

April 14, where he discusses the ordinances of 1892, and expresses himself in almost the same language with respect to Sir John Thompson. He does not mention Sir John Thompson, but those who are familiar with all the occurrences know that he refers to Sir John Thompson. In this interview, Mr. Haultain :

Denies that the ordinance of 1892 was a stroke which swept away the dual system, as Mr. Sifton contends. Still more strongly does he deny that the law of 1892 was unconstitutional. He absolutely denies that he ever admitted that it was *ultra vires*. On the contrary, his written official statements are accessible, and they emphatically defend that legislation, while the ordinance of 1892 was a consolidation, and the principal portion of the educational legislation had been passed in 1891 and earlier.

As my hon. friend will see, Mr. Haultain here states himself as opposed to so eminent an authority as Sir John Thompson. However, that is by the way. I did not intend to take up the time of the House with matters of that sort; I will now come down to these two sections.

Mr. R. L. BORDEN. I think perhaps my hon. friend the Minister of Justice is doing Mr. Haultain an injustice, because I happen to have a copy of this interview. The report containing the opinion of Sir John Thompson was made in 1890; Mr. Haultain is referring to the ordinance of 1892 in this interview.

Mr. FITZPATRICK. I will deal with that further on. We are now endeavouring to deal with the two sections, No. 1 and No. 2, following the description given of them by my hon. friend the leader of the opposition for greater accuracy and perhaps for greater clearness. My hon. friend has said, though I am sure he did not really mean it, that I attempted to befog the issue, and endeavoured to gather clouds about these two sections instead of pointing out what is meant by them. I will endeavour now to make my meaning clear so far as it is possible for me to do so. The first paragraph of section 16, No. 1, provides :

The provisions of section 93 of the British North America Act, 1867, shall apply to the said province as if, at the date upon which this Act comes into force, the territory comprised therein were already a province, the expression 'the union' in the said section being taken to mean the said date.

Now what is the effect of that provision if this Bill becomes law? The effect would be to apply section 93 of the British North America Act to the new provinces, and section 93 would apply in this way :

In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions :

Nothing in any such law shall prejudicially affect any right or privilege with respect to de-

nominal schools which any class of persons have by law in the province at the union.

At the time a territory came in as a province, that is what the words would mean. Now what is it necessary for us to do? All that it is necessary for us to do is to understand the meaning of the words 'by law' and 'right or privilege.' What are the rights or privileges which any class of persons have by law in the territory at the present time?—assuming of course that there will be no change before the 1st of July. They have at the present time by law all the rights and privileges which are guaranteed by the Act of 1875, section 11. Now what are the rights and privileges which are guaranteed to them by section 11 of the Act of 1875? I said that these rights and privileges have been incorporated in the earlier ordinance I referred to, the ordinance of 1884. What does the ordinance of 1884, No. 5, section 25, say :

In accordance with the provisions of section 10 of the Northwest Territories Act, 1880—

That is the Act continuing the Act of 1875, and practically it is the same Act, providing for the establishment of separate schools.

—it shall be lawful for any number of property holders resident within the limits of any public school district, or within two or more adjoining public school districts, or some of whom are within the limits of an organized school district, and others on adjacent lands not included within such limits, to be erected into a separate school district by proclamation of the Lieutenant Governor, with the same rights, powers, privileges, liabilities and method of government throughout as hereinbefore provided in the case of public school districts.

There is the reproduction in terms of the Act of 1875. Now how was that acted upon, what was the result? The result was that you had in the Northwest Territories four classes of schools: the Protestant public school, the Catholic public school, the Protestant separate school and the Catholic separate school; or in other words, Protestant schools, either public or separate, and Catholic schools, either public or separate; therefore you have a dual system of education. Now what happened after that? You have then the ordinance of 1887. I fear I may weary the House by reading these ordinances, but perhaps they may be useful for reference. Section 37 of the ordinance of 1887 provides :

In accordance with the provisions of the Northwest Territories Act providing for the establishment of separate schools, it shall be lawful for any number of the ratepayers, whether Protestant or Roman Catholic, the same being a minority of the ratepayers resident within the limits of an organized public school district, to establish a separate school therein, by proclamation of the lieutenant governor, with the same rights, powers, privileges, liabilities and methods of government as herein provided in the case of public school districts.

Mr. FITZPATRICK.