

was not based on that, but largely on the power conferred by the Act of 1871 that was passed as the result of this application.

Mr. W. F. MACLEAN. It is then the object of his Bill to carry into this Autonomy Bill the high-water mark, if we may use that term, of the rights and privileges enjoyed by the minority in 1875?

Mr. FITZPATRICK. My hon. friend (Mr. W. F. Maclean) has a picturesque way of expressing himself, and he will pardon me if I cannot always follow him. My object was to use plain language which an ordinary man can understand, which I can understand. My object was really to apply section 93 of the British North America Act, which is applicable to every province in the Dominion, to these new provinces. That was my object, and to confirm the people of these Territories in those rights and privileges, mentioned in section 93, which they now enjoy, nothing less and nothing more.

Mr. HAGGART. If I understand the hon. gentleman aright, clause 2 of this Act would not bring into force clause 93 of the British North America Act except for the special clause afterwards?

Mr. FITZPATRICK. There is no doubt about that.

Mr. HAGGART. He holds that clause 93 applies solely to the original provinces.

Mr. FITZPATRICK. No; I do not. My argument is that a province to be in the full enjoyment of all those powers which a province ought to possess, should be in the possession of the rights conferred by section 93.

Mr. HAGGART. If you give to the provinces all the powers given by the British North America Act, except those which are by intentment applicable to particular provinces or groups of provinces, you must include the educational clause, unless clause 93, the educational clause of the British North America Act, applies solely to the provinces which are mentioned in the original British North America Act. Under my reading, I think that clause 2, under the recent decision as to the meaning of the word 'province' on the delimitation question, which was submitted to the Supreme Court and the Privy Council, would be held to mean that the provisions mentioned in clause 93 would apply to the new provinces coming in, and the Minister of Justice, in order to cover any doubts upon the question, has included section 16 in the Act.

Mr. FITZPATRICK. That is exactly the difference.

Mr. W. F. MACLEAN. The high-water mark?

Mr. FITZPATRICK. 'High-water marks' in educational matters and 'handsprings in legislation' are things I cannot understand.

Mr. W. F. MACLEAN. All I ask is that the Minister of Finance bow to the Minister of Justice. The Minister of Finance said that this only intended the half-hour's religious instruction; will he now rise in his place and defer to his colleague in regard to what the intention of this Act is?

Mr. FIELDING. I did not understand my hon. friend the Minister of Justice had touched that point at all. I am quite well satisfied to leave the law in the hands of the Minister of Justice.

Mr. W. F. MACLEAN. In other words, the Minister of Finance now accepts the high-water mark of interpretation put on it by the Minister of Justice, and withdraws the statement he made to this House some time ago.

Mr. FIELDING. No, I do not withdraw any statement I made.

Mr. W. F. MACLEAN. But he says he accepts the opinion of the Minister of Justice, whatever it is.

Mr. FIELDING. I am willing to be advised by the Minister of Justice on law. There is wherein I differ from my hon. friend, who always takes his own law. We have not reached section 16; when it is discussed I have no doubt the Minister of Justice will show that it is entirely as we all understand it.

Mr. W. F. MACLEAN. In other words, then, the Minister of Finance has appointed the Minister of Justice as the keeper of his conscience.

Mr. FIELDING. I appointed the Minister of Justice, if appointment be necessary, my adviser in matters of law.

Mr. SPROULE. That would be good so far as it goes. But the Minister of Finance should not forget this fact, that he treated this House to a very serious argument, or what he wanted us to accept as an argument, explaining that practically the system of schools they have in the Northwest Territories to-day was no system of separate schools at all, it was practically a system of national schools. He says that is the only conclusion the man in the street can come to. He says, let us take the common sense view of it, let us leave the constitution question out of consideration altogether. We believe that to-day, by the ordinances which have been brought into force, the Act of 1875 has been so amended from time to time that the schools to-day are practically no separate schools at all, that they are national schools; and we are asking this House to perpetuate them, and not perpetuate a system of schools that were intended to be put in operation by the Act of 1875. That was the gist of his argument, that was the inference which he wished the country to draw from the argument he presented to the House.