

On the same date as the agreement with Power was entered into it was transferred to Messrs. Joseph Kilgour and Charles Miller, of Toronto, and on the 2nd June a further agreement was drawn up and executed by Kilgour and Miller.

The contract stood in the name of Messrs. Kilgour and Miller until 30th September, 1899, when it was assumed by the British Columbia Express Company, of which Joseph Kilgour is president and Charles Miller, solicitor, under a new four year contract, by whom it has been carried on to the present time. This contract was renewed on the 1st October, 1903. Tenders have not been invited since 1897.

The present contract rate is \$23,250, whilst the original contract was for \$23,000, the difference in payment being on account of increased services being performed by the contractors since they entered into their contract.

COLLECTIONS IN POST OFFICES—ASSESSMENT SYSTEM.

Mr CHISHOLM—by Mr. Sam Hughes—asked :

1. Referring to a statement made on the 27th of February last, by Honourable C. S. Hyman, on behalf of the Postmaster General, that there had been collected by assessment from the postmasters, mail clerks, and those handling the mails for the Dominion, the sum of \$63,349.16, and that the losses so far as ascertained were \$19,909.51, leaving a balance of profit of \$45,992.68, how much of this loss of \$19,909.51 was caused by the postmasters alone? and what is the amount of loss by said postmasters alone in each of the provinces of the Dominion?

2. Is it the intention of the Post Office Department to continue this system of assessment? If so, will they reduce the assessments to meet the requirements of the actual losses?

3. Is the same assessment made on a postmaster whose salary is \$500 a year as on a postmaster whose salary is \$1,500 a year? If so, why?

Rt. Hon. Sir WILFRID LAURIER (for the Postmaster General):

1. Statement of losses by provinces on account of postmasters made good out of post office guarantee fund :

Ontario..	\$ 315 69
Quebec..	343 19
Nova Scotia..	113 25
New Brunswick..	36 04
Prince Edward Island....	15 44
Manitoba..	—
Northwest Territories....	264 33
British Columbia..	2,686 44
Yukon..	50 00
	<hr/>
	\$3,824 38

2. Yes. The department's policy is to conduct the system on safe lines, and will increase or reduce the rate of assessment as experience appears to demand.

3. No. The amount of insurance is based upon the revenue of the office, not the

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salary of the postmaster, in accordance with the following scale :

'Every accounting postmaster, the revenue of whose office is under \$2,000 a year, is required to give security to the extent of \$800. Where the revenue exceeds \$2,000 a year, but is less than \$5,000, the insurance required is \$1,200. Where it exceeds \$5,000 but is less than \$10,000 a year, the insurance required is \$1,600. Where it exceeds \$10,000 a year, but is less than \$15,000, the insurance required is \$2,000. Where it exceeds \$15,000 but is less than \$25,000, the insurance required is \$2,500. Where the revenue exceeds \$25,000, except in the cities of Montreal and Toronto, the insurance required is \$3,000. In the case of the cities of Montreal and Toronto, the insurance required is \$5,000. Each postmaster of a non-accounting post office is required to give \$200 security, and if the estimated revenue of his office does not exceed \$100 a year, it is optional with him to give bonds or to accept the assessment system.

PROVINCIAL GOVERNMENT IN THE NORTHWEST.

House resumed adjourned debate on the proposed motion of Sir Wilfrid Laurier for the second reading of Bill (No. 69) to establish and provide for the government of the province of Alberta, and the amendment of Mr. Borden thereto.

Mr. W. J. ROCHE (Marquette). Mr. Speaker. After hearing the very full discussion on this Bill by members on both sides of the House; a discussion from a constitutional standpoint, the standpoint of public policy and from the standpoint of political exigencies by some hon. gentlemen on the other side of the House, it is not with the idea that I can add anything of a very original character that I propose for a short time to continue the debate. However, being a western man; a resident of Manitoba for the past 22 years, quite naturally I take a great interest in anything pertaining to the welfare of our great western heritage, and my ideas are not so provincial that I desire to limit that interest to matters mainly connected with the province of my adoption. In looking over the history of our country I think there are few of us but must admit, in the light of past experience, that there are some things that we might very well improve upon had we the drafting of our constitution anew. The great fathers of confederation who in their united wisdom consolidated into one mighty whole the numerous provinces of this splendid Dominion are deserving of every eulogium that can possibly be bestowed on them. They had many intricate and delicate questions to cope with, prejudices to overcome, rights and privileges to safeguard and protect, divers views to harmonize—and all honour

to them for the successful manner in which they accomplished their difficult task. But of what use is experience if you do not profit by it? And in the granting of a new constitution to these baby provinces in the west we should be careful to avoid the pitfalls of the past, to improve where improvement is possible upon existing legislation and to start those new provinces unhampered in their career, by any obnoxious restrictions that can be a source of vexation, turmoil and strife amongst the mixed population inhabiting that part of the Dominion. Some of these people are our fellow Canadians from the older provinces; some are our fellow British subjects from England, Scotland and Ireland, some come from the more advanced European races and many come from the republic to the south. All these classes of settlers at any rate come from countries where they have been in the enjoyment of the greatest amount of constitutional liberty and they will look for and expect the same liberty in their new homes. We are therefore legislating at the present time not merely for existing conditions but for the whole future of that country. We can afford, nay it is our duty, it is an imperative duty that we should deal not only justly, but generously in starting these new provinces house-keeping on their own account. There may have been reasons of a financial character that prevented this Dominion from dealing with some of the other provinces, upon their entering into confederation, with equal generosity, but because of that lack of liberty and generosity repeated demands have been made on the treasury of this country by those provinces and we should guard against anything of that kind in the initial dealings with these new provinces of the west. I am sure there is a desire on the part of the older settled provinces not only to accord the very best possible treatment of a financial character, but to grant the greatest amount of constitutional liberty and legislative freedom in our dealings with these new provinces. The financial arrangements should not be entered into in any niggardly spirit nor should they be carped at because they happen to be more generous than those accorded to the several provinces in which we each reside. Nor should this government deny or withhold from these provinces of the west the management of certain affairs, the control of certain features of their policy, simply because of a reluctance on the part of this government to part with what has undoubtedly been in the past and will be in the future great political party levers, features of administration which have been used for this purpose and can be so used in the future.

There are a few things that I as a Manitoban desire to speak about before entering on a discussion of the provisions of the

Bill proper. One of these is incidental to this Bill and was dealt with by the Prime Minister in his introductory remarks; I refer to the reasons he assigned for refusing the reasonable request of the people of Manitoba through their legislators for an extension of the boundaries of that province. The Prime Minister stated that this request had been made not only upon his government, but upon other governments in the past. It was a request most reasonable in its character, a unanimous request joined in by both political parties, but a request which even at this most opportune moment when the delimitation of the western provinces is being made, he and his government could not entertain. And what are the reasons he has given? First because the government of Sir John A. Macdonald had a similar request made to them some 20 years ago, and if it could not be entertained on that occasion it could not be entertained to-day; yet in the earlier portion of his remarks the Prime Minister admitted that the Canada of those days was not the Canada of to-day. That was very true and he might have said further that the Manitoba of those days was not the Manitoba of to-day. At that time Manitoba was supposed to extend as far east as the head of lake navigation. All of that portion of country east of Rat Portage to Port Arthur which was looked upon as disputed territory had been counted in as belonging to Manitoba, and that province was supposed to constitute an area of 154,000 square miles, but to-day we find that owing to the decision given in connection with the boundary award all that portion east of Rat Portage has been handed over to Ontario thus diminishing the area of Manitoba by more than one-half. So I say that the request of 1905 is a much more reasonable one and an entirely different one inasmuch as it is a request on behalf of a province that we know for a certainty contains only some 73,700 square miles, whereas the request of twenty years ago was on behalf of a province which we imagined contained 154,000 square miles. Personally I would have preferred to have seen Manitoba's western boundary extended still further west as far as the 105th Meridian of west longitude, having one province west of that line extending to the eastern boundary of the province of British Columbia. Thus we would have two good sized provinces whose areas would have been more in conformity with those of British Columbia, Ontario and Quebec. By doing this we would have done away with this duplication of governments and the increased cost as a consequence thereof. We have been told frequently in times gone by that Canada is already over-governed, because of this multiplication of provinces whose areas are too small. With such a division of territory as I suggest we would have avoid-

ed the great expense entailed by this duplication of provinces, and we would have had two splendid provinces that would have proved powerful factors in this great confederation. I realize that there is a considerable sentiment opposed to that view in the Northwest Territories. I cannot admit that their objection is a valid one; I think it is largely sentimental. They look upon the word 'annexed' with objection; they do not desire to be merged. It is not a universal sentiment, but still a considerable portion of the people there object to merging their fortunes with those of the people of Manitoba, and we cannot entirely ignore sentiment when it is very strongly developed. But I feel sure that if they had decided voluntarily to join their fortunes with those of the people of Manitoba, within the next five or ten years, because of the great advantages they would have derived by reason of increased transportation facilities, by reason of reduced freight rates and other great advantages they would be perfectly satisfied with their position.

Whatever reason the government may have had for not desiring to extend the boundaries of Manitoba westward the question of the northern boundary is entirely different. By the provisions of this Bill the easterly boundary of Saskatchewan is the western boundary of Manitoba, extending from the northwest corner of Manitoba to the 60th parallel of north latitude, and that portion of the provisional district of Saskatchewan lying east of that boundary line is put where? In the new province of Saskatchewan? In the province of Manitoba? No, it is thrown into unorganized territory under the jurisdiction of this government. What objection was there to having that portion added to the province of Manitoba? The right hon. gentleman said he could not, contrary to the wishes of the people of the Territories, take any portion of their land away from them, west of Manitoba's boundary line, and that they had, through their legislators in their assembly, on more than one occasion, put themselves on record as being opposed to having any part of that territory taken away from them. But he has not the same reason for refusing to give Manitoba this district overlapping it on the north. On the contrary, the very same territorial assembly, composed of the very same gentlemen who passed this resolution objecting to any part of the territory west of Manitoba's boundary line being taken from them, passed resolutions in which they gave their consent to having that portion which overlaps Manitoba on the north added to that province. Still in the face of that resolution, the right hon. gentleman refuses to accede to the request of the government of Manitoba. I find, on looking at the Northwest Territories journal of the 14th of December, 1898, the following resolution was passed:

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The order of the day being read for the second reading of resolution reported from the Committee of the Whole, which is as follows:

Whereas, it is expedient that the boundary lines between the Northwest Territories and the other provinces and territories should be finally determined at an early date.

And whereas, this legislature denies the right of the parliament of Canada to increase, diminish or otherwise alter the limits of the Northwest Territories, except as hereinafter mentioned, without its consent because it claims for the people it represents equal rights with the people of the provinces in this respect;

And whereas, certain areas now comprised within the Northwest Territories more properly belong to other provinces or territories, and should therefore be separated from the Northwest Territories;

Therefore be it resolved, that while consenting to such alteration of the limits of the Northwest Territories as will separate therefrom those areas lying north of the northern boundaries of the provinces of British Columbia and Manitoba respectively, this legislature is firmly of the opinion that the political unity of the Territories should not be disturbed.

So that, we have the very same gentlemen in that territorial assembly, passing that resolution, giving their consent to having this district north of the Manitoba boundary line added to the province, yet the right hon. gentleman refused to accede to the request of the province of Manitoba, endorsed as it was by the Territorial Assembly. What reason did he give for not acceding to that reasonable request? He said that in this House there are a number of representatives of the people who live in that sparsely settled portion of the country; and if these people objected to being incorporated in the limits of Manitoba, parliament would not be justified in adding them to that province. But, let me ask the First Minister, did he obtain the consent of those people before he put them into the unorganized territories? Did he obtain their consent before separating them from the rest of the district of Saskatchewan and putting them outside that district? Most assuredly not. Why not then have incorporated them within the limits of Manitoba. There is no valid reason why that district should not be added to that province. What was the reply he gave when the request was made to have the northern limit of Manitoba extended to the 60th parallel of north latitude? Oh, he said, I must first consult the province of Quebec, the province of Ontario and the province of Saskatchewan. Each of these provinces has an equal right for the extension of its territory to Hudson bay; and some time in the future it is my intention to have a conference between the representatives of those provinces to see how the territory of Keewatin may be divided before we accede to the request of Manitoba. But what possible reason is there for consulting any of those provinces. The province of Ontario intervenes between Keewatin and the province of Quebec. What say could the

province of Quebec have in connection with the division of Keewatin? Or even the province of Ontario, for that matter? Why both of these have had large additions to their territories since Manitoba was made a province and Manitoba was not consulted? There is the less cause for consulting them, when we take into consideration the fact that the district of Keewatin has been under the jurisdiction of Manitoba the past thirty years. The administration of justice in that district has all taken place under the jurisdiction of the lieutenant governor of Manitoba, and the province of Manitoba can be extended to the Hudson bay without encroaching on one foot of territory properly belonging to Ontario or Quebec. In my opinion therefore the refusal of the request of Manitoba was entirely unjust and will meet with the condemnation of every citizen of that province irrespective of party. This has not been a party question. Hon. gentlemen who occupy seats in this House from the province of Manitoba have brought it up in the Manitoba legislature. Hon. gentlemen on the opposite side have brought it up, and it has been treated as a non-party question. It is also being treated in that light by the press of both political parties. It has even received the endorsement of the mouthpiece of the Liberal party in the east, the 'Toronto Globe.' And in view of this general expression of approval, it seems to me that the province of Manitoba has been treated in a most cavalier and unjust manner.

I was somewhat surprised to find that the ex-Minister of the Interior (Mr. Sifton) in that lengthy speech which he addressed to this House, representing as he does a Manitoba constituency, did not think this question of sufficient importance to even give it a passing notice. He was a member of the government no doubt, when this and similar requests were made in the past. He was, in Ottawa when the delegation from that province came here to press its claim. He was also in the city when the delegation from the board of trade of the city of Winnipeg came down and pressed the claim of that province. Still he has never uttered a protest against the action of this government in turning down the reasonable request of Manitoba for an extension of its territory.

Laying aside the question of the extension of Manitoba's boundaries, there are two features in this Bill which deserve special condemnation by the people of the province of Manitoba. I refer to the educational clauses and the land clauses. Why do I say they should meet with the condemnation of the province of Manitoba? Because we, in that province, have had our bitter experience in connection with each of those questions. Up to the present Manitoba is the only province in confederation which has been denied the ownership of its public lands, and because of that fact,

our legislators have had to come down to the central government on numerous occasions, hat in hand, asking an addition to their public revenues in order to be able to cope with the requirements of that developing province. There would have been no need for these begging trips had that province been dealt with justly and fairly as were the other provinces, and we take a sufficient interest in the newly created provinces in the west to desire that they should not have a similar experience and that they should profit by our example. Therefore we urge on the government the claims of our sister provinces.

In my opinion also no financial consideration, which even at present may appear most liberal in its character—eulogized as liberal by hon. gentlemen opposite—will sufficiently compensate for the withholding from those new provinces of their public domain. Without their lands, those provinces will have not one single asset independent of this government, save the power of taxing themselves. To obtain a precedent for this treatment, the right hon. gentleman had to go to the American republic. How frequently have we not heard that right hon. gentleman in eloquent tones declaim against our borrowing examples from American politicians! But, he did not go to the American republic when he desired to get a precedent in connection with the school policy. On the contrary he went out of his way to offer a gratuitous insult to the Americans who are flocking into our Northwest by thousands, when he compared their comparatively inferior moral stamina with ours and attributed it largely to their public school system and to the exclusion from that system of the teaching of certain religious dogma. He always goes, he tells us, for his great examples to the motherland, but in this instance he did not. Had he gone to the motherland for a precedent in the settlement of the land question, he would have had a precedent entirely contradictory to the policy he has followed. He would have found that imperial statesmen in days gone by took the same position as the one he takes now regarding the ownership of those lands. He would have found that they urged that those lands should be held by the empire for the benefit of the people of the empire. But better counsels prevailed, and it was recognized that these lands could not be administered to the same advantage from Downing street as in Canada itself. What the imperial government has done for this Dominion the Dominion government should have done for the provinces and handed over to them their lands to administer in the interest of their own people. Justice, Sir, is far more essential—very often at any rate—than any mere financial consideration; and I much mistake the character and temper of our western people if they do not condemn the government's policy in reference to these

lands. The right hon. Prime Minister (Sir Wilfrid Laurier) admits that he has adopted this policy simply as a matter of policy. But the only colour of reason he has assigned for it is that he fears lest, in the future, these new provinces may, through stress of financial stringency, due to incurring debts not wisely but too well, resort to increasing the price of these lands, or may possibly do away with the policy of free homesteads which, up to this time, has done so much to attract immigrants to our shores, and to place settlers on our western prairies. But, Sir, surely the people making their homes in the western part of the Dominion, and those whom they select to administer their affairs, would be at least as anxious to bring people to settle on these lands as would the government here at Ottawa; and how much more careful are they likely to be of the character of these immigrants than this government has shown itself to be in the past. And, moreover, with how much greater advantage could these lands be administered by the local government through officials under their control than by a government at Ottawa two thousand or two thousand five hundred miles from the scene of operations. Evidently the Prime Minister and his colleagues have not confidence in the ability of the western people to legislate for themselves. When the question of granting autonomy to the Northwest was up for discussion in parliament two or three years ago the Prime Minister and his then colleague, the ex-Minister of the Interior (Mr. Sifton), took the ground that the people of the Territories were already in possession of practically complete powers of self-government save the power to incur debt; and they doubted the wisdom of granting them this power lest it might be utilized for unwise and unnecessary purposes. Apparently, that feeling has never entirely been overcome by these gentlemen, even to this day; otherwise they would have proposed the granting of a full measure of autonomy to the people of the Territories, including the power to manage their own lands and control their educational system. Two years ago, the Prime Minister expressed his dissent from the policy of granting autonomy for many years to come. But political exigencies forced him to abandon that position. In the midst of the last election campaign, it was suddenly brought to his memory—even in the turmoil and cares and worries of the occasion, he remembered—that he had left letters of the Prime Minister of the Northwest Territories unanswered for months. So he sent a letter giving a pledge—no doubt urged to by his candidates in the west, who had rightly gauged public opinion—that immediately after the election he would take up the question of autonomy and introduce a measure during the first session of parliament. I venture to say that had the people of the Northwest been aware of the

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character of the Autonomy Bill, and had they been informed of the restrictions to be placed upon their legislative liberty, the right hon. gentleman (Sir Wilfrid Laurier) would not to-day enjoy the support of such a large number of representatives from the west as he now has. And not only that, but he would not have been in the enjoyment of the support he receives from other provinces of the Dominion in this House. To-day we have a measure which, to use a common expression, grants autonomy with a string to it, one that says in effect: Thus far shalt thou go and no farther. The Prime Minister in effect says: We can trust you with powers of self government, including the power to tax yourselves for all necessary local purposes, we can trust you with the power of administering justice in these provinces; we can trust you with the working out of your transportation problem—provided, that is, you can do it dispoiled as you are of your chief asset, your public lands—we can trust you with the maintenance of law and order in these provinces; we can trust you with these things, and feel that you will acquit yourself in a creditable manner; but hands off the Dominion lands and the separate schools, though no person has threatened either one or the other, for these are preserves of the Dominion government upon which you must not trespass. He declares, in effect: We, the members of the Dominion government have not sufficient confidence in either your ability or your wisdom to control and manage your own lands in the interest of your own people; through your youth and inexperience as legislators you might adopt some policy that would conflict with the policy of this central government to your detriment.

