

ince of Alberta, and the amendment of Mr. R. L. Borden thereto.

Mr. R. R. HALL. Mr. Speaker, section 11 of the Act of 1875 which created separate schools, either Protestant or Roman Catholic, in the Northwest Territories has stood upon the statute books of Canada for upwards of thirty years. It has been unrepealed, unaltered and unamended in any respect ever since. Although the Northwest Territories Act has been under the consideration of this parliament in 1880, in 1885, in 1886 and in 1898, in those various years there never was a single objection made by any member of this House to clause 11 of that Act. Other changes were made in the Northwest Territories Act with the view of giving more extended powers to the Territories, but at no time was there any attempt made by any member of this House to repeal or amend clause 11. Once, and once only, in 1894, as I find by the records, the late Mr. Dalton McCarthy introduced a resolution into this House to repeal section 11 of the Act of 1875. The reason he gave for that course—and he was supported, I believe, by the hon. member for East Grey (Mr. Sproule)—was that with that law on the statute-book of Canada, when provinces came to be formed out of the Northwest Territories, separate schools would become a part of their constitution. The parliament of Canada did not see fit, however, to accede to his views. In fact, the vast majority of the members of this House, Liberal and Conservative alike, voted against the late Dalton McCarthy's resolution, showing that at that time they respected the opinion of the members of this House who had passed the Act of 1875, and that it was their intention that the system of separate schools, no matter what form it might ultimately take, should remain a part of the constitution of the Northwest Territories when they would be created into provinces. We find that the legislative assembly of the Northwest Territories have passed certain laws in the form of ordinances in relation to education. Many persons thought at the time they passed those ordinances that they were going much beyond the constitutional powers which they had under the Northwest Territories Act of 1875, because in that instance the Northwest assembly did impair the rights which the minority supposed they had. The Northwest assembly defined, accurately and in no uncertain way, exactly what the rights of the minority were to be in respect to separate schools. So drastic were the changes introduced by the Northwest ordinances in those days that the minority claimed to be aggrieved, objected to the course which had been taken and made their objections to the Dominion government here. But we find that Sir John Thompson, who was then minister of Justice, declined to interfere, and allowed the ordinances to remain as the law.

Sir WILLIAM MULOCK.

relating to education in the Northwest Territories. No change, therefore, took place at that time. The matter was drawn to the attention of the people of Canada, and the people of Canada seemed to be quite content that the impairment which had been made by the Northwest assembly in respect to the rights of the minority should stand.

Now, it becomes important for us to consider exactly what are the rights of the minority in respect to educational matters in the Northwest Territories. There seems to be a great deal of misapprehension by hon. members opposite and by people living in different parts of Canada on this subject. I would not go to the trouble of reading the oft-repeated sections of the Northwest ordinances were it not for the fact that some hon. members opposite, including the hon. member for West Toronto (Mr. Osler), who spoke this afternoon, have admitted that they have not read those ordinances so as to appreciate the changes made by them. I contend that no person can read those ordinances without seeing that, so far as these new provinces are concerned, they will have absolute control over the public and separate schools of the Northwest Territories from nine o'clock in the morning till three thirty in the afternoon. There is no impairment of their provincial rights in this respect. We find that section 4 of chapter 29 of the Northwest ordinances says:

The department shall have the control and management of all kindergarten schools, public and separate schools, normal schools, teachers' institutes and the education of deaf, deaf mute and blind persons.

Could the English language more clearly define the right of the province to have the control and management of public and separate schools? That is the Act under which these new provinces shall come. Could language be any plainer to show that provincial rights in the new provinces are not in any way infringed upon, but that the department of education in those provinces shall have the absolute control and management of both public and separate schools? And moreover, in order to make the matter more clear, and to elucidate and define exactly the rights which the provinces may have, we find that section 6 of this same Northwest ordinance goes on to specify exactly what jurisdiction the new provinces shall have over their schools. That section says:

The commissioner with the approval of the Lieutenant Governor in Council shall have power:

1. To make regulations of the department—
  - (a) For the classification, organization, government, examination and inspection of all schools hereinbefore mentioned;
  - (b) For the construction, furnishing and care of school buildings and the arrangement of school premises;
  - (c) For the examination, licensing and grading of teachers and for the examination of