

Roman Catholic schools was directly under the control of a Roman Catholic board of education. We had in the Northwest Territories at that time under that Act, to all intents and purposes what are generally known as church schools or clerically controlled schools.

To the same effect is the opinion of certain members of the legal profession who sit on the other side of the House. For instance the hon. member for Saskatchewan (Mr. Lamont) said :

The Act of 1875 would fasten on the Territories for all time to come an absolute dual system of sectarian schools.

And the hon. member for North Ontario (Mr. Grant) said :

The minority, under the Act of 1875, might be entitled to a full system of separate schools.

And the hon. member for Guysborough (Mr. Sinclair) said referring to the Act of 1875 :

We would fasten on the new provinces the system of clerical schools which the people abolished in 1892.

This, then, according to the direct statement of my hon. friend the Minister of Justice (Mr. Fitzpatrick), the hon. member for Brandon (Mr. Sifton) and other gentlemen on the other side of the House is the effect of section 16, No. 1, because it brings into force according to their argument, section 11 of the Act of 1875.

Now we come to consider the meaning of section 16, No. 2. we have to inquire in what respect section 16, No. 2, differs from section 16, No. 1. Section 11 of the Act of 1875, omitting the immaterial words—is as follows—and I adopt, for the sake of convenience, the summary of that section which is given by the Minister of Justice in the opinion which he read to this House :

Section 11, Act of 1875, empowering the majority of the ratepayers of any . . . portion of the Northwest Territories . . . to establish such schools therein as they may think fit, and the minority of the ratepayers in any . . . portion of the Territories to establish 'Protestant or Roman Catholic separate schools.'

Now let us look at section 16, No. 2, and see what becomes of it. Subsection 1 of section 16, No. 2 is as follows :

Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories passed in the year 1901.

Now I have already explained in this House that in my opinion section 16, No. 2, does not in any way perpetuate a system of schools in the new provinces to be established in the Northwest. The people of the new provinces in the Northwest can, under the proposed law, make any change in their system that they see fit, subject to the provision contained in section 16,

Mr. R. L. BORDEN.

No. 2, that separate schools must be at all times established in the new provinces, provided the minority claim and demand such schools. It is not a system which is being perpetuated, it is a certain limitation upon the legislative freedom of the new provinces which is being perpetuated by the legislation we have before us. Let us see what are the rights and privileges which the minority thus receive under section 16, No. 2. Let us remember that nothing in any law which shall be passed by the new provinces is to prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30. Chapter 29 of the Revised Ordinances of the Northwest Territories, section 41, is in these words :

The minority of the ratepayers in any district, whether Protestant or Roman Catholic, may establish a separate school therein, and in such a case the ratepayers establishing such Protestant or Roman Catholic separate schools, shall be liable only to assessment of such rates as they impose upon themselves in respect thereto.

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 important or effective 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 in 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 directly re-enact the 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, it re-enacts 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. Let us test the question in another way. Up to the present time I have been comparing the Act of 1875 with section 16, No. 2, and I have done that because the Act of 1875 was re-enacted in section 16, No. 1. Let us now take section 16, No. 1 directly, and compare it with section 16, No. 2, and with the ordinance which is brought into force by section 16, No. 2. In subsection 2 of section 16, No. 1, omitting the immaterial words, you have the words which constitute a protection to the minority in the Northwest. I will read them, omitting all immaterial words, as my hon. friend the Minister of Justice has done in regard to the Act of 1875. Section 2 of sec-