any rate without much greater sacrifice and much greater delay. I doubt exceedingly whether these hon. gentlemen who are to-day denouncing Sir Wilfrid Laurier and by consequence denouncing the province of Quebec, fully understood what passed in 1896. I say that Sir Wilfrid Laurier and the Liberal party in 1896 took their political lives in their hands if any men ever did so ; and though

it is true that when they appealed to the province of Quebec that province responded nobly to that appeal, and though the province of Quebec on that occasion rose superior to race and religious prejudice and refused to be made an instrument for the sake of political advancement or even for the sake of gratifying their own prejudices in coercing their sister province their risk was none the less. Canada owes a great debt to the Liberal party and a great debt to Quebec and to Sir Wilfrid Laurier for the action he took on that occasion. Let us be fair. After all what is it, if they allege, as some of these gentlemen do allege, that Québec is making a demand upon us, what is it that Quebec demands ? What is it that Quebec proposes ? It proposes purely and simply this : that we guarantee to these people in the Northwest the simple privilege that I have mentioned that during one-half hour in each day those who so desire may, at their own proper cost and charges confer religious instruction upon a certain portion of the population. That is a good deal less than Catholic Quebec has guaranteed to the Protestant minority within its borders. It is less and a good deal less than Protestant Ontario has guaranteed to the Catholic minority within its borders.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir RICHARD CARTWRIGHT—And I am free to admit that as far as I can judge it is considerably less than the actual legal obligation incurred by us in the Act that we passed in 1875.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir RICHARD CARTWRIGHT—I ask the House to be fair. I ask them to recognize that those obligations which we ask them to implement are obligations not of our making at the present moment, but they are obligations which were formally entered into by the parliament and people of Canada as far back as 1875 ; and I appeal to the Senate as the body which is by its constitution and by the position it holds, best qualified to pass upon this matter in a judicial and temperate way. I appeal to them to sustain the just, fair and reasonable terms now proposed to be made in this difficult question. While I am disposed to give every reasonable latitude to these provinces and desire to interfere with them as little as we possibly can ; while I repeat that all this argument about provincial rights falls to the ground from the simple fact that they are not provinces at all to-day, that they can only become provinces by the act of this parliament. I maintain that under those circumstances we are amply justified in imposing the very light and trifling restrictions which we propose to place upon them with respect to this particular question, which be it remembered are less than the great provinces of Ontario and Quebec have voluntarily submitted to from the moment they entered into confederation down to the present day.

Hon. Mr. LANDRY—To-day the government presents for our consideration a most important measure. It comes to us fresh from the crucible of the House of Commons. It is the paramount measure of this session.

We have been told so without any circumlocution, and in presenting to the House of Commons this child of his predilection, proud of his handiwork, self-satisfied in the thought that the new provinces would owe to him their political existence, it was the Prime Minister who used these words: 'We are at the door of the 20th century. It is Canada's century. Such shall history style it. On the very threshold of this century, which shall be ours, I present this Act of legislation that will create two new provinces, and will give them their own autonomy.'

Alas ! the Bill which the Prime Minister introduced in the House of Commons, on the 21st February last, has failed to justify the promises made by its author. Mutilated by the hand of the Prime Minister himself, it is now no longer that apparently equitable measure that was to do full justice to the minority; henceforth it becomes a law, spoliatory in character, which strips and robs our fellow-countrymen and co-religionists of their rights.

Before the country and before history I here accuse the government of having deliberately, coldly, calculatingly given way and sacrificed the rights of the minority; given way before the menace of fanaticism, made sacrifice to an interest that had to be counted with.

No; the Bill that comes before us to-day, and that we are asked to accept, is not the one that, on the 21st February last made its

triumphal appearance in the House of Commons and for which, with a speech that made a certan reverberation, the Prime Minister received from the large majority of the people's representatives both enthusiastic support and significant applause.

Deep piercing modifications and cruel mutilations have changed the nature and altered the purport of that Bill.

No longer is it the generous wine that strengthens, rather has it become the subtle poison that permeates the organism, that penetrates its every fibre and that kills it unmercifully.

The Bill presented to the House on the 21st February, by the Prime Minister, contained a vivifying principle.

The Bill that comes to us from the House of Commons, amended as it is by the Prime Minister himself, contains the germs of dissolution.

Might we not well apply here the line of the French poet:

'De tout Laurier, un poison est l'essence,'

and paraphrase the same in the words of an English bard;

'Death lurks beneath the laurel wreath?'

In order to demonstrate the essential difference that exists between the Bill as it was presented for a first reading in the House of Commons and as it is to-day after having been altered by its own author, allow me to draw your attention to the educational clause, and to compare that clause 16 of the original Bill with the clause 17 of the Bill now before us.

That simple comparison will afford you the entire story of the humiliating retreat which the government has beaten and will set forth, in all its extent the disastrous sacrifice that we are asked to condone.

Firstly, we will take clause 17—16 as it appeared in the original Bill. It runs thus:—

16. The provisions of section 93 of the British North America Act, 1867, shall apply to the said province as if, at the date upon which this Act comes into force, the territory comprised therein were already a province, the expression 'the Union' in the said section being taken to mean the said date.

2. Subject to the provisions of the said section 93, and in continuance of the principles heretofore sanctioned under the Northwest Territories Act, it is enacted that the legislature of the said province shall pass all necessary laws in respect of education, and that it shall therein always be provided (*a*) that a majority of the ratepayers of any district or portion of the said province or of any less portion or subdivision thereof, by whatever name it is known, may establish such schools therein as they think fit, and make the necessary assessments and collection of rates therefor, and (*b*) that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and make the necessary assessment and collection of rates therefor, and (*c*) that in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessment of such rates as they impose upon themselves with respect thereto.

3. In the appropriation of public moneys by the legislature in aid of education, and in the distribution of any moneys paid to the government of the said province arising from the school fund established by the Dominion Lands Act, there shall be no discrimination between the public schools and the separate schools, and such moneys shall be applied to the support of public and separate schools in equitable shares or proportion.

The better to grasp the true significance of this clause 16 of the original Bill, let me remark that the second subsection is merely the word-for-word reproduction of clause 11 of the Northwest Territories Act, 1875, as it is in force to-day and as we find it in chapter 50 of the Revised Statutes of Canada, clause 14.

The federal law that to-day governs the Northwest Territories, is the supreme authority for the moment at least. So long as the Territories have not obtained their autonomy, the authority that defines the rights and obligations of those far-off religions, their real though temporary charter is the Northwest Territories Act, 1875; and concerning the matter of schools this is what that Act says:

The Lieutenant Governor in Council shall pass all necessary ordinances in respect to education, but it shall therein always be provided that a majority of the ratepayers of any district or portion of the Territories, or of any less portion of subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof.

The Bill, as it was introduced, and the Act of 1875, which it reproduces, therefore accorded the Territories the right to legislate on matters educational, but with this very significant restriction, that all territorial legislation, in order to conform to the law should always ordain that in each school district:

1. The majority could establish therein whatever schools they think fit—neutral or denominational, English or French.

2. The minority, whether Catholic or Protestant, could establish therein separate schools, denominational or neutral, French or English.

3. The maintenance of the separate schools must be at the expense of the minority alone, which thenceforth, shall not be called upon to contribute to the support of the schools of the majority.

4. That the division of the public moneys voted by the legislature for the support of the schools, as well as the division of the moneys taken from the fund created by the sale of lands reserved for the purpose of education, must be equally and proportionately made between the schools for the majority and those of the minority.

The Bill, as introduced, consequently demanded that :

(a) The majority have schools according to choice.

(b) The minority have separate schools.

(c) And both have proportionate shares in the moneys intended for educational purposes.

Before going any further, I desire, in a special manner, to draw the attention of this House to the nature and extent of the rights created by the provisionary Northwest Territories Act, 1875, as to matters of education, and which the Bill, as introduced by the Prime Minister, intended to perpetuate.

The majority in each school district, according to that law of 1875, which still is in force and will so remain until repealed, has a right to demand whatever kind of schools it selects.

Let us suppose a school district the majority in which is Catholic and French—for there are districts of this category—such majority, according to the terms of the present law may select to have confessional and French schools, the schools they think fit, says the law.

In accordance with the provisions of the Northwest Territories Act and within the limitations defined for them, the Lieutenant Governor, in the first place, and the legislative assembly of the Territories afterwards, from time to time issued ordinances that gave to the majorities and minorities precisely the schools to which they were entitled.

