

I find that it was not a re-enactment. I find that that section was enacted in 1880, and the hon. member for East Grey (Mr. Sproule), who to-day claims that the rights of minorities should not be protected, did not rise and protest against the incorporation of such a law in our statutes.

Mr. SPROULE. When the hon. gentleman asked me before in reference to that, I said that I had no recollection of it. I said that I was not then as familiar with the British North America Act as I am to-day, and I did not know the purport of many of the clauses of that Act; so that enactments bearing upon it might be passed in this House without my knowing anything about them. But when the question was brought before the House in such a way that I understood it, I always opposed such an enactment. In support of that statement, I need only mention the fact that when Mr. Dalton McCarthy moved a resolution with regard to one of the clauses of the Act of 1875, I both spoke and voted in favour of his motion, and what were the reasons I gave for doing so? I said that while Sir John Thompson says we shall have power to give the Territories any kind of constitution we like when we come to form them into provinces, and while other members think the same, the tendency of members, especially lawyers, was to have great regard for precedents, and when we come to that time the very fact that the minority may have enjoyed those rights for a number of years will be quoted as giving them vested rights, which it will be held we have no moral right to take away from them. As I did not want to have that claim made, I voted against it.

Mr. BRODEUR. Is it true that before the introduction of this Bill which we are now considering, the hon. gentleman sent through the country some circulars asking people to protest against separate schools?

Mr. SPROULE. That is not true at all.

Mr. BRODEUR. Is it true that the hon. gentleman was connected in any way, shape or form with the agitation which was excited before the Bills in question were introduced?

Mr. SPROULE. There is not a word with regard to separate schools in those petitions. They simply ask that the provinces be allowed free and absolute right to deal with the subject of education.

Mr. BRODEUR. There is a great difference then between the position taken by the hon. gentleman in 1880 and the position he now takes, before the introduction of these Bills. In 1880 when a Bill was passed by this Parliament containing this section 10, which I shall read so that there may be no misunderstanding, he made no protest against it. My hon. friend says he does not know constitutional law, but this clause 10

Mr. BRODEUR.

speaks for itself and may be understood even by one who is not versed in constitutional law. It is as follows:

When, and so soon as any system of taxation shall be adopted in any district or portion of the Northwest Territories, the Lieutenant Governor, by and with the consent of the council or assembly, as the case may be, shall pass all necessary ordinances in respect to education, but it shall therein always be provided that a majority of the ratepayers of any district or portion of the Northwest Territories, or any lesser portion or subdivision thereof, by whatever name the same may be known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and, further, that the minority of ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that in such latter case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessment of such rates as they may impose upon themselves in respect thereof.

My hon. friend says he did not understand that section, and that is why he did not protest against it; but this session, before the Bills were even introduced, and consequently before he could have seen the educational clauses, he started an agitation against them.

Mr. SPROULE. Will my hon. friend allow me to correct him? I am not aware of having said that I did not understand that clause. I do not know that I was in the House at the time it was passed. It certainly was not brought to my notice.

Mr. BRODEUR. My hon. friend was certainly in the House when that clause 10 of the Act of 1880 was passed because he spoke on that day.

Mr. SPROULE. Will my hon. friend allow me to be responsible for what I do say? I said I was not as familiar with the clause of the British North America Act then as I am to-day. I did not say that I did not understand it.

Mr. BRODEUR. I suppose my hon. friend was then able to read that clause 10, and understand it, and I presume that when it spoke of separate schools, he knew what it meant, and when it spoke of the rights of minority he must have known what it meant. He did not then object. He did not then say a word against that clause 10 of the Act of 1880 establishing separate schools. He did not protest that it was in violation of the British North America Act. He had a speech to make that day on some other question, but on that question he had not a word to say. This session however, before the Bills to establish these new provinces were introduced, and consequently before he could have known what clauses they contained regarding education, he started an agitation against them.