

petition was presented for the disallowance of the Act; because, when the old privileges of minority schools were abolished finally by the Act of 1892, a petition was taken by the Roman Catholic clergy to the federal authority asking that the ordinances of the Northwest Territories of 1892 should be disallowed, and in support of that petition many documents were filed, from which a few extracts will probably help to clear our minds as to what actually took place then and what the changes in the school system were. The statement made by Mr. Forget was as follows:

Until the date of the ordinance of 1892 we had never been denied the right to administer our schools, to regulate the programme of studies, to choose the text books, to control the religious instruction and to authorize the use of the French language whenever thought convenient. These rights were exercised by the Catholic section of the board of education, and strictly speaking they were sufficient to preserve to our schools their distinctive character of Catholic schools.

That is what was said by Mr. Forget the present Lieutenant Governor of the Northwest Territories, and at that time one of the members of the Catholic board of education. He continued:

Now all this has disappeared, the board of education no longer exists nor its sections.

He refers to the Catholic and Protestant sections of the board.

All the schools, public and separate, Catholic and Protestant, are placed by the ordinance of 1892 under the direct control of a Protestant superintendent of education and of a council of public instruction.

Mr. Forget of course does not mean that the ordinances said the superintendent should be a Protestant, but that as a matter of fact it provided for a superintendent, and the man who was appointed was a Protestant.

And a council of public instruction, composed of the members of the executive committee, in which the Catholics have not one single representative.

That, I may say is not the case now. The ordinance very properly I think under the circumstances now provides that a certain number of members shall be Roman Catholics. We have another statement made by Mgr. Taché, late Archbishop of St. Boniface, a most distinguished and able prelate of the Roman Catholic church. In one of the documents addressed to the government on the subject he said:

The petitioners had this and other dangers in view when they said:

The effect of the ordinance is to deprive the Catholic separate schools of that character which differentiates them from public or Protestant schools and to leave them Catholic separate schools in name only, and such it is submitted is its obviously necessary effect.

Again on page 62 Archbishop Taché says:

In spite of all these protestations this ordinance in the dispositions which concerned us had and could have had but one object, that is, the abolition of all distinct character of our schools. Thanks to that ordinance and to the regulations of the council of public instruction which followed, this end has been to-day practically attained. Nothing essential now distinguishes the Catholic schools from the Protestant schools but the designation, now ironical, of separate schools.

Judge Rouleau, another member of the Catholic board said (page 341):

After mature examination of this ordinance I have come to the conclusion that it is ultra vires of the powers of the legislative assembly, for, amongst others the following reasons:

1. Because it is not provided by the said ordinance that the separate schools should be governed and controlled by the minority, but that they are in fact controlled and governed by the majority. In a word, we have no separate school system such as provided by the spirit of the law, chapter 55, section 14, of the Act of 1875.

3. Because the section 32 of the said ordinance is in contradiction of section 14 of the Northwest Territories Act, in that it limits the rights of the minority more than it is limited by the said section 14. But of course the principal objection of the Catholics to the school ordinance is the absolute control, the choice of text books, the school inspection and so forth by the Protestant majority. If separate schools exist now in name they do not exist in fact.

I have read these extracts for the purpose of showing that when the ordinance of 1892 was passed the distinctive character of these schools as separate schools, as denominational schools, as schools controlled by a sectarian body for sectarian purposes, absolutely disappeared. We have here the statement made by these gentlemen for the purpose of bringing the matter before the executive of Canada at that time, and in which they set out their grievances clearly and distinctly and in the most moderate terms. We have it that the clerical control of these schools was absolutely abolished. Every one recognized that it was absolutely abolished and in addition to that, I desire to say—whatever we may think of the justification for the action which was taken—it seems to me perfectly clear, that in abolishing the distinctive character of the schools, the legislature of the Northwest Territories did go beyond the powers that were bestowed upon it by this section of the Act of 1875. Upon that point Sir John Thompson expressed his opinion. In making a report on one of the ordinances passed shortly before 1892, but somewhat similar in its effect—not so sweeping in its effect—Sir John Thompson in substance reported, that this ordinance, contracts or diminishes the rights of minorities to an extent not contemplated by the Act of 1875, and that the Act of 1875 must nevertheless be held to remain in force notwithstanding the passage of the ordinance.