As a sample of those constitutional ordinances established in good faith and in conformity with the law allow me to cite for you the ordinances of 1884 and 1885.

Passed on the 6th August, 1884, the ordinances No. 5, of 1884, created a council of public instruction composed of twelve members, of whom six were to be Catholics and six Protestants (clause 1.)

That council was divided into two sections—one Protestant the other Catholic—and the duty of each was :

1. To have under its control and direction the schools of its denomination and to pass any regulations that it might deem useful for the government and discipline of such schools as well as the enforcing of the provisions of the ordinances ;

2. To see to the examination and classification of the teachers, the granting of their licenses, the accepting of outside certificates and the annulling—for sufficient cause—of all licenses;

3. To select the books to be used in the schools ; all books concerning morals and religious instruction—in as far as the Catholic section was concerned—to be submitted for the approval of the competent religious authority ;

4. To approve of the plans submitted for the erection of school-houses;

5. To appoint inspectors who remain in office during the pleasure of the section that appointed them (clause 5.)

In no case could a Catholic be obliged to pay taxes for the support of Protestant schools (clause 131.)

All schools received their proportionate shares of the general fund of revenue in the Territories according to the average attendance of pupils in each school (clause 91).

By an amendment adopted the following year (clause 78 of ordinances No. 31, of 1885) separate schools were left perfectly free to have their own religious instruction.

Do you wish to be fully convinced of the scope of the rights accorded to the minority by the federal laws of 1875 and by those first territorial ordinances and what were their immediate and legitimate application ? Listen, then, to what the ex-Minister of the Interior, Hon. Mr. Sifton, declared in the House of Commons on the 24th March last. I quote verbatim :

What followed the passage of this law? There was established in the Northwest Terri-

tories a complete dual system of schools; a system of schools under which the denomination regulated the text-books and the conduct of the schools, and by which everything that appertained to the Roman Catholic schools was directly under the control of a Roman Catholic board of education. We had in the Northwest Territories at that time, under that Act, to all intents and purposes, what are generally known as church schools or clerically controlled schools. That was the system that was built up under this Act of 1875. It went on for some time. It was exactly the same system—I do not know as to the efficiency, for I am not familiar with that—but in principle it was the same system we had in Manitoba up to the year 1890, when it was abolished by the Public School Act of that year.

This testimony of the ex-Minister of the Interior is most conclusive. It is moreover corroborated by that of Mr. Forget, at present Lieutenant Governor of those Territories, and at that time a member of the Catholic Board of Public Instruction. Mr. Forget says :

Until the date of the ordinance of 1892 we had never been denied the right to administer our schools, to regulate the programme of studies, to choose the text-books, to control the religious instruction and to authorize the use of the French language whenever thought convenient. These rights were exercised by the Catholic section of the board of education, and strictly speaking they were sufficient to preserve to our schools their distinctive character of Catholic schools.

The law of 1875, which is still in force, gave consequently to the majority schools of its own choice and to the minority separate schools.

The first ordinances of the Northwest respected those rights of the majority and the minority, by keeping within the limits traced out by the law itself. And the separate schools that were then granted to the people of the Northwest were really separate schools in the full acceptation of the term.

What then, after all, is a separate school and wherefore does it exist ? Let the leader of the government speak. He it was who in introducing the Bill on the 21st February last, said :

Before I proceed further, before I pass the threshold of this question, I put at once this inquiry to the House: What are separate schools? What is the meaning of the term? Whence does it come, what was its origin and what was its object? Perhaps somebody will say: What is the use of discussing such a question ? The term separate schools ought to be familiar to every one. Sir, if any one were to make such an observation and to interpose such an objection, I would tell him that never was objection taken with less ground. Mankind is ever the same. New problems and new complications will always arise, but new problems and complications, when they do arise, always revolve within the same well beaten circle of man's passions, man's prejudices and man's selfishness. History therefore should be a safe guide, and it is generally by appealing to the past, by investigating the problems with which our fathers had to deal, that we may find the solutions of the complications that face us. If we look back to the history of our own country, if we find what is the origin of the separate schools, perhaps history may be the pillar of cloud by day and the pillar of fire by night to show us the way and give us the light.

After relating in full the history of the separate schools in the olden days of the Upper and Lower Canadian legislature, the Right Hon. Sir Wilfrid Laurier thus continued :

I need not say that the Christian religion is not only a religion founded on moral laws, prescribing moral duties, but it is also a religion of dogmas. Dogmas from the earliest times have occupied just as strong and commanding a position in the faith of all Christians as morals themselves. The reformation created a cleavage between Christians. The old section remained Roman Catholics; the new called themselves Protestants. Between the Roman Catholics and Protestants there is a deep divergence of dogmas. Between the various Protestant denominations there are but small differences in dogmas; the differences are more matters of discipline than of dogma. Therefore, the old legislature of Canada, finding a population of Catholics and different denominations of Protestants all mixed together, finding only one cause of cleavage between them in Christian faith, that is dogmas, allowed religious teaching to be had in all the schools of our country, so that every man could give to his own child the religious tenets which he held sometimes dearer than life. That is the whole meaning of separate schools.

The hon. the Prime Minister was not the only one to define the separate school as it should be.

In a petition presented to the government in 1894, and signed by thirty-one archbishops and bishops of Canada, we read :

Catholics believe in the necessity of religious instruction in the schools. This conviction imposes upon them conscientious obligations, and these obligations give them rights of which they cannot be deprived. They cannot be satisfied by the saying: Others do not believe as you do, therefore you must change your convictions ; others are satisfied and even wish that their children should be brought up and educated in such a way, therefore, you Catholics you cannot stand aside, or if you do, do so at your own expense. Such an argument is neither fair nor just.

The undersigned, pastors of souls, are at one with their flocks in insisting on the rights they claim, and they are fully determined to preserve them in their integrity. There is in this a question of justice, of natural equity, of prudence and of social economy, closely connected with the fundamental interests of the country.

The Catholics being under the obligation of educating their children according to their faith and religous principles they profess, have, in our free country, the right of establishing their separate schools, and that right they must be allowed to exercise without being forced to the burden of double school taxes.

For his part, the immortal Leo XIII., that Sovereign Pontiff whose glorious reign hath shed such lustre upon the Catholic Church, when, one day, addressing in a special manner, the church in Canada, traced clearly—in his Encyclical Affari vos—the pathway to be followed, when with authoritative pronouncement, he defined the nature of the education that parents must, in conscience, procure for their children. Here is that doctrine conveyed in a manner that cannot be misunderstood :

Justice and reason then demand that the school shall supply our scholars not only with a scientific system of instruction but also a body of moral teaching which, as we have said, is in harmony with the principles of their religion, without which, far from being of use, education can be nothing but harmful. From this comes the necessity of having Catholic masters and reading books and text-books approved by the bishops, of being free to regulate the school in a manner which shall be in full accord with the profession of the Catholic faith as well as with all the duties which flow from it. Furthermore, it is the inherent right of a father's position to see in what institution his children shall be educated, and what masters shall teach them moral precepts. When, therefore, Catholics demand, as it is their duty to demand and work, that the teaching given by school masters shall be in harmony with the religion of their children, they are contending justly. And nothing could be more unjust than to compel them to choose an alternative, or to allow their children to grow up in ignorance or to throw them amid an environment which constitutes a manifest danger for the supreme interests of their souls. These principles of judgment and action which are based upon truth and justice, and which form the safeguards of public as well as private interests, it is unlawful to call in question or in any way to abandon. And so, when the new legislation came to strike Catholic education in the province of Manitoba, it was your duty, venerable brethren, publicly to protest against injustice and the blow that had been dealt; and the way in which you fulfilled this duty has furnished a striking proof of your individual vigilance and of your true episcopal zeal. Although upon this point each of you finds sufficient approbation in the witness of his own conscience, know nevertheless that we also join with it our assent and approval. For the things that you have sought and still seek to preserve and defend are most holy.

This extract from the Encyclical addressed by Leo XIII., directly to the Canadian hierarchy sheds a bright light upon the question that at present occupies our attention and brings out in grand relief the obligation imposed on the Catholic to control the teaching to be given in the school.

When the Manitoba school question was decided by the highest tribunal of the British empire in the upper judicial sphere in England this matter was perfectly well understood. Over there, far better than here did they comprehend what a Catholic school should be, when that court—composed entirely of Protestants—set forth, in the very differences between confessional and neutral schools, the true character of the Catholic separate school.

