

Protestants or Roman Catholics in the district; suppose there was one-third Protestant, one-third Roman Catholic and one-third Jews and Mormons; does he not think that the word 'majority' in section 11 would enable the majority of inhabitants to establish a school?

Mr. BOURASSA. No, I do not think so.

Mr. R. L. BORDEN. Oh, well—

Mr. BOURASSA. I am taking the intention of the legislator as stated in Mr. Blake's speech. As the Minister of Justice has just said, Mr. Blake referred to the case of Prince Edward Island where the discussion was as between sectarian schools and non-sectarian schools. The right to have sectarian schools is claimed by Catholics, and as the Prime Minister well stated in his first speech on this subject, the right to have sectarian schools has never been claimed by the Protestants of this country as a whole. It has been claimed as a preferable system by some Protestants, but it has never been claimed as a conscientious right by any unit of Protestants in this country nor by the Protestant majority of any part of the country; it has only been claimed by the Protestant minority of Quebec. The object of the clause, as I have stated was to provide for the rights of the total minority of the Territories, and therefore when it speaks of the majority and the minority of any particular district it must mean that the majority or the minority of that district belong either to the majority or the minority of the total population of the Territories. I therefore hold that the reference to the establishment of schools as the majority may think fit, must be interpreted in the same way as the separate schools mentioned in the second paragraph, just as the word majority must be interpreted in the same way as the word minority in the second part of the section; that is: that the majority may choose to have a sectarian school whether Protestant or Roman Catholic, or a non-sectarian school; and that the minority whether Protestant or Roman Catholic, may secede from them and have a Protestant school if the minority is Protestant, and a Catholic school if the minority is Catholic. The Minister of Justice has referred to the ordinance of 1884, but if the leader of the opposition refers to the ordinance of 1885—which is in fact the first ordinance adopted in the Northwest Territories because the ordinance of 1884 has never been put in force—he will find that the idea was there indicated in the clearest way possible. There was to be established public schools, non-sectarian or sectarian, for the majority and separate schools for the minority of any particular district. If the majority of a district choose to establish a non-sectarian school, then the minority

Mr. R. L. BORDEN.

could separate and establish a separate school either Protestant or Roman Catholic. If the majority chose to establish a sectarian public school then the minority could secede. That was clearly the intention of the legislature of the Northwest when it provided a council of public instruction in two sections, leaving to the total council the superintendence of the non-sectarian public schools, and to the Catholic and Protestant sections respectively the conduct of the Catholic and Protestant public and separate schools. I am not disputing the legal opinion of the Minister of Justice or of the leader of the opposition, but it will be clearly seen from the discussion in 1875 that it was the intention to give to the majority of any particular district the right to establish such school as they thought fit and that that meant that they could establish a public school, either Protestant or Catholic. I fail to see that it meant that the power of the government to regulate both public and sectarian schools was abridged by that, and I do not see how by re-enacting that legislation we would create any other state of things than the state of things that existed up to the time the Northwest legislature endeavoured to infringe on the powers that were given to the minority by this parliament, as Sir John Thompson stated.

At six o'clock, committee took recess.

After Recess.

Committee resumed at eight o'clock.

Mr. STOCKTON. When the committee rose at six o'clock there was a somewhat informal discussion as to the meaning of section 11 of the Act of 1875. Might I ask the Minister of Justice to give his attention to it. It says:

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.

I pause for a moment upon these words, and it appears to me that they govern and to a certain extent interpret what follows:

All necessary ordinances in respect to education, but it shall therein—

That is in the ordinances.

—be always 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 may think fit.

Now what can that mean? That under the law the council passes the ordinances relating to education, and that all schools are established so far as the administration is concerned in accordance with the provi-