It is true that the other provinces of the Dominion, save the province of Manitoba, are in the enjoyment of their public domain; it is true that your legislators in the past have given every evidence of capacity and statesmanship; it is true you have been governed wisely and well; it is true your country is peopled with a thrifty, intelligent, and industrious people; nevertheless we cannot entrust to you this great patrimony lest you might dissipate it in a prodigal manner: Therefore, your liberties must be curtailed and your jurisdiction must be limited; likewise your assets. And so a proud and self-reliant people are made to feel the humiliation of a patronizing restraint exercised by those who are in no way their superiors. If this government were fearful lest the new provinces might, at some time in the future do away with this policy of free homesteads that has been such a factor in bringing immigrants to our shores, then, rather than retain the lands in their own possession, why could they not have followed the suggestion of the leader of the opposition (Mr. R. L. Borden) and have incorporated a provision in the law which would

perpetuate that system so long as we had any homesteads to grant? Such a course would have been much less objectionable than this restraint upon the liberties of the new provinces. They are already restricted in their powers in regard to education, and I say that such a restraint as that, especially as it would have to receive the consent of the people resident there, would have been far less objectionable; and you would have preserved this policy of free homesteads, quite as well as if the lands were administered in the city of Ottawa. And besides it would have done away with a whole host of officials who are on the payroll of this country and whose duties are merely of a nominal character, save during an election campaign.

Now, an argument has been used, that the fact of the other provinces of the Dominion being in the enjoyment of their public domain is not a parallel case; that while the lands of the other provinces were owned by those provinces prior to their entry into confederation, the lands of the Northwest Territories were purchased—'purchased' being the word used—by the Dominion government for the benefit of the Dominion at large. Now, Sir, I, as a westerner, object to that word 'purchased.' These lands were not 'purchased.' It is true that the sum of £300,000 was paid to the Hudson Bay Company, not for these lands, but for certain privileges they enjoyed and for the relinquishment of what was, at best, a doubtful title, on their part. But this money was borrowed on the credit of the Dominion, and interest is being paid upon it to-day just as much by the people of the Northwest, man for man, as by the residents in eastern Canada. But, if the Northwest Territories are to be denied the beneficial ownership of these lands by reason of this argument, how is it that a certain portion of this territory has been handed over to one province? How is it that 150,000 miles of territory in Ungava, a part of this 'purchased' land, paid for with money raised on the credit of the Dominion, was handed over, without a cent of compensation, to the province of Quebec?

Some more powerful logic, some better reasoning will have to be adduced in order to convince the residents of western Canada that they are not equally entitled to the ownership of these lands as are the people who reside in other portions of the Dominion. After the premier had laboured hard to prove the ownership of those lands belong to the Dominion, stating that on the ground of public policy they should be retained in the Dominion, he has practically admitted the justice of the claim of the people of the west to those lands by providing in this Bill for compensation for the same. If they purchased those lands and paid \$300,000, why purchase them the second time, paying \$1.50 an acre, and especially since he maintains that that is nothing like what

they are worth? It is impossible to tell exactly their financial value; but in setting aside some 25,000,000 acres of land at \$1.50 an acre, when the ex-Minister of the Interior has stated that the school lands alone, some 50,000,000 acres, would be worth at least \$3 an acre, you can easily see that the provinces do not get sufficient compensation for withholding their lands from them.

Now, the Prime Minister appeared to be very solicitous of public sentiment in the west saying that he could not grant the request of the people of Manitoba for an extension of its boundaries westward against the wishes of the people who reside in the territories. But he was not so careful of public opinion when he denied to them the ownership of their lands, nor did he consult their wishes when he decided to impose upon them a school system which may in years to come prove entirely unsatisfactory to them. He does not even allow them the option of saying how those schools shall be maintained; but under the provisions of this Bill he decides that the two systems shall receive an equitable share of public money in such a manner as not to discriminate between them. Now, as a layman, I can see practically no difference between the amended and the original clauses. It is true that the ex-Minister of the Interior, with fine sarcasm at the expense of the Minister of Justice, read into the original clause 16 a much different meaning to that which he attaches to the amended clause. Of course, he was having a drive at his late colleague, the Minister of Justice, through a draughtsman; though, as any person could see, it was not even necessary to read between the lines to know who the ex-Minister of the Interior meant by this particular draughtsman. Here are his words:

But I am bound to say, Mr. Speaker, that when my hon. friend the Minister of Justice employed a draughtsman to draw this clause, with instructions to maintain only the existing state of affairs in the Northwest Territories, the draughtsman either wholly misunderstood his instructions or he possessed the most remarkable faculty for covering things which were not covered by his instructions.

Well, every member from the Northwest Territories was going to agree with the Minister of Justice prior to the advent of the ex-Minister of the Interior upon the scene. They saw no objection to that original clause 16, every man of them was going to support it until their hands were forced by the return of the ex-Minister of the Interior. According to the ex-Minister of the Interior, the original clause, no matter how inefficiently those separate schools might be carried on, even if religious teaching was made the primary feature of the schools and secular education the secondary feature, no matter how inferior those schools might turn out to be, they were entitled to share and share alike with the public schools

out of the proceeds of the sales of the public lands and all other moneys granted for educational purposes. Is this an evidence of the tolerance that the right hon. gentleman spoke about in his introductory speech? Is this all the confidence he has in the people inhabiting the Northwest Territories? What evidence have they ever given that they will not deal justly, and even generously, with minorities in that country? The right hon. gentleman is quite willing to consult their wishes when he thinks those wishes are in accord with his own; but he is not willing to be guided by their desires when they run counter to his own views. He does follow out their wishes when he refuses Manitoba's request for an extension of her boundaries, but he will not be bound by them when they ask for public lands, and he considers it the essence of statesmanship when he refuses them the right to say what their school system shall be, and denies them what the British North America Act evidently intended they should have, namely, the sole control of their educational affairs. If the right hon. gentleman desired an evidence of public sentiment in the Territories on educational matters, if he was in quest of that pillar of cloud by day and that pillar of fire by night to show him the way and to give him the light, to use his own simile, let him look at the history of separate schools in that country, and he will find that, notwithstanding the fact that the Northwest Territories Act was passed in 1875 permitting the establishment of separate schools in that country, there exists to-day but about ten separate schools to nearly 1,100 public schools. What greater evidence could he desire or require as to the public sentiment of that country regarding the character of the school system they desire? And, Sir, what avail is it to resurrect the mouldy speeches of the Hon. George Brown, of the Hon. Alexander Mackenzie and of the Hon. Edward Blake, to prove what those gentlemen had in their minds when they incorporated that provision in the Northwest Territories Act, stating that they wished intending immigrants to know what kind of schools they were going to have in that country, when I venture to say that not one man in 5,000 who have gone into that country to make homes for themselves ever asked the question whether there were separate schools there. The only question agitating them was: What educational facilities are there for giving my children a good common school education? A proof of this is found in the fact that, notwithstanding that the Act permitting separate schools has been in existence thirty years, there is a diminishing number of separate schools and a rapidly increasing number of public schools. In face of this experience and of this overwhelming public sentiment in the Northwest, the Prime Minister has incorporated a clause in this Act forcing upon those new provinces a school

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system that may or may not prove to their liking in the years to come.

Now, the ex-Minister of the Interior has stated that he is personally aware of the fact that people have taken the trouble to secure copies of the ordinance to see if there were separate schools in that country before going to make their homes there, leaving the impression that they would not have gone in there had they not been sure that there were separate schools in existence. If that is the case, I charge the ex-Minister of the Interior with having—whether deliberately or not, I will not say—misled the immigrants through his immigration literature that he has scattered broadcast in almost every civilized country of the globe, among people whom he wished to attract to this country; for I have hunted in vain for one single expression in that literature where there was any reference to a separate school system. On the contrary, as was shown by the hon. member for Qu'Appelle (Mr. Lake) and the hon. member for Calgary (Mr. M. S. McCarthy), it is distinctly stated in a pamphlet that has been distributed that the schools are non-sectarian, and national in their character—not a word about separate schools. The Minister of Finance stated that on his European tour he was in consultation with a certain representative of a foreign country who was very much agitated about the outcome of this separate school agitation in Canada, and the impression he conveyed to the members of this House was that if there were no separate schools in the Northwest we would have very few immigrants from that country.

Now, Mr. Speaker, in view of the speech made by the Minister of Finance the other evening, I think we would all be delighted to hear the character of the reply he made to that representative of a foreign country. I think if the hon. gentleman sends a copy of his speech over to that representative it will convey to that gentleman a vastly different impression from the impression he gave him in the reply which he gave, because I am sure he did not try to convince that representative that they had no separate schools in that country, where as his whole argument here was to convince us that there were practically no separate schools, that they were national schools, and that any difference there is would soon disappear. This policy, in my opinion, cannot be defended on legal grounds. The constitution of our country does not force us to perpetuate this system of schools contrary to the wishes of the people inhabiting that part of the Dominion. It is true that the right hon. leader of the government, when he introduced this Bill, based his sole argument upon the ground that he stood by and on the rock of the constitution, but by the time my hon. friend the leader of the opposition had got through with his speech in criticism of the speech of the

right hon. leader of the government there was nothing left of that constitutional argument. It was entirely demolished to the extent that his colleague the hon. the Minister of Finance, replying to my hon. friend the leader of the opposition, threw up his hands, abandoned the constitutional argument and stated that he would not shield himself behind the constitution thereby giving a rebuke to his own leader; but, while admitting that there were no legal grounds for forcing these schools on the people of that western country, he asserted that we were morally bound to perpetuate that system. We have had legal authorities quoted in this House. We have heard the opinion of Mr. Christopher Robinson, who backed up the opinion from the legal standpoint which was given by my hon. friend the leader of the opposition. We have had other gentlemen eminent in their profession agreeing with the same opinion. It is only right and proper for me to say that there was another hon. gentleman who particularly laid down a different opinion in his most emphatic manner and with the same assurance that usually characterizes all the utterances of that hon. gentleman in the House. I refer to the hon. member for Alberta (Mr. Oliver). That opinion is deserving of all the respect it is entitled to. In the face of that high legal opinion I imagined that I saw the right hon. leader of the government sitting down and penning a letter like another similar letter written to a political supporter of his within six months after he was called to the premiership. I imagine that I saw the right hon. gentleman writing a letter in these words: My Dear Oliver,—Perhaps the lieutenant governorship of the province of Alberta will be at my disposal by the 1st of July, 1905. If between now and then you are not appointed a judge for giving that constitutional opinion I promise to place the lieutenant governorship at your disposal. (Signed) Wilfrid Laurier. It may not be a judgeship, because I think as a usual thing they require a lawyer for a judgeship, but still there are premierships, lieutenant governorships and several other positions up there at the disposal of the right hon. gentleman and I will venture to say that so long as we have these positions dangling before the eyes of the hon. gentlemen opposite from the west, and especially the vacant portfolio of the Minister of the Interior, the boy who gives this Bill his thorough and emphatic support and swallows every clause that is in it, even at the expense of his convictions, is the one who is the most likely to receive the plum.

This is a Bill which I think cannot be defended on the grounds of public policy. The whole history of such agitations as this is directly contrary to that contention. It is contrary to the spirit of provincial rights and an unwarrantable interference with matters of purely provincial concern. Where

are the gentlemen who were so loud with the shibboleth 'Hands off Manitoba' in 1896? Where are the gentlemen who were erstwhile defenders of provincial rights then? Are these gentlemen now the defenders of coercion? Where are these gentlemen who even went to the extent of doing away with the system of separate schools in Manitoba, although that system had been in existence for over twenty years, who thought they were doing their duty, who thought they were within their jurisdiction, who denied the right of this government to dictate to the people of Manitoba what their educational policy should be and who held that the people of Manitoba should work out their own salvation as far as educational affairs are concerned? Where are the gentlemen who journeyed from platform to platform stirring up the prejudices of the people in that country not only against the Dominion government, but also against the principle of separate schools as being antediluvian and contrary to western ideas? Where are those who even journeyed beyond the confines of the province of Manitoba? The hon. member for Lisgar (Mr. Greenway) was premier of the province of Manitoba and it was under his government that these schools were wiped out of existence, though to do him justice I must say that it was a stronger man who dictated this policy to him—the Hon. Joseph Martin, attorney general at that time—but still he followed the hon. Joseph's lead and the schools were abolished. Where is the hon. ex-Minister of the Interior, for he it was who journeyed to the constituency of Haldimand, travelling some 1,500 miles not only to gain the sympathy and support of the people of Haldimand in Manitoba's fight for provincial rights, but also to try and induce the electors of the constituency of Haldimand to cast their votes against the then government and its representative, Dr. Montague, who was seeking re-election at a by-election as Minister of Agriculture? The hon. ex-Minister of the Interior went into the constituency of Haldimand and put before the people our separate school policy and our National School Act, much to the detriment of the former, and asked their sympathy and support and votes for the then candidate who was opposing the government. Let their followers from Manitoba explain, for several of them occupy seats in this House today who occupied seats in the local legislature at that time and who then sought to maintain the right of the province to control their educational affairs. What evil days must these hon. gentlemen have fallen upon that they are now joining hands in forcing upon the people of the western country a school policy that may not be acceptable in the years that are to come.

Now, Mr. Speaker, there are some extracts that I have culled, some choice gems from some of the speeches delivered by the hon. ex-Minister of the Interior on that

Haldimand tour, for recollect that while he journeyed down to the constituency of Haldimand he journeyed back again minus that scalp which he as a western brave sallied forth to secure. He made a speech of a violent character against the schools we had in the province of Manitoba and also appealed to the sympathy of the people of Haldimand on the ground of provincial rights. I desire to read to the House a few of these gems from a speech delivered by that hon. gentleman in the county of Haldimand as reported in the 'Globe.'

At six o'clock, House took recess.

After Recess.

The House resumed at eight o'clock.

Mr. W. J. ROCHE. Mr. Speaker. Before you left the chair at six o'clock, I was referring to the speech made by the ex-Minister of the Interior (Mr. Sifton) at the town of Caledonia in the constituency of Haldimand in the year 1895. I shall quote from the report in the 'Globe' of April 15, of that year. I do not read these extracts from the speech of the ex-minister (Mr. Sifton) with the idea of lending my endorsement to them, but as one hon. member read extracts from the remarks of clergymen and public men in the United States to show they were not entirely satisfied with the school system of that country, it may be well to hear what the hon. gentleman (Mr. Sifton) has to say about the separate schools as they existed in Manitoba. Some of these gentlemen in the United States, although their remarks apply to a condition of things said to exist over twenty years ago, were represented as having said that the public schools in that country were hot beds of immorality. As I have said, I do not lend my endorsement to the remarks which I shall quote from the hon. member (Mr. Sifton), because it so happens that in my constituency there was not a single separate school existing prior to the abolition of separate schools in Manitoba, and personally I cannot speak from experience. We were told by a gentleman on the other side of the House, that the statement as to the clergy of the province of Quebec interfering in elections was a mere myth, a figment of the imagination. However, that may be, I shall quote from the present member for Brandon, the ex-Minister of the Interior and ex-attorney general of his province, as to what his opinion was. I may say that the hon. gentleman made this speech when he occupied the responsible position of attorney general of Manitoba, and as we know he has a great deal of experience in connection with educational affairs, because he told us so himself the other day. Some of these expressions are very harsh, but I must inflict them upon the House in order that hon. gentlemen opposite may form their own opinion on the merits of the separate school system as it existed in Manitoba, from

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the words of one of their own friends. Mr. Sifton said :

Catholics made false returns of school population to get large grants from the government.

A pretty serious accusation that.

They conducted their schools in a manner that would be a disgrace to any civilized country. The priests and the Catholic clergy connected with their orders were their teachers.

I regret the hon. member for Labelle (Mr. Bourassa) is not present, because when he spoke he took great pride in the fact that the clergy were the teachers in so many of these schools in the province of Quebec, stating that a great deal of the good derived from the schools in that province, and the high standard of education there was due to clerical influence. Evidently the ex-minister (Mr. Sifton) had a different impression as to the character of the teaching done by clergymen of the Roman Catholic church in Manitoba, for he said :

Schools sometimes were kept open only two or three weeks, sometimes two days in the week, while these priests drew their money as teachers. This, he said, was a common thing.

In other words, according to the Minister of the Interior, these priests seemed more anxious to get the educational fund and to pocket it than they were to educate the children by keeping the schools open five days a week. Mr. Sifton goes on to say :

The system followed was no system at all. As a result people who grew up in districts where separate schools existed were in a state of absolute ignorance and illiteracy.

Pretty hard language in reference to these schools that were so lauded by some hon. gentlemen on the other side of the House. Mr. Sifton continues :

It is a notorious fact that in Manitoba, in districts where the people are French and Roman Catholic and where this system of schools has been in existence for twenty years, that it is a rare thing to find a person who can read and write.

And still the hon. member for Labelle (Mr. Bourassa) spoke about the great proportion of the prizes being carried off at St. Boniface by pupils of separate schools of Roman Catholic institutions, in competition with their Protestant brethren there. Evidently, the ex-minister does not look upon separate schools in as favourable a light when he says it is a rare thing to find a person who can either read or write where these schools have been in existence for twenty years. Mr. Sifton further said :

He could show the audience a petition which came in from the reeve of a Roman Catholic municipality in which six councillors of the municipality made their signatures by putting crosses, and to which only one could sign his name. When it was proposed in the legislature to require by municipal law that the reeve and councillors should be compelled to read and

write, a gentleman who represented a constituency almost exclusively French and Roman Catholic stood up in the legislature and said that if the Bill became law, in his constituency persons could not be found who could qualify for the office of reeve or councillor.