They understood it to be the intention of the legislatures, in granting separate schools to accord something tangible and appreciable to the minority.

Allow me to cite for you the following remarkable passage in the judgment rendered by the Judicial Committee of the Privy Council, in the case of the Manitoba schools:

Contrast the position of the Roman Catholics prior and subsequent to the Acts from which they appeal. Before these passed into law there existed denominational schools, of which the control and management were in the hands of Roman Catholics, who could select the books to be used and determine the character of the religious teaching. These schools received their proportionate share of the money contributed for school purposes out of the general taxation of the province, and the money raised for these purposes by local assessment was, so far as it fell upon Catholics, applied only towards the support of Catholic schools. What is the position of the Roman Catholic minority under the Act of 1890 ? Schools of their own denomination conducted according to their views, will receive no aid from the state. They must depend entirely for their support upon the contributions of the Roman Catholic community, while the taxes out of which the state aid is granted to the schools provided for by the statute fall alike on Catholics and Protestants. Moreover, while the Catholic inhabitants remain liable to local assessment for school purposes, the proceeds of that assessment are no longer destined to any extent for the support of the Catholic schools, but afford the means of maintaining schools which they regard as no more suitable for the education of Catholic children than if they were distinctively Protestant in their character.

And further on the judges of the Privy Council added the following important words, to which, hon. gentlemen, I cannot too strongly claim your attention, conclusive as they are in regard to the position I maintain :

As a matter of fact, the objection of Roman Catholics to schools such as alone receive state aid under the Act of 1890, is conscientious and deeply rooted. If this had not been so, if there had been a system of public education accept-

able to Catholics and Protestants alike, the elaborate enactments which have been the subject of so much controversy and consideration would have been unnecessary. It is notorious that there were acute differences of opinion between Catholics and Protestants on the education question prior to 1870. This is recognized and is emphasized in almost every line of those enactments. There is no doubt either what the points of differences were, and it is in the light of these that the 22nd section of the Manitoba Act of 1870, which was in truth a parliamentary compact, must be read.

The quotation may be a little lengthy, but is it not conclusive ? It applies, if you will to the Manitoba question ; but a separate school is still a separate school, be it situated on the banks of the Red river or on the banks of the Saskatchewan.

And such separate school, be it where it may, must ever remain distinct from the common school by the character of its teaching, the selection of its books, and the distinctive authority that controls and directs it.

Such the opinion of the highest tribunal of the empire ; such the opinion of the leader of the government, such the opinion of the church to which every Catholic in the country adheres.

And now, is not the following question timely? Have the Catholics of this country in general and of the Northwest Territories in particular a right to denominational schools ?

Let the law and the treaties make reply.

The circumstances under which the present confederation took the place of the former union of Upper and Lower Canada and the special conditions that brought about its inception are all well known. The union of the two Canadas could no longer survive the countless differences that daily tore it and that made a successful administration of the affairs of these two old provinces thenceforth impossible. Necessity demanded the discovery of some other political system whereby each one of the provinces might be allowed to settle for itself, according to its own will and for its own immediate benefit those thousand and one questions of special interest, the solution of which, for over twenty years, had been left to an administration that repeated political crisises had weakened and spasmodic political convulsions were killing.

A confederation, with a federal parliament where great questions of general interest would be discussed, and with local legislatures wherein the more domestic problems of special interest to the different provinces would be regulated, was proposed. And that confederation was accepted.

The provinces that, then, decided to form part of that confederation only consented to become members thereof after protracted deliberations in which some of the most distinguished men of Upper and Lower Canadas, of Nova Scotia and New Brunswick had taken part. It was they who discussed the project of confederation and who settled, by common agreement, the basis on which the new political structure was to be raised. We had a written agreement, sanctioned by England, and to which the imperial power gave a legal existence by means of an enactment—an enactment that we cannot touch, that is the ark of our liberty, wherein our most sacred interests have been deposited, safe from all attack, from the breath of hatred, the turmoil of racial and religious contentions, under the protecting folds of the British flag.

What, then, is this Canadian confederation and what is its grand characteristic ?

It is the assemblage of all the heterogeneous elements, of divers races, different creeds varied tastes, aspirations and tendencies ; who under one sky, from the fringes of the Atlantic to the mirror expanse of the Pacific, live beneath one flag, in a union of hearts and minds, and growing up with a common desire to raise their common country to the rank of a nation respected abroad and prosperous at home.

The Canadian confederation is a union of diversities, and those very diversities render still more admirable the union that blends them together.

But if that union of divers elements has constituted a confederation we may say, without giving umbrage, that their harmonizing will be the source of the country's greatness and prosperity .

It was in order to secure that harmony that, from the outset, the fathers of confederation established a division of powers between the federal parliament, on the one hand, and the provincial legislatures, on the other.

The British North America Act consecrates that division and enumerates the powers that belong to the federal parliament and those conferred on the legislatures.

There is also another principle which equally consecrates—and with like force—our constituting enactment.

It is the preservation to the minority—in each of the provinces—in matters educational—of all the privileges and of all the rights which that minority might have acquired before the entry of such province into the confederation. And it is in this way that the rights to denominational schools were for ever secured in the provinces where they were then found in existence.

The British North America Act says so:

> 93. 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.

The question as to whether Catholics in general have a right to denominational schools is answered by our charter, the imperial enactment, in these words: 'Yes, at all events in the provinces where such schools exist according to law, at the time of their entry into the confederation.'

And this accords with the consecrated principle of the preservation of a right already acquired.

If we apply this general principle to the Territories that come into the confederation, without having had any prior provincial existence and without having had consequently any opportunity as provinces to legislate on educational matters, we are led infallibly to the same conclusion.

This is easy of demonstration.

The Territories are under the immediate control and government of the federal power.

The only laws that govern them are federal laws. The ordinances after all are merely regulations authorized by the federal law, repealable at will, annullable at any time.

Not being provinces, no provincial laws could they have, nor could the Territories acquire such rights as provinces create for themselves.

Yet those Territories are none the less subject to laws, and if those federal laws, the only laws possible in the case, give to a particular class of people, in these Territories, denominational schools, the same principle of the preservation of acquired rights which applies to provinces on their entry into the confederation, applies equally and with the same force to those same Territories when they, in turn, enter the confederation.

Now, as a matter of fact, the Northwest Territories are subject to that legislation of 1875, passed by this parliament and which, fully thirty years ago, accorded them separate and denominational schools.

That law has never been repealed.

It still exists, and in as far as concerns separate and denominational schools, it exists, just as it was passed in 1875, without ever having undergone any modification.

Therefore the Territories come into confederation with rights and privileges recognized and given by law.

The Catholics of the Northwest, therefore, as the Catholics in all provinces, wherein separate and denominational schools exist, have an inalienable right to their denominational and separate schools.

In no other sense can the British North America Act be interpreted.

It was so interpreted in 1875 by the late George Brown when he said (I quote from Sir Wilfrid Laurier's speech):

> I repeat again that Mr. Brown, on the floor of the Senate, did not want this clause providing for separate schools to be introduced in the Act. He stated that it would be a mistake to introduce separate schools, he said that he was opposed to separate schools, but he said that if at any time separate schools were introduced they came under the Act of Union, and they were there for all time.

In 1891 the same conclusion was arrived at by Colonel O'Brien and the late Dalton McCarthy during the discussion that then took place in the House of Commons on a proposition to amend the Northwest Territories Act.

Speaking of the separate schools, Colonel O'Brien said:

> The subject, of course, is one that is comparatively new, for all our dealings with the Northwest Territories have been so far tentative, and experimental rather than absolute. We are now, however, going a step further. We are now giving to this assembly powers which it has not hitherto possessed; and there is one thing which may be taken for granted, that with the acquisition of the new powers given under this Act, the people of these territories will inquire why they should be restricted in this great and important particular. It is because I think such is the case, and be-

cause I do not wish on a future occasion, when this subject comes again before the House for further legislation, that those who think as I do on this system of education should be met with the objection that so many years ago this system was established by law and that, therefore, a vested right is created which the legislature should not now interfere with. Why, Sir, it would be almost fair to argue that this would come within the provisions of the British North America Act. If not in reality it would by analogy, because the British North America Act secured to the provinces which came into confederation whatever rights were enjoyed by the supporters of separate schools at the time of confederation, and if we create new provinces out of these territories it may be fairly argued that the analogy of the British North America Act will apply, and that in creating new provinces and bringing them into confederation there will be something like the same rights guaranteed to the provinces having separate schools before coming in under the British North America Act.

