

or not their principles were right then or whether their principles are right now, or whether it is not a matter of expediency in each case rather than a matter of principle at all. We had separate schools established in Upper Canada and separate schools have been in existence in Upper Canada now the province of Ontario since then, and the Conservative party who are now so strongly crying out against this principle being established in the Northwest provinces is the party which is responsible for them. The Liberal party contested it then and has contested it ever since, continuously, honestly and thoroughly. If they are doing what hon. gentlemen think is a different thing now they are doing what in their opinion it is necessary to do in order to keep faith with the people of the Northwest Territories. The hon. gentleman who has just taken his seat (Mr. Kemp) said that the Postmaster General expressed himself as against the principle of separate schools and I venture to say he did. It is a liberal doctrine, it always has been a Liberal doctrine that it was not necessary to have a separate school system in this country. But separate schools were established and as long as we have sectarian teaching in the schools it will be necessary to have separate schools. Whether or not it is a wise thing to have religious teaching in the schools other than the reading of the Bible is a moot question and need not enter into this discussion. We have the separate school system engrafted on our constitution, it is a part of our system and we must carry out that principle honestly and fairly as between ourselves and the people of the Northwest who are now interested in this matter. Why is it necessary that this legislation in relation to separate schools should be enacted and made a part of this Bill? In the first place under the British North America Act the Northwest Territories could be taken into this Dominion and when they came into this Dominion and were made a part of it, they came in under the provisions of the British North America Act. Section 146 of the British North America Act gives power:

To admit Rupert's Land and the Northwestern Territory, or either of them, into the union.

And the provisions embodied in section 93 of the Act are that:

The legislature may exclusively make laws in relation to education, subject and according to the following provisions:

And that

1. 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.

Then, Sir, subsequent to that, in 1871, a doubt was expressed as to whether or not under the British North America Act the parliament of Canada had the right to create

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provinces out of these Territories. It is very clear that under the British North America Act, Territories coming into the Dominion as a part of the Dominion would have the right to their denominational schools if such existed at the time of the admission of the Territories to the union. Then Sir, the British North America Act was amended, giving the Canadian parliament the right to create new provinces out of these Territories under the provisions of the Act as it stands. For myself I cannot see and I doubt if any other man can possibly intelligently argue that when these provinces are brought into the Dominion they do not come in under the provisions of the British North America Act and that under the provisions of the British North America Act they are not entitled to all the rights and privileges which at the time of their entrance to the union they enjoy in regard to denominational schools. It has been argued that the word 'union' in section 93 refers to the union of the original provinces. It did no doubt refer, so far as the expression in subsection 1 of section 93 went, to the union of the original provinces, but I say that under section 146 outside and outlying territories are to come in subject to the provisions of the British North America Act and to the provisions of section 93 of that Act as well as all its subsections. Thus I think speaking for myself that it was not at all necessary in so far as the rights of the minority in the Northwest Territories are concerned to introduce into this Bill section 16 at all. If these provinces had simply been joined to the Dominion, made a part of the Dominion, created provinces as a part of the Dominion under the provisions of the British North America Act they would have had all the rights and privileges which the British North America Act conferred on any province in this Dominion.

Mr. HAGGART. That is all we want.

Mr. GERMAN. The hon. gentleman says that is all he wants but he goes further than that. The amendment includes the power: to exclusively make laws in relation to education. The leader of the opposition is introducing into his amendment what I think is quite ultra vires of this parliament, an attempt to cut off from the people of the Northwest the rights which they would enjoy under the British North America Act. He is saying that we will curtail the rights that you will have under the British North America Act by asserting in this Bill that you shall have full powers of provincial self-government including education, the right to exclusively make laws in relation to education. So it is by reason of the latter part of his amendment that I absolutely object to his amendment. I think the provinces have the right to all the privileges which they enjoy at the present and what is this parliament doing? It is simply confirming the law which exists in those Territories to-