

ernment, would venture to say that after twenty-two years' experience in the west this school law which we find to-day upon the statute-books is best suited for the needs of that country. That is the law we are asked to pass. I think the position I take in supporting the government is perfectly clear. I believe we have the power to do what we are doing, that in recognizing the constitutional rights of the people in the Northwest we are acting wisely, and that we could not recognize those rights at all and do less than we are doing.

Mr. GEORGE H. PERLEY (Argenteuil). This matter has been so thoroughly threshed out, Mr. Speaker, and the hour is now so late that I do not propose to keep the House very long. After listening to the many and varied arguments we have heard since this debate began it seems to me quite evident that no one is absolutely certain whether or not this House has the power to pass this Bill in its present shape. The hon. gentleman who has just spoken (Mr. McKenzie) claims that our constitution is as pliable and elastic as the British constitution, but I can hardly see how for a moment it can be maintained that a constitution, which is a written one, and hence bound within the four corners of the document, can be at all compared to one which has its only basis in practice and precedent. Our constitution is the British North America Act, and that Act I do not think we have the power to alter or change in any particular without the consent of the imperial parliament. After listening to the very able arguments which we have had pro and con concerning the question of jurisdiction from the many able lawyers who have taken part in this debate it seems to me that those who deny our power to legislate as we please regarding the new provinces have the best of the argument, and I shall be surprised if the question of our jurisdiction is not carried to the Privy Council in England before it is finally decided. Should this happen, as I am afraid it will, the effect in the meantime will be most unfortunate, for the new provinces will be kept in a condition of trouble and uncertainty until the matter is finally decided. In my opinion it would have been far better had a series of questions been submitted to the Supreme Court and the Privy Council, and thus have removed by the highest court in the empire any doubts that might arise as to our powers, and as the creation of these new provinces was a matter which has been anticipated by everybody for some years, it seems to me that it would have been only ordinary foresight and prudence on the part of this government to have found out in advance exactly what jurisdiction this parliament has regarding these matters and thus be in a position to act without any uncertainty or hesitation. That, to my mind, would be the busi-

Mr. D. D. MACKENZIE.

ness way of acting, and naturally that is the way which most commends itself to my approval. Even now I think it would be better for the government to adopt that course, and I would consequently urge them strongly to withdraw the Bill and postpone it until next session, by which time we could ascertain exactly what our position is and thus avoid the danger of putting in our statutes a very important law which may turn out to be in many respects outside our jurisdiction and consequently waste paper. In the meantime the government could take advantage of the delay by taking up with the Canadian Pacific Railway the question of doing away with the exemption of that company from taxation, the continuance of which is provided for in section 23 of the Bill; and for my part I know of no reason why they could not arrive at some equitable arrangement which would be satisfactory to every one and fair to the Canadian Pacific Railway, and which would leave the new provinces absolutely untrammelled as regards taxation.

The chief discussion in this House and in the press throughout the country has been regarding clause 16 which deals with education. As I understand it, and as the hon. the Minister of Justice has explained it, this clause, as amended by the government, gives minorities in the Northwest the same rights they now enjoy. Neither more nor less. These rights are very simple and easy to understand. The important sections providing for these schools in the Northwest Ordinance are :

41. The minority of the ratepayers in any district, whether Protestant or Roman Catholic, may establish a separate school therein; and in such case the ratepayers establishing such Protestant or Roman Catholic separate school shall be liable only to assessments of such rates as they impose upon themselves in respect thereof.

137. No religious instruction except as hereinafter provided shall be permitted in the school of any district from the opening of such school until one-half hour previous to its closing in the afternoon, after which time any such instruction permitted or desired by the board may be given.

(2) It shall, however, be permissible for the board of any district to direct that the school be opened by the recitation of the Lord's Prayer.

138. Any child shall have the privilege of leaving the school-room at the time at which religious instruction is commenced, as provided for in the next preceding section, or of remaining without taking part in any religious instruction that may be given if the parents or guardians so desire.

139. No teacher, school trustee or inspector shall in any way attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and any such action on the part of any school trustee, inspector or teacher shall be held to be a disqualification for and voidance of the office held by him.