

nominal schools in which case they are open to all the objections which the hon. Minister of Finance and other members of the government as well as other members of this House have to a denominational school system, or they are not denominational schools in which case they are not entitled to the protection which hon. gentlemen are seeking to give them. Upon what ground, then, it may be asked, if there is no constitutional obligation upon us, should we enact this legislation and upon what ground is it contended by those who are supporting the Bill that this legislation should be crystallized into law? The only other ground that has been advanced is that there is a moral obligation upon us. So far as that is concerned, Mr. Speaker, I cannot see for my part that there is any moral obligation whatever upon this parliament. But, if there were any moral obligation why not leave that moral obligation to be recognized by the provincial authorities? If there really exists a moral obligation surely we can trust the people of the Northwest Territories to recognize it. There is no justification or warrant, good, bad or indifferent, to my mind, for this parliament attempting to take the people of the Territories by the throat for the purpose of seeing that a moral obligation is recognized. If there is any let the people of the Territories recognize it and do not let this parliament transcend its powers for the purpose of enforcing it upon them.

A good deal has been said in reference to the difference that exist between the original clause 16 and the substituted clause. For my part I cannot see there is any practical difference between the two provisions. Subsection 1 of the original clause 16 reads as follows:

The provisions of section 93 of the British North America Act, 1867, shall apply to the said province as if, at the date upon which this Act comes into force the territory comprised therein were already a province, the expression 'the union' in the said section being taken to mean the said date.

That section applies to the terms of subsection 1 of section 93 of the British North America Act, with an attempt to twist the interpretation of the word 'union'; but under that section the original subsection 1 of section 93 of the British North America Act is applied. That, as I have pointed out, relates to rights and privileges with respect to denominational schools. If these schools in the west are not denominational schools, that original subsection 1 of clause 16 of the Bill would give the minority in the Northwest no protection whatever. Now, subsection 2 is:

Subject to the provision of the said section 93, and in continuance of the principles heretofore sanctioned under the Northwest Territories Act, it is enacted that the legislature of the said province shall pass all necessary laws in respect of education, and that it shall therein

always be provided (a) that a majority of the ratepayers of any district or portion of the said province, or of any less portion or subdivision thereof, by whatever name it is known, may establish such schools therein as they think fit, and make the necessary assessments and collection of rates therefor, and (b) that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and make the necessary assessment and collection of rates therefor, and (c) that in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessment of such rates as they impose upon themselves with respect thereto.

This is the only provision in the original clause 16 which guarantees any rights to the minority in the Northwest Territories, and the only right and privilege which it guarantees is the right to have separate schools, nothing more and nothing less. Now, that clause is the same as the clause in the Act of 1875, which is enacted in terms in the ordinances of 1901. The substituted clause provides:

Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901.

The effect of this subsection is to incorporate into this Act, just the same as if we were reprinting them in this Bill, any provisions of the ordinances relating to rights and privileges of the minority. There is, therefore, absolutely no difference between these two provisions, the original clause of the Bill and the substituted clause accomplishing the same purpose.

Furthermore, in connection with this subsection I want to point out this. A good many members of this House seem to have been labouring under the misapprehension that the effect of that clause is to embody all the provisions of these ordinances as they exist, the limitations and duties of the minority, as well as their rights and privileges. Now, it requires not a very close reading of that section to see that it includes only the provisions which relate to rights and privileges. If this parliament had passed the original clause as it was proposed by the Prime Minister, the legislatures of the new provinces would have had a right to legislate with respect to education in any way they saw fit, subject only to this condition—that it must always be provided by the law that there should be separate schools. I believe that, under the original section, the legislatures of the new provinces could have cut down the half hour of religious instruction, and they could have made any provisions they chose with respect to the schools, provided they maintained a school which would pass as a separate school. Under the terms of subsection 1 of the substituted clause what-