

was certain and was admitted by everybody, you could not say more of this amendment which is before the House at the present time than that it duplicates what the constitution provides, and duplicates it uselessly. But if, as is pretended by some, section 93, the protecting section of the Confederation Act, does not apply, then they have no protection. Then I say, if that claim is well founded in equity, there is a moral obligation on the part of this parliament; if the claim of the minority is well founded, and if they do not find that protection which it would seem they have in section 93, then should we not provide it ourselves? Is there a man in this House, be he from the west or from the east, who will deny that at this very moment when we are creating two new provinces, we particularly of this parliament, who have for more than thirty years maintained, rightly or wrongly, the minority in that immense territory in the possession of their educational rights, we who have been the guardians of those rights, and on two occasions have solemnly affirmed that those rights exist—is there any man who will deny that we should at the present moment, when we are creating these provinces, when doubts are expressed as to our right to legislate in regard to this important point, is there a man who will pretend that we ought not, in the preservation of our own honour, to maintain those rights as far as we can? If the enactment is unconstitutional, it will be so declared by the courts. If the minority, under section 93 of the British North America Act, have full protection, this Act is surplusage. The same question would arise if we went beyond what section 93 assures, if we gave more than they have at the present time, or if we took from them something which has always been secured. But we are merely assuring to them the rights which they possess at the present time. In this connection, let me say that we have before us three drafts of proposed legislation. In the very able communication made by Mr. Haultain to the government, which has been brought down to this House is one of these drafts. That is a draft which, at first sight, seemed to me to go even farther than did the first educational clause of my right hon. friend, and farther than this last one, and that clause is to be found in Mr. Haultain's draft, at page 14 of the papers produced before the Northwest Territories assembly. Section 2 of the draft is as follows:

On, from and after the said first day of January, 1903, the provisions of the British North America Act, 1867, except those parts thereof which are in terms made or by reasonable intendment may be held to be specially applicable to or to affect only one or more but not the whole of the provinces under that Act composing the Dominion, and except so far as the same may be varied by this Act, shall be applicable to the province of \_\_\_\_\_ in the same way and to the same extent as they apply to the several provinces of Canada, and as if the province of \_\_\_\_\_ had been one of the provinces originally united by the said Act.

As I at first felt under my interpretation of our Constitutional Act, I assumed that in regard to all school legislation the Act of union drafted by Mr. Haultain brought us back to the 1st of July, 1867, and I say that that disposition of law went even farther than the two other enactments that are before the House, because, if we went back to the date of the Union in 1867, the minority in these new provinces might properly urge the claim that since legislative autonomy has been conferred on the Northwest Territories they have had their educational committee. They have had their own administration of their own schools conferred to a greater extent than they have at the present time and therefore under that enactment and under section 93 of the Constitutional Act they may claim to be fully restored to all their privileges. I think they might urge that at any rate. As to the first educational clause that was brought down I must say that it did not seem to me to have any other effect than to create in the public mind an extremely erroneous impression as to what we were doing for the new provinces. Any man who takes the trouble to inquire will be able to ascertain that by the clause relating to education which was first submitted to the attention of the House we were not breaking in upon the educational system of the Northwest Territories, not introducing a separate school system exactly as it existed in the province of Quebec, but that we were following the established order of things in the Northwest Territories, and it is probably due to the haste with which that clause was drawn that all the agitation that subsequently arose is to be attributed, because, in reality, what did that clause give to the Northwest Territories? It gave separate schools. They have them. They have had them since 1875, but it gave nothing more. It is true it made a provision as regards the distribution of moneys resulting from the Northwest Territories Trust School Fund, but, as I understand that part of the question, I think there is no doubt whatever that under section 93 of our Confederation Act the words 'public schools' in the Northwest Lands Act is understood as applying to the schools of the Northwest Territories as they exist to-day. They are called separate schools but they are in reality public schools and will be so interpreted by any tribunal. We have this amendment in which it has been suggested that concessions have been made—

Mr. BOURASSA. Before my hon. friend leaves that subject of the Trust Fund may I just remind him that in the appropriations which have been made by the legislature of the Northwest Territories since their existence of the moneys coming from the Trust Fund supplied by the federal government the separate schools have always participated and not only have they parti-