

Mr. MONK. I remember also my hon. friend answering the ex-Minister of the Interior and telling him that the intention which he had was to maintain existing privileges solely; if that purpose was not expressed in the clause it would be changed, but that his intention was solely to maintain existing privileges.

Mr. FITZPATRICK. But that is not answering my question. Does he think that the second clause goes further in the direction of protecting the rights and privileges of the minorities than the first? My hon. friend expressed the opinion that it does. I understand him now to say that he was mistaken at that time.

Mr. MONK. As regards the minority.

Mr. FITZPATRICK. I understand him now to say he was mistaken at that time because, with respect to that part of the minority, speaking broadly, which would happen to be the majority in a particular district, the second clause does not protect them, and that this amendment now does protect them, hence his support of it.

Mr. MONK. I question very much whether the case which I brought to the notice of the Minister of Justice was provided for by the first clause, and I think it would be in order for my hon. friend to state whether, when he drew this second clause, he knew what the position was in districts where the majority is Catholic.

Mr. FITZPATRICK. Yes, and I have provided for it. If my hon. friend will do me the pleasure to take up the first clause he will see it is provided for in terms:

2. Subject to the provisions of the said section 93, and in continuance of the principles heretofore sanctioned under the Northwest Territories Act, it is enacted that the legislature of the said province shall pass all necessary laws in respect of education, and that it shall therein always be provided (a) that a majority of the ratepayers of any district or portion of the said province or of any less portion or subdivision thereof, by whatever name it is known, may establish such schools therein as they think fit, and make the necessary assessments and collection of rates therefor, and (b) that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and make the necessary assessment and collection of rates therefor.

Mr. MONK. And if the legislature makes that very school so organized a school where it is impossible for Catholics to send their children, what will happen?

Mr. FITZPATRICK. What will happen will be exactly what will happen under this amendment, that you leave the whole thing in the hands of the legislature, and you ask them to guarantee the doing of something that they are free to do or not to do. That is what will happen.

Mr. MONK. I recognize that under the first clause they can organize as under the second clause, but when they are organized separately, if the legislature chooses to say that in the public schools there shall be no religious teaching at all, what will be their recourse?

Mr. FITZPATRICK. I do not think that time can be profitably occupied in any further discussion of this matter. I think the only difference between the position taken by my hon. friends opposite previous to the London election and the position taken now, was the effect to be produced in Ontario at that time and the effect to be produced in Quebec at the present time. I will now repeat to my hon. friend what was said by the leader of the opposition with respect to this second clause, speaking on the 8th of June, 1905:

If I understand the English language, you have in chapter 29, section 41, which is thus perpetuated as part of the constitution of the new provinces for ever, exactly the same provisions as those which are to be found in the Act of 1875. Every word, so far as I understand it, that is to be found in the Act of 1875, is to be found here. Section 16, No. 1 perpetuates the Act of 1875 in so far as that Act provides for separate schools for the Territories. That was the intention, that was the direct enactment, of section 16, No. 1. Section 16, No. 2 does the same thing indirectly. It does not re-enact this Act of 1875 as a part of the constitution, but it re-enacts this part of the ordinances of the Northwest Territories as part of the constitution, the chapter and section of the ordinances to which I have just referred, and which are thus made part of the constitution of the new provinces for all time to come. The provisions of that section are to all intents and purposes, so far as my understanding goes, the same as the Act of 1875.

That is the opinion expressed by the leader of the opposition on the 8th of June last, to the effect that the second section perpetuates the provisions of the Act of 1875 with respect to schools; and that was the opinion expressed by my hon. friend from Jacques Cartier on the 23rd of March last.

Mr. R. L. BORDEN. The Minister of Justice might add that it was the opinion which he controverted, and that he attached importance to the words contained in the first clause 'may establish such schools therein as they think fit,' arguing, as I understand him, distinctly and forcibly, that the words 'as they think fit' contained in the first clause gave to the majority in any district power to establish, not only any number of schools, but schools of any character that they desired, with such control over the religious teaching as they desired. That was the point the Minister of Justice made as to the difference between section 16, No. 1, and section 16, No. 2. It is of much more importance to know what the Minister of Justice and the government thought about this than what the leader