And last but not least, the present Minister of Justice after a most careful study of the whole subject and with the full knowledge of the grave responsibility assumed by him in giving a legal opinion on that question of the rights of the minority, did affirm to the House of Commons, in the most solemn way, on the 10th of May last, that in the absence of any special enactment on matters educational, clause 93 of the British North America Act would certainly apply automatically, and such application would bring in and protect all the rights and privileges set forth by the Northwest Territories Act.

Here are the words spoken by the Minister of Justice :

Mr. FITZPATRICK. It will be my duty, when the amendment is moved, to explain the differences which exist between the amended clause and clause 16 in the original Bill. In the meantime I might point out my views of the constitutional question because in my judgment this is to a very large extent a constitutional question and has to be considered from that standpoint. Section 2 would bring into effect section 93 of the British North America Act. if section 16 were not in this Bill at all. If section 16 were omitted, section 93 of the British North America Act would be applicable; but then we would meet this difficulty, a doubt arises as to whether section 93 can be considered as applicable to the Northwest Territories in view of the fact that in the first provision of that section the words used are 'the rights and privileges in force in the province at the union.' Technically while these Territories may have practically all the legislative powers of a province, they are not a province; now within the meaning of section 93 of the British North America Act, and it was to avoid the difficulty that I substituted in section 16 in the first paragraph the word 'territory' for 'province.' Then the other difficulty that would have arisen is what is meant by the words 'at the date of the union.' In my opinion there can be no doubt that the date of the union is the date at which the Territories came into the Dominion as a province and not the date at which these Indian territories were brought into the Dominion as territories. It was to make that point clear also that I amended the first clause in the way I did.

Mr. R. L. BORDEN. Does my hon friend regard section 16 as exercising upon section 2 the restrictive effect which hon. gentlemen on the other side have contended it does ?

Mr. FITZPATRICK. My argument now is that section 16, read in the light of these words in section 2, 'except in so far as varied by this Act'—is to be substituted for section 93; and section 93 is not applicable to the new province at all, because that section is varied by section 16.

Mr. R. L. BORDEN. I understand that perfectly whether we agree with it or not. But assuming that there was no doubt about the effect of section 2, assuming that there was not that doubt which the hon. gentleman now explained, would it bring into effect the Act of 1875 ?

Mr. FITZPATRICK. It would bring into effect section 93 of the British North America Act which would include the Act of 1875.

Mr. R. L. BORDEN. That is just it, I was taking the short line. Section 93 would have the effect of perpetuating the Act of 1875, in so far as it embodies what we call the restrictive principle. Does the hon. minister regard section 16 (which is substituted for section 2), in its amended form or in its original form as having the same effect ?

Mr. FITZPATRICK. In my judgment section 93 as amended would bring in all the rights and privileges which exists in favour of denominational schools in the Territories at the present time or at the 1st of July coming. Those rights and privileges would include all those rights which are covered by section 11 of the Act of 1875 and any subsequent legislation up to the present time, and, in my opinion—and I must say I have given this matter most careful consideration, and it is my settled opinion —it would cover all the privileges conferred by the Act of 1875, notwithstanding the provision of any ordinances that may have been passed by virtue of that Act.

Mr. R. L. BORDEN. Exactly my own view.

Before the present Minister of Justice, whose legal authority nobody can dispute, had given his opinion which I have just cited, another Minister of Justice, who has left the widest reputation of a first class jurist, the late Sir John Thompson, reporting one day on the character of the school ordinances of the Northwest legislature, said :

The ordinance respecting schools does not contain the provisions that the statute requires it to contain, but merely contains the provision that the minority may establish a separate school in an organized public school district, thus placing the minority at the mercy of the majority, and only giving the minority the right to establish a separate school, if the majority think proper to organize a public

school. It is necessary to point out that the provisions of the Northwest Territories Act, before cited, cannot be abridged by the ordinance and must be considered as still in force, notwithstanding the restrictive terms of the ordinance. In so far as it is attempted by the ordinance to declare the meaning of the Northwest Territories Act, the ordinance fails of that purpose, and is objectionable as being an interpretation by an inferior legislative body of the Acts of its superior.

But this is not all.

There are sacred obligations that no country can ignore without compromising its honour.

We are to-day, face to face with one of those solemn engagements which, with a full comprehension of its circumstances, our country has contracted and which it cannot, without injury to its reputation, ignore.

After having purchased from the powerful Hudson's Bay Company the rights and privileges that the latter held in those vast regions known as Rupert's Land, and the Northwest Territories, when Canada wished to take possession of its new domain and exercise its authority over the same, an insurrection broke out and the people flew to arms.

But in this, let the one who was most intimately connected with those stirring events, and who was commissioned by the Crown to re-establish peace in that new land, speak.

An official document laid before the House of Commons on the 17th June, 1891 (No. 51 of the session of 1891), gives us the authentic story of the negotiations between the government of Canada and the delegates chosen by the people of the Northwest. In a letter written by Monseigneur Taché, and addressed to the Governor General, we read:

> Previous to the transfer of the Northwest Territories to the Dominion of Canada, there prevailed a great uneasiness amongst the inhabitants of the said Territories, with regard to the consequences of the transfer. The Catholic population especially, mostly of French origin, thought they had reason to foresee grievances on account of their language and their religion, if there were no special guarantee given as to what they considered their rights and privileges. Their apprehensions gave rise to such an excitement that they resorted to arms; not through a want of loyalty to the Crown, but only through mere distrust towards Canadian authorities, which were considered as trespassing in the country, previous to their acquisition of the same. Misguided men joined together to prevent the entry of the would-be Lieutenant Governor.

The news of such an outburst was received with surprise and regret both in England and Canada.

All this took place in the autumn of 1870.

I was in Rome at the time, and at the request of the Canadian authorities I left the Œcumenical Council to come and help in the pacification of the country. On my way home, I spent a few days in Ottawa. I had the honour of several interviews with Sir John Young, then Governor General, and with his ministers. I was repeatedly assured that the rights of the people of Red river would be fully guarded under the new regime; that both imperial and federal authorities would never permit the newcomers in the country to encroach on the liberties of the old settlers; that on the banks of the Red river, as well as on the banks of the St. Lawrence, the people would be at liberty to use their mother tongue to practice their religion and have their children brought up according to their views.

On the day of my departure from Ottawa His Excellency handed me a letter, a copy of which I attach to this, appendix A, and in which are repeated some of the assurances given verbally. 'The people,' says the letter, 'may rely that respect and attention will be extended to the different religious persuasions.'

The Governor General, after mentioning the desire of Lord Granville 'to avail of my assistance from the outset,' gave me a telegram he had received from the Most Honourable the Secretary of the Colonies, which I attach to this as Appendix B, and in which His Lordship expressed the desire that the Governor General would take 'every care to explain where there is a misunderstanding, and to ascertain the wants and conciliate the good-will of all the settlers of the Red river.'

I was, moreover, furnished with a copy of the proclamation issued by His Excellency on the 6th of December, 1869, which I attach to this as Appendix C. In this proclamation we read: 'Her Majesty commands me to state to you that she will be always ready, through me as her representative, to redress all well-founded grievances, and any complaints that may be made, or desires that may be expressed to me as Governor General.

'By Her Majesty's authority I do therefore assure you that on your union with Canada, all your civil and religious rights and privileges will be respected.'

A delegation from Red river had been proposed as a good means of giving and receiving explanations conducive to the pacification of the country. The desirablity of this step was urged upon me as of the greatest importance, and the premier of Canada, in a letter I attach to this as Appendix D, wrote to me: 'In case a delegation is appointed to proceed to Ottawa, you can assure them that they will be kindly received and their suggestions fully considered. Their expenses coming here and returning and while staying in Ottawa will be defrayed by us.'

I left after having received the above mentioned instructions, and reached St. Boniface on March 9, 1870.

I communicated to the dissatisfied the assurances I had received, showing them the documents above cited. This largely contributed to dispel fears and to restore confidence. The delegation which had been delayed was definitely decided upon. The delegates appointed several weeks before, received their commis-

sion afresh. They proceeded to Ottawa, opened negotiations with the federal authorities, and with such result that on May 3, 1870, Sir John Young telegraphed to Lord Granville : Negotiations with delegates closed satisfactorily.

