

as it is attempted by the ordinance to declare the meaning of the Northwest Territories Act, the ordinance fails of that purpose, and is objectionable as being an interpretation by an inferior legislative body of the Acts of its superior.

That was Sir John Thompson's view, and it is a view in which I think every lawyer in this House would at once concur. My hon. friend the Minister of Justice, speaking in this House during this session, on the 10th May, voiced the same opinion. He said:

In my judgment, section 93 would bring in all the rights and privileges which existed in favour of the denominational schools in the Territories at the present time or at the 1st July coming. These rights and privileges would include all those rights which are covered by section 11 of the Act of 1875 and any subsequent legislation up to the present time, and, in my opinion,—and I must say I have given this matter most careful consideration, and it is my settled opinion—it would cover all the privileges conferred by the Act of 1875, notwithstanding the provision of any ordinances that may have been passed by virtue of that Act.

So, in view of these expressions of opinion by Sir John Thompson himself and by my hon. friend the Minister of Justice (Mr. Fitzpatrick), I cannot think that there is anything in the distinction which has been claimed by the Prime Minister (Sir Wilfrid Laurier) between section 16, No. 2, and section 16, No. 1. And let this also be observed in this connection—that in the report to council of Sir John Thompson from which I have just quoted he was not dealing in any way with the character of the schools. The only circumstance to which he was calling attention was this: That whereas the Act of 1875 gave to the minority in the Northwest Territories the right to establish schools whether majority schools had been established or not, the ordinance to which he referred cut down that right, in his opinion, not in respect of the character of the schools, but in respect of the locality in which they could be established. That is to say, the Act of 1875 provided that the minority anywhere might establish a separate school; whereas, the ordinances passed by virtue of that Act declared that the minority might erect a school in any district where a majority school had been established—in other words they might create a separate school in any established school district.

Now, the Minister of Justice read a very carefully prepared opinion with regard to the supposed difference of section 16, No. 1, and section 16, No. 2. I have heard my hon. friend (Mr. Fitzpatrick) sometimes compliment hon. gentlemen on this side of the House upon their efforts to becloud the issue. I feel very much like returning the compliment to my hon. friend on this occasion. Let us see just what the hon. gentleman did say on this subject. I am not confining myself to his opin-

ion read in the House on May 15th, but I am also taking—as I have a right to do—the expression of his opinion given to the House and to the committee on previous occasions. Relying on all these sources of information, what do we find that section 16, No. 1, accomplishes, according to the argument of my hon. friend from Brandon (Mr. Sifton) and my hon. friend the Minister of Justice (Mr. Fitzpatrick), who, outside of the Prime Minister (Sir Wilfrid Laurier), were, I believe, the principal speakers on that side of the House with regard to this question? The effect of section 16, No. 1, according to the hon. member for Brandon (Mr. Sifton) in the speech which he delivered on the second reading of this Bill was as follows:

The Bill re-enacts clause 14 of the Act of 1875, and thus it is revived, crystallized and made absolutely certain.

The hon. gentleman (Mr. Sifton), no doubt, referred to clause 11 of the Act of 1875, because that clause is numbered 14 in the Revised Statutes, and in that way he got the number as 14 instead of 11. So, section 16, No. 1, revised, crystallized and re-enacted section 11 of the Act of 1875. Now, what did section 11 of the Act of 1875 mean? What did it accomplish? My hon. friend the Minister of Justice (Mr. Fitzpatrick), in the opinion to which I have already referred, passed over the meaning of section 16, No. 1, very lightly. He declared:

The meaning of this section was expressed in the earlier school ordinances.

That is a very important statement indeed by the Minister of Justice. I rely upon it because he was not speaking without preparation; he was not speaking in the heat of debate; he was reading from a carefully prepared opinion. Therefore, I attach an importance to these words which I would not feel inclined to do if I were dealing with the words of the Minister of Justice in ordinary debate. Well, then, we are to get the meaning of the Act of 1875 by referring to the earlier school ordinances. Let us see what the earlier school ordinances were, because according to the deliberate opinion of the Minister of Justice they set forth the meaning of the Act of 1875. My hon. friend the member for Brandon has relieved me of the necessity of quoting the earlier school ordinances, because he has set forth in his speech on the second reading of the Bill the effect of these earlier school ordinances, and I will read his words as a fair statement of what the earlier school ordinances accomplished. He said, referring to the Act of 1875:

What followed the passing of this law? There was established in the Northwest Territories a complete dual system of schools, a system of schools under which the denomination regulated the text-books and the conduct of the teacher, and by which everything which pertains to the