A pretty sweeping assertion, that if a Bill compelling municipal councillors to be able to read and write were to pass the legislature there would not be sufficient men in his district who could qualify for office. Mr. Sifton continued :

Under this system public money went direct to the clergy of the Roman Catholic church. They did practically what they liked with it, conducted their schools or not as they saw fit, with the result that the people grew up in absolute illiteracy. Money was used for the purposes of the church and not for education. He lauded the Public School Act, and supported one system of schools where there should be no distinction between one man and another, when the law should know no man's religion but give each and every one the same privilege.

And still the hon. member (Mr. Sifton) stated the other day in this House, that he would give his approbation to this Bill though it was opposed to his conscientious convictions and his past record. Now he is going to inflict separate schools on the people of the new western provinces which will cause this division between the child of one man and the child of another, and will not give each and every one the same privilege. The report of Mr. Sifton's remarks continues :

He said that if the Roman Catholic people were left alone, if the priests of Quebec would leave them alone, inside of three or four years they would accept the public school system.

Does the ex-Minister of the Interior not think that the same might occur in the new provinces of the west, and that if these people are left alone they would be just as apt to accept the public school system there as in the province of Manitoba? Apparently, the ex-minister thinks that not only the priests of Manitoba but the priests of Quebec interfere in educational matters outside their own provinces.

He accused the Conservative government, in passing the remedial order, of buying the votes of the province of Quebec.

What a very high estimate the hon. gentleman (Mr. Sifton) had of the people of Quebec. There was a Conservative government doing what they thought they were obliged to do by the order of the highest court in the realm, and this hon. gentleman (Mr. Sifton) states, that the Conservative government in doing what it believed to be its duty were simply buying up the votes of the people of Quebec. Mr. Sifton further says :

The people of the Red River when they came into confederation never asked for separate schools; never wanted them, and that the clause in the Bill sent to Ottawa demanding them was fraudulently put there by the clergy of the Roman Catholic church.

Evidently the hon. gentleman (Mr. Sifton) has no great love for the clergy of the Roman Catholic church, nor has he that high opinion of the clerical school system that the hon. member for Labelle has. Dr. Montague was the candidate in Haldimand when this speech was made, and the report states :

Mr. Sifton asked why Dr. Montague took such an interest in this matter? It is because the Roman Catholic clergy are a well organized body and because they have a political influence in Canada which is not to be sneezed at.

Language more forcible than polite I admit, but still when hon. gentlemen opposite claim that the clergy of Quebec never had any influence, never tried to exercise that influence in political matters, the ex-Minister of the Interior states that they are a well-organized body and that they have a political influence in Canada that is not to be sneezed at. He goes on still further :

During the last hundred years you will find that wherever a constitutional Act was prepared of an organizing character, you will find that something is drawn which indicates the hand of the clergy is there. The language may be the language of the Canadian politician, but in every case the voice is the voice of the church.

Now, Mr. Speaker, we have before us today a measure of an organizing character, creating two new provinces out of these vast territories in western Canada. Is it to be believed that this is the sole exception that has taken place in 100 years in which the clergy's hand has not been seen? I wonder if the Minister of the Interior were he to mentally recall those utterances of his in 1895 when he said that during the last 100 years there has not been a single instance where anything of an organizing character has taken place that the hand of the clergy has not been seen would claim, if he were to speak according to his honest convictions that the same thing is not occurring at the present day. He went on :

If the people of Canada approve of the Act of the government it means that the Roman Catholic church of the province of Quebec can practically get anything they like from the government of Canada.

Mr. Speaker, I would commend these utterances to the right hon. gentleman who leads this House (Sir Wilfrid Laurier) and if he can find in them that spirit of tolerance and Christian charity of which he spoke, if he can find in them that broad-mindedness that soaring to the very pinnacle of statesmanship, that breadth of mind and desire to discuss questions of this character with the object of promoting peace and harmony of which he spoke, then I will attribute to him a great deal more perception than I possess, but I must confess that I believe he himself will be in need of that pillar of cloud by day and pillar of fire by night to show him the way and give him the light. The ex-Minister of the Interior (Mr.

Sifton) is not the only gentleman who took strong ground against interference in provincial matters of this character and in favour of a national as against a separate school system. There is our friend the Minister of Finance (Mr. Fielding) who is reported in the Halifax 'Chronicle' in March 6, 1896, as speaking at Windsor in the following words—

Mr. SAM. HUGHES. Is that the present Minister of Finance?

Mr. W. J. ROCHE. The present Minister of Finance, then premier of Nova Scotia.

In Manitoba they have prescribed exercises which contain nothing that ought to be objectionable to any body of Christians, and if there are, means can no doubt be found to remove the cause of complaint without Dominion interference. Why should we not believe that Manitoba will be reasonable in this matter? The Manitobans are not African savages.

Why cannot we trust the people in the new provinces of the west? Neither are they African savages. They are dominated by the same spirit of fairness and justice as the people of Manitoba. He goes on:

I will venture the statement that the true interests of the Roman Catholic citizens of Manitoba will be better advanced by the policy of conciliation than by the policy of coercion. This Remedial Bill that the government are trying to enforce upon an unwilling parliament, even if it should pass, cannot settle the question. It would be an attack on—

On what?

—an attack on provincial rights. . . . If the Roman Catholics are ever to obtain a solution of this question which is worth having they must obtain it through the good will of the majority of the people of the province to which they belong.

And if the hon. gentleman were to speak his conscientious sentiments he would state equally to-day that the people of the west, the Roman Catholic citizens of the new provinces in the west, will have a better chance to secure their rights and all their privileges through the good will of the majority of those who will people that part of the Dominion. But the hon. gentleman goes on further:

I ask the people of Hants county and the people of Nova Scotia to stand by the principle of free schools in the case of Manitoba, just as they would stand by it in their own province. . . . We in Nova Scotia know the value of a system of free public schools. We have shown in the past that while we may differ on many questions we are practically a unit in support of that system. . . . If the Dominion authorities should attempt to interfere with our school system, if they should attempt to impose on this province the system which they are trying to force on Manitoba, we would expect to have the sympathy of the friends of free schools elsewhere, and we would expect the people of the western provinces to give us their sympathy and support in such a condition. Let

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us to-day give them our hearty support in the struggle until we find that they are not amenable to reason.

Then he goes on to give credit to Sir Charles Tupper for the Nova Scotia school law and he says:

What can we say of the position of that gentleman to-day, who instead of standing up as the champion of a free school system, and resisting those who attack it, scrambled into parliament—

In what manner? Why here is another gentleman testifying to clerical influence which the hon. gentlemen opposite say is all a myth. According to the present Minister of Finance Sir Charles Tupper was scrambling into parliament

—through the unfair influence of the Roman Catholic pulpits of the county of Cape Breton, and is now devoting the evening of his life to the work of destroying the free school system of Manitoba and forcing upon that province a system which he would not dare to attempt to force upon the province of Nova Scotia.

And yet the hon. gentleman is to-day voting,—I think against his own conscience—to impose upon the people of the western provinces a system of schools that may turn out equally objectionable in those new provinces in the future.

In a letter addressed to the 'Casket' on March the 14th, 1896 the same hon. gentleman states:

Only as a last resort and when every other possible method of settlement has failed can there be any justification for federal interference in the educational affairs of any province in the Dominion.

Again in a letter to the same paper dated April 4th, 1896, he says:

The uproar is upon us; already the blaze of religious strife has been kindled and is being vigorously fanned every day by the efforts to coerce Manitoba.

And now they are doing the same thing themselves only they are sugar-coating that word 'coercion' which was so bitter to their taste in 1896.

Again on March 6, speaking at Windsor he stated:

I believe that the people of Manitoba if left alone will settle this question for themselves. Why should we not believe this? We know from our own experience in the maritime provinces that it has been found possible to maintain a free school system and to administer it so as to make it acceptable to the people of every class and creed. We hear no complaint of the Nova Scotia school law. The Manitoba school system is practically the same as the Nova Scotia.

And yet the hon. gentleman told us the other day that to-day if not by law by practice they are practically in the enjoyment of separate schools in Halifax, and in some parts of Nova Scotia, to a greater ex-

tent than under the school system of the Northwest Territories. These schools were secured through the good will of the majority and when the hon. gentleman was asked a pertinent question by the hon. member for East Grey (Mr. Sproule) why we should not expect the same result in the new provinces of the west he states: Possibly so, but when 41 per cent of the population have a suspicion that they may not get that fairness it is only right we should respond to their demands. In other words 59 per cent of the population have to be governed by the wishes of the other 41 per cent.

The ex-Minister of the Interior is not in accord with the Prime Minister on his constitutional argument. He states that he largely agrees with the views of the leader of the opposition (Mr. R. L. Borden) but still he is going to support the Bill. In fact he has stated that the whole question should be left to the provinces. On page 3256 of 'Hansard' he is reported as follows:

But for my part I have no hesitation in saying what my own opinion would be. It would be that the province ought to be left entirely free to deal with its own educational affairs.

This was the opinion expressed by that hon. gentleman, but still he is not going to carry it into effect by voting against this Bill. He went further:

I am convinced it would be better for the Roman Catholic people of the Northwest Territories if the legislature were left absolutely free.

And again:

I do not think they would be able to convince me that it would not be better that the legislature of the Northwest Territories should be free.

If the hon. gentleman desires to be consistent and vote according to the convictions he thus expressed, would he not oppose this clause which is not going to leave the people of the Territories free to deal with this matter? Why should he set up one policy to be carried into effect in his own province and a diametrically opposite one to be carried out in the new provinces? If he had changed his opinion, if he had been converted, as the hon. member for Western Assiniboia (Mr. Scott) has been with regard to the land clause, if he had conscientiously recanted his old time convictions, he might have an excuse, but he has not. What therefore is the reason he gives boldly and unblushingly in the presence of this free parliament why he is going to support the Bill. Did he take any high moral ground? Well, this House can judge for itself. This is the ground he took:

I came to the conclusion that whatever anybody else might do, my course is perfectly clear. I should, when this question came up, be in a position to speak with the freedom with which a member of the government could not speak, and I should be called on to decide to what

extent and how far I would be prepared to compromise opinions which I had publicly expressed, and opinions which I still hold, in order not to destroy—

What?

—in order not to destroy the government of which I have been a member.

Here we have the secret—party exigencies. It is on that high moral plane that the hon. gentleman is going to support this Bill. He went on:

That question which comes to every man in public life sooner or later comes to-day to a good many men in this House of Commons. The question is how far a man is justified in compromising his opinion for the purpose of preventing a political crisis.

How very solicitous the hon. gentleman was about precipitating on this country a political crisis! He followed in the wake of his colleague, the Minister of Finance. That hon. gentleman was aghast at the idea of the leader of the opposition being called upon to form a government, because that government would have to be, according to him, a Protestant government, and then the country would go to the bow-wows entirely. Mr. Speaker, I think that is an insult to our Roman Catholic fellow-citizens. It is an insult to them to imagine that the leader of the opposition could not get any one of that faith to come in and form a government with him simply because he desired to leave to the new provinces the entire control of their educational system.

The hon. member for Edmonton told us that all the petitions which have been coming here for the past month, the meetings that have been held, the resolutions that have been passed, were simply for the purpose of creating political party capital. I would ask him if the Toronto 'Globe' is so solicitous for the welfare of the Conservative party that it is opposing this Bill. I will give that newspaper the credit no matter how much it has tried to trim since, it did at one time take the proper ground and stand for the old landmark of provincial rights which Liberals advocated in the years gone by. Surely the hon. gentleman does not mean to say that the Toronto 'Globe' is animated solely with the desire of putting a Conservative government into office. The whole independent press, almost without exception, are condemning the government on account of this Bill. And what about all these strong old time Liberals which the hon. member for Ottawa (Mr. Belcourt) called renegade Liberals because they happened not to see eye to eye with the leader of the government and his colleagues in this matter. Is Mr. T. C. Robinette, of Toronto, who was a candidate in Toronto Centre at the last general election, and who would be candidate at the next election in that riding, were the government not afraid to test public opinion there,—is Mr.

Robinette animated by a desire to see his own party defeated and replaced by a Conservative administration? And what about Mr. Willison, the biographer of the leader of the government, his strong admirer and life long friend? Is he taking the public platform against this measure simply because he is animated by a sudden zeal in the interests of the Conservative party? Is Mr. Thomson, King's Counsel, also taking the platform in the interests of the Conservative party? And Mayor Urquhart and all those other gentlemen who are members of the Liberal party—are they animated by a like motive? Oh, but say some hon. gentlemen opposite, they have been misled. These intelligent gentlemen, equally as intelligent as any to be found in the Liberal ranks, just as intelligent as the hon. member for Edmonton and the hon. member for Ottawa and the hon. member for West Assiniboia—these gentlemen we are told have been misled. But surely they will not accuse the hon. member for North Simcoe (Mr. McCarthy) with having been misled when he got up and denounced this Bill. It may be, Mr. Speaker, that he spoke too soon but he none the less denounced the measure, and he has always given faithful support to this government ever since 1896, when he first entered the House. Surely he is not to be called a renegade Liberal or even a man who has been misled. Again look at the Laurier Club, composed of some of the brightest minds in the city of Toronto, which passed resolutions condemning this measure. Are we to be told that that club was animated by a desire to benefit the Conservative party? Then we have the Indian Head Liberal Association passing a resolution which was read here the other evening by my hon. friend from Qu'Appelle (Mr. Lake) in which they condemn, not the original clause, but the amended clauses. The resolution reads as follows:

We, the members of the Indian Head Liberal Association desire to enter a protest against the educational clause in the Autonomy Bill, believing that such is an interference with provincial rights. The clause, as amended by the compromise Bill now before parliament, does not in our opinion contain any modification of what we believe to be an infringement of our rights as a province, and for this reason we emphatically protest against the Bill as remodelled.

Copies of this were sent to the Rt. Hon. Sir Wilfrid Laurier, the Hon. Clifford Sifton and R. S. Lake, M.P.. This association is composed of gentlemen who live in the constituency of Mr. Bulyea, a member of the territorial executive. All the ministerial associations in almost every province in the Dominion have been heard and they are all in the same language, and many of these who signed the petitions and signified their protests, never gave a Conservative vote in their lives. Still they are out doing what they believe to be in the best interests of

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education and of the western people. Was the legislature of British Columbia also animated in the interests of the Conservative party when they passed a resolution the other day unanimously condemning the Bill, and asking that educational affairs be left entirely to the new provinces? I do not know whether the members from British Columbia in this House are going to be guided by this expression of opinion, but I do know that in the local legislature of British Columbia the parties are almost equally divided, the government having only three or four of a majority. And this resolution passed that House unanimously and without a single adverse criticism:—

This House regrets that in the Bill submitted to the Dominion parliament granting autonomy to the Northwest Territories there is an interference with provincial rights in regard to the provisions dealing with their school question.

The ex-Minister of the Interior (Mr. Sifton) states that there is a vast difference between the amendment and the original clause. As a layman I fail to see the difference. Those schools are to be maintained, under either clause, in much the same way. The original clause stipulated that all the moneys appropriated by the legislature and distributed as the proceeds of all sales of school lands shall be distributed in an equitable manner between the separate and the public schools.

The amended clause reads that all the funds arising for school purposes—which includes the proceeds of the Dominion lands and all appropriated by the legislature—shall be distributed without discrimination, that is, shall be distributed in an equitable manner. It is simply a change of the wording without any change of the meaning, so far as I can see, and so far as many other hon. gentlemen, much more conversant with the meaning of legal phraseology than I am, can see. But if the ex-Minister of the Interior takes that view, what view have they in the province of Quebec, as shown by some of their leading party journals? I will read from 'Le Canada' of a couple of weeks ago an article in which great credit is taken for the Prime Minister for standing to his guns and not compromising, but insisting upon obtaining for their people exactly what he sought to get in the first place:

In virtue of the Laurier law, the minority will conserve:

1. The separate schools.
2. Religious instruction.
3. Its share of the taxes.

In addition the minority will have the benefit of section 93 of the British North America Act. The organic law of 1875 contained no such protection, and in truth, a guarantee of a system of separate schools without the insertion of section 93 is illusory. If in the future the legislature should pass a spoiliatory law, abolishing the rights of the minority, the minority will have these powers:

1. An appeal to the courts.

2. An appeal to the Governor General in Council for remedial legislation.
3. The process of disallowance.

Then it goes on :

Some people supposed Sir Wilfrid Laurier would recede as a result of the clamour raised on this question by the fanatics; but he remains firm to the original proposal and is giving the legislation which he at first announced.

So, Mr. Speaker, you can exactly see the game. It is the old game of 1896—in the province of Quebec the cry will be that Sir Wilfrid, one of their co-religionists and compatriots, has protected their rights; he has not given way at all; the Minister of Justice (Mr. Fitzpatrick) successfully concealed the intended meaning of the law even from the expert eyes of the Minister of the Interior. On the other hand, Mr. Sifton and his colleagues from the west will go to the people there and point out that the ex-Minister of the Interior (Mr. Sifton), brave man that he was, clapped a pistol to the head of his leader and compelled him to yield on clause 16, though the Minister of Justice had successfully deluded all the western members, yet, when the ex-Minister of the Interior appeared on the scene, his shrewd eyes detected what the Minister of Justice desired to incorporate in the clause, and made them remedy it, making amendments in accordance with his views. I say it is the old game of 1896 played over again—one cry in one province and an entirely different cry in another province.

Now, I was somewhat surprised to hear the hon. gentlemen on the other side from the province of Quebec praising this measure, considering that they were the great sticklers for provincial rights in days gone by. Only a few years ago a Bill was introduced in this House to create a Dominion medical council. The object was to allow our medical practitioners to appear before the council and boards of examiners that would allow them the privilege of practising in any province of the Dominion without being compelled to submit to an examination in the respective provinces. One result of this would have been that we should have had the privilege of practising without registration in the motherland, a privilege that is now denied us, because we have no degree for the Dominion of Canada. It was provided in this Bill that whenever five or more provinces passed legislation concurring with this Bill the measure should become law. And whence arose the opposition that prevented the passing of the Bill in that form? Why, from these hon. gentlemen from the province of Quebec, who took strong grounds against the measure, because, as they contended, it was an invasion of provincial rights. They were so jealous of their provincial rights, they were so desirous that no one should practise in their province without passing their provincial examination, that they stood in the breach

and compelled the Prime Minister (Sir Wilfrid Laurier) to recede from the position he originally took and to cause the Bill to be amended so as to provide that it should not become law until every province in the Dominion had passed concurrent legislation. And since then, it is this province of Quebec that has stood in the breach and prevented this concurrent legislation being passed. Every other province in the Dominion has either passed the legislation approving this Bill or has expressed its willingness to do so—Quebec is the only one that refuses. And its ground for refusal is simply that the Bill would interfere with their provincial rights. And yet this is the province whose representatives are refusing provincial rights to the new provinces in the west.

