

energies, all his talent and all his industry to the interests of the farmers of Canada.

Section agreed to.

Bill reported, read the third time and passed.

#### PROVINCIAL GOVERNMENT IN THE NORTHWEST.

House in committee on Bill (No. 69) to establish and provide for the government of the province of Alberta.—Sir Wilfrid Laurier.

Mr. FITZPATRICK. To repeat what I said a few days ago, there is not a single province in this Dominion to-day, as their Lordships of the Privy Council held in the second Manitoba case, which can exclusively make laws in relation to education. That subject is separately dealt with, and has its own code in section 93 of the British North America Act, by which section the power to make laws in relation to education is expressly limited.

1. The right to denominational schools which any class of persons has by law in each province at the union must be preserved;

2. The powers, privileges and duties conferred in Upper Canada upon separate schools and school trustees of the Roman Catholics are extended to the dissentient schools of Protestants and Roman Catholics in Quebec;

3. Where in any province a system of separate or dissentient schools exist by law at the union, or is thereafter established, an appeal shall lie to the Governor General in Council from any act or decision of any provincial authorities affecting any right or privilege of the minority.

Manitoba has a special code, contained in section 22 of the Manitoba Act. This section 22, which, as Sir John Macdonald, who drafted the Bill and introduced it into this parliament, declared, was intended to establish a separate school system in Manitoba and to make section 93 applicable as far as possible to that province, failed to accomplish the object this parliament then had in view, as was subsequently determined by the judgment of the Privy Council in the case above cited.

The Territorial draft Bill, called 'Haultain's Bill,' which contains the provisions of the constitution which the inhabitants of the Northwest Territories asked this parliament to grant them, by section 2 makes applicable to the new province all the provisions of the British North America Act applicable to all the provinces originally embraced in the union, except where inconsistent with the expressed provisions of that Bill.

There being in that Bill no provisions relating to education, the provisions of section 93 of the British North America Act would have become applicable to the new province.

Mr. LENNOX.

The effect, therefore, of that Bill would have been to preserve 'any right or privilege with respect to denominational schools (not merely separate) which any class of persons had by law in the province at the union.' If the words 'in the province at the union' mean the time at which the Territory came into the union as a province, the word 'law' would include the provisions of section 11 of the Northwest Territories Act of 1875 and ordinances 29 and 30 of 1901.

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

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

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

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

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

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

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

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

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

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

(a) Public (undenominational) schools;