The negotiations provided that the denominational or separate schools would be guaranteed to the minority of the new province of Manitoba. The French language received such recognition that it was decided it would be used officially both in Parliament and in the courts of Manitoba.

The Manitoba Act was then passed by the House of Commons and Senate of Canada, and sanctioned by the Governor General.

I may add that since these pages were written, the highest judicial tribunal of England, in a celebrated judgment, recognized in that legislation the character of a solemn pledge when it said :

There is no doubt either what the points of difference were, and it is in the light of these that the 22nd section of the Manitoba Act of 1870, which was in truth a parliamentary compact, must be read.

The interpretation given by the Privy Council to the Manitoba Act, does not merely apply to that province alone, for the good reason that the agreement (pacte) in question was not entered into with the inhabitants of Manitoba only—Manitoba did not exist when that agreement was made—but with all the inhabitants of Rupert's Land, and of the Northwest Territories. This is made clear and indisputable by the letters from the Governor General and the Prime Minister of Canada to Monsigneur Taché, of the 16th February, 1870, by the proclamation of the Governor General under date the 6th December previous, by the Bill of Rights and by the preamble of the Manitoba Act of 1870 (33 Vic., chap. 3.)

I feel that I have proven that in the Northwest, the minority has an undeniable right to separate schools, and that our co-religionists have a right to lay claim to the privilege of enjoying their denominational schools.

Does the measure now submitted to us recognize that right and respect those privileges ?

You have but to read the new educational clause, that which the government has substituted for the original one, and which imparts a totally different aspect to the present measure. It reads thus :

17. Section 93 of the British North America Act, 1867, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:—

' (1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.'

(2.) In the appropriation by the legislature or distribution by the government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29 or any Act passed in amendment thereof, or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

(3.) Where the expression ' by law ' is employed in subsection 3 of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30, and where the expression ' at the union,' is employed in the said subsection 3, it shall be held to mean the date at which this Act comes into force.

The first clause 16, which is replaced by the present clause 17, reproduced the federal enactment of 1875, and took it as the basis of those rights and privileges that should be perpetuated for the benefit of the Catholics of the Northwest. The present clause breaks completely away from the federal law to cling to the school ordinances of 1901.

It is those ordinances that must determine the nature and the scope of the rights at present enjoyed by the Catholics in the Northwest Territories and the Bill which we are asked to pass preserves nothing more than what is accorded by the ordinances.

The question, therefore, to be solved, is this : What are the rights and privileges that the ordinances of 1901 recognize as belonging to our fellow-countrymen and co-religionists in the Northwest ?

Here is all they give the Catholics :

1st. Two out of the five members who constitute the Council of Public Instruction, which is a purely consulting board that can do absolutely nothing of itself and the sole functions of which are to advise the commissioner on certain subjects—an advice which the minister is in no way bound to follow (chap. 29, clause 8).

2nd. The right of the minority to apply to the system of so-called separate schools—which are not separate schools in reality—the school taxes imposed upon them and the exemption of the minority from taxation for the benefit of the schools of the majority (chap. 29, clause 41).

3rd. The right accorded the school commissioners to allow, if they think well, a primary instruction in French—after three o'clock in the afternoon, according to the regulations (chap. 29, clause 136).

4th. The right to impart religious instruction for half an hour, after class, from half-past three until four o'clock in the afternoon.

This is all that the ordinances of 1901 give. It is the crumbs that the stingy hand of an intolerant majority casts grudgingly to those whom it seeks to starve out, it is the miserable and humiliating pittance that the narrow-minded conquerors fling to an abandoned population. Once again force crushes right, and if we are the disgusted witnesses of the injustices that it engenders and the persecutions to which it gives birth, our sorrow and our shame are in no way lessened by the sad spectacle afforded us, in the very midst of people whom those incapable defenders of a cause they abuse, should protect, and in the midst of a parliament that should be the born guardian of the rights of minorities, by those scared and distracted men for whom the tranquil enjoyment of power constitutes their supreme rule of action.

On the one side they declare themselves satisfied with the present condition of affairs, and instead of raising indignant protests and proudly asserting their rights, they cringe in a criminal inactivity and, under I know not what false pretext, they refuse to defend the rights of their own people—national and religious rights—and to the astonishment of the true friends of liberty they ground arms and lay down their baggage in the enemy's camp. All of which is but black treason.

On the other hand, those whose mission it is and whose duty likewise to respect in parliament the solemn treaties entered into between the Dominion and the people of the Northwest, and to give the minority the full measure of its rights, having before their eyes the example of so cowardly a desertion, make answer to-day by pointing to those eleventh hour deserters who proclaim their inexplicable satisfaction and who now fight in the front ranks of their powerful phalanx.

And yet we all know that 'one swallow does not make a summer,' and that that lost and isolated voice which cries out to us in the desert, is not for us, French Canadians and Catholics, a voice calculated to rally the combatants of a noble cause. Satisfaction with humiliation is worth nothing to us, and we to-day raise our voices in protest both against the brigand law that is sought to be imposed on our brethren of that region and against those who are willing to accept a stone in place of the bread that is due them.

And truly it is only a stone that is offered our fellow-countrymen by the Bill that is now submitted for the approval of this House.

It is based on the ordinances of 1901.

We know what those ordinances give the minority, and under that heading the present Bill is one of spoliation, even as were the ordinances which it confirms.

The spoliation is still greater. The present Bill so amends the British North America Act as to restrict the rights, powers and privileges which that Act accords to a certain class of persons in all the other provinces of the Dominion.

That which is granted to that minority of all the provinces in general is refused in this case, to the minority of the two provinces which we are now organizing.

The demonstration of this will be brief but positive.

Clause 93 of the British North America Act reads thus :

> 93. 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.

In virture of this clause, a province which comes into the confederation with an established system of denominational schools, recognized by its own laws, has the undeniable right to preserve that system and any enactment that might subsequently prejudice in any way whatsoever that right must be unconstitutional and worthless.

So much for the general law affecting the provinces.

Why then did the leader of the government deem it well, in this instance, to depart therefrom by imposing a totally different law upon the new provinces ? That

exceptional enactment is by the new clause 17 proposed by Sir Wilfrid Laurier formally consecrated. Here is the first paragraph of that new clause :

17. Section 93 of the British North America Act, 1867, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:—

'(1) Nothing in any such law shall prejudicially affect any right of privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.'

This amendment upsets the entire spirit of clause 93 of the British North America Act, when it substitutes in the first paragraph of the imperial enactment the words separate schools for the words denominational schools, restricting it thereby to those separate schools only that conform to the ordinances of 1901, a protection which heretofore guaranteed the existence of the denominational schools that the law recognized.

In order to understand the nature of this exceptional legislation which is sought to be imposed on the new provinces and to seize the full scope of the crying injustice which is to be perpetrated upon the Catholic and the French minority of the Northwest, we need but ask ourselves the meaning of a denominational school and that of a neutral school and they to make evident the vast difference that exists between the two.

In regard to the instruction given therein the denominational school exists when that instruction is impregnated with the religious spirit of the denominaton to which it belongs. Thus we have Catholic, Anglican, Methodist, Presbyterian, &c., schools, according as the teaching therein is impregnated with a Catholic, Anglican, Methodist or Presbyterian spirit. If the instruction given in a school is entirely divorced from all religious influence, if that instruction can be indiscriminately given to all the pupils frequenting the school, be their differences of religious belief what it may, if that instruction, from its very nature, cannot grate upon any religious belief, that school is a neutral one, in contradiction to the denominational school.

And again, a very different thing is the separate school.

Its name tells what it is: A school detached from an already existing school, a school separated from the ordinary school of the district in which it is established ; it is the school of a minority that will not or cannot accept the instruction given to the majority.

The separate school is that which faces the public school.

It need not necessarily be a denominational school.

For example, in a school district where the Catholic majority has a Catholic public school, consequently a denominational one, the school of the Protestant minority becomes a separate school which might perfectly well be, and very likely would be, a neutral school.

This is a fact that none will dispute and which the school system of the province of Quebec, moreover, most clearly illustrates. For its part, the law confirms the doctrine that I propound when, in clause 93 of the British North America Act, it mentions the powers, rights and privileges of the dissentient schools of the Queen's Protestant subjects in the province of Quebec (paragraph 2), and the rights and privileges of the Protestant minority in every province in which a separate school system obtains (paragraph 3).