The hon. member for West Assiniboia (Mr. Scott), in the course of his speech on Friday evening last, took occasion to congratulate—and properly so—the hon. member for Qu'Appelle (Mr. Lake) upon his excellent speech. The hon. member for Qu'Appelle certainly distinguished himself, both in matter and in manner, and made a speech which was a credit to himself and to those who were wise to select him as their representative. Therefore, the hon. member for West Assiniboia was wholly justified in the compliment he paid. But before he had finished his compliment—though not wishing to be at all uncharitable to the hon. gentleman—it appeared that he desired to pay himself a compliment, and took this method of preparing that compliment for my hon. friend from Qu'Appelle and then politely handing it to himself. I do not know whether I have formed a wrong impression, but I will read the remarks of the hon. gentleman (Mr. Scott) and leave the House to judge :

If it would not be presumptuous on my part to say so, I would congratulate the House, I would congratulate the Northwest and particularly I would congratulate our hon. friends opposite upon their acquisition of that hon. gentleman, who was elected last November to represent the district of Qu'Appelle. Of course, I do not quite agree with every one of the sentiments expressed by that hon. gentleman; but I will say this for him, that he made the class of speech that friends of the Northwest Territories desired to be made before this question of provincial autonomy was determined, and before the details and terms were determined; it was the class of speech which the true friend of the Northwest felt it proper to make and—

And here are the words to which I have referred :

—just the class of speech I have made myself the first session I came into this parliament.

If the hon. gentleman (Mr. Scott) made that class of speech when he first came into this parliament, I am sorry to say that he has greatly deteriorated in his latter-day utterances. For, if any one has taken the

trouble to look up 'Hansard' during the last parliamentary term, or any one who has listened to the hon. gentleman when he has, time and again, made the most unwarranted personal attacks, especially upon the hon. member for West Toronto (Mr. Osler), who is to the hon. gentleman (Mr. Scott) the proverbial red rag to the bull, he cannot but feel that the hon. gentleman has fallen far below the high standard which he tells us he assumed when he came into this House.

Mr. SPROULE. He was throwing bouquets at himself.

Mr. W. J. ROCHE. And they were not petrified bouquets either. We have not to go further than the hon. gentleman's speech of last Friday to prove the accuracy of my statement that the hon. gentleman has fallen away from the high standard which he says at one time was his. We who had the privilege of listening to the hon. gentleman on Friday will realize the very severe and uncalled for, not to say unkind and utterly unwarranted, attack which he made upon the Prime Minister of the Northwest Territories. He could scarcely say anything too bad of that hon. gentleman. He called him a rank partisan, and said he was guilty of the grossest misrepresentation ever indulged in in the whole Dominion of Canada. This hyperbole—let us call it, though rather a mild term to express our feelings—gives one an idea of how the hon. gentleman has fallen away from the standard which, he says, was his early in his parliamentary career.

But the leader of the opposition also came in for criticism of a most unfair kind in connection with his speech of last Friday. Not only was the hon. gentleman unfair to the premier of the Territories, but he was most unfair in garbling the utterances of the leader of the opposition. The leader of the opposition had taken a certain stand on the land clause, he took the position that these lands should be handed over to the new provinces, that they should be administered by the new provinces in the interest of the people residing there, and he took up the argument used by the leader of the government and some other hon. gentlemen on that side of the House, contending that they should not hand these lands over, as it might interfere with the immigration policy of the Dominion government. Touching upon that question, the leader of the opposition spoke as follows:

Are they not the people chiefly interested? May we not rightly conclude that if these lands are handed over to them they will so deal with them as to best conserve their own interests by forwarding and assisting a vigorous policy of immigration?

Now, the hon. member for West Assiniboia (Mr. Scott) left out that portion of the sentence completely. He started in the middle of a sentence, and he finished before the end of the sentence, finished at a comma

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and tried to create a wrong impression, entirely contrary to that which the hon. leader of the opposition intended to convey to the members of this House. This is where the member for West Assiniboia began the quotation:

May I not further suggest that even if there were any danger—and I do not think there is—it would be the task of good statesmanship to have inserted, if necessary, a provision in this Bill with regard to free homesteads and the prices of these lands,—

Now, there is a comma, that is where the member for West Assiniboia stopped, and he did not quote the following words which I will now read:

—and obtain to it the consent of the people of the Northwest Territories.

Had he quoted that last portion of the sentence it would have done away with the force of his argument. He tried to make out that this expression on the part of the leader of the opposition was an infringement and a gross violation of provincial rights. But had he included the latter expression, 'and obtain the consent of the people of the Northwest Territories,' of course it would have taken away entirely the ground for his contention. And mark you, Mr. Speaker, this is the gentleman who is aspiring to the vacant portfolio of the Minister of the Interior. The member for West Assiniboia has stated in this House and in public meetings that he was opposed to the autonomy before the Canadian Pacific Railway tax-exemption was finally settled; and I am credibly informed that, either at Moosejaw or Medicine Hat, during the last campaign, he stated that he would vote against an Autonomy Bill unless, before that measure was produced, the question of the tax exemption of the Canadian Pacific Railway was entirely settled, that it would be dangerous on the part of the Dominion to grant autonomy to the Territories before that question had been finally adjudicated by the Privy Council. Now, has that question been finally passed upon? It is true that it has passed through the courts of Manitoba, it is true that there has been an appeal to the Supreme Court, and the decision of the Manitoba courts has been reversed; but it still has to run the gauntlet of the Privy Council, and we know how frequently Supreme Court decisions are overthrown by the Privy Council. Still this question is not settled, it is still open for decision, and the member for West Assiniboia is giving his hearty endorsement and support to this Bill in face of the pledges he made to his electors on this question.

Now, I have here some quotations from the hon. gentleman's own paper, and I will read from the Regina 'Leader' of October 22, 1903. This paper is edited by the hon. gentleman himself. I find that the hon. gentleman writing from Ottawa, no doubt

with his own pen, sent the following communication to his paper:

He explained the effect of the Manitoba Supreme Court judgment given in March last upon the Canadian Pacific Railway tax exemption cases, which left all Canadian Pacific Railway lands and property in the Northwest Territories liable to school taxation as long as the area was not a province—a right of taxation which would not exist to-day had a province or provinces been created. Until this judgment was confirmed or upset by the Privy Council, Mr. Scott failed to see how the Northwest could afford to accept autonomy.

Then again on November 12 in an editorial of the Regina 'Leader' I find the following extract:

If the cases were finally settled there would no longer be a reason for delay. Until the cases are finally determined, final settlement of the autonomy question will remain a matter of practical impossibility. But the people of the Northwest contend that the new provinces must not be handicapped with any such tax exemption provisions. We contend that when erecting the province parliament must negotiate with the company for abrogation of the rights to exemption guaranteed to it by its contract. Now does any sane person think that parliament is in as good a position to enter into negotiations now with the Canadian Pacific Railway Company for the abrogation of the exemption rights, as parliament will occupy after the test cases are finally settled if the Manitoba Supreme Court's judgment be upheld by the Privy Council.

The hon. gentleman was very staunch in the month of November, 1903, in his opposition to autonomy being granted to the provinces at all until this Canadian Pacific Railway tax exemption case was entirely out of the way and settled by a decision of the Privy Council. To-day he is supporting this Bill, and that question still remains unsettled. The hon. gentleman also took strong grounds in days gone by in favour of one province. He spoke strongly in favour of one province, he has written strongly in favour of one province, and to-day he is voting in favour of two provinces. For he states on page 3751:

I may be permitted to say that I was myself quite strongly in favour of the proposition that only one province should be created; and even yet, looking at the question purely from the local and territorial point of view, I can see no reason why one government, one legislature, one set of machinery, should not have been sufficient for that territory.

Still he is voting for a Bill that provides for two provinces. He also took exception to the boundaries; he claimed that the present eastern boundary of the district of Alberta should have been the dividing line. That is not the dividing line under this Bill, but he is supporting the Bill with all the enthusiasm at his disposal. And, Mr. Speaker, while he is doing this he is calling the premier of the Territories, Mr. Haultain, a rabid partisan because he advocates the

very same things, and because he has been consistent enough to maintain his position. The hon. member for West Assiniboia also took strong ground in the past in favour of having the land retained by the provinces or handed over to the provinces; he took that ground in the year 1901, as quoted in 'Hansard' in the following words:

If the proper principle is adhered to, if the principle of absolute equality is observed, if parliament places the new provinces upon an equitable basis of local government, giving a proper grant for the government, also a per capita subsidy, and what may be shown to be due as a debt allowance, they will be put in possession of the public resources, lands, timber and minerals in the same way as the other provinces were put in possession of these resources.

Here was a strong expression of that hon. gentleman in favour of having all the lands handed over to the provinces. And what does he give as a reason for changing his opinion in this regard? He says that owing to his youth and inexperience he gave voice to opinion which was looked at in 1905 as an inaccuracy, that, as a matter of fact these other provinces were not put in possession, but they merely retained possession of their own lands. Then, he says:

These other provinces are not put in possession, but left in possession of these resources. Very young members sometimes fall into inaccuracies.

The hon. gentleman evidently has not got over his youth or he would not play the part of a weathercock politician being wafted hither and thither by every speech that is made in this House. We want a strong man at the head of the Department of the Interior. We do not want a man who is changing his opinions every day. The hon. gentleman states that he has changed his opinion on this question and he gives as his reason that he was influenced by the speeches made by the hon. member for Edmonton (Mr. Oliver) and the hon. ex-Minister of the Interior (Mr. Sifton). Now, he has been speaking on public platforms in the past, he has been associated with his fellow westerners and he knew what their opinions were on this question. He has conversed with them in private and in public, but it only remains after these Bills are introduced and after he has listened to a couple of speeches in this House that were probably repeated to him in private on many occasions for the hon. gentleman to change his opinion. Under these auspices he gave utterance to the following statement in this parliament:

But I may say, that in 1901, when I made that statement, and even later, the principle found no general acceptance in this House or amongst any of the people east of the great lakes; and my main purpose in uttering these words here was to try and impress upon the people of

eastern Canada the necessity of recognizing the right of possession or, at least, of a beneficial interest in the lands of the Northwest Territories by the people of these Territories.

In other words the hon. gentleman went forth as a missionary to instruct and to convert the people in the eastern provinces to his view-point as to this land question with the result that the hon. gentleman was converted himself. He is drawing rather a long bow when he says that these opinions found no general acceptance in this House because my hon. friend the leader of the opposition has given voice to these same opinions for years past. In his speeches in the west and in this House during all the years that this autonomy question has been discussed in parliament he has expressed his opinion in favour of handing these lands over to the provinces. If the hon. member for West Assiniboia has not stated, some other hon. gentlemen have stated that one reason why these lands should not be handed over to the new provinces is that they might be at the mercy of land speculators. Fancy under provincial management these lands being more likely to be exploited than if they were under the management of the ex-Minister of the Interior and his officials of recent years! Under provincial management would there have been 250,000 acres of wheat lands handed over to the Saskatchewan Valley Land Company at \$1 an acre?

When this matter was up in the House for debate that hon. gentleman was forced to admit that 150,000 of these 250,000 acres had been handed over practically illegally, because he did not know whether the conditions of settlement had been complied with or not. He admitted that there had been no inspection to see whether the settlers were on the land or not, and when he was pressed further he admitted that they had been handed over without his knowledge, without the knowledge of his deputy and without their consent and that when they found that out they gave orders that no more lands were to be handed over until an inspection had been made. After the horse was stolen they ordered the stable door to be locked. When pressed still further to state who had done this, what was his reply?—an official of the government; and when pressed still further to state what was that official's name, the ex-Minister of the Interior stated that he did not know. Fancy the responsible head of the department, responsible for all the transactions taking place under his administration finding out that 150,000 acres of land had been illegally handed over to a company without complying with the conditions—having beside him his deputy who was an official of the government—and never taking the trouble to inquire that official's name! Well, we are very gullible sometimes on this side of the House, but we are scarcely so gullible

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as to give credence to such a statement as that except in the parliamentary sense. I fancy that the hon. member for East Assiniboia (Mr. Turriff) who was at that time the Dominion Lands Commissioner might be able to explain who this official was who illegally handed over that 150,000 acres to this company. The hon. member for West Assiniboia, in his paper, the Regina 'Leader' of Thursday, May 29, 1902, after the election had taken place, used the following language in the form of a heading:

HAULTAIN ENDORSED

By the overwhelming majority of the electorate and given a most emphatic mandate.

The people are in favour of one province—General administrative policy approved.

And so on.

Because the leader of the territorial government still maintains that there should be only one province and because he has seen fit to maintain his position in an open letter published in the country the hon. member for West Assiniboia says that he is a rank partisan. Speaking of the lands of the Northwest, the hon. member for West Assiniboia writes in the same issue of his paper:

The lesson of the election is very simple. The administration of the Northwest Territories is approved, and the policy of the executive is endorsed. The command of the electorate is 'as you were.' . . . As to the policy of the executive it is at present virtually confined to one question, that of the provincial status. Premier Haultain is returned to carry out the plan he submitted to the Dominion government and to the people of the Northwest. The plan is nothing new. Premier Haultain has been trying to carry it out for years. He has educated the people into the understanding of it and belief in it. All he has to do is to continue along the road he has been travelling for some time past. That is the road along which his followers have faithfully accompanied him and it is the direction to which he is pointed by the elections that have just taken place.

That hon. gentleman was evidently an ardent admirer of the premier of the Territories no longer ago than May 29, 1902, and later. One reason why that vicious personal attack was made upon Mr. Haultain the other night by the hon. member for West Assiniboia was that that hon. gentleman has not even to this day got over the castigation that he received on several platforms in the west at the hands of the premier of the Northwest Territories, and he desired in a measure to get even with that gentleman in parliament when that gentleman was not privileged to say a word to defend himself. In the same paper, of Mr. Haultain, whom he then lauded and whom he now calls a rank partisan, he writes as follows:

The country, therefore is to be congratulated that once again the Haultain administration

will be returned to power. We do not suppose the history of any country can show as much good achieved with such inadequate means, and so few mistakes made in the face of great difficulties as have characterized the Northwest government ever since Mr. Haultain has held the helm. The premier once said that if persons wanted to know his policy they would find it in the ordinances. That is true; but it also manifests itself elsewhere. Mr. Haultain may well tell any one seeking his policy to look around. The schools that dot our prairies are the pride of our towns; the public works that are everywhere visible for the use, convenience and profit of the settlers; an up-to-date agricultural department; and the vigilant watch over the Northwest at Ottawa, all speak of a policy which the people of this country ought to be proud of and to this policy has to be added the statesmanlike proposals by which Mr. Haultain has continually urged we should reach the provincial status. Eye has not seen nor ear heard, neither hath it entered into the heart of any other man to conceive the good things Mr. Haultain claims as our right in regard to the matter of becoming a province.

Mr. Scott was so strongly in favour of Mr. Haultain then, that he wrote and spoke strongly in his support. To-day, Mr. Haultain maintains exactly the position he took in this Bill of rights of his and for which he received the endorsement of the electors of the west, but Mr. Scott is no longer supporting him. Which do you consider the rank partisan; the man who sticks to his old-time policy, or the man who, because of party feelings has sunk his personal convictions and his past record, and who to-day supports a Bill that gives two provinces instead of one; that does not fix the boundaries as the people of the Territories wished them to be fixed; that refuses the new provinces the ownership of their public domain, and that takes away from these new provinces the control of education. As a usual thing, I do not read copious extracts, but I have on this occasion to borrow the habit from the member for West Assiniboia, because it is only right that the members of this House should have their memory refreshed as to the views held by the hon. gentleman on these questions a short time ago, and which are diametrically opposed to the views which he says he holds to-day. Mr. Scott continues:

No man in Canada has so thorough a grasp of the problem under consideration as Mr. Haultain. Step by step he has brought the Northwest to its present position. Territorial history since 1888—and fourteen years is no short period as political life goes—is his history. For the pressing of the negotiations with and possibly against the federal authorities, we want our strongest and best equipped man. Without doubt Haultain is such a man. He has the facts and the arguments at his finger ends, the subject is now almost part of himself. The people of the west have reason to be proud of their present premier.

Mark you, this is the language of the member for West Assiniboia (Mr. Scott) but

a short time ago, and yet the other day we heard him use strong language against Mr. Haultain, simply because Mr. Haultain has seen fit to be consistent.

The people of the Northwest have reason to be proud of their present premier. Under him they have had good and economical and careful government. Largely under his direction a body of laws admirably suitable to new and therefore difficult conditions, have been framed bit by bit and without any violent or disturbing changes. He is fit to stand side by side with any of Canada's public men and ask no odds, as those who heard him in the debate with Premier Roblin at Indian Head last December well know. He is without question the man for the job, which is no light one.

This again is Mr. Scott's language. The other day the hon. gentleman (Mr. Scott) told us that he based his present action very largely on the fact that when the Northwest Territories Act was put through the House in 1875, the Hon. George Brown took a certain position which he proposed to follow. For instance, the hon. member for West Assiniboia said:

And George Brown who did not support the legislation; what did he say?

The moment this Act passed and the Northwest became part of the union, they came under the Union Act, and under the provisions with regard to separate schools.

In the face of that language, if the late Mr. Brown were still alive and had a seat in this House and were confronting the legislation which we have before us, what would he do? Support the protection to minority rights? Certainly. That therefore should I do even if I might be as violent an opponent of separate schools as Mr. Brown was.

It will be noticed that the hon. gentleman (Mr. Scott) speaks out for the rights of the minority. What rights? The rights they secured under the Act of 1875. But these are not the rights the hon. gentleman (Mr. Scott) is contending for, because he says the rights given the minority under the Act of 1875 have been whittled away by the Territorial government so that with one breath he contradicts what he says with another. The hon. gentleman takes the position that George Brown was in favour of these rights that were to be maintained for all time once they were crystallized into law, and he says that he takes the same ground as George Brown, but as a matter of fact the hon. gentleman (Mr. Scott) is only contending to-day for minority rights which he says are far less than were given to the minority under the Act of 1875. The hon. gentleman for West Assiniboia further says:

I believe—and the large majority of the people in the Northwest Territories that I have heard from since these proposals were brought down also believe—that provincial rights are being granted to them in the fullest sense in which they are enjoyed by any other province of Canada.

