

and amended clause 16, and in view of other statements we have had to the very opposite effect from other authorities in this House, I venture to say that no one can tell what this legislation we are asked to pass will eventually be found to mean. Let us consider for a moment what the effect of this measure is likely to be. The Act of 1875, which introduced separate schools into the Northwest, was very fully dealt with by the ex-Minister of the Interior. The hon. gentleman pointed out what, in his judgment, were the great defects of that system—what he calls the dual system of education. But if the ex-Minister of the Interior was correct in stating that this dual system and all the evil which he describes as following from it are embodied in the Act of 1875, section 14, and if the very section of the Act of 1875 establishing separate schools is to be re-enacted by this parliament, word for word, for all time to come, how can he escape the conclusion that by this measure we will be planting irrevocably in the west this inefficient and useless system, for the weeding out of which in Manitoba he took so much credit? But how has the change from the inefficient to the efficient system which the ex-minister describes to the one now existing in the Territories been brought about? That there is at present in the Territories what many people consider a good system is proved by the testimony of men who ought to know. Well, the change has been brought about in this way. In the Territories we have a Commissioner of Education whose position is similar to that of the Minister of Education in the province of Ontario, and the Territorial government assumed the responsibility of choosing the text-books and administering educational matters generally. That they did by virtue of certain regulations which were adopted from time to time and not by amendment to the statute of 1875. It is by virtue of these regulations which have been adopted from time to time, and which may be repealed from time to time that the present school system in the Territories has been established. But if these regulations have gone beyond the statute of 1875, if they have taken away any rights to which the minority are entitled, they were ultra vires, they were beyond the power of any Commissioner of Education of the Northwest Territories to pass. If that be the case, what will happen? This will no doubt ensue. Once the measure before us becomes law, the minority will have the right to declare that they propose to have the statute of 1875 applied to their claims and privileges in its integrity. They will protest that their rights have been shamefully taken from them by regulations which have not the power of the statute law and are in contravention of the statute law, that the essential section of the statute of 1875 dealing with the right to separate schools

has been re-enacted by this parliament, and they have the absolute right to have any regulations made in contravention of that statute declared null and void. They will be entitled to decline to obey these regulations or to permit their enforcement and to demand their abrogation. The ex-Minister of the Interior (Mr. Sifton) has declared that in 1892 a law was passed which swept away separate schools in the Northwest. Well, we have the statement of the Premier of the Northwest Territories that whatever change was made in the Territories was made by these very repealable regulations which were passed by the Commissioner of Education with the consent of Catholics and Protestants alike and not by changes in the statute. It is not, therefore, in virtue of any statute that the educational system for the Northwest is what it is to-day, but because of certain regulations passed by the Commissioner of Education for the Northwest Territories and against which so far no appeal has been taken by the Catholics, but which the Catholics could have appealed against if they chose and can later on appeal against and have abrogated if they in any way contravene the statute law giving the right to separate schools which law, if this clause 16 goes through, will be the same as it was in 1875.

Let us deal for a moment with the question of policy. It has been stated by hon. gentlemen opposite that if we should adopt this measure, there will be no more trouble, no litigation, no unpleasantness, and that the duty and obligation rests on this parliament to deal with this matter and settle it for all time. But I submit first of all that if the Dominion parliament has not the power to pass this legislation, then the only result of our passing it will be to provoke litigation in order to determine our jurisdiction. In the second place should the courts hold that this parliament has power, the people of the Territories—who, if this legislation were not passed, would no doubt treat with fairness and justice every class of the community—considering themselves oppressed by a law, in the passing of which they had no voice, would resent its application and decline to obey it. And then, in all probability, we would have the parliament of Canada again called upon to exercise its remedial power. In that connection I wish to say that, so far as I am able to appreciate the jurisdiction of this parliament, it has no power to deal with the subject of education except by virtue of subsection 4 of section 93, and there it has only power to deal with it in certain circumstances. Nowhere else in the Act is this parliament given the power to deal with that subject generally, and I would ask hon. gentlemen opposite whether they would consider for one moment that the Dominion parliament can have general power to deal with the subject of education when by the Confederation Act that parliament is only given the jurisdiction to