In fine, the Northwest ordinances of 1901, upon which rests the present proposed enactment, ordain—(clause 14)—that the minority, Protestant or Catholic, of the ratepayers of every district (clause 45) may establish therein a separate school that will be subject to all the obligations imposed on public schools.

It is, therefore, more than abundantly proven that a separate is not necessarily a denominational school, and that, in the Northwest Territories, such a school cannot even be a denominational school.

The iniquity of the amendment, moved by Sir Wilfrid Laurier, to his own legislative drafting, is now apparent in all its ugliness to eyes that will not lose sight of the distinction which has just been established between the denominational and the separate school.

The constitution guarantees the preservation of denominational schools in all provinces wherein such schools have had al-

ready a legal existence at the time of the entry of any of them into the confederation.

In 1875, by a special enactment, the federal parliament granted denominational schools to the Northwest Territories.

In fact the law of 1875 gave to the majority in each school district the right to have whatever school it thought fit, consequently the right to denominational schools. Consequently this right given by law was safeguarded by paragraph 1 of clause 93 of the British North America Act, and the Catholic majority, wherever there was one in the school districts of the Northwest Territories, retained, guaranteed by the constitution itself, the privilege already obtained.

What does Sir Wilfrid Laurier do ?

With a stroke of his pen he blots out from the British North America Act the words denominational schools and substitutes therefor the words separate schools.

By that one stroke the Catholics of the Northwest Territories, in the districts in which they are the majority, lose their right to denominational schools.

The minority alone, and only in the districts in which such minority exists, can henceforth have separate schools, but separate schools such as they are constituted by the ordinances of 1901, that is to say, separate schools from which religious instruction is banished.

This is what the Laurier-Sifton amendment gives to the Catholics of the Northwest.

That which our constitution guarantees in general terms to all the other provinces of the Dominion, Sir Wilfrid Laurier after a month of study and reflection, snatches violently from our charter and deliberately refuses it to the Catholics of the new provinces.

And Catholics are found who proclaim themselves satisfied with this guilty deed of spoliation and who, in dust and humiliation, ask that we join freely in the sacrifice of their rights and in the ignominious perpetration of their dark treason.

We have no part in it. We wish to defend our rights, despite the unqualified blindness of those who have eyes and who will not see. Despoiled of their right to denominational schools by the culpable substitution of the words separate schools for the words denominational schools in the British North America Act, the Catholics are reduced to only what the ordinances of 1901 can give them. So ordains the Laurier-Sifton amendment. And what do those despoiling ordinances give them ? We will learn it from the very lips of those who claim to have made a serious study of the question.

Mr. Sifton referring to the enactment of 1875, the Northwest Territories Act, has already told us—and I cited his testimony in the first part of my speech—that the federal law had given a double system of education to the people of the Northwest and that the control of the Catholics over their schools had been freely exercised down to 1892.

Here is the declaration of the late Minister of the Interior :

> In the year 1892, what was known as the dual system was entirely swept away and that system which we have in the Northwest Territories, substantially as we have it at present, was established. I am not going to trouble the House with any lengthy quotations, but I desire to point out what was conceived by the people of the Northwest Territories connected with these schools, to be the effect of the legislation of 1892. . . . . .
> We have one normal school with uniform normal training for all teachers, and when I say all teachers, I mean teachers of all schools, separate and public ; uniform curricula and grade ; uniform text-books for all schools ; uniform qualification of teachers for all schools; complete and absolute control of all schools as to their government and conduct, by the central school authority set up by the legislature under the ordinances; complete secularization of all schools between 9 o'clock in the morning and 3.30 in the afternoon, except that any school, if the trustees so desire, may be opened with the Lord's prayer; distribution of the legislative grant to all schools according to educational efficiency on principles set out in chapter 29.
>
> Then, where there is a public school, the minority, Protestant or Roman Catholic, may organize a separate school; but every separate school is subject absolutely to all the foregoing provisions, and is in every sense of the term a public school.
>
> If this legislation is carried into effect it preserves just the two privileges which I spoke of, the privilege of the Roman Catholic or Protestant minority to have a separate schoolhouse, and the privilege of having religious instruction between half-past three and four o'clock in the afternoon. But there cannot be under this system any control of the school by any clerical or sectarian body. There cannot be any sectarian teaching between nine o'clock in the morning and half-past three in the afternoon. So that, so far as we have objections to separate schools based upon the idea of church control, clerical control, or ecclesiasticism in any form, this system of schools is certainly not open to that objection.

Another minister of the Crown, Mr. Pater-

son, expresses himself in the following way on this subject of separate schools :

It must be borne in mind that those separate schools are formed precisely as every school district is formed. Although the name separate school appears to convey to the minds of some people the impression that they are separate in the sense in which they are established in some other province, there is no distinction between these schools and the other public schools as regards organization, or the qualification of teachers, or the text-books, or the right of state inspection, or in the reports they have to make. In every respect they are under the commissioner of education in absolutely the same manner as is every other public school in the Territories.

Precisely the same course of study that is followed in the public schools is to be followed in these schools; but when the hour of 3.30 p.m. arrives, if the trustees of the separate school desire, religious instruction may then be given to the youth therein. Is that a concession made particularly to our Roman Catholic brethren ? Why, the same clauses apply to every school, Protestant, public and every other. No special right, no special permission is given the separate schools which is withheld from the other.

Mr. Crawford, the member for Portage la Prairie, belongs to the Orange order. He is at the same time one of Sir Wilfrid Laurier's most devoted followers.

Let us open our ears to what he uttered on the 14th of April last :

Hon. members opposite have taken the position that there is no difference between the original school clauses of the Bill and the clauses as they now stand amended. I think there is a good deal of difference. The original clauses of the Bill were very indefinite. Under those clauses it was open to the people to have such school laws as they had in Manitoba, or they could have the old school laws that were in existence in the Territories previous to 1890. There was just that doubt about it, but the amended clauses make it more definite, the law can now be clearly understood, and there can be no question as to what law the people in the Northwest Territories will have in the future.

Now these school laws as they are in the Northwest Territories and as they are intended to be continued by this legislation are not at all the kind of school laws that the people particularly of Ontario have in their minds.

. . . . . .

The idea which has taken hold of the minds of the people of Ontario is an exaggerated one. They have the idea that it is the intention of the government to establish in the Northwest Territories schools of the character that we had in the province of Manitoba before 1890; that is to say, schools entirely under the control of the church.

The idea that the people of Ontario have to-day is that it is the government's intention to establish Roman Catholic church-controlled schools entirely free and independent of the state. That is the idea that the people of Ontario have in their minds, but the fact is that the conditions which have been reported to them do not really exist. It is hardly necessary for me to repeat what this school law really is. If this Bill goes through it will establish not what I claim are separate schools. In fact, the name 'separate' should hardly have been used in connection with them. We propose to continue in the Northwest Territories what they have already got—Catholic public schools and Protestant public schools, no matter whether they are Catholic or Protestant, which are public schools and which are free to all classes of children, having the same text-books, the same qualified teachers, under the same control, and that control entirely in the hands of the government, and not in any way connected with the church. I feel as strongly on this question, I think, as any person in Canada at the present time. I think that possibly my Orange feelings or proclivities are just as strong as those of the hon. member for East Grey (Mr. Sproule). And if there was anything in the nature of a prejudice in connection with it, I should have it, being an Orangeman. If I thought there was being established in the Northwest Territories what the people of Ontario have in their minds to-day, that is Roman Catholic church controlled schools, I would oppose it as strenuously as any one. I would not stand it for a mintue. But we have nothing of that kind. The very opposite is the condition.

The Hon. Mr. Fielding is no less explicit, when he says :

What is this law which we are going to confirm and to continue in the new provinces of Alberta and Saskatchewan ? We are told that this provides for a system of separate schools. Well, a system of separate schools may mean one thing in one quarter and another thing in another quarter. Whatever may be said as respects other countries, or other provinces, it would be utterly mistaken to say that we are giving to the Northwest provinces separate schools in that sense of the word. I submit to this House that the system of schools which we have to-day in the Northwest Territories is a national school system, and if it has all the elements of a national school system then I say there is no principle involved in this discussion which would justify us in having a quarrel over it. What is this system ? The system of schools which prevails to-day in the Northwest Territories exists by virtue of chapters 29, 30 and 31 of the ordinances of the Northwest Territories. So far as the principle of separate schools is concerned, of course that principle was to be found in the Act of 1875 and the ordinances adapted themselves to it. But if you read these three ordinances of the Northwest Territories you will rise from the perusal of them with the conviction that in that country they have a system of national schools which may well challenge the admiration of the people in other portions of this country. What then are the essential elements of national schools ? I take it for granted that if you have a school which is established by the public authorities, if the management of the school derives all its authority and privileges from a regulation of the government of the state, if you have a system of schools under which the proper authorities of the state, or the province, or territory as the case may be, themselves specify the school books, establish the course of study, provide for the inspection of the schools and for the distribution of the money, if you have all those elements, then, I

say you have a system of state-created, state-managed and state-supported public schools. Every one of these conditions exists to-day in the public school system of the Northwest Territories.

