

cause a very serious prejudice to the French-speaking Canadians, whether they be in the Maritime provinces, or the French-speaking minority in Ontario or other provinces.

In conclusion, I want to quote an extract from a speech by the Honourable Mr. Rose, delivered on February 21, 1865 in which he said that to his knowledge there had never been any attempt in Lower Canada to deprive the minority of its just rights concerning the education of its youth, and that that was not only his personal opinion but was the result of the observations he had been able to make. The Honourable Mr. Rose referred to the report of the commissioners of the British Government in 1837, who were impressed by the fact that two populations, each speaking a different language, were able to live peaceably together without having to quarrel in any way about the education of their children. He said:

We English-speaking Protestants should not forget that even before the federal union of these provinces, when the French majority had all the power, we were also granted without restriction all our rights to separate education. We should not forget that there has never been any attempt to prevent us from educating and instructing our children in our own way, that we have always had our fair share of grants under the control of the French majority, and every facility to establish separate schools wherever we found it convenient.

Honourable senators, I wish to add that in these few remarks I have made I have tried to be quite respectful of the opinion of the majority of this house, and at the same time I have tried to show firmness in favour of the minority which I try to defend.

Under the circumstances, honourable senators, I regret that I cannot vote in favour of the bill.

**Hon. William M. Wall:** Honourable senators, the essence of the present bill is that it changes the provisions of the B.N.A. Act of 1930. It might be well to review what happened then.

If you examine the memoranda of agreement which formed part of the B.N.A. Act of 1930, and specifically sections 6 and 7, under the heading "School Lands Fund and School Lands", it will be seen that when the control and the administration of natural resources *in toto* was being given to the Prairie provinces there was mutual agreement between the federal Government and the three provinces that the school lands and the school lands funds being transferred were to be voluntarily subject to a trust

existing in respect thereof since 1872, if I am not mistaken. It may be just as well for us to realize that at that time there were considerable amounts of money and areas of land involved. At that time there was involved the transfer of \$31.6 million, plus 5.7 millions acres of surveyed school lands, plus an estimated 14.7 million acres of unsurveyed school lands, and all these were being transferred to the administrative control of the provinces subject to the existing trust stipulation, running like an unbroken thread for more than half a century of our existence as a nation.

There is a legislative and contractual basis to this trust, freely agreed to by the provinces and by the federal Government in 1930. This obligation has in it two principles. I refer now specifically to section 40 of the Dominion Lands Act. The two principles or the two implications of this trust are as follows: First, that certain lands and proceeds therefrom would be reserved for the support of education. That is one principle or implication in section 40. The second implication is that these trust moneys would be distributed equitably among all schools having a legal existence in each of the three Prairie provinces.

Section 40 can be paraphrased to indicate that all moneys realized from the sale of school lands shall be invested to form a school fund for educational purposes. That is the first principle or implication. The second may be paraphrased to indicate that the interest arising therefrom, that is, the annual income, shall be paid to provinces toward the support of schools organized and carried on in accordance with the law of such a province.

It is interesting, and very significant, honourable senators, to go back to the debates of the House of Commons dealing with this particular piece of legislation in 1930, and especially to read the very illuminating, and almost emotional addresses of Messrs. Cahan and Lapointe to see what was involved, and learn how the federal Government was interpreting these obligations and how the obligations of the provinces were being interpreted. Those debates centred around making absolutely certain that the whole of section 40 of the Dominion Lands Act would apply. The spokesman for the Government, the Honourable Mr. Lapointe, made it very clear that the B.N.A. Act of 1930 safeguarded the trust aspects of natural resources previously set aside for the support of education, incorporating the intent of section 40. To defend his position and to defend the point that the provinces in entering into these agreements in 1930 fully understood and fully intended to honour their obligation, the minister at that