

Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

This does not say that any provincial law may exist at the union. It does not allude in any degree—it carefully refrains from alluding—to the collective powers which may be exercised by legislation. It refers to the individual rights of any class of persons at the union, and defines the rights of those people when they come into the union. That is the purpose of the Act—not the defining of anything about what they were before they came into the union. On the face of it it has no reference whatever to whether a province was organized before or not. If there was a class of persons who had rights at the union, when they came into the union they should continue to have those rights—that is the whole intent and meaning of the section; there is no other explanation. That is as Mr. Haultain understood it; that is as any man, I think, must understand it if he reads it with due care. That being the case, the British North America Act being the constitution of this country, I say that, although I am no lover of separate schools, although I do not believe in separate schools as so many of our people do, this government would certainly be doing very much less than its duty if it undertook, under all the circumstances of the case especially, to deviate from the terms of the British North America Act or took any other course than loyally to carry out its provisions. In regard to the terms of the first clause 16 and the second clause 16, I will take the liberty of saying that for my own part, I would rather not have seen any clause 16 at all. I believe that according to the British North America Act, the separate schools of the Northwest Territories would have exactly the same protection that they have under the provisions of clause 16. I know that all my friends do not agree with me in that view. I take it that clause 16 is merely a declaration on the part of parliament of meaning and intent; the provisions of clause 16 are declaratory and not mandatory. I say that I would prefer that there would not be any clause 16, that there should not be any declaration of the meaning and intent of these provisions of the British North America Act. I say that as a Protestant living in a country where the large majority are Protestants, and as one who does not believe in separate schools; living where the majority do not believe in separate schools. I take the view that, situated as we are in a sufficiently strong position to maintain our views without any declaration as to the extent to which the British North America Act goes. But I am bound to say that there are other gentlemen who do not take that view; and I am bound to say also that they have some fairly good reasons for the view

they take. I think it is a fairly arguable question. I presume the reason they take the contrary view is this: That if the terms of the British North America Act are contravened in this particular; the remedy lies with parliament. You come back to this parliament for your remedy. And so they say. If parliament in the last resort has to declare what these provisions mean, it is very much better to declare them at first and avoid any question or misunderstanding in the first place.

On second thought I am somewhat inclined to take that view myself, because, while we have a very large Protestant majority in the Dominion of Canada, and while this House seems to be rather strongly against the idea of separate schools, that condition has not always prevailed. We recall a time not so very long ago when an occasion such as might happen in the Northwest Territories actually did happen in regard to the province of Manitoba, and an appeal was made to parliament, and attempt was made to interpret the provision of the British North America Act by parliament. And when we consider the provisions of that Remedial Bill as proposed to be applied to the province of Manitoba, when we consider that such conditions might possibly arise in the Northwest Territories, those of us who do not like the idea of separate schools, and particularly who do not like the idea of clerical control of schools, may very well say that we would rather have a declaration from this parliament at this time as to what the British North America Act means, than trust to some future time when some other government might be in power who would be more ready to sell the rights of the people of the west for clerical support at the polls. We heard something to-day spoken in tones almost of horror as to the control which the advisory board had in the Northwest Territories, because it had two Catholics on it.

An hon. MEMBER. What an outrage!

Mr. OLIVER. Awful to think of! That advisory board is simply an advisory board, and has no other duties than to give expert advice in regard to educational matters. But I find that when our friends opposite were undertaking to legislate for schools in Manitoba, they did not stop at that. They provided the Lieutenant Governor in Council should constitute a separate school board of education for Manitoba, not exceeding nine, all of whom should be Roman Catholics. I find further that this board of education had these powers.

It shall be the duty of the board of education to have under its control and management the separate schools, and to make from time to time such regulations as may be deemed fit for their general government and discipline and the carrying out of the provisions of this Act; to arrange for the proper examination, grading