

I submit that the provisions are exactly the same except where an amendment is made to make them applicable to what existed in those days in Manitoba. The second section of the Act is:

On, from and after the said day on which the order of the Queen in Council shall take effect as aforesaid, the provisions of the British North America Act of 1867 shall, except those parts thereof which are in terms made or by reasonable intendment may be held to be specially applicable to or only to affect one or more but not the whole of the provinces now composing the Dominion, and except so far as the same may be varied by this Act, be applicable to the province of Manitoba in the same way and to the like extent as they apply to the several provinces of Canada and as if the province of Manitoba had been one of the provinces originally united by the said Act.

That is the same language which is to be found in the Act creating the province of Alberta, and there has been some talk as to what the effect of that Act might be on the educational question. I think there was some exception taken to the construction put upon the clause by my hon. friend from West Assiniboia, which we find in the Act which has been submitted as a constitution for the new provinces by the premier, Mr. Haultain.

Now, I have read to you, Mr. Speaker, the clause in the Manitoba Act. This is the corresponding clause that we find in Mr. Haultain's Bill. The name of the province is blank, but I supply the name of Alberta:

On 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 Alberta in the same way and to the same extent as they apply to the several provinces of Canada and as if the province of Alberta had been one of the provinces originally united by the said Act.

At this point I wish to look a little closely at the meaning of this language so far as education is concerned. Hon. members who are opposing the Bill and who profess to be particular friends of the Northwest, have nothing to say against this draft Act, so far as I can understand. They say there are terms in the proposed Act of the Prime Minister (Sir Wilfrid Laurier) which bring the separate schools into effect in the Northwest, and they declare they are not in favour of such a policy. At the same time, I do not think they have anything to say against this draft Act of Mr. Haultain's. If you examine this clause closely you will find what Mr. Haultain means is that whatever is in existence in the Territories to-day will be gathered together, the whole business shoved back to 1867 and then brought in as if this was a new province. Whatever law you have in force in the Ter-

Mr. D. D. McKENZIE.

ritories to-day must be dealt with as if it had been a law in force in 1867, the time of confederation. What is the law in force in the Territories? Is not the Act of 1875 as much in force to-day as it was when it was passed? It has not been repealed. The fact that ordinances have been based upon it which are inconsistent with it in some respects or which are not as strong in the direction it intended as the Act itself, does not take away the validity of the Act. That Act created separate schools, and that is the Act which Mr. Haultain says is to be continued in force as if had been passed in 1867. That is the effect of what Mr. Haultain proposes, as I understand it. And while hon. gentlemen opposed to the government are unwilling to take separate schools from us, they are ready to swallow them whole when offered by Mr. Haultain. I am not finding fault with Mr. Haultain for putting this in the Act. I think he was doing the right thing in recognizing the conditions that existed at the time. But we must not claim credit for doing what we are not doing. Mr. Haultain and his friends claim credit for not recognizing the conditions in the west. They were going to wipe the whole thing off the slate, and so they claimed to be the friends of the Territories and say that we are the enemies of the Territories. But they cannot sustain that argument in the face of this draft Act, which has in it ever word, if not more, than we have in the legislation before the House.

I have pointed out the different conditions which are in this Manitoba Act. It contains section 2, exactly like the one which is going through to-day. Section 26 of it deals with the land question; and section 20 deals with the school question. So it is precisely the same as the Act now before us. I was pointing out—and I think it is necessary to point out—the ideas which prevail in connection with this constitution which was given to the Territories in 1875. It has been observed here by the hon. member for Marquette that nothing that Alex. Mackenzie and Edward Blake, and old men of that kind said should not receive very much attention. I do not regard Hon. Edward Blake's views on constitutional questions in that way. I think that Mr. Blake was a big man on constitutional questions in 1875; I think he has been a big man on constitutional questions every year since, and I believe he is a big man on constitutional questions to-day; and for that reason we ought to be very much pleased when we find in the books things that he said on questions of this kind, and we ought to be satisfied that what he has said on these questions is sound and good. This is what he said when this Bill of 1875 was before the House, when this question of forming the constitution of the Northwest Territories was being dealt with. It will be seen that the words of Mr. Blake are not the words of a man who thought that we were creat-