The hon. gentleman (Mr. Scott) has fallen into another youthful inaccuracy. Can he

point to any other province in the Dominion—save Ontario and Quebec and they only by reason of compact—can he point to any province in the Dominion that has not absolute control over its educational system. If he cannot point to any other such province, and I challenge him to do so, then what becomes of his contention that the new provinces are going to be placed in the same full enjoyment of provincial rights as any other province is in the Dominion of Canada. The hon. gentleman was also inaccurate when he said that the draft Bill of Mr. Haultain contained provisions that would have perpetuated ecclesiastical schools. Well, the framer of that draft Bill does not agree with the hon. member for West Assiniboia. The framer of that draft Bill meant that the British North America Act should apply which gives sole control to the provinces over educational affairs. When the hon. member (Mr. Scott), in order to suit his own party purposes, desires to read into that draft Bill a meaning that the framers of the Bill never intended it should have, he is taking a stand which he cannot maintain for one moment. Of course he is privileged to read into the draft Bill any ignorant meaning he may desire, but his doing so will not change the true intent of those who framed that clause. That clause was drafted, as I understand, under the guidance and direction of the premier of the Territories, and of the present Chief Justice Sifton and his then deputy, the present Judge Harvey. These gentlemen decided that the clause should be drafted so that the provinces should have absolute control over their educational affairs, and Mr. Haultain so interprets the clause to-day, and indeed it is the only sane interpretation it will bear. I do not wish to discuss this from a legal point of view, although my lay opinion might be equally as good as that of the member for West Assiniboia; I simply give you the opinion of the leader of the Territorial Executive on the matter, who says that this draft Bill was framed in accordance with the desire of the people of the Territories to control their own educational affairs, and that it was sent down to the Ottawa government with that object in view. And, Sir, if that draft Bill had the meaning which the member for West Assiniboia attaches to it, how is it that the right hon. the Prime Minister, astute as he is, and now is it that the lynx-eyed Postmaster General did not discover such a meaning? They are both legal gentlemen learned in the law, and yet it remained for the layman from West Assiniboia to read into the Territorial draft Bill a meaning that the Prime Minister of Canada and the Postmaster General failed to see. The member for West Assiniboia has stated that if he were one of the minority he would never consent to taking out of this Bill the guarantee of separate schools. In one breath the hon. gentleman states: We have practically no separate schools up

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there, it is a national school system. They have the same text books, the same qualifications for their teachers, the same inspection, nothing different at all except a separate school-house. And still he says:

I say, looking at the history of Manitoba and the Northwest Territories, that if I were a member of the minority I would not consent to have the guarantee cut out,—

What guarantee? For the rights of the legislation of 1875 which he stated George Brown contended would exist for all time to come once they were incorporated in the Act of 1875, or is it just the vestige that is left which according to his own language would disappear in a very short time if the guarantee were cut out.

—because I believe the time would come, and that not in the very far future, when the final vestige of the separate school would disappear.

He takes exactly the opposite ground from that taken by the hon. Minister of Finance because the Minister of Finance states that if this Bill becomes law the separate schools, the few there are, will disappear. That in effect is his argument and that is the impression made on this House. But the hon. member for West Assiniboia (Mr. Scott) says that if this guarantee is cut out then the only vestige of separate schools which they have will disappear and that in the not distant future. The hon. gentleman has quoted very extensively from some comments made in the press in the Northwest Territories in order to prove to the members of this House that the people there are quite satisfied with the present Bill as it is presented to this House. There are other papers up there besides those from which the hon. gentleman quoted, and I shall inflict a few of these comments upon the House. For instance the Medicine Hat 'Times' says:

The west has had a rude awakening. Until a few days ago everybody believed the Act creating two provinces here would not interfere with the school question, but Sir Wilfrid Laurier's government has added a clause to the Bill which, if not promptly withdrawn, will raise such a storm in the Territories that may take years to subside. The best the west will get out of it will not compensate for the fearful disturbance it will occasion. . . . New settlers coming in should be greeted by a united people having but one object, namely, the development of the country, not hideous dissension over educational matters. Words are too weak to express the indignation and regret which must be felt by all true lovers of the western country.

Evidently the writer of this article knew who was precipitating this question into the political arena and did not blame it on this side of the House. He took issue with that view.

The Moosomin 'Spectator' says:

Sir Wilfrid, we think, made a grave mistake when he argued for separate schools on the

ground of their greater efficiency from a moral standpoint, as any such defence is bound to rouse spirited controversy.

The large majority of the people in the Territories express satisfaction with the present school system and are content to have the system continued. But many, believing that the matter of education belongs wholly to the province object to the Dominion parliament's fastening any system, however satisfactory, on any province, as that means an interference with provincial rights. The objection is not therefore so much against the system as against the manner of imposing the system, at least if nothing more is intended than the adoption of the present school system.

The Alameda 'Dispatch' says :

In the interest of the whole community it would be better to withdraw the Autonomy Bill rather than pass it with the present school clause, and thereby impose coercion on the two new provinces.

The Regina 'West' is a paper published in the hon. gentleman's own town. I believe there are three papers in that town and that two of them are opposed to the government on the major portions of this Bill, at least so far as the school clauses are concerned. The one paper that is advocating the Bill in its entirety is the paper edited by the hon. gentleman himself (Mr. Scott). The Regina 'West' says :

However, we may warn the government and the western members that no modification of the education clause or no compromise in its wording will be satisfactory to the people of the new provinces. The people want full and complete control over education and schools, and consequently the clauses now causing trouble should be struck out altogether. It is the right of the province, according to the British North America Act, to have control of educational matters, and nothing short of this full right should be given to the new provinces. If western members consent to and vote for anything less than this they are traitors to the new provinces and traitors to the cause of full provincial autonomy. Anything less than complete control over education and schools is not autonomy. . . . We want none of our people enslaved, but everybody free even unto the whole people. Sir Wilfrid proposes to put every citizen of the new provinces into slavery by not giving full provincial rights. An agitation for full control of education by the new provinces is, as we take it, an agitation for the freedom of Catholic and Protestant alike. We are not discussing the merits of separate or public schools, but the just right of the provinces to deal with the question without federal influence.

The Moosomin 'World' says :

In less than a week, the change that has come over public opinion regarding the Autonomy Bill is most marked and emphatic. This effect, of course, can be and is, no greater than the cause that has produced it. . . . For this state of public sentiment the onus is on Sir Wilfrid Laurier, who no doubt depended on the honeyed sweetness of his smooth language to overcome any opposition to his cunningly conceived religious device.

His coercive scheme, however, cannot obtain, for while the great majority respect religious convictions, of whatever sect they may be, they do now demand the free exercise of legislative power to deal with the education of the youth of our country as the needs of the community require, and as the interests of those immediately concerned most desire.

The Qu'Appelle 'Progress' says :

It is evident that the western members are willing to arrange a compromise whereby provincial rights will be sacrificed. The command of the west should be 'hands off, we can, and have a right to handle our own education,

The Yorkton 'Enterprise' says :

If the new provinces are satisfied with the present separate school system, Sir Wilfrid Laurier's proposed coercive law is wholly unnecessary, and, on the other hand, if the system is not satisfactory, what right has a federal government to dictate to them? In any case, and from every point of view, what Sir Wilfrid Laurier proposes is an unwarrantable withholding of provincial rights. Sir Wilfrid has been a successful leader, but it by no means follows that he will be a successful driver.

Now Mr. Speaker, I have quoted these somewhat lengthy extracts to combat the contention of the hon. member for West Assiniboia (Mr. Scott) that the people are largely satisfied with the Autonomy Bill now engaging the attention of parliament. The hon. gentleman quoted from an interview with the Rev. Dr. Chown, in which it was stated that the doctor at a public meeting at Toronto had stated that he was present in Regina at the time word was received of the provisions of the Autonomy Bill and that there was not a word of discussion raised about the educational clauses. I shall read what Dr. Chown says in a letter to the editor of the 'Globe' in to-night's paper :

To the editor of the 'Globe': I notice in the 'Globe's' report of the address of Mr. Walter Scott, M.P., of Regina, made in the House of Commons yesterday, a statement is attributed to me, to the effect that the people of the Northwest were satisfied with the Laurier government's solution of the school difficulty. He may have been misled by a newspaper report, but I certainly did not make such a statement, as I have no means of knowing the present facts.

The only public utterance I have made about the school question was at a meeting of the Provincial Rights Committee in Toronto, at which time, speaking to a motion made by Dr. Bruce, to petition the House of Commons, the Senate and the Governor General, praying that no further steps be taken until the people interested have an opportunity of expressing themselves upon the issue, I said that I had been in the Northwest for some time during the election contest, and I could bear testimony to the fact that the school question was not discussed at all, and that the vote of November last could not be taken as expressing any opinion upon the matter.

I quite agree with Mr. Scott, as reported in the 'Globe' of Saturday, that the school question was 'not an issue at all in the last elec-

tion,' but from that fact I argued that, inasmuch as it was kept in the background, the people interested in such a matter should be heard before the parliament of Canada finally pass upon the question. Mr. Scott argues that because the issue was not discussed the people must be satisfied with the provisions of a Bill of which they then had no knowledge.

From this conclusion I must dissent, and I may say that, in the interests of a common, enlightened and progressive citizenship, I regret exceedingly that any school system which will segregate different sections of the population during the early years of their education, and give a different colouring to their civic and national ideals, is about to be fastened upon the people yet to inhabit our magnificent heritable in the Northwest.

I believe a solution of sectarian difficulties should be and will yet be possible, in the form of a system of Christian morality upon which all varieties of opinion may agree, to be taught in all the schools of the country.

S. D. CHOWN.

Toronto, April 1.

The hon. gentleman saw fit to refer to Mr. Bulyea. He wondered if Mr. Bulyea had been present with Mr. Haultain in his interviews with the leader of the opposition. Well, I know whereof I speak when I say that from the time the premier of the Territories came to Ottawa at the request of the leader of the government to discuss this question, until this Bill was introduced into this House, he absolutely refused to discuss it with any one, either Liberal or Conservative, because, as he said, he did not think it would be proper to enter into a discussion with anybody upon this question while he was negotiating with the government. But when this Bill was brought before parliament and its provisions made public, he considered he was no longer under any restraint, and has since discussed it with both Liberals and Conservatives, and as freely, frankly and thoroughly with the one as with the other.

I do not wish to trespass at any further length on the patience of the House. I simply desired more particularly to criticise the three leading features, the question of the boundary of Manitoba, the land question and the educational clauses. As to the first, I think I have convinced the House that the reasonable request of the province of Manitoba has been contemptuously treated. I see that the premier of Ontario, taking his cue from the right hon. gentleman's speech, has filed a claim for a certain portion of Keewatin, and also that the new Quebec premier has expressed his intention to make a similar requisition on behalf of that province. It is evident that the object of the right hon. gentleman is being accomplished, but in the meantime the people of Manitoba are in a state of unrest and excitement. As to the land policy, in my judgment the government have no reasonable ground, either from a constitutional point of view or from the point of view of public policy, in withholding those lands from the province. In my opinion also, the open let-

Mr. W. J. ROCHE.

ter of the premier of the Northwest Territories, protesting against the manner in which the provisions of his draft Bill were disregarded, cavalierly treated and passed over, does not contain one expression which any reasonable man can attribute to partisanship, unless it be partisan to be consistent. But if abandoning the very things which Mr. Haultain had provided for in his draft Bill, and which had received the support of the territorial assembly, and even that of the hon. member for West Assiniboia; if abandoning every claim put forward on behalf of the Territories, be consistency, then I am willing to give the palm to the hon. member for West Assiniboia (Mr. Scott). As to the educational clauses, in my opinion they are an interference in matters of purely provincial concern. I believe them to be unconstitutional and impolitic. High legal authorities, such as Sir Louis Davies, judge of the Supreme Court, has declared that this parliament had not the right to interfere in the school policy of the Territories; and should this question ever come up before him for adjudication, he would, if he desired to be consistent, feel bound to give an opinion in accord with the views he expressed in parliament. I have here the opinion he expressed. It has been quoted in this House before, but you cannot emphasize a good opinion too frequently. This is what Sir Louis Davies said in 1891, when the territorial charter was under consideration:

My opinion is now, and has been for years, that when that time comes (the time to erect the Territories into provinces) you cannot withhold from the provinces so erected the right to determine for themselves the question of education in one way or the other. I would be the last to favour this parliament imposing upon the people there any system of education, either free or separate. I only claim that when a Bill is introduced to erect these Territories into provinces that Bill should contain a provision enabling the people of the different provinces so created to decide what system of education they will have.

Surely that opinion is not biased or coloured by Sir Louis Davies' political proclivities. Surely it was not given in order to advance the cause of the Conservative party. He takes the ground that parliament is not at liberty to interfere with the educational policy of those new provinces. The late Judge Mills, the former philosopher of the Liberal party, a man of high legal attainments, frequently quoted as a constitutional authority, both in this House and the Upper Chamber, and who was transferred to the Supreme Court before his death, also gave an opinion which is in accord with that of Sir Louis Davies. He said:

When the people of the Territories or any portion of the Territories are sufficiently numerous to constitute a province—when, in fact, they attain their majority in regard to local matters, and when they propose to set up for themselves—this parliament has no right to

exercise control over them. It can give good advice, but it has no right to give commands.

When the Territories have a sufficient population to entitle them to become a province, they must decide for themselves whether they will have separate schools or not.

I have my view as to what will be the best decision for them to arrive at, but I must not impose on them my views as to how they should be governed after they have attained their majority.

I think I have quoted sufficient legal authority to show that the act of the government is unconstitutional, that the question of education should be left entirely to the provinces, that the provinces should be given their legislative freedom in this matter, and that the action of the government cannot be defended on grounds of public policy, but is an unwarranted interference with provincial jurisdiction, and is likely to be a source of trouble among the mixed population who will make in that country their homes in the future.

Mr. D. D. McKENZIE (North Cape Breton and Victoria). I must congratulate the hon. gentleman who has taken his seat on the free and exhaustive manner in which he has discussed this question, and I am afraid that, as a new member, with very little experience in this House, I shall be hardly able to follow the pace he has set for me in dealing with the subject under discussion. My hon. friend started out by finding fault with the land policy of this government. But that policy, Mr. Speaker, is not a new one. It is not a policy of to-day or yesterday, but one which was laid down by a gentleman who had about as able a mastery of public affairs in this country as any man who ever lived in it. I refer to the Rt. Hon. Sir John A. Macdonald, the greatest leader of which the party to which my hon. friend belongs could ever boast. It was he who laid down the land policy we have since followed, and in criticising that policy my hon. friend is setting himself at issue with that great leader.

The right hon. Sir John Macdonald, in 1870, laid down the land policy of this country. In 1872 he went to the country and was sustained. In 1878 he was returned to power; and he was sustained after that in the general elections of 1882, 1887 and 1891. I should say that was a sufficient test of the policy of Sir John Macdonald so far as the land question is concerned, and that it is rather too late in the day now to declare that it is a policy that should not be followed in this country. A few days ago the hon. member for North Toronto (Mr. Foster) laid down a doctrine, which, if it is a wise one in regard to the matter to which he referred, would be equally wise here. Speaking of the school question, he said that the people of this country had recognized the wisdom of the policy of the Liberal party in 1896, and again in 1900, and again in 1904, and, so far as he was con-

cerned, he would not bother with the subject any longer, but would let well enough alone. I say if that was a wise policy with respect to the school question it is equally wise with respect to the land policy of Sir John Macdonald which has been so often approved by the people of this country. I submit that not only did the country generally commend that policy, but the province of Manitoba, in which the policy was first put in operation, has, if I am correctly informed, always given a handsome majority to the Conservative party of which Sir John Macdonald was the head. When the land policy of Sir John Macdonald has been approved by the province of Manitoba for thirty-five years, I think it comes—I will not say with ill grace but—with little force from the hon. gentleman (Mr. W. J. Roche) to find fault with the right hon. Prime Minister (Sir Wilfrid Laurier), because he continues that policy.

Now, the hon. member for Marquette makes an onslaught on this government, and especially on the Prime Minister, because he does not change the boundaries of the province. I understood my hon. friend (Mr. Roche) to be strongly in favour of provincial rights and as strongly against anything that would interfere with those rights without the provinces being consulted. I happen to have in my hand the statute on this particular question showing that it is not open to any Prime Minister or government to deal with the question exactly as he may think proper. I gather from what the hon. gentleman (Mr. W. J. Roche) says that if there were a provision in this Bill extending the boundaries of Manitoba and making half a dozen other changes in the boundaries of Ontario, Quebec and other provinces, he would support it. But the hon. gentleman must not forget that we have no powers to deal indiscriminately with the dividing lines between provinces. There is an Act of the imperial parliament regulating matters of this kind; and, before we do anything about changing our neighbours' land mark, we must consider that statute that we may comply with it. It reads as follows:

The parliament of Canada may from time to time, with the consent of the legislature of any province of the said Dominion, increase, diminish or otherwise alter the limits of such province, upon such terms and conditions as may be agreed to by the said legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any province affected thereby.

When the Prime Minister speaks of consulting Ontario, Quebec, Manitoba and the other provinces whose territory is likely to be affected by any changes in boundaries made in that part of the country he is talking of doing what it is his bounden duty

to do and is showing himself the true guardian of provincial rights.

Mr. R. L. BORDEN. Do I understand my hon. friend (Mr. D. D. McKenzie) to be under the impression that, in order to incorporate into the province of Manitoba some portion of the territory which is now comprised in the Northwest Territories, it would be necessary to have the consent of the legislatures of Ontario or Quebec?

Mr. D. D. McKENZIE. I said of Manitoba.

Mr. R. L. BORDEN. But not of Ontario or Quebec?

Mr. D. D. McKENZIE. The Act says that, if they are likely to be affected by it they must be consulted. Of course, we must leave something for the Prime Minister to judge for himself. If, in his judgment, Quebec and Ontario are likely to be affected, he is bound to consult those provinces. I think it is perfectly clear that it is not a matter that can be jumped at without full consideration. Though a man from Manitoba might say that this matter does not affect Quebec and Ontario, it is perfectly clear that the Prime Ministers of Ontario and Quebec do not think so, for the hon. gentleman (Mr. W. J. Roche) tells us that they have filed claims with this government to be considered in the division of this territory. Therefore, this important statute clearly comes into operation here and its terms must be complied with.

