

ordinances of the Northwest Territories, passed in the year 1901.

You are dealing with the right of the Roman Catholic minority, or the Protestant minority, as the case may be, in any school district. Now will the Minister of Justice observe once more as he has so many times observed in the past, the exact language that is used.

Any right or privilege with respect to separate schools which any class of persons have, &c.

But the language which is proposed by the hon. member for Saskatchewan does not use that expression 'any class of persons.' It goes on with a very much more general form of expression. It continues the section with these words:

Or with respect to religious instruction in any public or separate school as provided for in the said ordinances.

If you eliminate part of the section which is immaterial for the purpose of ascertaining the meaning of it the section will read thus:

Nothing in any such law shall prejudicially affect any right or privilege with respect to religious instruction in any public or separate school as provided for in the said ordinances.

When you come to look at the ordinance you will find that section 137 of chapter 29 is as follows:

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.

Now, I am not concerned for the moment with the principle of the Bill. I am dealing with what I understand to be the intention of the government. I am doing this as a member of this House who desires that legislation may express that which it is the intention of parliament to set forth. It is not the right or privilege you are dealing with there. It is the power with which the legislature of the Northwest Territories has invested the trustees of every school district, and either one result or the other will follow. My hon. friend the Minister of Justice will understand that I am, of course, speaking off-hand on this question not having had any opportunity before of considering it. Either one result or the other will follow. The first result may be that these words 'right or privilege' will be considered inapplicable, to express a power vested in the board of trustees. The only place where you find the word 'privilege' contained in the sections which deal with religious instruction is in section 138 where every child is accorded the privilege of retiring. That is not what is intended to be dealt with by this. It is the power vested in the board of trustees to regulate religious instruction. The other

alternative is this, that if you consider the words, 'right or privilege' to be apt to describe the power vested in the trustees, you are limiting unnecessarily the power of the provincial legislature. If the provincial legislature should desire to withdraw from the trustees and to vest in the board of education, or the Commissioner of Education, the power to regulate religious instruction in Protestant majority schools, the provincial legislature would find itself powerless to deal with that particular phase of the question although to deal with it would not be inconsistent, as I understand the intention of the government, with that which they intend by this section. I do not know whether or not this somewhat close point has been made clear by my remarks to the Minister of Justice, but I do not think he will find upon consideration that the language employed may go further and does go further than his intention or than the intention of the Prime Minister. I am not going over the argument of the right hon. gentleman; I have said about all I can say with regard to that. I am opposed to the whole section, amended or otherwise, for the reason that I think the matter should be left to the provincial legislature. I can see, however, reason for making some change if you once accede to the policy of limiting the powers of the provincial legislature, but I think that object can be accomplished without going so far as the words of this amendment.

Sir WILFRID LAURIER. I will give my hon. friend my own view of this matter. I was once a lawyer—it is many years ago, and I am rather rusty in my law now—but nevertheless I will give my hon. friend the interpretation I place upon this amendment. In my opinion there can be no doubt whatever that the legislation which has been passed in the Northwest Territories and which is now in force has been somewhat at variance with the principles laid down by the organic law of 1875. That is a point which I might have debated with my hon. friends from Labelle and Beauharnois when they accused us of giving nothing to the minority; that is a point which is rhetorical rather than legal and actual. One thing is certain, and that is that when Mr. Mackenzie introduced the Act of 1875 he stipulated in so many words that the majority could have such schools as they thought fit, and that the minority also could have such schools as they thought fit. The legislature of the territories did not follow that closely. If you analyse their legislation such as it now is before us, you will find that the legislature evidently had in their mind secular education and religious education. Secular education they have absolutely taken control of and they intend to keep it; religious education they have left altogether to the people themselves, and therefore when the amendment says that the power of the