

in which laws are to be construed, or should they be construed as living and moving laws to be construed so as at all times to meet the altered conditions of the occasion? I sympathize with the view of the premier and I put him in contrast on this occasion with the attitude of the leader of the opposition. In one case, you have an interpretation of the constitution by a lawyer; in the other case, may I be permitted to say, by a statesman? Which view is the more likely to be correct? Which view is the more likely to be in the best interests of the country? I take this view of it then; I began by arguing that there could be no infringement of a right until it has been created. A province possesses no rights until this parliament has declared what its rights are. According to the spirit of the British North America Act and according to the letter of the amending Act of 1871, it is in the discretion of this parliament to-day to say what constitution we shall give to these two new provinces.

How have we dealt with education in the seven provinces of this Dominion? We have left education as we found it when we came to legislate. Nova Scotia had no separate schools; the British North America Act gave them no separate schools. In New Brunswick there were no separate schools; when they joined confederation the Confederation Act gave them no separate schools. In Quebec at the time of confederation there were separate schools; the Confederation Act recognized that condition of affairs and left them in the enjoyment of separate schools. In Ontario when it entered confederation there were separate schools; the British North America Act recognized local conditions and left Ontario in the enjoyment of her separate schools. At the time Prince Edward Island joined the union there were no separate schools; the Orders in Council, ratified by the imperial government, left Prince Edward Island in the condition it was in when it entered confederation, without separate schools. When we came to carve a new province out of the territory of Ruperts Land, when we came to establish Manitoba we found a peculiar condition there. They had separate schools but these schools did not fall within the language of the British North America Act. They were not there by right or law because there were no laws. The country was almost uninhabited, no constitution had been declared, it was working under the old law of England, and the legislators of that day, endeavouring to recognize the condition of affairs as they found it, when they were going to make Manitoba into a province said that although there are no schools in Manitoba by law there are some by practice and we will give you a constitution and allow you to retain whatever you had by law or practice. So, they departed from the letter of the law in the case of Manitoba. In British Columbia it is the same. There were no separate

schools in British Columbia, but when British Columbia came into the confederation the Confederation Act recognized the status quo and did not establish separate schools.

Thus, in the case of the whole seven provinces that now constitute this Dominion, each province was left either with or without separate schools just as the condition was at the time of its entering into the union. But what do we find in the case of the Territories? In 1875, thirty years ago, this parliament passed an Act authorizing the legislature of the Territories to establish separate schools. The Act of 1875 did not declare the character of these schools; they might be under church control or they might be under state control. I frankly confess that I disapprove of separate schools under church control, and on one occasion when I had the opportunity I recorded my vote against the maintenance of the status quo of 1875. I object to that feature of it which admits of a school under church control, but the Act remained on the statute-book and it is on the statute-book to-day. It is quite common practice in this House to belittle the jurisdiction of the territorial legislature, but within its limits and as to be subjects in respect of which it can legislate the territorial legislature is as supreme as is the legislature of any province. For thirty years the people of the Territories have been in the enjoyment of rights under the Act of 1875, and they have made clear their views on their educational system in the form of laws passed by their legislature. The ex-Minister of the Interior correctly described the educational laws of the Territories. He pointed out that under the ordinance, chapter 29, which we propose to accept as the standard, the separate schools as they are to-day are really national schools; that the teachers must be qualified equally with the teachers in the public schools, that the schools must be organized under the state and not under the church, that the text books are prescribed by the state, that the inspection, the examination and the whole control of these schools called separate schools, is with the state. We have been assailed indeed by people opposed to us because these schools are not sufficiently under church control. The existing school system in the Territories is the outcome of thirty years of legislation by the people of the Territories. Their educational laws have reached the present status, and they give supreme satisfaction I understand throughout the Territories. Although some gentlemen on the other side of the House are endeavouring to induce the people to rise in revolt, we do not find any such hysterical appeals made by the people of the Territories who are most directly concerned. I see before me the minister—I beg his pardon I was only anticipating a little perhaps—I see before me the member for East Grey (Mr.

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