From the hour at which these schools open in the morning up to half-past three in the afternoon they are absolutely alike; there is no difference; the teachers have the same duties, the same qualifications; the same examinations, the same course of study, the same books are prescribed by the government, the regulations are made by the government. I repeat that from the hour of opening in the morning up to half-past three in the afternoon there is no shade of difference in all these schools in the North-west Territories.

But why seek elsewhere, either amongst his ministers or amongst his partisans, that which Sir Wilfrid Laurier, himself, explained in such clear terms in the now historic letter which the leader of the government gave to the public and in which he said to one of his friends who had consulted him on the subject :—

The impression prevails that separate schools such as they are intended by the Bill will be ecclesiastical schools. This is quite an error. What you call separate schools in this instance is practically national schools. Here is the law of the Northwest Territories at the present moment: All the teachers have to pass an examination and be certified by the Board of Public Instruction; all the schools have to be examined by inspectors appointed by the Board of Public Instruction ; all books in use at the schools have to be approved by the Board of Public Instruction; all secular matters are under the control of the Board of Public Instruction, all tuition has to be given in the English language ; at 3.30 children can be given religious instructions according to rules made by the trustees of the schools, but attendance at this is not even compulsory.

Do you find fault with this last clause? Do you not believe that what you call 'separate schools' in this instance is really 'national schools'?

The great objection to separate schools is that it would divide our people, but if the same education is given in what is called 'separate schools,' as in all other schools, I fail to see what objection there is to such a system.

The Minister of Justice, two months after the creation of the famous Laurier-Sifton amendment, when requested by the House to make known its tenor and define its meaning, gave in writing, on the 15th May, last, in an official document which is destined to live, his opinion, as the legal adviser of the Crown, and as such settled the true interpretation of clause 16 as amended. He said :—

The effect of section 16 of the Autonomy Bill would be no greater than the effect of the introduction of section 93 of the British North America Act by section 2 of the Territorial Bill, and clause 16 was only deemed necessary to remove doubt which had been expressed as to the meaning of the words 'province' and 'at the union,' and to secure to the schools, whether public or separate, of the minority, the government aid which in practice they have always received, and which is necessary to place those schools 'in a position to play their necessary part in the scheme of national education.'

Section 16, as originally drafted, was intended to confirm the minority in the rights they now enjoy and makes:

First. Section 93 of the British North America Act applicable to the new province as if it were a regularly organized province coming into the union at the date of the passing of this Act;

Second. Re-enacts section 11 of the Northwest Territories Act of 1875;

Third. Makes provision for the continuation of the schools of the minority of the grant now made in aid of education by or through the territorial government.

The effect of the section which it is proposed to substitute for the original section 16 is to limit the rights and privileges of the minority to those secured to them by chapters 29 and 30 of the ordinances, to the exclusion of the rights and privileges guaranteed either by section 11 of the Northwest Territories Act, 1875, or any other legislation in force in the territories with regard to any class of schools.

The differences in the rights and privileges under section 11 of the Northwest Territories Act, 1875, and those under the ordinances, chapters 29 and 30, are as follows:

1. Section 11, Act 1875, empowering the 'majority of the ratepayers of any . . . . portion of the Northwest Territories . . . to establish such schools therein as they may think fit, and the minority of the ratepayers in any . . . portion of the Territories to establish 'Protestant or Roman Catholic separate schools.'

The meaning of this section was expressed in the earlier school ordinances.

Under the present ordinances, chapters 29 and 30, the public schools are the schools of all the ratepayers; so that under the present ordinances only three classes of schools are authorized, viz.:—

(a) Public (undenominational) schools ;

(b) Protestant separate;

(c) Roman Catholic separate;

And a separate school district can be established only in an existing public school district.

2. Under the ordinances no rights or privileges exist with respect to separate schools as contrasted with public schools, except the initial right of effecting the separation, which right carries with it resulting advantages hereinafter set out in detail.

Under the regulations there is one difference only:

'Authorized text-books, standards 1—iv, approved, August, 1903; the Dominion (Catholic) Readers, first (part 1, part 2) and second. These are optional for Roman Catholic separate schools.'

The rights and privileges which result from the right of effecting the separation, and which the proposed substituted clause 16 preserves to the minority, whether Protestant or Roman Catholic, in a public school district, appear to be these:—

(1) Right of separation—by the ordinance—common to Protestants and Roman Catholics alike;

(2) Half-hour religious instruction—by or-

dinance—to Protestants and Roman Catholics alike; common to public and separate schools;

(3) First and second Catholic readers—by regulation.

(4) Right to elect trustees, who choose the teacher—by ordinance; common to all schools.

The testimony given by all the ministers whose opinions I have just cited, the explanations furnished by the Minister of Justice, after his careful study of the question, are confirmed, beyond all possible dispute, by the decisive avowal of the premier himself, who, on the 8th June last, admitted that his legislation, that which is now before us, sacrifices the rights of the minority.

Here is this most important admission :

Now, we are asked, what is the difference between clause 16, No. 1, and clause 16, No. 2 ? The difference is simply this, that in clause 16, No. 1, the law of 1875 was enacted, giving to the minority—I suppose the Roman Catholic minority—the control over secular education as well as the control over religious education whereas the new clause brings into force the existing law of the territories, the ordinance of 1901, by which the state has absolute control over the secular part of education, and the people have control simply of the religious part of education from half-past three in the afternoon. This is the absolute difference which exists between the old clause and the new clause. I have for my part agreed to the new clause. 16, and in so doing I know that I have restricted my fellow-religionists in regard to some of the rights which they think they have at this moment. I shall explain in due time why I agreed to do so.

This strange declaration of the Prime Minister, this painful admission that he had to knowingly sacrifice a part of the rights of his co-religionists, naturally provoked a lively discussion and set forth the desire to know why it was he consented to thus coldly immolate, with such premeditation, those sacred rights which his position of Prime Minister, which his title of Catholic and French Canadian, made it his imperative duty to defend.

The reply was discouraging.

He gave it during that same sitting of the 8th June last. He repeated it a few days later, on the 28th of the same month.

On the 8th June, he said :

The position of the government is this: that the minority claim that under the Act of 1875 they had the right to select their own text-books. They claim also, as the correspondence of record will show, that they have a right to separate school boards. They have that or they have not, and in order to make it absolutely sure, we have abandoned that clause and taken the other.

That is to say, in order to dispel all doubt, the Prime Minister declares by enactment that the claims of the minority are henceforth things of the past

It is clear, but singularly cruel !

Instead of leaving to the judicial authorities the duty of interpreting the law, the Prime Minister, playing the part of an autocrat, decrees that to make things clear, the federal law must be set aside and be replaced by the ordinances of 1901, which make hash of the rights of his fellow-countrymen.

In fact it was the Prime Minister who used the following language :—

We should not legislate here in order to convey to men the impression that they are given bread when they are given a stone. If the minority for the last fourteen years have thought that they had been deprived of their right, but in order to have peace and harmony they abandoned that right and agreed to live under a system which has given satisfaction to everybody, it is, I think, a good reason why we should have no equivocation about it; why we should know where we are, and legislate accordingly.

Again, it was the Prime Minister, who, on the 28th June last, gave by way of explanation of his back-down, the following reasons which it is my duty to bring to your notice and that of the entire country.

Hon. Mr. KERR (Toronto)—I rise to a point of order. I think it is a well settled rule that no allusion can be made to the debates in the other House, and I am surprised to hear my hon. friend, who is such a stickler for the rules, reading page after page from the Commons 'Hansard.' Mr. Bourinot says :

It is a part of an unwritten law of parliament that no allusion should be made in one House to the debates of the other chamber, a rule always enforced by the Speaker with the utmost strictness.'