Now, my hon. friend (Mr. W. J. Roche) has gone further, to deal with land policy. He finds fault with the government—and, consequently with all Conservative governments that have existed in this country up to the present time—because they borrowed their land policy from the United States. I do not think it makes much difference whence we get a policy, so long as it is a good policy. If any rule of life that we follow is a good one, it is not wise for us to cast aside or neglect it because it happens to be in use in the United States. I do not think that any hon. gentleman in this House will say that the land policy of the United States has not been a success so far as immigration is concerned, or so far as development is concerned so far as attracting the people is concerned and their success after they have gone to the United States. I think we would be only too glad if we could get as many people into our country and as good a class as they are getting through the land policy they have. Now, it has been pointed out that the provinces would do better in the handling of these lands than the central government. That may be so, but one thing is certain—that in the United States, if we can copy them, they have not followed that policy.

The States have had nothing to do with the public domain except possibly in their

Mr. D. D. McKENZIE.

early history they were formed into states, exactly as Nova Scotia, New Brunswick and the other provinces when they came into the union. I think they held what lands they had then, except that some were passed over to the central government under certain arrangements; but any lands they had acquired after the United States had been formed under one government, were held by the central government and one policy prevailed in respect to the whole of them. I submit that it is in the interests of this country to have one policy and one management of the public domain, one system in respect to immigration, and one price for the lands, in order to avoid as much as possible a conflict of management between half a dozen different governments.

Mr. R. L. BORDEN. With regard to the constitutional point with respect to which I took the liberty of interrupting my hon. friend a moment ago, I do not find in the statute these words to which he referred: 'Likely to be affected thereby.' I did not contradict my hon. friend, because I thought he would be exact in his quotation. It says:

The parliament of Canada may from time to time, with the consent of the legislature of any province of the said Dominion, increase, diminish or otherwise alter the limits of such province, upon such terms and conditions as may be agreed to by the said legislature, and may with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation of any province affected thereby.

Not 'likely to be affected thereby.'

Mr. D. D. McKENZIE. That was close to it, but when we are dealing with the great west we do not pay attention to trifling things. The difference is certainly very slight, and it was hardly worth my hon. friend's while to bother with it. It is certainly clear that the intention of that statute was that any province to be affected by the change should be consulted, that there should be legislation upon the subject, and it is only by concurrent legislation on the part of each government that they can deal with it effectively. The question would not be settled if we were first to start out to deal with it without the consent of the others, and without that consent being obtained according to the statute. Although I may not be correct according to the very letter of the law, I am certainly not so far wrong as to justify the member from Marquette (Mr. W. J. Roche) in saying that we are violating the constitution and doing a whole lot of wrong things because we did not deal with this question the right way. Now I think those two points as to whether it is the duty of the government to deal with this question as a public policy for the whole country, or whether it is better to

cut it up into sections, have been answered.

Now I will deal briefly with another point mentioned by the hon. gentleman with regard to the literature that was sent out broadcast and what it said about the character of the schools. If a pamphlet that has been sent out lately is such as the hon. gentleman has stated, and I have no doubt it is, I can only tell my hon. friend that it is very different from some literature of that character that was sent out in 1881 when the hon. gentleman's friends were leading the government of this country. The Department of Agriculture sent out a pamphlet making the following reference to the subject of education :

The school system was based upon that of Quebec, that is to say, that Catholics have an absolute control and complete direction of the education of their children, and that Protestants possess exactly the same rights.

That pamphlet was sent out in 1881 when Sir John A. Macdonald and his friends had control of the government, and when the Act of 1875 was fresh in their minds. They sent this pamphlet broadcast over Europe, wherever immigrants could be induced to come to this country and settle in our Northwest; they were told that the same system of schools prevailed there that prevailed in Quebec and that people of the faith of our Ontario friends would find there exactly the kind of education that is given in Ontario.

Now, Mr. Speaker, I will proceed to deal with the constitutional question that is involved in this discussion though I will not presume that I can deal with it satisfactorily to everybody. I propose to deal with this subject under three different phases. First, I would ask what power have we in respect to this question? What should we do with that power or how should we exercise it if we have any power in this matter? Now the first thing I find in this constitution of ours states that the Dominion of Canada shall be united with a constitution similar to that and based upon the constitution of Great Britain and Ireland. We start out with that declaration in our constitution, it is not a hard and fast constitution that is unbending, that we cannot change one way or the other; it is a constitution similar in principle to that of the United Kingdom of Great Britain and Ireland. Those of us who know anything about the constitution of Great Britain know how elastic it is, how it is made to suit various conditions, how it can be capable of taking under its folds all conditions of men. When we remember that we are attracting into our Northwest the very classes of people that go to make up the British empire we will realize at once that we need just such a constitution as that of the United Kingdom to enable us to deal with all these people as successfully as Great Britain deals with them. Now, Mr. Speaker, we have a constitution in our hands that is not a hard and fast instrument, we

have to deal with certain conditions in this country to-day and I think it would be well for us to keep constantly before our minds that our constitution is based upon the British constitution that is able to govern millions of people in the Indies, millions of people in the other parts of the world, and hundreds of thousands if not millions of people in South Africa. In adjusting that constitution to our own conditions will it be said that we cannot without a wrench and a violation of our institutions in this country and the foundations of the state, make that constitution that is equal in principle to the British constitution apply to the provinces of the west? Now, very shortly after confederation steps were taken to bring in the Northwest Territories. In order to understand this question aright we should follow as nearly as possible the steps that were taken in this connection. First we find the parliament of Canada presenting an address asking Her Gracious Majesty to admit Rupert's Land and the Northwest Territories into the union. Let us see what they say :

That the 146th section of the British North America Act, 1867, provides for the admission of Rupert's Land and the Northwest Territories, or either of them, into the union with Canada, upon the terms and conditions to be expressed in addresses from the House of parliament of this Dominion to your Majesty, and which shall be approved of by your Majesty in Council.

That we do therefore most humbly pray that your Majesty will be graciously pleased, by and with the advice of your Most Honourable Privy Council, to unite Rupert's Land and the Northwestern Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government and we most humbly beg to express to your Majesty that we are willing to assume the duties and obligations of government and legislation as regards these territories.

That in the event of your Majesty's government agreeing to transfer to Canada the jurisdiction and control over the said region, the government and parliament of Canada will be ready to provide that the legal rights of any corporation, company or individual within the same shall be respected, and placed under the protection of courts of competent jurisdiction.

Now, what I wish to point out is that in the second part of this petition the parliament of Canada, not recognizing up to this time that they had the power to deal with this territory, pray that Her Majesty shall be graciously pleased to give them the power that is necessary to make laws for the government of the country.

Mr. SAM. HUGHES. What is the date of that?

Mr. D. D. McKENZIE. 1868. After this petition was presented to Her Majesty for power to deal with this land an Order in Council was passed on the 23rd day of June, 1870. It is headed as follows:

Rupert's Land and the Northwestern Territory.
At the Court at Windsor, the 23rd day of June, 1870.

Present:—The Queen's Most Excellent Majesty, Lord President, Lord Privy Seal, Lord Chamberlain, Mr. Gladstone.

Whereas by the British North America Act, 1867, it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Address from the Houses of Parliament of Canada, to admit Rupert's Land and the Northwestern Territory, or either of them, into the Union on such terms and conditions in each case as should be in the addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act. And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the parliament of the United Kingdom of Great Britain and Ireland:

And whereas by an address from the Houses of the parliament of Canada, of which address a copy is contained in the schedule to this order annexed, marked A, Her Majesty was prayed, by and with the advice of Her Most Honourable Privy Council, to unite Rupert's Land and the Northwestern Territory with the Dominion of Canada, and to grant to the parliament of Canada authority to legislate for their future welfare and good government upon the terms and conditions therein stated:

And whereas by the Rupert's Land Act, 1868, it was (amongst other things) enacted that it should be competent for the Governor and company of adventurers of England trading into Hudson Bay (hereinafter called the company) to surrender to Her Majesty, and for Her Majesty, by an instrument under Her sign manual and signet to accept a surrender of all or any of the lands, territories, rights, privileges, liberties, franchises, powers, and authorities whatsoever, granted or purported to be granted by certain letters patent therein recited to the said company within Rupert's Land, upon such terms and conditions as should be agreed upon by and between Her Majesty and the said company; provided however, that such surrender should not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land should be admitted into the said Dominion:

And whereas such surrender has been duly accepted by Her Majesty, by an instrument under Her sign manual and signet, bearing date at Windsor the twenty-second day of June, one thousand eight hundred and seventy:

It is hereby ordered and declared by Her Majesty, by and with the advice of the Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Acts of parliament, that from and after the fifteenth day of July, one thousand eight hundred and seventy, the said Northwestern Territory shall be admitted into and become part of the Dominion of Canada upon the terms and conditions set forth in the first hereinbefore recited address, and that the parliament of Canada shall from the day aforesaid have full power and authority to legislate for the future welfare and good government of the said Territory. And it is further ordered that, without prejudice to any obligations arising from the aforesaid approved report, Rupert's Land shall from and after the said date be admitted into and become part of the Dominion of Canada upon

Mr. D. D. McKENZIE.

the following terms and conditions, being the terms and conditions still remaining to be performed of those embodied in the said second address of the parliament of Canada and approved of by Her Majesty as aforesaid:—

1. Canada is to pay to the company £300,000 when Rupert's Land is transferred to the Dominion of Canada.

These are simply the steps that have been taken in regard to this land—in the first instance the conveyance of the title to the land to Her Majesty, taking it back from the company; in the next place granting to the parliament of Canada the powers they ask for to deal with this country, to make laws in respect to it and to exercise full control over it. Now, there is another matter of importance in view of the discussion which is now taking place in this House. What seems to be worrying us now is whether or not we have jurisdiction to deal with this question, whether or not we have jurisdiction to give a constitution to these new provinces. That is where some of our friends seem to find a difficulty. They say that the difficulty is not that they are not willing to extend these powers, but they question whether under the constitution they have the authority to do so. They would make us believe that they would be willing and pleased to extend these powers, but they say they cannot get away from the principles of the constitution.

That seems to be the position they take. Very shortly after confederation it became apparent to those governing Canada, that they would have to create new provinces in the Territories, and Sir John Macdonald was clear enough in his judgment and sound enough in his constitutional law to see that it would be necessary for him to get certain additional powers for this purpose. We need not speculate as to what Sir John Macdonald wanted, because he set forth his wish in a letter to Lord Kimberley, then Secretary of State for the Colonies, in which he wrote that he wanted an Act confirming the Act of the Canadian parliament 33 Victoria, chapter 3, as if it had been passed as an imperial statute. He further wrote that he wanted authority:

To empower the Dominion parliament from time to time to establish other provinces in the Northwest Territories with such local government, legislature and constitution, as it may think proper, provided that no such local government or legislature should have greater power conferred upon it than the power conferred upon the local government and legislatures by the British North America Act, 1867; and also empowering it to grant such provinces representation in the parliament of the Dominion.

The only limitation Sir John wanted was that the new provinces should be given no greater power than was granted to the older provinces at the time of confederation. If Sir John Macdonald wanted power simply to apply the British North America Act to the new provinces, he was clear-headed enough

to have said so, but he wanted more. It may be said that the Act of 1870 was modified in its passage through the imperial parliament, and that Sir John Macdonald's idea was not crystallized into legislation, but I have taken the trouble to follow the career of this Act in its different stages through the imperial parliament, and I find that it was introduced one day, read a second time another day, a third time another day, and not a single syllable was said about it in the House or in Committee of the Whole. This clearly shows that the imperial parliament simply took the Bill as it was sent to them from the Canadian government, and put it through without any change. We are quite familiar with the Act itself, and I think that any ordinary man can have no difficulty in coming to the conclusion that it gives us new powers which up to that time we had not. It says :

The parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may at the time of such admission make provisions for the construction and administration of any such province and for the passing of laws for the peace, order and good government of the province.

Reading that, with the explanation contained in Sir John's letter to Lord Kimberley, I do not think there is very much difficulty in concluding what power we have. It may be said : if the power of the Dominion parliament to form the new provinces of Manitoba was good and absolute, and if there was no question about its constitutionality, why did the Canadian government go to England for confirmation of the Manitoba Act. Without setting oneself up as any great constitutional authority, I think it is perfectly plain why that happened. The parliament of Canada believed that it had no power to deal with the Northwest except as to the power which was delegated by the Orders in Council which I have read, and by acts which were passed subsequent to the British North America Act of 1867. The Order in Council giving them power to deal with this question was passed on the 21st day of June, but it will be seen that the Manitoba Act received the assent of the Governor General here in Canada on the 12th of May previously. The Act being passed in this House before the passage of the Order in Council, it might well have suggested itself to the law officers in Canada that they had no authority, and that as it was an important constitutional matter, it was better to remove any doubt by a confirming Act. If the dates were revised ; if the Order in Council giving the parliament of Canada power to deal with this question had been passed on the 12th of May and the Manitoba Act passed on the 21st of June following, you would have heard nothing about the constitutionality of the law, but the fact that the Act was passed before the

Order in Council was signed by Her Majesty created the doubt. The ex-Minister of the Interior, excellent lawyer that he is, gave it as his opinion (and it has not been contradicted), that the law officers of the Crown in England did not consider that a confirmatory Act was necessary and that they held there was ample power in this parliament to pass the Act of 1870. I submit that if we had power to pass the Manitoba Act of 1870, there is nothing in the Bill now before the House which takes it out of the category of the provisions contained in the Manitoba Act, and which would oust us from our power to legislate.

It may be said that there is an amendment in the Manitoba Act. So there is, and there is only an amendment in this Act. The power of amendment was recognized in the Manitoba Act, and section 2 of that Act simply says that the British North America Act will be changed in such a way as to suit the circumstances and conditions existing in Manitoba. Those changes are contained in that Act to-day. The second section of the Act to-day is precisely, as nearly as I can read it, the same as the second section of the Manitoba Act of 1870. The Act of 1870 reads that such changes shall be made as are necessary to make the British North America Act applicable to the conditions existing in Manitoba. That is not the exact wording, but that is the meaning of it ; it is changed to suit the circumstances. Now, what do we find to-day ? All that we find in the second section of the Bill which is now before the House is that changes will be made to suit the circumstances existing at the time at which we create another province. A great deal of fear seems to be expressed by some parties in this House that we are destroying the constitution, that it is an awful thing to make any amendment in this Act, and the slightest change would destroy the whole fabric of the constitution. Sir John Macdonald was, I presume, as loyal to the constitution as any man in this country. Our hon. friends, at any rate, were willing to follow him and to endorse his views on constitutional matters. He proposed this amendment to the constitution in 1870, he put it through this House, he went several times to the country, and the electors endorsed himself, his constitution and his amendments, and nobody ever suggested that there was the slightest danger in the world in anything he did in connection with this bringing into effect of the provisions for the admission of other provinces. If it was all right to make these slight changes in 1870, to legislate for separate schools in 1875, why is it not all right to-day to make slight changes in order to bring the Act fully and properly into effect in the western provinces ? The leader of the opposition, since this debate commenced, suggested an amendment in clause 109 of the British North America Act. The British North Am-

erica Act, so far as it deals with land, deals with it in section 109. Section 109 gives the land to the provinces unconditionally. The hon. leader of the opposition (Mr. R. L. Borden) excellent lawyer as he is, before this question got to such a red heat as it is today, when the Bill was first introduced, suggested in this House, in connection with this land question, that it would be well to introduce an amendment by which, although the lands were given to the western provinces, they would not have absolute control of them; he would have some stipulations and conditions placed upon the manner in which they would hold the land, and would not give them an entirely and absolutely free hand. If it is proper for the hon. leader of the opposition to suggest that there should be such an amendment, if it would be proper to say that we should put such a proviso in section 109 of the British North America Act, what is the objection to making slight changes in other parts of the Act? If we have no power to touch it at all, if we cannot touch it in reference to schools, we cannot touch it in reference to lands; and if we can touch it in reference to lands, we can touch it in reference to schools.

Mr. R. L. BORDEN. Section 109 does not deal with the distribution of legislative power. Section 109 deals with the ownership of lands. It is only when the land is vested in the provinces that the question of legislative power arises, so they are two entirely distinct things.

Mr. D. D. McKENZIE. It is certainly an amendment of the Act.

Mr. R. L. BORDEN. I do not wish my hon. friend to misunderstand me. I said we could not alter the distribution of legislative power. That is the point I made.

Mr. D. D. McKENZIE. I understand that the position of my hon. friend is that we cannot amend the British North America Act.

Mr. R. L. BORDEN. No, we cannot; I do not take the position, however, that the 'terms and conditions' must always be the same.

Mr. D. D. McKENZIE. Does my hon. friend admit that we can?

Mr. R. L. BORDEN. As far as amending the Act is concerned, of course my hon. friend knows that section 146 of the British North America Act speaks of the terms and conditions on which provinces or territories may be brought in. That is one thing. But the distribution of legislative power is another and an entirely different thing.

Mr. D. D. McKENZIE. If we have no power to amend the Act, then we cannot touch it; and still it was quite competent, within the purview and terms of section 146 of which my hon. friend speaks, to

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make terms and conditions, because that section of the Act contemplates two purposes. It contemplates the admission of Manitoba, British Columbia, Newfoundland and Prince Edward Island and other provinces, which are entities, provincial entities, at the time and capable of contracting. They were capable of going into this compact, of preparing a scheme in the shape of an address which is confirmed by Order in Council. It is quite true that they can put into it and take out of it, and slice it and form it, as it suits them, but the moment it receives the sanction of the Sovereign by Order in Council, then that is an end to it. In this case, instead of a compact, we have an Act of parliament. But my hon. friend takes the position that you cannot make any change in that Act, that you must simply make the conditions which suited New Brunswick, Nova Scotia, Quebec and Ontario, apply to the new provinces, because you have no sea room at all, you can do nothing. It is quite true that there was no limitation on the conditions which could be placed in the Order in Council, there was nothing to limit your sway in making the bargain; but will my hon. friend or his supporters submit that we have the same scope to-day? If they will admit that we have the same scope to-day, that we can put in the constitution which they are making for the new provinces every line and every word that we could put in an Order in Council bringing in British Columbia, Prince Edward Island or Newfoundland; if we have those powers under the constitution, then we have ample powers to put all these conditions into the new constitution. Will my hon. friend tell me, or tell this House or the country, that the provisions of section 92 or section 93 of the British North America Act were binding on Prince Edward Island when it was coming in, or on British Columbia when it came in? Nothing of the kind. They could make such provisions as they thought proper, and is it not right, when it is only this parliament that has the responsibility to-day—for there is no provision by which an address can come from the Territories, so that this is a one-sided negotiation, so to speak, and we take the full responsibility in this House for what this constitution will be—that we should be told that the constitution that would not stand in the way of the admission of New Brunswick or Prince Edward Island, or any other province, into confederation, must prevent us from making such terms and stipulations as we think are proper and right in bringing in new provinces from the west. I do not think that, as the leader of the opposition himself would say, it is either law or logic or sound argument to say that we have not as free a hand in making a province under the terms of the Act as we would have under the conditions which we could place in an Order in Council and in an address from an existing provincial entity. I submit, Mr.

