

that it is sound policy to limit in this respect the rights of the new provinces. I say that so far as the distribution of the legislative power between parliament and the legislatures of the new provinces is concerned we should content ourselves with adopting that code which is contained in sections 91, 92, 93 and the two following sections of the British North America Act. These constitute the code of distribution of legislative power between the parliament of Canada and the legislatures of all the provinces, including those provinces we are now creating, and I say it is wise for us, from all standpoints, to abide by the constitution in that regard.

I pointed that out a little more in detail the other evening than I shall do at the present time. I pointed out that in the interest of the minority in this country as well as in the interest of the majority, it is right and wise that we should abide by the constitution, because, that constitution, if it is invaded to-day for one class, may be invaded to-morrow for another class. I deny that there is any intolerance in asking that we should abide by the compact and the constitution which were deliberately adopted in 1867. Any argument as to tolerance is an argument which ought to be addressed to the people and to the legislatures of the new provinces. I think that all of us on this side of the House may at the same time treat with some disdain the arguments of those who throw the taunt of intolerance in our teeth and at the same time turn to their friends and colleagues and say: We may grant this after all to the minority because it is absolutely useless to them; these are not separate schools; the privilege granted is absolutely worthless and in a few years the name of separate schools will disappear from the Northwest. That is a very high exemplification of tolerance! If it is so regarded by some hon. gentlemen opposite, I do not so regard it. If there was any compact, if there was any agreement, why grant separate schools are to be of no value at all to those who demand them? It seems to me that a different policy should have been pursued.

Now there is this one thing more. I do not think enough has been said in this House in regard to a certain motion which the hon. member for Saskatchewan (Mr. Lamont) moved the other evening. Perhaps some members of this House and a great many people in this country do not thoroughly realize what the import and effect of the amendment are. My hon. friend from Beauharnois (Mr. Bergeron) and my hon. friend from Labelle (Mr. Bourassa) proposed certain motions when this Bill was in committee. I will not weary the House perhaps if I state the reasons for these motions, as I understand them. The amended clause 16 of this Bill provides that:

1. Nothing in any such law shall prejudicially affect any right or privilege with respect to

separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901.

The Protestant or Roman Catholic minority in any school section in the Northwest Territories, if they saw fit to establish separate schools, could elect their own school trustees, and if they did so then the powers of these trustees in respect to religious instruction would be controlled by section 137 of chapter 29 of the ordinances which is as follows:

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.

Now, inasmuch as the Catholic minority or the Protestant minority could establish separate schools and could elect their own trustees, they would, in respect to such separate schools, control the religious instruction. But in respect of schools which were not within the designation of separate schools, the legislature of the new province was not in any way controlled by the provisions of section 16. I am trying to state this proposition in as simple and distinct terms as I possibly can. Inasmuch as these public schools—I may call them that to distinguish them from separate schools—were not within the designation of separate schools, contained in clause 16 of this Bill, the provisions of section 16, to which I have just referred, would not prevent the legislature of the new province from interfering with the power of the trustees or from vesting that control over religious instruction in the Commissioner of Education, or in the council of public instruction, or in any other body which it may designate at any time in the future. That was the position and my hon. friend from Labelle, in the first instance, and my hon. friend from Beauharnois afterwards proposed motions in Committee of the Whole House, which in their opinion, guarded the rights of the Catholic minority when that Catholic minority happened to be a majority in any particular school district. These motions were voted down. They were voted down without very much discussion by the government and without very much reason being given by any member of the government. They were regarded as unnecessary or inexpedient—I do not know which—perhaps both; at all events, they were very summarily disposed of and the matter was supposed to end there. But, it did not end there. Then came a very pretty little piece of by-play. That which had been proposed by my hon. friend from Labelle and by my hon. friend from Beauharnois and something more to which I will call attention was proposed by the hon. member for Sas-