It seems to me the hon. gentleman is not in order. If no allusion can be made to the discussion in 'Hansard,' then the hon. gentleman cannot read these extracts.

Hon. Mr. LANDRY—The hon. gentleman took his objection too late. I have finished with the quotations.

Mr. SPEAKER—I would not be ready to give a decision at the present moment, because another part of the paragraph states that it is perfectly regular to refer to the printed records of the other chamber. It would seem to me that this means the

record and not the debate, but for the information of the House, I will look up the question. The hon. gentleman says he has finished with the extract and it will not be necessary for me to render a decision just now.

Hon. Mr. LANDRY—I have just one or two quotations to add and I suppose the hon. gentleman would allow me to read them, as they will not be long. My hon. friend Sir Wilfrid Laurier said on the 28th June last :

My hon. friend (Mr. R. L. Borden) a moment ago put to me one or two questions to which he wanted an immediate reply. I said at that moment I did not choose to reply. I am sure my hon. friend and the House generally will agree that when a question is put to an hon. member it is for him to select the manner in which he will answer.

Mr. R. L. BORDEN. Hear, hear.

Sir WILFRID LAURIER. I thought the moment was not convenient for me to give an answer because I could not give such an answer as my hon. friend wanted to have, simply yes or no. The question was asked: Why do you not apply the provisions of section 93 at once without anything more?

Mr. R. L. BORDEN. If you intend to adhere exactly to the constitution.

Sir WILFRID LAURIER. Very well; if you intend to adhere exactly to the constitution. I said we wanted to adhere exactly to the constitution, and the reason why I did not think it would be advisable at this moment to apply section 93, without any qualification, simply to vote for the amendment of my hon. friend which he has just put in the hands of the chairman, and which is as follows:

'The provisions of section 93 of the British North America Act, 1867, shall apply to the said provinces in so far as the same are applicable under the terms thereof.'

Was, Sir, because that is absolutely meaningless because you do not mean anything, that there is nothing certain as to what is really the law under such circumstances. You do not know what kind of school system you would have in the Territories if you were to apply that. I call the attention of my hon. friend and the House to this fact that the law of 1875 put in certain prescriptions which were binding on the legislative powers. These prescriptions were that the minority or the majority in any school district would have the power to establish such a school system as they thought fit. Now, Sir, let me call the attention of the House to this, that no less an authority than Sir John Thompson gave his opinion and put it on record that one part of the law passed by the Northwest Territories, the part regarding the organization of school districts, was ultra vires and had no existence in law. Let me again quote Sir John Thompson:

'The ordinance respecting schools does not contain the provisions that the statute requires it to contain, but merely contains the provision that the minority may establish a separate school in an organized public school district, thus placing the minority at the mercy of the majority, and only giving the minority the right to establish a separate school, if the majority think proper to organize a public school. It is necessary to point out that the provisions of the Northwest Territories Act, before cited, cannot be abridged by the ordinance and must be considered as still in force, notwithstanding the restrictive terms of the ordinance. In so far as it is attempted by the ordinance to declare the meaning of the Northwest Territories Act, the ordinance fails of that purpose, and is objectionable, as being an interpretation by an inferior legislative body of the Acts of its superior.

'The undersigned only refrains from recommending the disallowance of this ordinance, in consequence of its being merely a re-enactment of an earlier ordinance, which disallowance would not affect, and which was allowed to go into operation, probably because attention was not called to this provision. The undersigned has the honour to recommend that the ordinance bringing these revised ordinances into effect, be allowed to go into operation.'

Here you have the opinion of Sir John Thompson that a part of the law which was passed in 1888 with regard to the organization of school districts and which is still the law in force in the Territories was unconstitutional, was ultra vires, was null. He did not recommend the disallowance of it, and it was not disallowed; but it was null at that time, it remains null to this day. Therefore what would be the law to-day? If you say that section 93 of the British North America Act should apply, to what would it apply? To the law as it was in the Act of 1875? This is a serious question and it is a question we ought to settle. We do not want it left unsettled to be a bone of contention, with all that that implies. My hon. friend's amendment would settle nothing at all, but would simply throw a bone of contention into these new provinces. My hon. friend says, let the British North America Act apply, whatever it may be. When he is asked what that Act means, he says that it is for the courts to determine. Is that satisfactory ? Is that the manner in which we should legislate? Is that the way to build up this country? Sir, it is not the way. The only way is to find what the law is at the present time, and then apply it.

Mr. R. L. BORDEN. May I ask my hon. friend what tribunal will determine what his amendment means?

Sir WILFRID LAURIER. The courts must of course determine what our legislation means; but as was said by the hon. Minister of Justice, we want to do all we can to prevent litigation, not do all we can to facilitate litigation.

Just previous to this declaration of the Prime Minister, his Minister of Justice had made one of his own and a most important one indeed.

Here it stands :

Mr. FITZPATRICK. Mr. McCarthy and George Brown both contended that as a result of the passing of this legislation by this parliament, that is to say of the Act of 1875, with respect to schools, if that legislation was allowed to continue in force until the present moment had arrived, that is until the time came to give provincial autonomy, the result would be that we would be obliged to continue on that system that would create rights and privileges which might have to be accepted.

That was the opinion of Brown and McCarthy and of a greater lawyer than either, Sir John Thompson.

Mr. HAGGART. Is it your opinion?

Mr. FITZPATRICK. It is my opinion.

The conclusion arrived at by the Prime Minister consecrates the monstrous doctrine that to frustrate the hopes of our co-religionists of the Northwest and to raise against their legitimate aspirations the insurmountable barrier of a legislation without appeal, it becomes necessary to manipulate the British North America Act by introducing therein new clauses and special provisions that bring within the constitutional domain ordinances that were not constitutional and which close for a persecuted minority all access to the courts of the country.

Was there ever anything heard of more discouraging, more cynically unjust?

The Prime Minister with his minister of Justice admits that a part of the ordinances of 1901 is unconstitutional, ultra vires, and null.

He equally admits that the law of 1875 is still in force.

And in the fear that the automatic application of the British North America Act might give our co-religionists the schools assumed to them by the legislation of 1875, he so amends the British North America Act as to ignore completely both the law of the land and the rights of the minority, and substitutes for that law of 1875 the robber ordinances of 1901.

All this, he says—he has the sad courage to say so—to prevent all possible revendication on the part of the cheated minority.

Catholics and Frenchmen of the Northwest, you pay dearly for the honour of having a French-Canadian Premier. You pay dearly to furnish Sir Wilfrid Laurier with the simple pretext of keeping out of his cabinet that minister of ill-repute who cannot even return thereto, although his leader has ostensibly given way to Mr. Sifton on all points and that he has thus facilitated his return to the crib.

A majority of the House of Commons can cloak with his vote this scandalous immolation of the rights of a weak and abandoned minority, abandoned on all sides, and by those who have the holy mission of defending it against the encroachments of every error, and by those whose political positions oblige them to fight in front ranks; but when history will be written, it will denounce in bitter terms those guilty compromisers, those criminal deserters, that disastrous non-intervention which consecrated the robbery of most sacred rights and the violation of a sworn faith; to whatever party they may belong, and whatever social rank they may hold, they who shall have perpetrated or allowed to be perpetrated the iniquity will carry, in the eyes of their fellow-countrymen and before the entire country, the responsibility of a course that nothing can justify.

To us, hon. gentlemen, belong another mission and other duties.

Guardians of the constitution, protectors of the minority and of their most sacred rights, our mission is to respect the constitution and to protect the rights of the minority. In this House where the claims of political parties have no place, whence the cares of office are entirely banished, but where sentiments of impartial justice should hold sway, as well as respect for obligations and for good faith, faithful to the noble traditions that are the ornaments of this assembly, let us silence the discordant cries of the different races and creeds heard in the more noisy arena of active politics, and if this Bill is read for a second time and committed to a committee of the whole, let us calmly correct, as is our duty, the imperfections of the enactment now submitted to us, and let it come forth from our hands purified and improved to become a law of justice and peace restoring, giving to the Catholic or Protestant minority the fullness of its rights and to the country as a whole that peace and tranquillity so necessary to its progress and future greatness.

Hon. Mr. DAVID moved that the debate be adjourned until to-morrow.

The motion was agreed to.

The Senate adjourned until to-morrow at 3 p.m.

SENATE.

Ottawa, Thursday, July 13, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.