

countrymen, or feels a special call to protect some special general interest possibly of all his countrymen, he owes to them more than zeal and more than readiness to devote himself to those rights or interests, and more than willingness to make sacrifices if it be necessary. He owes to those fellow countrymen also the exercise of his very best judgment as to what is the best course to be pursued for the protection of the rights or the interests that may have been entrusted or confided to him. He owes to them likewise—whenever it may have happened that his own particular training may have put him in a position where he ought at all events to be able to form a sound judgment upon any particular question, by reason of its nature being such as to make the training he has received of some use perhaps in aiding a man to arrive at a just conclusion—that he should not shirk his duty, and should not draw back in the face of the conclusions that the exercise of that best judgment of his, aided by the training I have referred to, may lead him to upon that particular question. And he is not doing his duty to those who look to him to specially protect their rights or interests, if he thinks first of saying the thing that will please them, of saying the thing that he would be glad and happy if he were able to truthfully say. He owes it to those people to honestly tell them the result of his inquiries as to the nature or existence of the rights to which they lay claim, and he owes it to them, whether it pleases them at the moment or not, to adopt the course that his judgment tells him, in view of the conclusions that he has so reached, is the best and the wisest for the ultimate protection of those rights. I have endeavoured, Mr. Speaker, to remember those things in my dealing with this particular question. As I have said this is a question of law: Whether there are, or are not, the rights that are claimed to exist. We have the answer to that question to seek, not in the inspiration of our sentiments, but in the pages of our statute-books, and we have got to guard ourselves, in interpreting what those statute-books tell us, against allowing the wish to be father to the thought. I am afraid there are too many men expounding the law in the newspapers, and upon the public platforms of this country, to whom I have no greater reproach to make than that they have allowed their wish to be father to their thought. I have said that I would not worry this House by quoting all the statutes that bear upon this question. Most of them have been already dealt with, and dealt with in a manner that I think, to any fair-minded

Mr. DOHERTY.

person, would justify the conclusion that they do not establish the existence of the legal rights which are claimed to exist. I cannot, however, refrain from making some mention of them. I will ask this House, and I will ask those who may do me the honour of reading what I have to say, to trust me in that I am not going to misrepresent them, and I am quite willing that any one, who feels sufficient interest, should verify whether I have or have not done so. We are told that there are rights in this particular territory, because by a statute of 1875 in an Act regarding the Northwest Territories, it was provided that when a system of taxation should be established in the Territories as governed by that Act, that then an officer to whom the government of that territory was committed, could, acting with a council, which the Governor in Council here might give to him, and which council, it was provided, should gradually, as the country grew, come to be an elective legislative assembly, make laws regarding education, and that in all of those laws it should in substance be provided that there should be recognized to any religious minority the right to establish a system of schools of its own, and that when it did so it should not be liable to be taxed for any general system. I am not pretending to give the precise words of the statute—I have no hesitation in saying I am giving the sense—but we are told in the first place that because of that provision there are rights to-day to separate schools in the territory that is about to be annexed. With regard to that I have nothing to say except that as concerns by far the larger portion of the territory to be annexed—some 128,000 square miles, I think, out of a total of 178,000 square miles—that statute never had any application. I am speaking now of that statute as originally enacted. Before that statute came into force another Act was passed providing for and setting aside as a separate district what was called the District of Keewatin. This Act refrained from enacting, as regards that district, any of the provisions of the Act applicable to the Northwest Territories generally, the Act of 1875, which contemplated there ever coming into existence representative institutions or contained any enactment regarding schools. This second Act, so far as this large portion of the territory to be annexed is concerned, remained in force without doubt and without possible question until 1905. I have no doubt that it remained in force until the 1st January, 1907, but I do not want to enter into discussion about debatable things; it is not necessary. To my mind the conclusion which I have not sought to reach but which has been forced upon me, is too clear to make it worth while to stop for possible debatable points