

the provincial legislature said, "Go ahead" — section 93 freezes it.

Mr. Chairman In the absence of appeal, it can be decided upon the intervention made by the government at Ottawa?

Mr. Higgins Only to enforce section 93, never to change it. You cannot change it; once you adopt section 93, we are under section 93 as a province forever, and the present setup could never be disturbed at all. Under section 93, the right to amalgamate is not there.

Mr. Chairman No, under section 93, the right to amalgamate is not given. I go all the way with you there.

Mr. Smallwood The difference between section 93 of the BNA Act and this clause in the terms, is this...

Mr. Chairman I know the difference.

Mr. Smallwood I was not saying it for your benefit. The difference is this, under the BNA Act, if section 93 applied to Newfoundland the school system we have now would be frozen upon us. It could never change, the denominations now have schools and would go on having them for all time; no two denominations could unite their schools if they wanted to do so. In the clause in our terms, all denominations are guaranteed the right to go on forever, as long as they want to go on, with their own separate schools. But there is something else added: any two denominations or more that should ever wish to unite their schools, that right is given in this clause. All interests are protected, all conscience is protected; the beliefs of all people are protected; no one is denied any right at all. You can stay as you are, or unite with somebody else.

Mr. Chairman Your point, Mr. Higgins, is that it is frozen, unless this amendment or alteration is cited, by amalgamation between two or more bodies?

Mr. Higgins Yes, unless this present clause is in.

Mr. Chairman I am reading both together. I am reading section 93 in the light of that clause. Therefore under section 93 it is frozen; in the light of that clause, it remains frozen but subject to alteration in the event of two or more communities desiring to amalgamate.

Mr. Higgins And providing further for payment of monies. It is a definite amendment to 93.

Mr. Newell I am confused. Did I understand him

to say, on the one hand section 93 freezes the situation as it is now, and on the other hand, under section 93 there is no right of amalgamation? No right?

Mr. Higgins Yes.

Mr. Newell There is the right now. As it is now, it is being done, whether legal or illegal.

Mr. Chairman It was my impression it was frozen; but I think it is the practice that has been followed in Canada since union.

Mr. Higgins I believe it is being done unofficially. I speak subject to correction.

Mr. Newell I am not sure. I do not know enough about it. I know there have been various amendments to the Education Act. But it is my impression that that is covered — the right of groups to amalgamate if they so desire, no compulsion. If that is so, I cannot reconcile the statement that if 93 were in force it would remove our right to have that amalgamation.

Mr. Chairman Mr. Higgins' position is that it remains frozen unless an alteration is desired through and by amalgamation; if you wanted to change what would otherwise be frozen, you would have to have amalgamation, whereupon the authorities would act upon it and allow you to bring about amalgamation.

Mr. Smallwood In reply to Mr. Newell, and to throw a little more light on the matter — you will appreciate that in Ottawa it was one thing to be talking about money but something else again to be talking about matters in which they believe deeply. The last thing we wanted or would welcome would be to run counter to the beliefs or faiths of the people of Newfoundland. Naturally, we had to go pretty deeply into this question. There is a danger, if section 93 applied to Newfoundland, that only two classes of persons would be permitted to have schools — Catholic and Protestant. In other words, the danger would be that all Protestant schools, whether they liked it or not, might be forced to unite. Now there is no good reason why any denomination would be forced to unite or not to unite. The application of section 93 might mean exactly that — forcing that there be only two classes of schools, Catholic and Protestant, whereas what we have is Catholic, Church of England, United Church, Presbyterian, Salvation Army, Seven Day Adventist — I do not know any others, Pentecostal? And with this clause in these terms, any class or