Speaker, that I do not think my learned friend has any too well answered the point that we have equal rights in dealing with the conditions under the Act as we would have in making an Order in Council and stipulating how a particular province is to come in. I was going to say, Mr. Speaker, that if we wished to ascertain what powers the fathers of confederation thought they possessed, under the conditions of the confederation, the best time for us to search for information on that point would be in 1870, when the conditions of the compact were fresh in their minds.

We hear a great deal about this section 93 giving exclusive power to the province. Would it not be well to look at this Act in the light cast upon it by some of the decisions of the Privy Council, and those are decisions which we should not lightly cast aside even if they do run contrary to our own opinion. A great many contend that this section 93 gives the province unlimited powers to deal with matters of education. It seems to me that our hon. friends who read the Act in such a light simply stop at the end of the first two lines :

In and for each province the legislature may exclusively make laws in relation to education.

But there are four other sections which these hon. gentlemen do not read at all. There is also a decision of the Privy Council right in point upon that section; and it seems to me that in order not to be misled any longer as to its full force, effect and meaning, it would be well to quote that decision. This is what the Privy Council said in dealing exactly with that proviso :

Before leaving this part of the case it may be well to notice the argument urged by the respondent that the construction which their lordships have put upon the second and third subsections of the section of the Manitoba Act is inconsistent with the powers conferred upon the legislatures of the provinces to exclusively make laws in respect to education. The argument is fallacious. The power conferred is not absolute but limited. It is exercisable only subject and according to the following provision. The subsections which follow, whatever be their true construction defining the conditions under which alone provincial legislatures may legislate with reference to education and indicate the limitations imposed on and the exceptions from their power to legislate exclusively, their right to legislate is not enjoyed properly speaking exclusively, for in the case specified in subsection 3 the parliament of Canada is authorized to legislate on the same subject. There is, therefore, no such inconsistency as is suggested.

That is the decision of the Privy Council. It shows that in the British North America Act, from cover to cover, there is no such thing as giving to any province the exclusive powers to deal with education. I take the responsibility of saying that there is not to-day such a thing in this country as any province dealing exclusively with education. I heard the hon. member for East

Grey (Mr. Sproule) asking the hon. member for Assiniboia (Mr. Scott) the other day whether or not there was a province in the Dominion which had a free hand to deal with education. I say there is not. There are provinces in the Dominion to-day which are free to pass one Act. Nova Scotia to-day is perfectly free to pass an Act that will contain some terms in respect to the separate schools; but once the Nova Scotia legislature passes such an Act it cannot change it. Or if it should, it would be subject to an appeal to the government of the Dominion for remedial legislation. Therefore it can well be said that there is no province in the Dominion to-day which has this wonderful, absolute right to deal with the question of education as it sees fit.

There is another point to which I would direct attention, as showing the intention of this part of the Confederation Act. It would be well for us to try and understand, without any haste or passion or feeling in this matter, how these questions were understood from the beginning. Some day in February, 1867, these clauses 92 and 93 were under consideration in the House of Lords. Now, whatever feeling there may be in this House and country over the question, I think we will all admit that the House of Lords would approach it with a great deal of calmness and give it due consideration, and that not one of the venerable gentlemen who occupy seats in that House would be in the slightest degree nervous about explaining what these clauses really meant. We find Lord Carnarvon dealing with this question calmly and judicially. As to clause 93, he said :

Lastly, in the 93rd clause which contains the exceptional provisions to which I refer, your lordship will observe some rather complicated arrangements in reference to education. I need hardly say that that great question gives rise to nearly as much earnestness and division of opinion on that as on this side of the Atlantic. This clause has been framed after long and anxious controversy in which all parties have been represented and on conditions to which all had given their consent. . . . The object of the clause is to secure to the religious minority in one province the same rights, privileges and protection which the religious minority in another province may enjoy. The Roman Catholic minority of Upper Canada, the Protestant minority of Lower Canada and the Roman Catholic minority of the maritime provinces will thus stand on a footing of entire equality.

That is the explanation which Lord Carnarvon gave in 1867, and I submit to you that that was the way in which the late Sir John Macdonald and the framers of the Manitoba Act understood it in 1870.

I would ask you to note the strong resemblance between clause 93 in the British North America Act and the Manitoba Act.

In and for the province the said legislature may exclusively make laws in relation to education, subject to the following provisions.

I submit that the provisions are exactly the same except where an amendment is made to make them applicable to what existed in those days in Manitoba. The second section of the Act is :

On, from and after the said day on which the order of the Queen in Council shall take effect as aforesaid, the provisions of the British North America Act of 1867 shall, except those parts thereof which are in terms made or by reasonable intendment may be held to be specially applicable to or only to affect one or more but not the whole of the provinces now composing the Dominion, and except so far as the same may be varied by this Act, be applicable to the province of Manitoba in the same way and to the like extent as they apply to the several provinces of Canada and as if the province of Manitoba had been one of the provinces originally united by the said Act.

That is the same language which is to be found in the Act creating the province of Alberta, and there has been some talk as to what the effect of that Act might be on the educational question. I think there was some exception taken to the construction put upon the clause by my hon. friend from West Assiniboia, which we find in the Act which has been submitted as a constitution for the new provinces by the premier, Mr. Haultain.

Now, I have read to you, Mr. Speaker, the clause in the Manitoba Act. This is the corresponding clause that we find in Mr. Haultain's Bill. The name of the province is blank, but I supply the name of Alberta:

On and after the said first day of January, 1903, the provisions of the British North America Act, 1867, except those parts thereof which are in terms made or by reasonable intendment may be held to be, specially applicable to or to affect only one or more but not the whole of the provinces under that Act composing the Dominion, and except so far as the same may be varied by this Act, shall be applicable to the province of Alberta in the same way and to the same extent as they apply to the several provinces of Canada and as if the province of Alberta had been one of the provinces originally united by the said Act.

At this point I wish to look a little closely at the meaning of this language so far as education is concerned. Hon. members who are opposing the Bill and who profess to be particular friends of the Northwest, have nothing to say against this draft Act, so far as I can understand. They say there are terms in the proposed Act of the Prime Minister (Sir Wilfrid Laurier) which bring the separate schools into effect in the Northwest, and they declare they are not in favour of such a policy. At the same time, I do not think they have anything to say against this draft Act of Mr. Haultain's. If you examine this clause closely you will find what Mr. Haultain means is that whatever is in existence in the Territories to-day will be gathered together, the whole business shoved back to 1867 and then brought in as if this was a new province. Whatever law you have in force in the Ter-

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ritories to-day must be dealt with as if it had been a law in force in 1867, the time of confederation. What is the law in force in the Territories? Is not the Act of 1875 as much in force to-day as it was when it was passed? It has not been repealed. The fact that ordinances have been based upon it which are inconsistent with it in some respects or which are not as strong in the direction it intended as the Act itself, does not take away the validity of the Act. That Act created separate schools, and that is the Act which Mr. Haultain says is to be continued in force as if had been passed in 1867. That is the effect of what Mr. Haultain proposes, as I understand it. And while hon. gentlemen opposed to the government are unwilling to take separate schools from us, they are ready to swallow them holus bolus when offered by Mr. Haultain. I am not finding fault with Mr. Haultain for putting this in the Act. I think he was doing the right thing in recognizing the conditions that existed at the time. But we must not claim credit for doing what we are not doing. Mr. Haultain and his friends claim credit for not recognizing the conditions in the west. They were going to wipe the whole thing off the slate, and so they claimed to be the friends of the Territories and say that we are the enemies of the Territories. But they cannot sustain that argument in the face of this draft Act, which has in it ever word, if not more, than we have in the legislation before the House.

I have pointed out the different conditions which are in this Manitoba Act. It contains section 2, exactly like the one which is going through to-day. Section 26 of it deals with the land question; and section 20 deals with the school question. So it is precisely the same as the Act now before us. I was pointing out—and I think it is necessary to point out—the ideas which prevail in connection with this constitution which was given to the Territories in 1875. It has been observed here by the hon. member for Marquette that nothing that Alex. Mackenzie and Edward Blake, and old men of that kind said should not receive very much attention. I do not regard Hon. Edward Blake's views on constitutional questions in that way. I think that Mr. Blake was a big man on constitutional questions in 1875; I think he has been a big man on constitutional questions every year since, and I believe he is a big man on constitutional questions to-day; and for that reason we ought to be very much pleased when we find in the books things that he said on questions of this kind, and we ought to be satisfied that what he has said on these questions is sound and good. This is what he said when this Bill of 1875 was before the House, when this question of forming the constitution of the Northwest Territories was being dealt with. It will be seen that the words of Mr. Blake are not the words of a man who thought that we were creat-

ing a constitutional fabric which was to last for only a few days, something that was to be wiped off the slate when we chose to do so. He speaks of the constitution then being formed as the basis and the foundation for the laws under which thousands and millions of people will come into that country. He said:

To found primary institutions under which we hope to see hundreds of thousands; and the more sanguine among us think millions of men and families settled and flourishing, was one of the noblest undertakings that could be entered upon by any legislative body, and it was no small indication of the power and true position of this Dominion that parliament should be engaged to-day in that important task. He agreed with the hon. member for Kingston—

That, I presume, was Sir John Macdonald.

—that the task was one that required time, consideration and deliberation and they must take care that no false steps were made in such a work. He did not agree with that right hon. gentleman that the government ought to repeat his errors. The right hon. gentleman had tried the institutions for the Northwest Territories which he now asked the House to frame and for the same reason as he had given to-day—that it would be better for the Dominion government to keep matters in their own hands and decide what was best for the future. He (Mr. Blake) believed that it was essential to our obtaining a large immigration to the Northwest that we should tell the people beforehand what those rights were to be in the country in which we invited them to settle. It was interesting to the people to know that at the very earliest moment there was a sufficient aggregate of population within a reasonable distance, that aggregation would have a voice in the self-government of the Territories, and he believed the Dominion government was wise (although the measure might be brought down very late this session and it might be found impossible to give it due consideration) in determining in advance of settlement what the character of the institutions of the country should be in which we invite people. He did not agree with the policy of asking people to settle in that western country, and tell them that a paternal government would look after them, and would give them such institutions as the government thought suitable. We had better let the people know their fate politically and otherwise before they settle there.

And he said further:

He regarded it as essential under the circumstances of the country and in view of the deliberation during the last few days that a general principle should be laid down in the Bill with respect to public instruction.

He did believe that we ought not to introduce into that territory the heart-burnings and difficulties with which certain other portions of this Dominion and other countries had been afflicted. It seemed to him, having regard to the fact that, as far as we could expect at present, the general character of that population would be somewhat analogous to the population of Ontario, that there should be some provision in the constitution by which they should have conferred upon them the same

rights and privileges in regard to religious instruction as those possessed by the people of the province of Ontario. The principles of local self-government and the settling the question of public instruction seemed to him ought to be the cardinal principles of the measure.

In reply to him Mr. Mackenzie makes a short speech, showing what his views are, and setting forth the terms of that section 11 of the Northwest Territories Act, 1875, with which we are familiar. Now, Mr. Speaker, in exercising this power I think it is safe for us to follow the precedents that have been laid down. I should think that the different steps that have been taken by the imperial government in giving us control over this territory, enabling us to make a constitution, and giving us every other power that they could give us in order to form these new countries into provinces and to give them constitutions, that being the case, it seems to me there is no question but that we have the power. The next question is, how are we to exercise it. I was pointing out that I think it is wise to exercise that power along the same lines as it was exercised by Sir John A. Macdonald in 1870, by Mr. Mackenzie in 1875, and by Mr. Haultain when he had the drafting of the Bill a few years ago, and as it is exercised to-day, by the premier of this country who guides us in the way in which we should exercise this power.

It is contended that we do not grant constitutional freedom. This is constitutional freedom as it is understood by the Supreme Court of the United States:

'Constitutional freedom' certainly does not consist in exemption from governmental interference in the citizen's private affairs, in his being unmolested in his family, in being suffered to buy, sell and enjoy property, and generally to seek happiness in his own way. All these might be permitted by the most arbitrary ruler, even though he allowed his subjects no degree of political liberty. Mr. Justice Storey has well shown that constitutional freedom means something more than liberty permitted; it consists in the civil and political rights which are absolutely guaranteed assured, and guarded; in one's liberties as a man and a citizen—his rights to vote, his rights to hold office, his right to worship God according to the dictates of his own conscience, his equality with all others who are his fellow-citizens, all these, guarded and protected, and not held at the mercy and discretion of any one man or any popular majority. *People vs. Hurlbut*, 24 Mich. 44, 106, 108, 9 Am. Dec. 103.

Now the great difficulty seems to be why we must have separate schools. There are some people among us, and their ideas are deserving of every respect, who think that separate schools are not necessary and that we should not make provision for them. But a great many people in this country think they are necessary, and that being the case, we have to deal with circumstances as we find them. I heard a quotation from a paper to-night giving the language of some

reverend gentleman, I think belonging to my own church, saying that he hoped the day would arrive when one common ground of education could be reached, and when some form of religion could be taught in the schools upon which all could agree. Well, Sir, if there was any hope of reaching that state of affairs, I would be very glad. But we have been nearly a hundred years in trying to agree upon that point, and we do not seem to be any nearer to it to-day than we were then. I find that in 1854 there was a separate school law in the province of Ontario; I find that they repealed it and in 1863 they put it again on the statute-book, and they now have separate schools in the province of Ontario. Seeing that neither in Quebec nor in Ontario can the present system be changed, it seems to me there is not much hope of being able to do away entirely with the principle of separate schools. Now, this very point was considered by the Privy Council, as will appear on page 485, volume 5, of Cartwright's Reports. They ask the question why it is that Catholics cannot agree to this common school education? And they answer it in this wise:

It is owing to religious convictions which everybody must respect, and to the teaching of the church that Roman Catholics and members of the Church of England find themselves unable to partake of advantages which the law offers to all alike.

Dealing with the same subject the Privy Council, at page 187 of the same volume, says:

As a matter of fact the objections of Roman Catholics to schools such as alone receive state aid under the Act of 1890 (Manitoba Act), is conscientious and deeply rooted. If this had not been so, if there had been a system of public education acceptable to Protestant and Catholic 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 emphasized on almost every line of these enactments. There is no doubt either what the points of difference were, and it is in the light of these that the twenty-second section of the Manitoba Act of 1870, which was throughout a parliamentary compact, must be read.

Dealing with the same question further on their Lordships say that the argument urged by some people in favour of common schools is that they suit both alike. To this we cannot agree, as our Roman Catholic friends cannot accept them as doing justice to their views in respect to religious education.

Now, Mr. Speaker, there is no strong reason, from a personal standpoint, why I should not be just as well satisfied with separate schools or with public schools as any other gentleman in this House. But I have this to say, that the experience of

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many years in close touch with the public schools of the province from which I come, has taught me that there is no use in trying to force upon any people a system of education with which they are not satisfied. Now my own position on the question is this: I am in favour of the most absolute and thorough government supervision and control of all schools receiving government grants or municipal aid. I am strongly in favour of the teaching of the principles of the Christian religion in schools. I am firmly convinced, after many years of active experience, that the teaching of religion cannot be successfully and harmoniously conducted in a mixed school attended by Roman Catholics and Protestant children together. I am a firm believer in the divine injunction: 'Train up a child in the way he should go and when he is old he will not depart from it.' I believe it is the duty of the state to see that as much as possible the cardinal principles of the Christian religion are thoroughly instilled into the youthful minds of the nation. I believe that this all-important purpose can only be accomplished by Protestants of all classes agreeing upon a certain line of religious instruction in all Protestant schools.

I believe that the Roman Catholics of Canada are doing the right thing when they insist upon the teaching of their children in the religious principles of their church. Our Protestant friends say that there is no religious teaching in our national schools and it is as good for your children as it is for ours; that is quite true, and that view is worthy of some respect. But, our Roman Catholic friends say: We know that what you say is true and we know that our children will not be in any way interfered with in the common schools. But that is not enough; we want our children to receive religious instructions every day in the school and we want those instructions to be guided and inspired by the teachings of our church and we want the instructions imparted by a person who understands and believes in them. This, as I understand it, is the position of our Catholic people in Canada and it is one, particularly from their standpoint, that commends itself to me, and one which I most cheerfully commend to the Protestants of Canada. As one who has been for the last twenty years in close touch with the public schools of the province of Nova Scotia, I take the responsibility of telling my Protestant countrymen that they cannot be too soon in following the example of their Roman Catholic brethren in insisting upon religious teaching in every school of the land.

That is the position which I take in respect to religion in the schools. I believe it is the proper thing to have it and if we must have separate schools in order to have religion in the schools let us have separate schools. If we can have them together, all

right, but if we cannot let us have them any way. What is the use of Protestants starving religion out of the schools and depriving their children of religious instruction for the sake of a few dollars? Why should we hold out for a thing that Roman Catholics cannot and will not accept? Is it not a proper thing for us as Protestants who have children to educate them in our own way? There is nothing in so far as the different Protestant bodies are concerned that will prevent them from having their children educated together in the same classes, taught by the same teachers or from receiving religious instructions upon grounds common to all Protestant bodies.

I was talking about this amendment. A great deal of fault is found because we have this amendment. I submit that this amendment is not legislation of this House. It is legislation that was passed by the legislature of the Northwest Territories. They are just as fully represented in their local House as the province of Manitoba. According to their size and population they have just as many representatives in the local legislature of the Northwest Territories as any local parliament of Canada. They have a government, they have a premier, they have all the powers that a local legislature has except that they cannot borrow money and the longer that power is kept from them, I think, the better. This is an Act they have passed themselves. The Northwest Territories have passed this legislation and they appear to be perfectly satisfied with it and we have some evidence in its favour. We heard the speech the other evening by the hon. member for Qu'Appelle (Mr. Lake), an opponent of this government. He put himself on record in connection with these schools, and what he says is this:

I intend to claim the privilege of briefly putting on record the views which I hold with regard to this question. After nearly twenty-two years residence in the Northwest Territories, I believe firmly that the public school system as at present administered is the one best suited to the needs of the country.

That is the view of the hon. member for Qu'Appelle about the legislation that we are dealing with. He says that he has had twenty-two years experience in the Northwest, that he has seen many changes and that this law which is now on the statute-book has given satisfaction to that country. Mr. Haultain himself says about this Act that he has had some experience of it as premier, and he says:

If I were dictator I would not change one line of it.

It is perfectly satisfactory to the premier, it is perfectly satisfactory to the hon. member for Qu'Appelle, and as far as we can find out it is perfectly satisfactory to every man who knows anything about education in the west. Now, if it is so satisfactory and if we are keeping it in the constitution

of the provinces, what is the matter with it? Is it not the right thing to do? Is it not right that we should have permanent institutions and not be subject to every change of doctrine that may come about from one day to another? It may be necessary for me, on account of some statements that were made about this Act, to deal to some extent with some of its provisions. I am sorry that in the part of the country that I come from some of the clergy have been a little bit carried away by the agitation that has been going on in connection with this Act. I find this letter in some newspaper published in the part of the country I come from and when I read to this House certain provisions of the Education Act, I think it will be observed that there is no very great justification for this letter which was written by a reverend gentleman for whom the whole country, myself amongst others, has the greatest respect. I am only sorry that he did not take the trouble to learn for himself what the provisions of this Act are before he made such a pronouncement. He says:

But to be perfectly frank, what is asked in this Autonomy Bill is not separate denominational schools; there is no mention of Russian or Jew or Anglican or Presbyterian, what is asked is the recognition and public maintenance of Roman Catholic schools which the ratepayer is to support whatever his religious views may be. That is not equal educational privileges for all, this is not even the principle of separate schools, this is discrimination, it is the selection of one class of denominational schools for public support for all time and this without any reference to the public supervision of the teaching staff either in the matter of its appointment or its qualifications. Surely one is not to be called unjust and bigoted because he hesitates at fastening on posterity an unequal school system so pregnant with discord and strife as this is sure to be. Rather it would seem does the injustice lie in making any discrimination at all.

When we see what the provisions of this Act are, I think it is a pity that this reverend gentlemen who has put a little time on this question, at all events, enough time to enable him to write this letter, did not give it a little more attention, before he came to the conclusion that this Act was such an awful thing as he seems to think it is.

In the province of Nova Scotia we have a public free school system, the law governing which has been on the statute-books since 1864, but since then it has been several times amended. I have had something to do with the school legislation of Nova Scotia, and I know its provisions very well. I must say that so far as I know the Nova Scotia School Act, and comparing it with the Northwest Territories Education Act, I am inclined to believe that the latter is more full in its provisions, and, taking it all round, a better law. I would like our Nova Scotia friends to understand what

kind of an Education Act for the Territories we are giving our sanction to in this House, and I shall briefly contrast some of its provisions with those of the Nova Scotia School Law. In Nova Scotia we have what is known as a superintendent of education who is an officer of the government holding office for life or good conduct, but in the Northwest Territories they have a commissioner of education, who is a member of the government, responsible to the people, and who must go back for re-election. The Commissioner of Education in the Northwest Territories has full control of everything pertaining to education; he makes regulations as to the competency of the teachers for receiving a license; he controls their conduct after they are licensed; he supervises the manner in which they are engaged by the trustees; he drafts a form of contract which they must sign and they cannot teach school for one day without having complied with every regulation of the Act. Some hon. gentlemen have tried to make out that the separate school is absolutely apart from the public school, but I wish the message to be carried to our friends in Nova Scotia that this is an absolute mis-statement of the fact. The separate schools are national in every sense; they have the same text books, the same inspection and are under the same supervision as the common schools. From nine o'clock in the morning until half past three in the afternoon nothing can be taught in these schools except the ordinary prescribed lessons, but by arrangement between the trustees and the parents of the children in separate schools, there may be a half hour's religious instruction each day after half past three in the afternoon. I cannot see anything wrong about giving religious instruction in that manner; for my part I would like to see it the rule in every school in the country. Again, we are told by some hon. gentlemen, that once we pass this Act the school system in the Territories can never be changed, but section 52 of the School Act provides that if in any section there is a so-called separate school and a common school and the people wish to change they can unite and have the one common school. Therefore, the people can follow any school system they please, so long as they do not take away from the Roman Catholic or the Protestant minority the rights they have acquired. If the trustees of a Catholic and Protestant school in one section are willing to have a common school without any religious teaching in it, there is nothing in the Act to prevent it. I was poltning out, Mr. Speaker, that the rights in the matter of education which the minority of the new Territories will have under this legislation, are not as extensive as the rights given to the Protestant minority in Quebec or to the Roman Catholic minority in Ontario. And, in the province of Nova Scotia, although

Mr. D. D. MACKENZIE.

we have no separate schools by law, I can assure hon. gentlemen that the privileges which are allowed to separate schools and which are enjoyed by our Catholic friends in Nova Scotia are far and above anything which this law gives in the new provinces. If to-day, instead of forty years ago, we were framing a constitution for the admission of Nova Scotia into the confederation, I take the responsibility of saying that we could not form a compact without recognizing the claims of our Catholic friends in respect to this matter. Although there is no law dealing with it, I can assure the House that the Catholics of Nova Scotia are not suffering any grievance in respect to the educational laws of that province. If it is the right of the minority in Quebec to have a guarantee in the constitution, if it is the right of the minority in Ontario to have a similar guarantee, if it was the right of the minority in the Northwest Territories to have a guarantee in the Act of 1875, surely it is the right of that minority to have a like guarantee in the constitution to-day.

In 1867, when the province of Ontario came into confederation, the Catholics of Ontario came to the fathers of confederation with this section of the law in their hands:

Every separate school shall be entitled to a share in the funds annually granted by the legislature of this province for the support of common schools and shall be entitled also to a share in all other public grants, investments and allotments for public common school purposes now made or hereafter to be made by the province or the municipal authorities according to the average number of pupils attending such schools.

That is the law with which the Catholics of Ontario came to the fathers of confederation and said: Our rights must be recognized under that Act. And their rights were recognized under that Act. To-day, when we are making a new constitution, the Catholics—I suppose it is the Catholics who are asking for this now—come to us with a statute of this parliament and say: This is an Act which you put upon the statute-books by which our rights to separate schools were granted in 1875, thirty years ago; this has been revised and reviewed twenty times since and it has always been looked upon as a proper thing to put in that law, and now we ask you to recognize it as fully and as completely as a similar right was recognized in 1867, when the minorities of Quebec and of Ontario came to the fathers of confederation looking for the protection of their rights. I ask you, Mr. Speaker, if it would be fair or just to say to people who have lived for thirty years under a statute which we have given them affording them protection, an Act passed in 1875, to now remove the protection which they have enjoyed constitutionally for thirty years. Some one was asked

what right we have to suppose that the people of the Northwest will not grant the same privileges as we would grant in the east. While I am not saying that they would not, I will say that if I were a Catholic living in the Northwest what has happened in the past would, I think, be notice to me that I had not a great deal to expect in matters of this kind. I do not want to jar upon the feelings of any western man, or any other man, but I think that to be honest we should place the facts just as we find them. In the seventies, or perhaps in the eighties, a school law was passed in Manitoba which, as far as I can learn, was perfectly satisfactory to the Catholics and was a carrying out of the compact of 1870. Why it was so, I do not know; but the fact is that it was later wiped off the statute-books, and there is no such thing in the statute-book of Manitoba to-day. It has been stated in this House to-day that a resolution has been twice passed in the legislature of the Northwest asking the government to take away the provisions of the Northwest Territories Act in respect to separate schools. These provisions have not been taken away, but does anybody venture to tell me that if the legislature of the Northwest had the power to take these provisions away, it would not do so? They have twice passed resolutions wiping off the slate. They had not the power to fully and effectively carry that out, but as far as the intention is concerned, it was clearly there. All doubt with respect to the legislature of the Territories is removed in that way, and doubt with respect to the legislature of Manitoba is removed by the fact that three times in succession efforts have been made to wipe off the statute-book anything which authorized separate schools; and I, therefore, think the minority are justified in asking us, when granting a new constitution, to see that these rights which were reserved to them in 1875 will again be reserved to them under the constitution of 1905.

I have spoken longer than I intended, but the points I wish to make are these, and I shall summarize them in concluding. In the first place, I wish to point out that I think that we have ample power under the provisions of the British North America Act, 1867, and the Orders in Council which were passed to give us control over the Northwest and over British Columbia in 1871, to grant a constitution to any new provinces that we might carve out of the new country. I think, Sir, that we are perfectly safe in taking it for granted that when the parliament of Great Britain told us that we could give a province a constitution, that that means a constitution and it means nothing less. To give a province a constitution is to give it all the machinery necessary to carry its affairs on as a province; and when, in the old days, we took in provinces by Order in Council, we took them in on such conditions as were stipulated

and agreed upon, and perhaps one hundred changes would be made between the commencement of negotiations and the final admission of the province. If we were bound down to hard and fast rules, we could never get a province to enter the confederation, and the early legislators of Canada were not long in discovering that some discretionary power was needed, and Sir John A. Macdonald asked the parliament of England to give the Dominion parliament such power as would enable them to give the provinces entering confederation such constitution as from time to time they might find necessary. These constitutional powers were granted and exercised, and in the exercise of that discretion the parliament of Canada had full power to mould and shape the conditions of Canada and to give to these new provinces a constitution as much as possible on the lines of the old provinces, making such changes as were necessary to suit the circumstances in each case.

I submit, Mr. Speaker, that we have this power, and that we are exercising it in the right direction in recognizing the circumstances that to-day exist in that country. While we should give every privilege to the local legislature, we should carry out, in dealing with these new provinces, the principles that governed us in forming constitutions of the other provinces. It was recognized, as I said before, at confederation; it was recognized in 1870, when the people who had formed confederation had every term and every condition of that contract fresh in their minds, when they had just returned from the conferences in England, when they were fresh from the conferences at Quebec and elsewhere, and when they had the whole business moulded and shaped in their minds, then the very first time they had to put it into effect they recognized the principle for which I am contending, and which is found in the British North America Act of a few years before. As I said before, it is recognized in the Act of 1875, it is recognized in that admirable speech of Mr. Blake, in that speech of Alexander Mackenzie, and in the concurrence with that idea of Sir John Macdonald and every member who spoke in the House of Commons in 1875. Finding these conditions and finding that it is our duty to follow them out, and finding that we have those powers, are we doing anything but what is right and fair when, in this slight way, we recognize that constitutional principle? What are we doing? We are simply adopting and making the law of the Dominion a law which the premier of the country with which we are dealing has stated is first-class legislation, is legislation which was passed by the parliament over which he presides, and of which he has said that if he were a dictator to-morrow he would not change one line of it. We are putting an Act into force in this country which an hon. gentleman who sits in this House as an opponent of the gov-

ernment, would venture to say that after twenty-two years' experience in the west this school law which we find to-day upon the statute-books is best suited for the needs of that country. That is the law we are asked to pass. I think the position I take in supporting the government is perfectly clear. I believe we have the power to do what we are doing, that in recognizing the constitutional rights of the people in the Northwest we are acting wisely, and that we could not recognize those rights at all and do less than we are doing.

Mr. GEORGE H. PERLEY (Argenteuil). This matter has been so thoroughly threshed out, Mr. Speaker, and the hour is now so late that I do not propose to keep the House very long. After listening to the many and varied arguments we have heard since this debate began it seems to me quite evident that no one is absolutely certain whether or not this House has the power to pass this Bill in its present shape. The hon. gentleman who has just spoken (Mr. McKenzie) claims that our constitution is as pliable and elastic as the British constitution, but I can hardly see how for a moment it can be maintained that a constitution, which is a written one, and hence bound within the four corners of the document, can be at all compared to one which has its only basis in practice and precedent. Our constitution is the British North America Act, and that Act I do not think we have the power to alter or change in any particular without the consent of the imperial parliament. After listening to the very able arguments which we have had pro and con concerning the question of jurisdiction from the many able lawyers who have taken part in this debate it seems to me that those who deny our power to legislate as we please regarding the new provinces have the best of the argument, and I shall be surprised if the question of our jurisdiction is not carried to the Privy Council in England before it is finally decided. Should this happen, as I am afraid it will, the effect in the meantime will be most unfortunate, for the new provinces will be kept in a condition of trouble and uncertainty until the matter is finally decided. In my opinion it would have been far better had a series of questions been submitted to the Supreme Court and the Privy Council, and thus have removed by the highest court in the empire any doubts that might arise as to our powers, and as the creation of these new provinces was a matter which has been anticipated by everybody for some years, it seems to me that it would have been only ordinary foresight and prudence on the part of this government to have found out in advance exactly what jurisdiction this parliament has regarding these matters and thus be in a position to act without any uncertainty or hesitation. That, to my mind, would be the busi-

ness way of acting, and naturally that is the way which most commends itself to my approval. Even now I think it would be better for the government to adopt that course, and I would consequently urge them strongly to withdraw the Bill and postpone it until next session, by which time we could ascertain exactly what our position is and thus avoid the danger of putting in our statutes a very important law which may turn out to be in many respects outside our jurisdiction and consequently waste paper. In the meantime the government could take advantage of the delay by taking up with the Canadian Pacific Railway the question of doing away with the exemption of that company from taxation, the continuance of which is provided for in section 23 of the Bill; and for my part I know of no reason why they could not arrive at some equitable arrangement which would be satisfactory to every one and fair to the Canadian Pacific Railway, and which would leave the new provinces absolutely untrammelled as regards taxation.

The chief discussion in this House and in the press throughout the country has been regarding clause 16 which deals with education. As I understand it, and as the hon. the Minister of Justice has explained it, this clause, as amended by the government, gives minorities in the Northwest the same rights they now enjoy. Neither more nor less. These rights are very simple and easy to understand. The important sections providing for these schools in the Northwest Ordinance are :

41. The minority of the ratepayers in any district, whether Protestant or Roman Catholic, may establish a separate school therein; and in such case the ratepayers establishing such Protestant or Roman Catholic separate school shall be liable only to assessments of such rates as they impose upon themselves in respect thereof.

137. No religious instruction except as hereinafter provided shall be permitted in the school of any district from the opening of such school until one-half hour previous to its closing in the afternoon, after which time any such instruction permitted or desired by the board may be given.

(2) It shall, however, be permissible for the board of any district to direct that the school be opened by the recitation of the Lord's Prayer.

138. Any child shall have the privilege of leaving the school-room at the time at which religious instruction is commenced, as provided for in the next preceding section, or of remaining without taking part in any religious instruction that may be given if the parents or guardians so desire.

139. No teacher, school trustee or inspector shall in any way attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and any such action on the part of any school trustee, inspector or teacher shall be held to be a disqualification for and voidance of the office held by him.

149. No person shall be engaged, appointed, employed or retained as teacher in any school unless he holds a valid certificate of qualification issued under the regulations of the department.

In other words, all schools must be conducted in the same way. All the teachers must be equally competent, all the text books and teaching must be the same in all the schools, and all the schools must be subject to government supervision. Religious instruction is, however, allowed for one-half hour of whatever kind the board of each school may decide. Now, Mr. Speaker, these rights for minorities have been in force, in much the same form, for many years, and thousands of people have settled in the Northwest relying on them. I understand they have been perfectly satisfactory to the people of the Northwest, and no doubt would be continued in the new provinces, were the matter left entirely to them. Personally, I believe it would be better to have all our children educated together, as they would learn to know each other better and perhaps make better citizens. But I have always lived in a mixed community such as we have in Ottawa, and I consider that the rights and feelings of every class of people should be respected, and that it would be impossible to carry on our government on any other basis in a country of varied races and religions such as Canada possesses. I might add, Sir, that although the county I have the honour to represent is composed of every class, creed and nationality, I have not received a single letter or petition urging on me to take any particular course regarding this question, and I think I may, without laying myself open to a charge of undue conceit, consider this a cause of pardonable pride on my part as showing that the people of Argenteuil are willing to trust me in this matter. If we have any right to legislate at all on the subject, I am sure that none of my Protestant friends would object to our continuing in the Northwest the very moderate rights of education which the Roman Catholic minority now has there and has had for so many years.

By their speeches, hon. gentlemen opposite are trying to convince the people that the Conservatives are against the separate school system as it at present exists in the Northwest. But, Sir, no member of the opposition has taken any such position.

Some hon. MEMBERS. Oh, oh.

Mr. PERLEY. My hon. friend the leader of the opposition showed in a masterly argument, from a constitutional and legal point of view, that this parliament should not deal with the question, but nothing that he said could in any way be construed into an objection to separate schools. We have had from the hon. Minister of Justice and many

other lawyers a different view on the constitutional question from that taken by my hon. leader. According to some legal authorities, the power to legislate regarding education lies with us only, and according to others we are bound by the constitution to provide for a system of education. I myself believe in provincial rights, but in this case the question is not one of provincial rights, as there are yet no province in the Northwest, but of the legal interpretation of the British North America Act, and on that point no one can tell which lawyer is right and what view the Privy Council may take.

While I think that the educational clause as now drafted is fair and equitable, I repeat that, in my opinion, it would be better not to go on with the Bill now but let the government find out first where we stand and what our powers really are before we attempt to legislate.

It seems to me that the government is very much to blame for the hasty and ill considered way in which this measure was brought before the House and the country. The right hon. Prime Minister brought in this Bill on the 21st of February, and the greater part of his speech was an elaborate argument in favour of separate schools, and was of such a nature as to arouse a storm throughout the country on this question, and to make men of strong Protestant views believe there must be something very objectionable in the Bill. You must remember, Mr. Speaker, that none of us had seen the Bill when the right hon. Prime Minister presented it for its first reading, and still his speech produced in my mind the impression that he expected the measure to be strongly objected to by the Protestants of this country. That is exactly what happened. Petitions began to pour in at once, and a few days afterwards the Minister of the Interior (Mr. Sifton) resigned his office. After that, a whole month elapsed before the modified education clause was brought in by the government, and this agitation throughout the country kept on growing. I believe the storm of disapproval would never have arisen if the right hon. Prime Minister had consulted with his colleagues and his followers beforehand and had provided, in the first instance, simply for schools as they exist at present in the Northwest. I have no doubt that the people will place on the shoulders of the government, where it properly belongs, the blame for the unfortunate agitation on this question that has swept over the country.

Mr. A. LAVERGNE moved the adjournment of the debate.

Motion agreed to.

On motion of Mr. Fielding, House adjourned at 11.40 p.m.